

Family Mediation Quarterly



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The Massachusetts Council On Family Mediation is a nonprofit corporation established in 1982 by family mediators interested in sharing knowledge and setting guidelines for mediation. MCFM is the oldest professional organization in Massachusetts devoted exclusively to family mediation.



From The President: Laurie S. Udell

The quadrennial revision to the child support guidelines has recently occurred, yet only one line was changed in the guidelines. In the text on the Child Support Guidelines Worksheet above the formula, there was previously a phrase that the “guidelines will apply (absent a prior agreement acceptable to both parties)” which was particularly important to mediated agreements where if the parties agreed, they could come up with their own amount of child support, provided it was “fair.” In that case, a judge had no need to explain why the deviation from the guidelines was appropriate. But that phrase has been deleted. It is unknown if judges will readily approve mediated agreements where the support amount is different from what would be called for by the guidelines since the judges must now justify why the deviation is appropriate.

Left for another day were more major changes that the MCFM has previously endorsed. It is hoped that when the committee reviewing the guidelines issues new ones, the committee will consider these changes:

1. The levels of income at which the guidelines apply should be increased. Since 2002 the guidelines were only to apply if the non-custodial parent’s income was equal to or less than \$100,000 and if the combined incomes of the two parents was equal to or less than \$135,000. Clearly, it is time for these numbers to be increased.
2. The guidelines should make clear that the 50% deduction for “family group health insurance” includes dental and optical insurance as well as medical insurance. Also, with reference to insurance costs, if the other parent is not covered by the insurance, and needs to pay to be insured, there should be a more modest deduction. Similarly, if the party receiving the deduction for family health insurance is also covering a new family with the same medical insurance, the deduction should be a more appropriate percentage.
3. In a case where the primary caretaker is also the primary wage earner, application of the current guidelines is often unjust. The setoff in such a case can reduce the child support payment to a ridiculously low level. There should be some minimum obligation due from the secondary wage earner non-custodial parent.
4. To be most helpful to many mediated agreements, the guidelines should offer some guidance as to how to deal with shared custody situations. The guidelines have said that the guidelines are not applicable in those situations. However, since such arrangements are increasingly common (particularly in mediated divorces) some predictability in the kind of support order that judges would call for would be beneficial.

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EDITOR'S NOTICE

MCFM **Family Mediation Quarterly**

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The FMQ is dedicated to family mediators working with traditional and non-traditional families. All family mediators share common interests and concerns. The FMQ will provide a forum to explore that common ground.

The FMQ intends to be a journal of practical use to family mediators. As mediation is designed to resolve conflicts, the FMQ will not shy away from controversy. The FMQ welcomes the broadest spectrum of diverse opinions that effect the practice of family mediation.

The contents of the FMQ are published at the discretion of the editor, in consultation with the MCFM Board of Directors. The FMQ does not necessarily express the views of the MCFM unless specifically stated.

The FMQ is mailed to all MCFM members. Copies are provided to all Probate & Family Court Judges, all local Dispute Resolution Coordinators, all Family Service Officers and all law school libraries in Massachusetts. An archive of all previous editions of the FMQ are available on-line in PDF at <www.mcfm.org>, accompanied by a cumulative index of articles to facilitate data retrieval.

MCFM members may submit notices of mediation-related events for free publication. Complimentary publication of notices from mediation-related organizations is available on a reciprocal basis. Commercial advertising is also available.

Please submit all contributions for the FMQ to the editor, either by email or computer disk. Submissions may be edited for clarity and length, and must scrupulously safeguard client confidentiality. The following deadlines for all submissions will be observed:

Summer- July 15th Fall- October 15th
Winter-January 15th Spring- April 15th

All MCFM members and friends of family mediation are encouraged to contribute to the FMQ. Every mediator has stories to tell and skills to teach. Please share yours.



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THE RADICAL IDEA OF MARRYING FOR LOVE

By Stephanie Coontz

Editor's Note: *Following is the first chapter of Marriage, a History, from Obedience to Intimacy or How Love Conquered Marriage, reprinted by arrangement with Viking, a member of Penguin Group (USA) Inc., Copyright 2005 Stephanie Coontz.*

George Bernard Shaw described marriage as an institution that brings together two people “under the influence of the most violent, most insane, most delusive, and most transient of passions. They are required to swear that they will remain in that excited, abnormal, and exhausting condition continuously until death do them part.”¹

Shaw's comment was amusing when he wrote it at the beginning of the twentieth century, and it still makes us smile today, because it pokes fun at the unrealistic expectations that spring from a dearly held cultural ideal—that marriage should be based on intense, profound love and a couple should maintain their ardor until death do them part. But for thousands of years the joke would have fallen flat.

For most of history it was inconceivable that people would choose their mates on the basis of something as fragile and irrational as love and then focus all their sexual, intimate, and altruistic desires on the resulting marriage. In fact, many historians, sociologists, and anthropologists used to think romantic love was a recent Western invention. This is not true. People have always fallen in love, and throughout the ages many couples have loved each other deeply.²

But only rarely in history has love been seen as the main reason for getting married. When someone did advocate such a strange belief, it was no laughing matter. Instead, it was considered a serious threat to social order.

In some cultures and times, true love was actually thought to be incompatible with marriage. Plato believed love was a wonderful emotion that led men to behave honorably. But the Greek philosopher was referring not to the love of women, “such as the meaner men feel,” but to the love of one man for another.³

Other societies considered it good if love developed after marriage or thought love should be factored in along with the more serious considerations involved in choosing a mate. But even when past societies did welcome or encourage married love, they kept it on a short leash. Couples were not to put their feelings for each other above more important commitments, such as their ties to parents, siblings, cousins, neighbors, or God.

In ancient India, falling in love before marriage was seen as a disruptive, almost antisocial act. The Greeks thought lovesickness was a type of insanity, a view that was adopted by medieval commentators in Europe. In the Middle Ages the French defined love as a “derangement of the mind” that could be cured by sexual intercourse, either with the loved one or with a different partner.⁴



This cure assumed, as Oscar Wilde once put it, that the quickest way to conquer yearning and temptation was to yield immediately and move on to more important matters.

In China, excessive love between husband and wife was seen as a threat to the solidarity of the extended family. Parents could force a son to divorce his wife if her behavior or work habits didn't please them, whether or not he loved her. They could also require him take a concubine if his wife did not produce a son. If a son's romantic attachment to his wife rivaled his parents' claims on the couple's time and labor, the parents might even send her back to her parents. In the Chinese language the term love did not traditionally apply to feelings between husband and wife. It was used to describe an illicit, socially disapproved relationship. In the 1920s a group of intellectuals invented a new word for love between spouses because they thought such a radical new idea required its own special label.⁵

In Europe, during the twelfth and thirteenth centuries, adultery became idealized as the highest form of love among the aristocracy. According to the Countess of Champagne, it was impossible for true love to "exert its powers between two people who are married to each other."⁶

In twelfth-century France, Andreas Capellanus, chaplain to Countess Marie of Troyes, wrote a treatise on the principles of courtly love. The first rule was that "marriage is no real excuse for not loving."

But he meant loving someone outside the marriage. As late as the eighteenth century the French essayist Montaigne wrote that any man who was in love with his wife was a man so dull that no one else could love him.⁷

Courtly love probably loomed larger in literature than in real life. But for centuries, noblemen and kings fell in love with courtesans rather than the wives they married for political reasons. Queens and noblewomen had to be more discreet than their husbands, but they too looked beyond marriage for love and intimacy.

This sharp distinction between love and marriage was common among the lower and middle classes as well. Many of the songs and stories popular among peasants in medieval Europe mocked married love.

Only rarely in history has love been seen as the main reason for getting married. When someone did advocate such a strange belief... it was considered a serious threat to social order.

The most famous love affair of the Middle Ages was that of Peter Abelard, a well-known theologian in France, and Héloïse, the brilliant niece of a fellow churchman at Notre Dame. The two eloped without marrying, and she bore him a child. In an attempt to save his career but still placate Héloïse's furious uncle, Abelard proposed they marry in secret. This would mean that Héloïse would not be living in sin, while

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Abelard could still pursue his church ambitions. But Héloïse resisted the idea,

much intimacy between husband and wife weakened a believer's devotion to God.

The Greeks thought lovesickness was a type of insanity, a view that was adopted by medieval commentators in Europe.

And, like their European counterparts, secular writers in the Islamic world believed that love

arguing that marriage would not only harm his career but also undermine their love.⁸

thrived best outside marriage.¹¹

“Nothing Is More Impure Than to Love One's Wife as if She Were a Mistress”⁹

Even in societies that esteemed married love, couples were expected to keep it under strict control. In many cultures, public displays of love between husband and wife were considered unseemly. A Roman was expelled from the Senate because he had kissed his wife in front of his daughter. Plutarch conceded that the punishment was somewhat extreme but pointed out that everyone knew that it was “disgraceful” to kiss one's wife in front of others.¹⁰

Many cultures still frown on placing love at the center of marriage. In Africa, the Fulbe people of northern Cameroon do not see love as a legitimate emotion, especially within marriage. One observer reports that in conversations with their neighbors, Fulbe women “vehemently deny emotional attachment to a husband.” In many peasant and working-class communities, too much love between husband and wife is seen as disruptive because it encourages the couple to withdraw from the wider web of dependence that makes the society work.¹²

Some Greek and Roman philosophers even said that a man who loved his wife with “excessive” ardor was “an adulterer.” Many centuries later Catholic and Protestant theologians argued that husbands and wives who loved each other too much were committing the sin of idolatry. Theologians chided wives who used endearing nicknames for their husbands, because such familiarity on a wife's part undermined the husband's authority and the awe that his wife should feel for him. Although medieval Muslim thinkers were more approving of sexual passion between husband and wife than were Christian theologians, they also insisted that too

As a result, men and women often relate to each other in public, even after marriage, through the conventions of a war between the sexes, disguising the fondness they may really feel. They describe their marital behavior, no matter how exemplary it may actually be, in terms of convenience, compulsion, or self-interest rather than love or sentiment. In Cockney rhyming slang, the term for wife is trouble and strife.

