

THE DIVORCE MEDIATOR

CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC.

THE TROLLEY BARN • 10 WALL STREET, • NORWALK, CONNECTICUT 06851 • (203) 854-9394

POST-MAJORITY CHILD SUPPORT

July 1, 1994 Public Act 94-61, mandating post majority child support, went into effect. Previously child support ended when a child turned 18. Under the new law an unmarried child who has attained the age of 18, is a full time high school student and resides with a parent, shall be maintained by the parents according to the parents' respective abilities if the child is in need of maintenance until the child completes the twelfth grade or attains the age of 19, whichever first occurs. The court shall continue to use the Child Support Guidelines in deciding the amount of payment. (See related article on Child Support Guidelines)

Under prior law, a parent of a child who did not graduate from high school until the child was 19 had no legal obligation to provide support beyond the child's 18th birthday. This meant that many children were no longer being supported though they were still in high school.

In mediated divorces parents were often willing to provide the support though not legally obligated to do so. Now everyone divorcing will be required to do so.

A GUIDE TO DIVORCE MEDIATION

Divorce Mediation is a problem solving process using impartial mediators to assist a divorcing couple reach an agreement on the issues dividing them.

The process begins with an orientation session during which the mediators explain Divorce Mediation in detail, help the couple identify the issues, and establish a schedule of sessions. Issues usually include, but are not limited to, division of assets, liabilities, spousal support and if children are involved, parenting responsibilities including child support.

Next, the couple gathers the necessary financial information which will later allow them to reach decisions on financial issues. At the next session the couple is ready to begin to review and resolve the issues important to them. With the help of the mediators, as well as the guidance, when necessary, of experts such as real estate appraisers, tax accountants, business appraisers, etc., the couple develops and chooses options which are right for them.

After the couple has reached agreement on the issues, the mediators provide them with a written agreement detailing their decisions which each spouse takes to an attorney for independent review. The attorneys' comments are examined by the couple and after further discussion and agreement, incorporated into the written divorce agreement. When the agreement is completely acceptable to the couple, the mediated divorce is scheduled for court approval.

October 1994

Dear Colleagues:

The CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC. is pleased to send you this second issue of THE DIVORCE MEDIATOR.

The CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC. has developed this newsletter to share information and ideas related to divorce mediation. We want to share what we know as well as invite your questions, thoughts and comments. This exchange of ideas will allow us to continue to grow and learn from each other and better serve couples who have made the difficult decision to end their marriage.

Wally Marcus and Mary Marcus

NEW CHILD SUPPORT GUIDELINES

New Child Support Guidelines were recently issued which became effective June 1, 1994. The purpose of the child support guidelines is to provide uniform procedures for establishing an adequate level of support for children, to make support more equitable by ensuring the consistent treatment of persons in similar circumstances, and by giving courts and the parties guidance in setting the levels of awards. The Connecticut Child Support Guidelines are based on the Income Shares Model. The Income Shares Model is based on the theory that the child should receive the same proportion of parental income as the child would have received if the parents lived together. The Income Shares Model uses available data on the average costs of raising children in households across a wide range of incomes and family sizes.

The Guidelines use net income as the basis for calculating the child support obligation. Deductions from gross income to obtain net income include federal income tax, state and local income tax, social security tax or mandatory retirement, health insurance premiums other than for the child, unreimbursed work-related day care and other alimony and child support orders. The total amount of support for which both parents are responsible is derived from combined net income and the number of children requiring support. The dollars

required for support are then divided between the parties based on each parent's percentage of the combined net income. There is a credit for the parent who pays the child's health insurance premium. The Guidelines maximum level of support is based on a combined net income of \$1,750 per week. Deviation from the Guidelines may be based on other financial resources; extraordinary expenses for the child or parent; needs of parent's other legal dependents; coordination of total family support, i.e. level of alimony; shared custody; unreimbursed day care costs and overtime.

The Guidelines require total support from 18.68% to 57.13% of combined net income and payments from \$4 to \$734 per week.

In mediation we help the couple determine the child support, and using a computer program, provide the couple with financial scenarios that include the impact of child support payments.

There is no automatic modification adjustment for inflation, income fluctuation or cost of living. It is necessary to return to court for modification. Many of the divorces that we mediate include a provision for recalculation of the child support at agreed intervals. This avoids the necessity of spending more money on attorneys' fees to increase the support than is actually received in support.

THE DIVORCE MEDIATORS

Walter Marcus is an attorney who has practiced Family Law for 20 years. He is a Practitioner Member of the Academy of Family Mediators, Co-Chair of the Stamford Norwalk Regional Bar Association Family Law Committee, former Chair of the Connecticut Bar Association Divorce Mediation Committee and member of the Executive Committee of the Family Law Section of the Connecticut Bar Association. When co-mediation is requested by couples, Walter Marcus co-mediate with Mary G. Marcus, Ph.D. She is a Clinical Psychologist who has had a private practice of individual, couples and family therapy for 15 years. Dr. Marcus is a member of the Academy of Family Mediators, the American Psychological Association, the Connecticut Psychological Association, and is Chief of Psychology at Norwalk Hospital.

CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC.

The Trolley Barn
10 Wall Street
Norwalk, CT 06852
(203) 854-9394

Free one half hour consultation