Whether it is valued or not, love is rarely seen as the main ingredient for marital success. Among the Taita of Kenya, recognition and approval of married love are widespread. An eighty-year-old man recalled that his fourth wife “was the wife of my heart....I could look at her and no



words would pass, just a smile.” In this society, where men often take several wives, women speak wistfully about how wonderful it is to be a “love wife.” But only a small percentage of Taita women experience this luxury, because a Taita man normally marries a love wife only after he has accumulated a few more practical wives.¹³

In many cultures, love has been seen as a desirable outcome of marriage but not as a good reason for getting married in the first place. The Hindu tradition celebrates love and sexuality in marriage, but love and sexual attraction are not considered valid reasons for marriage. “First we marry, then we’ll fall in love” is the formula. As recently as 1975, a survey of college students in the Indian state of Karnataka found that only 18 percent “strongly” approved of marriages made on the basis of love, while 32 percent completely disapproved.¹⁴

Similarly, in early modern Europe most people believed that love developed after marriage. Moralists of the sixteenth and seventeenth centuries argued that if a husband and wife each had a good character, they would probably come to love each other. But they insisted that youths be guided by their families in choosing spouses who were worth learning to love. It was up to parents and other relatives to make sure that the woman had a dowry or the man had a good yearly income. Such capital, it was thought, would certainly help love flower.¹⁵

“[I]t Made Me Really Sick, Just as I Have Formerly Been When in Love with My Wife”

I don’t believe that people of the past had more control over their hearts than we do today or that they were incapable of the deep love so many individuals now hope to achieve in marriage. But love in marriage was seen as a bonus, not as a necessity. The great Roman statesman Cicero exchanged many loving letters with his wife, Terentia, during their thirty-year marriage. But that didn’t stop him from divorcing her when she was no longer able to support him in the style to which he had become accustomed.¹⁶

Sometimes people didn’t have to make such hard choices. In seventeenth-century America, Anne Bradstreet was the favorite child of an indulgent father who gave her the kind of education usually reserved for elite boys. He later arranged her marriage to a cherished childhood friend who eventually became the governor of

In China, excessive love between husband and wife was seen as a threat to the solidarity of the extended family.

Massachusetts. Combining love, duty, material security, and marriage was not the strain for her that it was for many men and women of that era. Anne wrote love poems to her husband that completely ignored the injunction of Puritan ministers not to place one’s spouse too high in one’s affections. “If ever two were one,” she wrote him,

Continued on next page



"then surely we; if ever man were loved by wife, then thee....I prize thy love more than whole mines of gold, or all the riches that the East doth hold; my love is such that

Like their European counterparts, secular writers in the Islamic world believed that love thrived best outside marriage.

rivers cannot quench, nor ought but love from thee, give recompense."¹⁷

The famous seventeenth-century English diarist Samuel Pepys chose to marry for love rather than profit. But he was not as lucky as Anne. After hearing a particularly stirring piece of music, Pepys recorded that it "did wrap up my soul so that it made me really sick, just as I have formerly been when in love with my wife."¹⁸ Pepys would later disinherit a nephew for marrying under the influence of so strong yet transient an emotion.

There were always youngsters who resisted the pressures of parents, kin, and neighbors to marry for practical reasons rather than love, but most accepted or even welcomed the interference of parents and others in arranging their marriages. A common saying in early modern Europe was "He who marries for love has good nights and bad days." Nowadays a bitter wife or husband might ask, "Whatever possessed me to think I loved you enough to marry you?" Through most of the past, he or she was more likely to have asked, "Whatever possessed me to marry you just because I loved you?"

"Happily Ever After"

Through most of the past, individuals hoped to find love, or at least "tranquil affection," in marriage.¹⁹ But nowhere did they have the same recipe for marital happiness that prevails in most contemporary Western countries. Today there is general agreement on what it takes for a couple to live

"happily ever after." First, they must love each other deeply and choose each other unswayed by outside pressure. From then on, each must make the partner the top priority in life, putting that relationship above any and all competing ties. A husband and wife, we believe, owe their highest obligations and deepest loyalties to each other and the children they raise. Parents and in-laws should not be allowed to interfere in the marriage. Married couples should be best friends, sharing their most intimate feelings and secrets. They should express affection openly but also talk candidly about problems. And of course they should be sexually faithful to each other.

This package of expectations about love, marriage, and sex, however, is extremely rare. When we look at the historical record around the world, the customs of modern America and Western Europe appear exotic and exceptional.

Leo Tolstoy once remarked that all happy families are alike, while every unhappy family is unhappy in its own way. But the more I study the history of marriage, the more I think the opposite is true. Most



unhappy marriages in history share common patterns, leaving their tear-stained—and sometimes bloodstained—records across the ages. But each happy, successful marriage seems to be happy in its own way. And for most of human history, successful marriages have not been happy in our way.

A woman in ancient China might bring one or more of her sisters to her husband's home as backup wives. Eskimo couples often had consensual arrangements, in which each partner had sexual relations with the other's spouse. In Tibet and parts of India, Kashmir, and Nepal, a woman may be married to two or more brothers, all of whom share sexual access to her.²⁰

In modern America, such practices are the stuff of trash TV: "I caught my sister in bed with my husband"; "My parents brought their lovers into our home"; "My wife slept with my brother"; "It broke my heart to share my husband with another woman." In other cultures, individuals often find such practices normal and comforting. The children of Eskimo consensual couples felt that they shared a special bond, and society viewed them as siblings. Among Tibetan brothers who share the same wife, sexual jealousy is rare.²¹

In some cultures, concubines see one another as allies rather than rivals. In Botswana, women add an interesting wrinkle to the old European saying "Woman's work is never done." There they say: "Without concubines, a woman's work is never done." A researcher who worked with the Cheyenne Indians of the United States in the 1930s and 1940s

told of a chief who tried to get rid of two of his three wives. All three women defied him, saying that if he sent two of them away, he would have to give away the third as well.²²

Even when societies celebrated the love between husband and wife as a pleasant by-product of marriage, people rarely had a high regard for marital intimacy. Chinese commentators on marriage discouraged a wife from confiding in her husband or telling him about her day. A good wife did not bother her husband with news of her own activities and feelings but treated him "like a guest," no matter how long they had been married. A husband who demonstrated open affection for his wife, even at home, was seen as having a weak character.²³

In the early eighteenth century, American lovers often said they looked for "candor" in each other. But they were not talking about the soul-baring intimacy idealized by modern Americans, and they certainly did not believe that couples should talk frankly about their grievances. Instead candor

Love in marriage was seen as a bonus, not as a necessity.

meant fairness, kindness, and good temper. People wanted a spouse who did not pry too deeply. The ideal mate, wrote U.S. President John Adams in his diary, was willing "to palliate faults and Mistakes, to put the best Construction upon Words and Action, and to forgive Injuries."²⁴

Modern marital advice books invariably tell

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husbands and wives to put each other first. But in many societies, marriage ranks very low in the hierarchy of meaningful

Most unhappy marriages in history share common patterns, leaving their tear-stained—and sometimes bloodstained—records across the ages.

relationships. People's strongest loyalties and emotional connections may be reserved for members of their birth families. On the North American plains in the 1930s, a Kiowa Indian woman commented to a researcher that "a woman can always get another husband, but she has only one brother." In China it was said that "you have only one family, but you can always get another wife." In Christian texts prior to the seventeenth century, the word love usually referred to feelings toward God or neighbors rather than toward a spouse.²⁵

In Confucian philosophy, the two strongest relationships in family life are between father and son and between elder brother and younger brother, not between husband and wife. In thirteenth-century China the bond between father and son was so much stronger than the bond between husband and wife that legal commentators insisted a couple do nothing if the patriarch of the household raped his son's wife. In one case, although the judge was sure that a woman's rape accusation against her father-in-law was true, he ordered the young man to give up his sentimental desire "to grow old together" with his wife. Loyalty to parents was paramount, and therefore the son should send his wife back to her own father,

who could then marry her to someone else. Sons were sometimes ordered beaten for siding with their wives against their father.

No wonder that for 1,700 years women in one Chinese province guarded a secret language that they used to commiserate with each other about the griefs of marriage.²⁶

In many societies of the past, sexual loyalty was not a high priority. The expectation of mutual fidelity is a rather recent invention. Numerous cultures have allowed husbands to seek sexual gratification outside marriage. Less frequently, but often enough to challenge common preconceptions, wives have also been allowed to do this without threatening the marriage. In a study of 109 societies, anthropologists found that only 48 forbade extramarital sex to both husbands and wives.²⁷

When a woman has sex with someone other than her husband and he doesn't object, anthropologists have traditionally called it wife loaning. When a man does it, they call it male privilege. But in some societies the choice to switch partners rests with the woman. Among the Dogon of West Africa, young married women publicly pursued extramarital relationships with the encouragement of their mothers. Among the Rukuba of Nigeria, a wife can take a lover at the time of her first marriage. This relationship is so embedded in accepted custom that the lover has the right, later in life, to ask his former mistress to marry her daughter to his son.²⁸

Among the Eskimo of northern Alaska, as I



noted earlier, husbands and wives, with mutual consent, established comarriages with other couples. Some anthropologists believe conspouse relationships were a more socially acceptable outlet for sexual attraction than was marriage itself. Expressing open jealousy about the sexual relationships involved was considered boorish.²⁹

Such different notions of marital rights and obligations made divorce and remarriage less emotionally volatile for the Eskimo than it is for most modern Americans. In fact, the Eskimo believed that a remarried person's partner had an obligation to allow the former spouse, as well as any children of that union, the right to fish, hunt, and gather in the new spouse's territory.³⁰

Several small-scale societies in South America have sexual and marital norms that are especially startling for Europeans and North Americans. In these groups, people believe that any man who has sex with a woman during her pregnancy contributes part of his biological substance to the child. The husband is recognized as the primary father, but the woman's lover or lovers also have paternal responsibilities, including the obligation to share food with the woman and her child in the future. During the 1990s researchers taking life histories of elderly Bari women in Venezuela found that most had taken lovers during at least one of their pregnancies. Their husbands were usually aware and did not object. When a woman gave birth, she would name all the men she had slept with since learning she was pregnant, and a

woman attending the birth would tell each of these men: "You have a child."³¹

In Europe and the United States today such an arrangement would be a surefire recipe for jealousy, bitter breakups, and very mixed-up kids. But among the Bari people this practice was in the best interests of the child. The secondary fathers were expected to provide the child with fish and game, with the result that a child with a secondary father was twice as likely to live to the age of fifteen as a brother or sister without such a father.³²

Few other societies have incorporated extramarital relationships so successfully into marriage and child rearing. But all

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these examples of differing marital and sexual norms make it difficult to claim there is some universal model for the success or happiness of a marriage.

About two centuries ago Western Europe and North America developed a whole set of new values about the way to organize marriage and sexuality, and many of these values are now spreading across the globe. In this Western model, people expect marriage to satisfy more of their psychological and social needs than ever before. Marriage is supposed to be free of the coercion, violence, and gender inequalities that were tolerated in the past. Individuals want marriage to meet most of

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their needs for intimacy and affection and all their needs for sex.

Never before in history had societies thought that such a set of high expectations about marriage was either realistic or desirable. Although many Europeans and Americans found tremendous joy in building their relationships around these values, the adoption of these unprecedented goals for marriage had unanticipated and revolutionary consequences that have since come to threaten the stability of the entire institution.



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ANNULMENT: A Bride's Tale

By Anonymous

Editor's Note: *This is a true story. To protect the privacy of the people involved, facts that might otherwise have been identifying have been altered. Following the story are redacted copies of the verbatim correspondence and questionnaire the bride received.*

We were married in a Methodist church in Philadelphia, in the presence of family and friends, on a sunny Sunday in May of 1958. My husband, born and raised in India, of a Hindu family, honored me by agreeing to marry in the faith of my family. His parents and twenty other relatives traveled from India to attend our wedding. We were married for ten years. Then divorced. I have never remarried.

On May 10, 1983, I sat at my desk, filling out a questionnaire that had arrived from the Chicago archdiocese of the Catholic Church. The questionnaire asked about my married life and was designed to help the Church decide whether to retrospectively annul my marriage. As I looked back over my marriage, my May wedding was twenty-five years before, to the day. My divorce was already fifteen years in the past. My ex-husband and I had not had children together, but we had shared family, friends, travel, sickness, health and a gray Persian cat named Shiva. We had divorced ... but we had been married — of that there was no doubt, never had been and never would be.

When my ex-husband contacted me about an annulment, he was living in Chicago, I was living in Montreal. We had not seen each other in all those years since our divorce, yet we chatted from time, and

we remembered each other's birthdays. I was happy for him when he decided to remarry, but his asking me to help him have our former marriage — our partnership of ten years — declared null and void by the Catholic Church seemed surreal. His bride-to-be was Catholic. Their plans for a Catholic wedding depended on convincing the Catholic Church that our marriage had been, in effect, no marriage at all.

Out of friendship for my ex-husband, I completed the questionnaire presented to me by the Church, and I replied to the correspondence. I answered the questionnaire honestly but in a way I imagined would help my ex-husband's cause. Of course, I could not be certain what, exactly, would help his cause; but I was not too worried about a "wrong" answer, because I guessed and believed that the substance of my answers really mattered little ... that the Catholic Church would be only too willing to blot out our Methodist union. This made the time and thought I put into my answers seem wasted on my interrogators, even as each word mattered deeply to me.

I sat and reflected on the past and on my marriage and on the breakdown of my marriage. I was writing of private, intimate matters, to strangers whose purpose and procedures offended me. I comforted myself with the knowledge that the Church's tribunal could not really alter my personal history. Nor could it change memories ... neither mine nor my ex-husband's.

Continued on next page



COVER LETTER

Archdiocese of Chicago
Tribunal Office

Dear Ms. Doe:

As you may already know, your former husband has contacted the Tribunal of the Archdiocese of Chicago concerning the possibility of a declaration of nullity of his marriage with you. Since this investigation is just beginning, we feel it is important to inform you that this process is taking place and to invite you to participate in it.

Our only reason for this process is to determine whether all the requirements of the Catholic Church have been met for the validity of this marriage. It is never our intention to place blame for the breakup of a marriage on either party. Rather, our process is simply designed to determine whether the parties have the right to remarry in the Catholic Church. Our decision concerning this has no civil effect whatsoever.

If we are to accomplish this, we will have to make a decision on the information that is given to us. Because you and your former husband will obviously have the best information about your marriage, we consider it very important to have complete statements from both of you. Your former husband has already submitted one. Now, we would like your cooperation in this case.

If you are willing to participate in this process, we would like you to complete a questionnaire which we would mail you directly. We will ask you to complete it within one month and return it to the Tribunal Office. We want to be sure you have the opportunity to be heard and to give your viewpoint of your relationship with. Whether you choose to participate or not, we would appreciate it if you would return the enclosed card to let us know your intention in this matter.

We sincerely hope that you will cooperate in this process and look forward to hearing from you soon. If you choose not to participate, the case will still proceed to a decision and you will be notified of that decision. Please feel free to contact us or a Catholic priest in your area if you have any questions about this.

Sincerely yours,

Sister Mary McCarthy, C.D.P.
Case Director

Encl.



FIRST FOLLOW-UP LETTER

Archdiocese of Chicago
Tribunal Office

Dear Ms. Doe:

I would like to thank you for your response in regards to the marriage case begun by your former husband. We appreciate your willingness to assist us in this matter.

Enclosed you will find a questionnaire for your use. Please complete it as fully as possible and return it to us in the enclosed self-addressed, stamped envelope. If we do not have the questionnaire from you within one month, we will presume that you have changed your mind about filling it out. The case will then proceed according to our usual procedures.

Should you encounter any difficulty with the questionnaire, please contact a Catholic priest in your area or our office. We will be happy to assist you in any way we can.

If the case proves to have merit for further consideration, you will be kept informed of the outcome.

Sincerely yours,

Sister Mary McCarthy, C.D.P.
Case Director

Encl.

Continued on next page



QUESTIONNAIRE FOR THE RESPONDENT

1. What is your full present name (including maiden name, if a woman), present address, telephone number?
2. What is your date of birth?
3. Were you baptized? When, where?
4. When, where, and by whom were you married to Victor Chakraborty?
5. How long did you keep company with him/her before the marriage?
6. Were there any problems during the period of your dating and courtship? Please give details if your answer YES.
7. Was there any external circumstances (this would be a factor above and beyond the reason why people usually marry) that prompted you to marry?
8. Was the marriage between you and Victor Chakraborty contracted freely and with mutual love? If NOT, please explain and give circumstances why you married, even though freedom or mutual love was absent.
9. Was any force used (threats, physical harm, etc.) to make either of you marry?
10. In contracting this marriage, did either of you have any serious doubts or reservations about its successful and happy outcome? If so, please explain.
11. In contracting this marriage did both of you intend a permanent union binding until death? If NOT, please explain as best you can what you or your former spouse did intend?
12. In entering this marriage, did both of you intend to have children? If your answer is NO, did you intend NEVER to have children, or merely to postpone having them?
13. If there was an intention not to have children, how were they avoided? Whose idea was it not to have children?
14. If there was an intention not to have children, did this lead to any arguments? Please give details.
15. In entering this marriage, did both of you intend to be faithful for life?



16. Do you believe that at the time of marriage you fully comprehended the obligations and responsibilities of marriage? Do you feel that you were able to make an accurate judgment as to what marriage involved? Why do you say this?
17. Do you believe that at the time of marriage you were able to assume and fulfill the obligations of marriage? Why do you say this?
18. Do you believe that at the time of marriage you were ready to commit yourself to a lifelong union involving mutual growth and love, with openness to the birth and education of children? Why do you say this?
19. Were either you or your former spouse ever treated professionally for emotional or psychological disorders? If so, please give complete details.
20. Did either or both of you seek any kind of marital counseling during your marriage to try to save the marriage? If so, whom did you see and please give approximate dates of these sessions. Also, would you be willing to sign a release from professional secrecy so that we could procure this information?
21. What is your present opinion, as you reflect back on it now, about your maturity and stability at the time of this marriage?
22. What is your present opinion about your former spouse's maturity and stability at the time of this marriage?
23. How long did you actually live together?
24. Why did this marriage break up?
25. In your personal opinion do you feel your marriage with Victor Chakraborty was the kind of union which bound you both together for life? Why do you say this?
26. Is there anything else you would like to include in your testimony?
27. Would you be interested in participating further in this process?

Date:

Signature:

If a pastoral minister has been consulted or has assisted in the preparation of this statement, signature and comments would be appreciated.

Continued on next page



SECOND FOLLOW-UP LETTER

Archdiocese of Chicago
Tribunal Office

Dear Ms. Doe:

As you remember, the Tribunal of the Archdiocese has been approached by your former husband concerning the possibility of a declaration of nullity of your marriage with him.

A hearing will be held in this case at the Tribunal on DATE. Although you may be present, it is not necessary for you to come to the Tribunal on that day. This meeting will be very brief and strictly procedural. [sic.]

We realize that you were kind enough to help us already in this matter. Before proceeding, we would like to know whether you have any additional comments. If you do, we will be happy to hear from you. We want to be sure you have every opportunity to participate in this case. Please return the enclosed card by DATE, so that we can know your intentions.

If you have any questions about the case, please feel free to contact a priest in your area or our office. I am sure that everyone is willing to assist you in any way possible.

The Presiding Judge in the case, Reverend John Henry, and the Defender of the Marriage Bond, Michael Law, join me in thanking you for your cooperation. It has helped us very much. As soon as a decision has been reached, you will be notified.

Sincerely yours in Christ,

Sister Martha Beckley, C.D.P.
Notary

Encl.

**FINAL LETTER**

Archdiocese of Chicago
Tribunal Office

Dear Ms. Doe:

On DATE, a decision was given in the marriage case presented to us by your former husband. The decision was Affirmative; that is, the marriage in question was judged to be invalid. This decision was reached after serious investigation and prayerful consideration of the information collected,

As a result of this decision, you are now free to marry in the Catholic Church insofar as your marriage with Victor Chakraborty is concerned. This letter serves as the formal notification of this.

Your interest and cooperation in this case have helped us in making this decision. We appreciate this very much. You can be sure we will keep you in our prayers.

Sincerely yours in Christ,

Sister Martha Beckley, C.D.P.
Notary



**“RELIGION, n.
A daughter of Hope and Fear,
explaining to Ignorance
the nature of the Unknowable.”**

Ambrose Bierce



DIVORCE MEDIATION AND THE INTERNET

Part II of II

By James Melamed

***Editor's Note:** In Part I (Family Mediation Quarterly, Vol. 5, No. 1, Winter, 2006), the author explained how the internet is changing the way divorce mediation is practiced and experienced.*

Empowerment of Participants The web is a powerful resource for empowering mediation participants. Needless to say, mediators will want participants to review their posted professional information which is now commonly at a professional web site. Mediators can also use the web as a means of assisting clients to gain information about mediation, conflict resolution and divorce issues. (See Resources, below).

If nothing else, the Internet offers participants sources of information that can empower and assist them to normalize their experience. Participants quickly learn that they are not the first ones to be divorced and that there are lots of resources available on divorce issues. Participants may benefit from online divorce discussion groups and from divorce adjustment and parenting information and classes that can either be located locally or offered online. The Internet is also a wonderful opportunity for participants (and the mediator) to research issues and to create capacity that is certain to benefit decision-making.

The Creation of Internet Capacity for Each Participant

In pre-Internet days, a sign that a divorce was moving forward was the establishment of separate bank accounts. Today, it is the establishment of separate email accounts. Whereas a single email account and computer may work well enough when a couple is married, at the point of separation, the time for a shared Internet resources has come to an end. Hence, it is common for a divorce mediator to ensure that participants who want to utilize the Internet each have separate and private Internet capacity. This discussion is itself intriguing. It is common that one spouse has taken the Internet lead in the marriage. This spouse, usually out of a spirit of kindness and generosity, may offer to "set up" the other spouse with an email address and/or separate computer. While in many situations this seems to make good sense (because of one spouse's knowledge, cost, convenience and perhaps an overall atmosphere of trust), it is also important for both participants and the mediator to know that this could result in compromising the

In pre-Internet days, a sign that a divorce was moving forward was the establishment of separate bank accounts. Today, it is the establishment of separate email accounts.

less savvy participant's electronic security. One does not want to be paranoid nor induce paranoia within participants, but it is not unreasonable for a mediator to suggest that it may be best for each participant to



have truly independent Internet capacity. This establishment of independent Internet capacity and proficiency can be, especially for the less Internet savvy spouse, a

they intend to utilize the Internet and to specifically address the confidentiality and security of these communications in their Agreement to Mediate. Once

It is important to distinguish between issues of confidentiality and security in mediation and on the Internet.

communications are digitized, there is also the question of how long these records will be maintained by participants, the

meaningful and valuable accomplishment, not only for mediation discussions, but for exploration and development of their post-divorce life.

mediator, a mediation program and an Internet service provider. While it is hard to anticipate all issues that may come up, participants and the mediator are wise to ask themselves whether they want to have any direct agreements about the limited distribution or limited perpetuation of online mediation communications and records.

Confidentiality and Security It is important to distinguish between issues of confidentiality and security in mediation and on the Internet. Confidentiality in mediation has to do with protecting mediation communications in all forms from being offered as evidence in any court or other due process hearing. From a confidentiality perspective, online communications are an extension of face-to-face communications (as are phone, fax and hard copy communications) and therefore traditional rules would seem to apply. Mediators first need to understand these statutory and regulatory provisions for mediation confidentiality in their state and to then consider augmenting these understandings based upon intended use of the Internet.

It is also important to consider issues of security (as opposed to confidentiality). Security speaks to the issue of how well protected mediation communications are from being seen or shared with unintended third parties. An example of a security system is a web site that requires assignment of a user identification number and password. Only those individuals who are authorized by the parties can access the discussion and resources. This user id/password system is the most common type of Internet security. Note that issues such as how to assign a user id number and password and how the mediator, the parties and attorneys store this information must also be addressed. It is helpful that passwords can be changed, but by whom? There is also the legitimate question of just how interested the rest of the world is in a

Participants may want, for example, to use Internet communications exclusively as part of their mediation and to not copy any of those communications to anyone other than the other participant and the mediator. Mediators are advised to think about how

Continued on next page



particular divorce mediation online discussion. We should note that communication by other means, including hard copy, fax, phone and voice mail is far from fully secure and any imperfections in Internet security should be evaluated not against a standard of perfection but in comparison to the other communication modalities that are available, each with their own imperfections.

So, what is the mediator to do about security? First, it is suggested that this issue should be directly addressed in the mediation and in educational and contractual materials for the mediation. A provision such as the following might be inserted into the Agreement to Mediate:

“The mediator and participants agree that email and other Internet means of communication may be utilized for ongoing mediation communications without limitation and as part of the confidential mediation discussions. This includes attachments, links, faxes, any and

The Internet can be a very effective tool in the area of child support.

all file types and all means of Internet and other electronic communication. Participants will not forward nor otherwise further distribute any Internet or other electronic communication to anyone who is not directly participating in the mediation. These online communications are as confidential as permitted under the law. If desired, participants understand that they may request that a more secure user identification and password system be utilized for their mediation Internet communications.”

Email Communication Between Parents and the Children

As more and more parents use email at work and for their family communications, it is only natural that email communication is used by parents communicating with one another following their divorce, especially regarding parenting and support arrangements. Parents may also utilize email, the web, instant messaging and chat for communicating with children when they are at the other parent's home. These modern day realities are best brought directly into the mediation discussions. The parties are advised to explicitly discuss any and all protocols for their Internet communication as well as their abilities and limitations on communicating with children when at the other parent's home. The communication capacity of the Internet is useful for divorcing parents and their children and the capable mediator can assist participants to identify these opportunities.

There are a number of issues to consider when parents are sending Internet communications to their children at the other parent's home, most

notably issues regarding whose computer is being used and who has access to the information. Children may have their own computer, be given a “section” of a parent's computer, or perhaps be provided with a laptop that they can take with them to each parent's home. While technically it is not difficult to create a separate identity and security for a child on a parent's computer, a determined parent (as the computer's administrator) can almost always figure out ways to access information if that is desired. This is perhaps as much an issue between



each parent and their children as between the parents, but it is worth noting and discussing so as to clarify everyone's expectations.

Parents who are often online may also choose to link up with the other parent or with their children through "instant messaging" such as that offered by Yahoo, MSN, ICQ or AOL. Instant messaging allows the sender to "interrupt" the recipient (usually with a flashing icon and/or beep) to say that a message is waiting. These "intercom" technologies, which also include real time "chat," are bringing families closer to one another, divorced or not. These systems now include real time audio and web cam capacities. The divorce mediator can build upon these resources to assist families to communicate. Plus, some of them are really "cool."

Child Support Information and Calculation The Internet can be a very effective tool in the area of child support. Child support negotiations are dominated by the reality of child support guidelines. Federal law requires each state to have these guidelines for the calculation of child support to create predictability and consistency in the application of child support. The calculated guideline for child support is the "presumed" amount of child support, which can, if desired, be rebutted and modified for a variety of reasons that are established by state law.

Most jurisdictions provide child support information on the Internet and some do a very good job of it. They know that parents with clear information and the ready ability to calculate are more likely to agree. You

may want to do a "Google" search (www.google.com) on your state name and "child support," such as "Oregon child support." A number of states now provide child support calculators online. There are also some web sites that provide a number of state calculators. Be sure that you and participants are operating with the most recent state guidelines available. It is best to start out searching for formal state resources.

The divorce mediator can also develop form email letters (often called "forms" or "stationary") that include valuable child support and other resource links. Clients will appreciate you for making this valuable information available to them.

Similarly, by using a search engine such as Google, mediators and participants can find valuable information on parenting, financial management, property and debt division, tax laws relating to divorce, etc. The amount of information that is available on the web for education, empowerment, normalization, calculation, consideration, comparison, etc. is truly amazing. Participants understandably look to their divorce mediator to provide guidance to resources during what is often a disorienting and crazy time. Divorce mediators are wise to do a bit of research on parenting, support, property, tax and other resources in their state or province and to make these resources readily available to participants. This is an opportunity to be of service and to be viewed as knowledgeable and a source of valuable assistance.

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Distribution of Progress Summaries, Homework and Draft Agreements

Compared to “snail mail,” it is cheaper and faster to communicate by email and attachment. This method of delivery also allows participants more involvement in the drafting process. This involvement promotes a sense of ownership and participants are more likely to embrace the completed agreement when they and their lawyer can electronically exchange drafts for review and input.

A written summary of progress made during each session does three things: 1) identifies interests, options and points of apparent and possible agreement; 2) offers a list of “homework” (things to think about and do in preparation for a next meeting) and 3) suggests agenda items for the next meeting. If one is to compare participants receiving this information a few days after the mediation session (if sent by snail mail) to receiving the same information digitally an hour or two after the session, argument can easily be made in favor of the swifter and more empowering Internet distribution. Using email and attachments as a basic method of communication saves time, money and the environment. Most importantly, it impresses participants and assists them to capably, expeditiously and economically move forward.

The Moving On Process The Internet offers divorcing spouses opportunities for healthy independence, communication and personal development. Mediators are wise to recognize the many opportunities for

participants and their children to communicate on the Internet following divorce. When it comes to implementing parenting arrangements, more and more parents are saying “thank heaven for the Internet.” To the extent that the Internet benefits parental communications, the beneficiaries surely also include the children. The Internet takes the pressure off of parenting transitions and inconvenient and difficult phone calls. The Internet offers parents the opportunity to slow down and to be at their thoughtful best. The Internet allows parents to better be there, even when they can not fully be there.

Conclusion Participants, mediators and mediation programs are already engaging in mediation communications over the

The Internet offers divorcing spouses opportunities for healthy independence, communication and personal development.

Internet. The reasons are obvious: effectiveness, speed, convenience, affordability and capacity to name a few. In addition to acting as an extension of face-to-face joint and caucus discussions, the Internet offers unique qualities such as asynchrony, a vast knowledge base, and participant ability to be involved in drafting agreements. Just as mediators have aptly integrated the phone, fax and word processor into practice, mediators are integrating the Internet. Use of the Internet is especially compelling when participants are comfortable with and desirous of digitally communicating and when participants are at a distance or getting



together is otherwise difficult. Even if it is easy to get together, utilizing the Internet as an augmentation of face-to-face discussion makes sense if only for reasons of speed, ease and economy. Effective integration of the Internet is a means for divorce mediators to distinguish themselves in the marketplace and to offer additional valuable service to participants.

Resources Leading online mediation sites include:

- www.mediate.com
- www.afccnet.org
- www.crinfor.org
- www.acresolution.org
- www.odrnews.com

Leading divorce information sites include

- www.divorceinfo.com
- www.divorcesource.com

- www.divorceonline.com
- www.divorcenet.com
- www.divorcelawinfo.com
- www.divorcing.com
- www.thedivorcesite.com
- www.divorcehelp.com
- www.divorcehq.com
- www.ourfamilywizard.com



Jim Melamed co-founded (with John Helie) Resourceful Internet Solutions and Mediate.com in 1996. Jim founded The Mediation Center in Eugene, OR in 1983, and is past-Chair of the Oregon Dispute Resolution Commission. Jim teaches Mediation and Online Dispute Resolution at Pepperdine University School of Law and he invites you to visit his website at www.internetmediator.com This article was first published in January 2002.



**“Hell, there are no rules here -
we're trying to accomplish something.”**

Thomas A. Edison



THE NEW CHILD SUPPORT GUIDELINES: The One Amendment Difference

By Jennifer R. Clapp

On January 23, 2006, the Chief Justice for the Administration and Management of the Trial Court announced his intention to convene a Task Force to review the Child Support Guidelines "including an examination of the assumptions, information and methodology which provide the basis for the current Guidelines." In anticipation of a major overhaul of the Guidelines, the Trial Court Administrative Office did not make substantive changes this year.

The Child Support Guidelines were originally promulgated in 1987, and under a federal mandate they have been reviewed every four years since then. In anticipation of the eventual promulgation and implementation of his Task Force's findings, Chief Justice Robert A. Mulligan said: "... I have decided to make only one amendment to the Guidelines, that is, to delete the exception that the Child Support Guidelines do not apply to an agreement between the parties regarding child support." This modification became effective February 15, 2006.

Prior to the Chief Justice's revision, the 2002 Child Support Guidelines stated that the guidelines: (1) do not apply where "the parties have made an agreement for child support which is approved by the Court and

is found by the Court to be fair and reasonable," and (2) were "formulated to be used by the justices of the Trial Court ... in deciding whether to approve agreements for child support."

The 2006 Child Support Guidelines now state unequivocally that "there shall be a presumption that these guidelines apply in all cases seeking the establishment or modification of a child support order." (Emphasis added.) Specific findings of fact are necessary to rebut the presumption that the Child Support Guidelines do not apply to all cases, including cases to approve agreements for child support.

The semantic change reflected in the February, 2006 Child Support Guidelines

The 2006 Child Support Guidelines now state unequivocally that "there shall be a presumption that these guidelines apply in all cases seeking the establishment or modification of a child support order."

brings them into conformity with General Law c. 208 § 28. Because of a 1998 revision to that statute (which relates to the care, custody and maintenance of minors), there was an inconsistency between the statute and the Child Support Guidelines as they read at the time. General Law c. 208 § 28 explicitly states that: "in determining the amount of the child support obligation or in approving an agreement of the parties,



the Court shall apply the child support guidelines ... and there shall be a rebuttable presumption that the amount of the order which would result from the application of the guidelines is the appropriate amount of support to be ordered.”

Prior to the revision of the Child Support Guidelines in 2006, the Child Support Guidelines Worksheet stated: “These guidelines will apply (absent a prior agreement acceptable to both parties)....” Deleting these words from the Worksheet in 2006 furthers the Guidelines’ stated intent — that they be applied to all cases, absent specific findings that they are not in the child’s best interest.

Under the 2002 Child Support Guidelines, it was presumed that the child support order could be modified if the court found “a discrepancy of 20% or more between an established order and a proposed new order calculated under these guidelines.” Under the 2002 Guidelines, the presumed modification was rebuttable “in cases where the amount of support ... resulted from a rebuttal of the guidelines amount or an allowance of an agreement of the parties.” The 2006 Guidelines still provide for a presumed modification. However, the 2006 Guidelines now provide that the presumption may be rebutted only “in cases where the amount of support ... resulted from a rebuttal of the guideline amount and there has not been a change in

the circumstances which resulted in a rebuttal of the guideline amount.”

Practice Points But for the one amendment, the 2006 Child Support Guidelines Worksheet is identical in all other respects to its 2002 predecessor, and the worksheet still must be submitted in all child support cases. Mediators who help clients resolve child support obligations with an agreement that deviates from the Child Support Guidelines must be prepared to present the court with clear reasoning to support the deviation. Specifically, the agreements should provide the court with evidence:

- Explaining why a deviation from the guidelines is necessary.
- Explaining why a strict application of the child support guidelines formula would be unjust or inappropriate.
- Showing that the deviation from the guidelines was bargained for, in return for some other benefit that the child will receive under the agreement.

Jennifer R. Clapp is an attorney with the Wellesley law firm of Grindle, Robinson, Goodhue & Frolin. For two years she served as a judicial law clerk to the Justices of the Probate and Family Court, and currently practices in the area of domestic relations. Jennifer can be contacted at <jclapp@grgattys.com>





DEVIATING FROM THE CHILD SUPPORT GUIDELINES

The Probate and Family Court's Form

Editor's Note: When Massachusetts Probate and Family Court judges deviate from the Child Support Guidelines they often use the one page form below to expedite the process of issuing written findings. A copy of this form was kindly provided by MCFM vice president Kathleen A. Townsend, Esq..

TRIAL COURT OF MASSACHUSETTS

Department: Probate and Family Court

Docket #: _____

Division: _____

Plaintiff: _____

v. Defendant: _____

CHILD SUPPORT GUIDELINES FINDINGS

I. The amount of the order which would result from the application of the Child Support Guidelines is \$_____ per week / month.

After hearing, the court finds the presumptiveness of the Child Support Guidelines has been rebutted for the following reasons:

II. The Guidelines are, by their terms, not applicable in this case because:

☐ The parties have submitted, and the court accepted, a written agreement for child support which is found to be fair and reasonable and makes adequate provision for the support of the child.

☐ Combined gross income of the parties exceeds \$135,000, or non-custodial gross income exceeds \$100,000.

☐ Other — specify: _____

☐ The parents have shared physical, or split physical custody.

III. The Guidelines are, by their terms, applicable to this case, but their application would be unjust or inappropriate because:

☐ Non-custodial parent has legal responsibility for and pays support for other minor dependent; the court finds there are insufficient financial resources available to make a fair and equitable order under the guidelines.

☐ The non-custodial parent will incur extraordinary expenses (e.g., uninsured medical, travel-related visitation, etc.) as follows:



[] There are more than three children in this case. The court finds that the amount of child support ordered makes adequate provisions for the children and the financial resources available are insufficient to order any additional amount.

[] Other — specify: _____

(Use additional pages, if necessary)

After taking into consideration the best interests of the child, it is the order of this court that the defendant shall pay \$ _____ per week / month for the support of the child in the above-entitled matter.

Date

Justice

(These findings must be filed and docketed with the case papers.)



**“A word is not a crystal,
transparent and unchanging,
it is the skin of a living thought and
may vary greatly in colour and content
according to the circumstances
and time in which it is used.”**

Oliver Wendell Holmes Jr.



MEDIATING PARENT/CHILD DISPUTES: The Benefits of Avoiding a "CHINS" Case

By Debra L. Smith & Lynn K. Cooper

What is a Child in Need of Services Case?

Pursuant to Massachusetts General Laws, Chapter 119, Section 21, a "child in need of services" is "a child below the age of 17 who persistently runs away from the home of his parents or legal guardian or persistently refuses to obey the lawful and reasonable commands of his parents or legal guardian, thereby resulting in said parent's or guardian's inability to adequately care for and protect said child, or a child between the ages of six and sixteen who persistently and willfully fails to attend school or persistently violates the lawful and reasonable regulations of his school."

In simple terms, a child in need of services is a child who is a runaway, a stubborn child or a truant.

Who Can File a Child in Need of Services Case?

A parent or guardian, a police officer or a supervisor of attendance may file a civil petition in court for a CHINS case under certain circumstances. A parent, guardian or police officer may file a petition if the child is a runaway from home or is a stubborn child. A supervisor of attendance may file a petition if the child is a truant from school or "persistently violates the lawful and reasonable regulations of his school." See M.G.L. Chapter 119, Section 39F.

What Happens at Court? In order to determine if a CHINS petition should issue there must be a hearing in court. In Massachusetts, hearings involving children are not open to the public. The court conducts a hearing to determine whether it is in the child's best interest for the petition to issue, and seeks recommendations from a court probation officer. If the petition issues, a child is entitled to an attorney to represent him or her if the child is indigent. In the event that the parent of the child is not indigent, the court can assess a \$300 fee against the parent or guardian to pay for a court appointed attorney. If the parent is indigent, then the court can assess a fee of a reasonable amount for the court appointed attorney. (See M.G.L. Chapter 119, Section 39F).

The probation officer can refer the child to services in the community including "psychiatric, psychological, educational,

In simple terms, a child in need of services is a child who is a runaway, a stubborn child or a truant.

occupational, medical, dental or social services" pursuant to M.G.L. Chapter 119, Section 39e, and conduct conferences with the child and his or her family to come up with agreements. The time period for these matters is six months. A child can be adjudicated a CHINS by a judge or a six person jury. The court could order the child



to be placed in the temporary custody of the Department of Social Services, who can place the child in facilities such as a group home, residential school, shelter or keep the child at home.

Benefits of Parent/Child Mediation and Referral Sources To avoid bringing a runaway, stubborn or truant child to court

in a CHINS case, Parent/Child Mediation is a viable option. Guidance counselors, pediatricians and probation officers from the juvenile courts could

be referral sources for mediation so the CHINS petition is not pursued. Parent/Child Mediation is a private process where the parent and child have input into obtaining a resolution. The mediator listens to both the parent and the child to determine the issue and assists them in reaching a solution. There is reduced emotional toll of a CHINS petition being filed in court. The relationships in the family are preserved. Mediating parent/child disputes saves time of being in court. In mediation, a mental health professional may be helpful in working in the mediation process.

The Difficult Adolescent Although the CHINS law covers children from ages 7 to 17, the vast majority of the children who need this kind of service are adolescents.

Recent scientific research in the development of the adolescent brain can explain some of the difficulties adolescents have in behaving in ways that reflect good (i.e. adult) judgment. Researchers mostly

agree that by the age of 15 or 16, abstract reasoning, memory, and the capacity to plan are fully developed (Harvard Mental Health letter, July 2005). Adolescents know the right answers to questions about how they're supposed to act. However, knowing the right answers doesn't lead to acting with good judgment nearly as often as it will when the same person is in their

Although the CHINS law covers children from ages 7 to 17, the vast majority of the children who need this kind of service are adolescents.

20s, when the human brain circuitry becomes fully mature. The connections in the brain between the seat of judgment and reasoning and the emotional centers are not fully established until then. There is, of course, tremendous individual variation in functioning, and the problems of teenagers are not all in their brains, but it is becoming increasingly clear that the behavior of the passionate, risk-taking, impulse-driven teen is at least in part due to immature brain circuitry.

If a child has been exposed to physical and/or sexual abuse, criminal behavior on the part of caregivers, or severe neglect (perhaps due to mental illness of caregivers), these severe cases may not be appropriate for Parent/Child Mediation. It is naturally important to uncover such toxic situations as soon as possible so as to make effective plans to protect the child, often through removal from the home. Other families may be struggling with issues of divorce, serious parental illness, or other

Continued on next page



major stressors, combined with parenting skills insufficient to adequately parent the child in question. These families are more appropriate for and are much more likely to benefit from Parent/Child Mediation.

The normal tasks of adolescence in our culture involve establishing an identity separate from the parents, developing the ability to work and achieve intimacy and function as a good citizen in society independently. This includes developing the ability to apply judgment to emotionally-driven impulses, and to behave accordingly. Not easy tasks.

The normal adolescent can be confused, moody, defiant and demanding. They are awash in intense sexual and romantic feelings. They want to be increasingly independent of parents, experimenting with life in their own way, while being terrified of failing, and fighting against their own (realistic) need to remain supported and protected. They have intense needs to feel respected, make their own decisions about their beliefs and behavior, and feel in control of their lives.

Some parents have difficulty in handling

enough for their poorly-controlled and ill-advised behaviors to get them in some real trouble (sex, drugs, school failure), such a parent may feel frightened and helpless in the face of their teen's defiance and risky behavior.

KEY COMPONENTS OF PARENT/CHILD MEDIATION

Voluntary Process It is important to tell the parent and child at the outset that the process is voluntary. Parents cannot drag a kicking and screaming child into mediation. If the child does not want to participate, the mediation cannot continue. The mediator should explain the process at the beginning to the parent and child in simple terms so the child can understand. Since children under age 18 cannot sign binding contracts in Massachusetts, the agreement the mediator makes for mediation and payment can only be legally binding with the parent. It is however, common practice for court probation officers to ask a CHINS teenager to sign an agreement to engage (or not) in certain behaviors. While this is psychologically an excellent idea it is not legally binding, and teenagers usually do not know this.

Parents cannot drag a kicking and screaming child into mediation.

conflict but are in charge of strong-willed adolescents who are used to running the show around the house. These teens are not willing to modify their behavior just because a parent asks nicely, especially if the parent has a long history of backing down and placating their child to buy peace in the home. When this child gets old

If a child is unwilling to mediate, and one of the major difficulties in the family involves inadequate parenting skills, a parent should be referred to parent skill training. Conversely, work with the child alone without one or both parents being involved (in a family where the child will be continuing to reside in the parental home) is often of little use, and the child should be referred to therapy with a



competent adolescent therapist.

Building Trust The mediator should develop a rapport with the guidance counselors and school adjustment counselors in the Middle and High Schools in their communities. If children trust their guidance counselor or school adjustment counselor and that person recommends mediation, it becomes a building block in the development of trust.

After explaining the mediation process, the early meetings with the parent and child should be to understand the issues and to develop trust with a child and the parent. The child needs to be asked how he or she thinks the mediation process could help. The parent should feel comfortable to express concerns to the child about the reason for the rules. If the child is a run-away or not going to school, the reasons for these rules should be explored by both the child and the parent. Lecturing should be discouraged. Having the child come up with reasons for the rules may be helpful. Giving a child some sense of control by having the child propose consequences or punishments for violating rules could be helpful.

If the child is younger, getting away from behind your desk and having the child color or use another medium, so you can talk may be helpful in developing a rapport so the child feels like he or she is being listened to by the mediator. Acknowledgment of what is said by both the parent and the child is important.

Private mediation sessions with both the parent and child may be helpful so they can both feel like they are being heard. Eye contact is important.

Having Goals Creating a goal at the first mediation session for the parent and child could be helpful. Setting a topic or agenda for the next meeting could provide continuity for the mediation sessions.

Creating a Comfortable Mediation Atmosphere Having a snack (that is not full of sugar) and juice at the session can be helpful to parents and children in creating the feeling of being in a nurturing environment. Providing inexpensive items like pens, magnets, erasers, key chains, etc.

**Lecturing should be discouraged.
Having the child come up with
reasons for the rules may be helpful.**

for the children to keep after the session may be helpful.

Seeking Mental Health Services In the event that there are mental health issues, such as depression, attention deficient hyperactivity disorder, etc., a referral to a mental health professional during the mediation process may be helpful. In divorce cases, a new service that is being offered by some mental health professionals is a divorce coach to help a spouse during the process. A mental health professional to treat the parent or child during the mediation process may make the mediation process more effective. In this

Continued on next page



situation, it is important that the mediator and mental health professional collaborate so that the family has continuity of care and hears the same basic important messages from each professional. A psychopharmacology evaluation by a child psychiatrist could provide a benefit in severe cases. Most health insurance plans provide coverage for mental health services.

Closure When the mediation session is completed, it is useful to write out in simple terms what the parent and child feel comfortable agreeing to and signing, for both the parent and child to read in the event of future conflict. The document should be clear with action words, not long statements such as in a complex divorce case.

Children are our future. The benefits of parent/child mediation begin with an early, open communication process that enables both children and parents to better

understand their respective concerns. The process can help kids appreciate the advantages of staying in school and obeying school rules, and offers an opportunity to increase their awareness of why running away from a family that cares about them is not the way to solve problems. Parent/child mediation promotes a viable alternative to a CHINS action that is always worthy of consideration.



Debra L. Smith is an attorney and mediator in Watertown. She can be contacted at (617) 924-6728, or by email at <lawdeb@aol.com>. Deb invites you to visit her web site at www.lawdebsmith.com



Lynn K. Cooper, Ed.D., is a clinical psychologist and mediator with offices in Chestnut Hill and Newton. Lynn can be contacted at (617) 527-3152, or by email at <lynnkcooper@aol.com>



**“Never doubt that a small
group of thoughtful committed
people can change the world.
Indeed it is the only thing
that ever has.”**

Margaret Mead



MCFM's ANNUAL ELECTION NOTICE

The Massachusetts Council on Family Mediation election of officers and members of the Board of Directors will be held at the Annual Meeting on Wednesday, June 14, 2006, at 2:00 p.m. at the Concord District Court. The offices of President, Vice-President, Clerk and Treasurer will be open for election in 2006 for two-year terms, as will two-year terms on the Board of Directors.

Directors presently serving terms who will be running for re-election to serve until 2008 are: Robert V. Deiana, Jonathan E. Fields, Howard I. Goldstein, Mary T. Johnston, Patricia A. Shea, Debra L. Smith, Kathleen A. Townsend, Les Wallerstein, Marion Lee Wasserman, and Mark I. Zarrow. Laurie S. Udell, as immediate past president, will automatically serve as an unelected director. Directors elected to two-year terms that expire in 2007 who will continue to serve are: Lynn K. Cooper, Michael L. Leshin, Harry E. Manasewich, Steven Nisenbaum, and Lynda J. Robbins.

The Nominating Committee has been preparing a list of candidates for the officer positions and for membership on the Board of Directors. In addition, letters have been sent to all members of MCFM requesting nominations. In accord with the By-Laws of the MCFM, all members are eligible to run for any open position, and any member of MCFM in good standing may nominate a member in good standing for the Board of Directors. All officers are also directors, and all officers and directors are elected for two-year terms.

Any member who would like to become more involved in MCFM and is willing to commit to regular attendance at directors meetings and to participation in planning MCFM activities is encouraged to submit his or her name in nomination. Nominations should be made to Mary T. Johnston, Chairman of the Nominating Committee, no later than April 30, 2006. Nominations can be sent to Mary at 105 Chestnut Street, Suite 22, Needham, MA 02592-2520, via Fax (781) 449-5384, or via email to <maryt.johnston@erols.com>.

By May 24, 2006, the Nominating Committee will distribute to MCFM members a list of all nominated candidates, including those nominated by members. Voting options include the following:

IN PERSON MCFM members are welcome to vote in person at the annual meeting.

BY EMAIL Following the distribution of ballots in May, MCFM members may vote via the internet at any time before the annual meeting. A ballot will be sent to members, which should be filled out and emailed to maryt.johnston@erols.com. The deadline for receipt of electronic voting will be 5:00 p.m., June 13th.

PAPER BALLOT After the distribution in May of the names of nominated candidates, members preferring to vote by paper ballot at any time before the annual meeting should email Dee Fraylick at

Continued on next page



<masscouncil@mcfm.org> or call her at 781-449-4430. Upon your request, you will receive a paper ballot and TWO envelopes. To assure secrecy, only ballots mailed in "official" MCFM envelopes will be counted. The deadline for receipt of paper ballots is the delivery of first-class mail on June 13th.

Active involvement by MCFM members is vital to our organization. We look forward to your participation in the coming election.

THE NOMINATING COMMITTEE



Mary T. Johnston

and

Jonathan E. Fields



From The President:...Continued from inside cover

The Child Support Guidelines first promulgated in 1988 have gone a long way toward ensuring predictability and fairness which of course lessens litigants' needs to be heard regarding determining the proper child support amount. But the changes outlined above would further help.

On a personal note, my term of office expires in June and this is therefore my final President's Message to appear in the FMQ. The MCFM Executive Committee, Vice Presidents Marion Wasserman and Kathy Townsend, Treasurer Mark Zarrow, Secretary Jon Fields, and Immediate Past President Mary Johnston have made my job much easier. The Board of Directors has similarly taken on various crucial tasks, such as Lynn Cooper, chair of our Certification Committee, Debbie Smith, leader of the year-round educational programming committee as well as the MCFM Institute, and Les Wallerstein, editor of the FMQ. Finally, Dee Fraylick, our esteemed administrator, remains the Mass Council's greatest behind-the-scenes asset. Many thanks to all of them.

Lan Slidell



WHAT'S ON YOUR PLATE?

Compliments of Patricia A. Shea

Editor's note: This hand-made vanity license plate is self-explanatory. The actual plate is multicolored on a black background with white speckles. The rose is bright red and the stem is dark green. Anyone seeking information on a replica or a variation on the theme should contact Pat.



Patricia A. Shea, MA, is a certified divorce mediator and therapist with more than 25 years of experience dealing with contested divorce cases. She is also a director of MCFM. Pat can be contacted at (508) 748-2689 or at sheamediation@verizon.net.



Marrying For Love... End Notes ...Continued from page 11

30. Quale, A History of Marriage Systems.

31. Stephen Beckerman et al., "The Bari Partible Paternity Project: Preliminary Results," *Current Anthropology* 39 (1998), p. 165. See also A. C. Roosevelt, "Gender in Human Evolution," in Sarah Nelson and Myriam Rosen-Ayalon, eds., *In Pursuit of Gender: Worldwide Archaeological Approaches* (Walnut Creek, Calif.: Rowan and Littlefield Publishers, 2002), pp. 367-68.

32. Beckerman et al., "Bari Partible Paternity Project," p. 166.



WHAT'S NEWS?

Compiled By Les Wallerstein

Similarity Attracts: A Shared History Can Help Make a Second Marriage Work

Marital history is as crucial in choosing a mate as education, class, religion or race, says Hiromi Ono, a sociologist at Washington State University. She has found that previously married people are twice as likely to marry those with similar marital histories. Sociologists call this “marital-history homogamy.” The cliché that opposites attract “is not supported by research,” says Terri Orbuch of the University of Michigan Institute for Social Research. “Similarities attract, and that’s what keeps people together for the long term.” (Jeffrey Zaslow, Wall Street Journal, 1/19/2006)

Pope Appeals for ‘Rapid’ Rulings on Annulments Pope Benedict XVI acknowledged concern about the plight of divorced Catholics, who are not permitted to receive communion after remarriage, and appealed to a Vatican tribunal to issue “rapid” rulings on annulment requests. Circumstances for granting annulments include the psychological incapability of one of the spouses to contract a valid marriage. (New York Times, 1/29/2006)

New York Urged to Join The Era of No-Fault Divorce A commission appointed to look into New York State’s matrimonial laws called for an overhaul of divorce and child custody rules, including the authorization of no-fault divorces. By not allowing couples to end their marriages by mutual consent, New York has kept some of the strictest barriers to divorce in the nation. Currently, one party in the divorce must allege cruel and inhuman treatment, adultery, or abandonment — literal or sexual — for a year. The commission’s report was seized on by the state’s chief judge, who said the changes “would be front and center” on her agenda in the coming months. (Danny Hakim, New York Times, 2/17/2006)

Massachusetts Bishops Oppose Gay Adoptions The state’s four Roman Catholic bishops plan to petition the state to exempt the church from rules requiring it to assist adoptions for gay couples. Under anti-discrimination rules, agencies cannot deny children to couples because of their sexual orientation. The bishops said that the rules violated “the tenets of our faith.” (New York Times, 3/1/2006)

‘Brokeback’ Marriages There are an estimated 1.7 million to 3.4 million American women who once were or are now married to men who have sex with men. The estimate derives from “The Social Organization of Sexuality,” a 1990 study that found that 3.9 percent of American men who had ever been married had had sex with men in the previous five years. The lead author, Edward O. Laumann, a sociologist at the University of Chicago, estimated that 2 to 4 percent of ever-married American women had knowingly or unknowingly been in what are now called mixed-orientation marriages. (Katy Butler, New York Times, 3/7/2006)



Search & Seizure: Spousal Consent A divided US Supreme Court has ruled that one spouse cannot give valid consent for a police search of the common areas of the marital residence when the other spouse is present and objects. Georgia v. Randolph, 547 U.S. ____ (2006). (Lawyers Weekly USA, 3/27/2006)

Massachusetts Court Limits Gay Unions By a vote of 6-1, the Supreme Judicial Court ruled that gay couples who live in states where such marriages are prohibited cannot marry in Massachusetts. But the ruling left open the possibility that gay couples from states like New York and Rhode Island that do not explicitly ban same-sex marriage might be able to marry in Massachusetts. By upholding a 1913 marriage law, the court's decision in Cote-Whitacre et al v. Department of Public Health significantly narrows the battleground over same-sex marriage to a handful of states. Justice Ireland, the lone dissenter wrote that "the commonwealth's resurrection of a moribund statute to deny nonresident, same sex couples access to marriage is ... fundamentally unfair." (Pam Belluck and Katie Zezima, New York Times, 3/31/2006)

Battered Wives' Pets Suffer Abuse, Too Experts on domestic violence say that many men who abuse wives or girlfriends threaten or harm their animals to coerce or control the women. To address this problem, Maine enacted a law that allows animals to be included in protection orders in domestic violence cases. Maine is believed to be the first state with such a law. (Pam Belluck, New York Times, 4/1/2006)



**“When a woman marries
again it is because she
detested her first husband.
When a man marries again,
it is because he adored his first wife.
Women try their luck; men risk theirs.”**

Oscar Wilde



EDITORIAL: When Money Doesn't Matter

All divorce mediations begin with enough energy to bring both sides to the table. Some couples dedicate themselves to the task of finishing. Others use the forum to vindicate their positions and vent their feelings. They take longer.

The mediation that comes to mind began with familiar assurances. Neither wanted to litigate. Each considered the other rational and fair, but she had left him. Since their failed marriage was her “fault” she agreed to pay for the mediation. After the meeting I made a copy of her check.

At the next meeting their reasonableness melted into battle. They fought about the core issues that arise in the mediation of most long term marriages: kids and money. When they managed to settle the issues about their two children, money matters raged. She wanted the house valued at X. He insisted on Y. She wanted to remain there for longer than pleased him, and its “fair” market value became impossible to ascertain—especially since she “caused” the marriage to fail.

The time between our meetings stretched from weeks to months. I resorted to all the usual strategies to prod their return. Ten months and two draft agreements after an inauspicious beginning all communication had stopped. Neither my messages nor emails were returned.

After eighteen months I knew that it was time to reconnect or admit that the mediation had failed and end it. I wrote to both clients. The husband never answered my letter, and the post office returned the wife’s letter as undeliverable. I found myself holding \$700 of the wife’s funds with no way to return it. It seemed ironic that we were all stuck on money.

My thought was to contact the board in charge of lawyer’s trust accounts for instructions. Just before dialing their number I decided to make one last effort to call my clients. I hung up on the wife’s voice mail. To my surprise, the husband answered.

Our exchange of initial pleasantries was tense and uncomfortable. After explaining my need to return his wife’s money he told me to hang on to it for a while. Before I could figure out what to say he stated matter of factly “My daughter committed suicide.”

I broke the silence that followed with condolences that were entirely inadequate to console him for his loss. What’s the right thing to say to a father who lost half of his children four months ago? We both wanted the conversation to end. I promised that I would wait to hear from him. I’m still waiting, and still holding \$700 I don’t know what to do with.



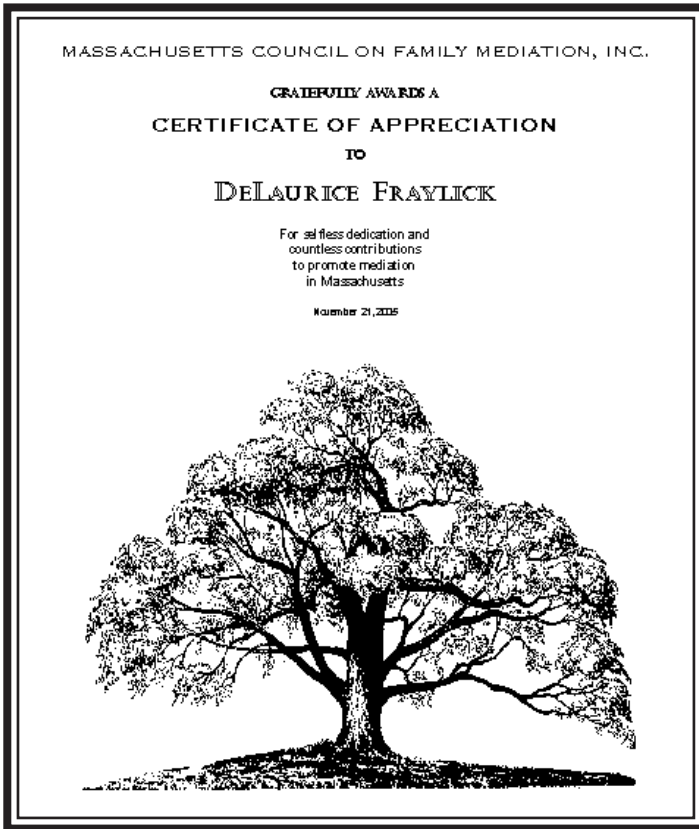
The opinions expressed in this editorial are those of Les Wallerstein. He can be contacted at (781) 862-1099, or at <wallerstein@socialaw.com>.



MCFM NEWS

DELAURICE FRAYLICK HONORED!

At the January meeting of the Board of Directors Dee was presented with the certificate below, followed by the first reading of an original poem written by John Fiske, with the board as audience chorus in unison:



Our Council is the subject of envee
For our tradition of effieiencee;
When a jealous council drools
And asks, "What are your tools?"
We just remind them: WE'VE GOT DEE.

Entire Audience Chorus:
We've got DEE
We've got DEE
We've got DEE and you don't.



**INTRODUCING “JERRY’S LIST”
A DIRECTORY OF RELATED PROFESSIONALS**

As a tribute to the first divorce mediator in Massachusetts, MCFM has named its premier Directory of Related Professionals for Jerome H. Weinstein! Among the professionals eligible to be included are therapists, parenting specialists, accountants, financial planners and attorneys. All professionals must be nominated by at least two MCFM members.

All MCFM members will soon receive a letter from the Board of Directors requesting recommendations for the first edition of Jerry’s List. A recommendation form will be posted on the MCFM website. Members are welcome to copy it and to submit as many recommendations as they wish to suggest. Recommended nominees should be knowledgeable about the divorce process and committed to creatively helping clients reach non-adversarial settlements.

Please share your recommendations with your colleagues by submitting the names of related professionals on the referral form which will accompany the letter. Completed recommendation forms can be mailed to MCFM, c/o DeLaurice H. Fraylick, 23 Parker Road, Needham Heights, MA 02494-2001, or sent via email to mcfm@rcn.com.



**ANNUAL ELECTIONS
Wednesday, June 14, 2006 @ 2:00 PM
Concord District Court
305 Walden Street**

**IMMEDIATELY FOLLOWED BY
THE NEXT MEMBERS MEETING**

**TAX ISSUES THAT MYSTIFY MEDIATORS
PRESENTED BY
James McCusker, CPA & Dennis O’Leary, CPA**

Jim and Dennis will focus on four topics:
Sale of the personal residence, alimony recapture,
dependency exemptions and child related contingencies.

always

MEMBERS ARE ^ WELCOME TO BRING GUESTS!



NEXT EXECUTIVE COMMITTEE & BOARD OF DIRECTORS MEETING

Monday, May 15, 2006
5 PM: Executive Committee
6 PM: Directors

In the Office of Mark I. Zarrow, Esq.

Lian, Zarrow, Eynon & Shea
34 Mechanic Street
Worcester, MA 01608
(508) 799-4461
<mzarrow@lzes.com>

Directions to Mark's office are available online at mcfm.org

PLEASE EMAIL ANY AGENDA ITEMS FOR CONSIDERATION TO:

President Laurie Udell at <lsudellesq@aol.com>, or to any officer,
all of whom are listed in the DIRECTORATE on page 47



MEDIATION PEER GROUP MEETINGS

Merrimack Valley Mediators Group: We are a group of family law mediators who have been meeting (almost) monthly since before the turn of the century! The criterion for membership is a desire to learn and share. Meetings are held at 8:15 AM on the last Tuesday of the month from January to June, and from September to November, at the office of Lynda Robbins, 11 Summer Street, Chelmsford. Please call Lynda at (978) 256-8178 or Karen Levitt at (978) 458-5550 for information and directions. All MCFM members are welcome.

Metro-West Mediators Group: The Metro-West group (usually) meets on the first Friday of the month at the home of S. Tracy Fischer, located at 120 Cynthia Road, in Newton. Monthly meetings begin at 9:15 AM and are open to all MCFM members. Please call (617) 964-4742 or email <tracyfischer@rcn.com> for confirmed dates and directions.



ANNOUNCEMENTS

ADVANCED DIVORCE MEDIATION TRAINING

May 12, 13, 19 & 20, 2006

Amherst

The Mediation & Training Collaborative (TMTC)

Co-Sponsored by UMass Legal Services

A 30-hour advanced mediation training for those interested in working with separating, divorcing or already-divorced couples. Topics include the emotional and legal aspects of divorce, parenting issues, division of assets and debts, spousal support, working with non-traditional couples, mediator ethics, dealing with high conflict, and more. Fee includes training manual and coached role plays. Social Work CECs available upon request. Trainers are Betsy Williams, Cate Woolner, Larry Saunders, Stephany Levin, Oran Kaufman and Court Dorsey. Fee is \$750. Prerequisite - 30 hours Basic Mediation Training.

For more information: 413-774-7469 X 16 or shackney@fcac.net



ELDER CARE MEDIATION TRAINING

June 13 & 14, 2006

5:30 p.m. — 9:00 p.m.

Greenfield, MA

A seven-hour advanced training for experienced mediators who want to work with elders and family members who are facing life transition issues. Topics include sensitivity to aging, family dynamics, levels of care, medical assistance, institutional settings, legal issues and ethical considerations. Includes coached role plays. Trainers are Betsy Corner and invited elder-care professionals. Continuing education hours for SJC-Qualified mediators may be available. Registration Deadline: May 25, 2006. Fee is \$125.

For more information: 413-774-7469 X 13, or bcorner@communityaction.us



THE HARVARD NEGOTIATION INSIGHT INITIATIVE**For the June 2006 Summer Learning Forum*****Week One: June 19-23 Week Two: June 25-29*****Harvard University, Cambridge, MA**

Integrating negotiation, conflict resolution and leadership with insight tradition wisdom and skills. Offering five different courses with world class faculty including Leonard Riskin, Kenneth Cloke, and Erica Ariel Fox. Sponsored by the International Academy of Mediators and endorsed by the American Bar Association Dispute Resolution Section. All participants will receive a Certificate of Completion from the Program on Negotiation at Harvard Law School.

For more information: email Cristin at cmartin@law.harvard.edu or call 617.495.7711. Register: visit www.pon.harvard.edu/hnii

**ASSOCIATION FOR CONFLICT RESOLUTION
FAMILY SECTION MID-YEAR CONFERENCE
*JULY 13 – 16, 2006***

Sea Crest Oceanfront Resort & Conference Center
Falmouth, Massachusetts

~~FIVE~~ SIX! REASONS NOT TO MISS THIS GREAT EVENT

- Cutting Edge Family Mediation Technology
 - Stimulating Workshops
 - Miles of Sandy Beaches
 - Hotel Overlooking the Ocean
 - Visiting with Friends & Colleagues
- **MCFM members may attend the whole conference at the ACR member rate even if they do not belong to ACR!** The ACR member rate for the whole conference is \$380 and for non-members is \$460.

FOR MORE INFORMATION: www.acrnet.org



COMMUNITY DISPUTE SETTLEMENT CENTER
Building Bridges • People to People • Face to Face

**60 Gore Street
Cambridge, MA 02141**

Established in 1979, the CDSC is a private, not-for-profit mediation service dedicated to providing an alternative and affordable forum for resolving conflict. CDSC also provides training programs in mediation and conflict management to individuals and organizations. For more information please contact us at (617) 876-5376, or by email: cdscinfo@communitydispute.org, or at our web site: www.communitydispute.org.



MASSACHUSETTS COLLABORATIVE LAW COUNCIL, INC.

The MCLC offers legal representation to people in conflicts who share a commitment to resolving disputes without litigation. To find out more, or to locate a collaborative lawyer near you, visit MCLC on-line at www.massclc.org.



**“Take nothing
on its looks;
take everything
on evidence.
There's no better rule.”**

Charles Dickens



JOIN US

MCFM membership is open to all practitioners and friends of family mediation.

MCFM invites guest speakers to present topics of interest at four, free, member education meetings annually. Educational meetings often satisfy certification requirements. Members are encouraged to bring guests at no cost. MCFM members also receive the Family Mediation Quarterly and are welcome to participate on any MCFM Committee.

All members are listed on-line at MCFM's web site, and all listings may be "linked" to a member's email and web site. Annual membership dues are \$90. Please direct all membership inquiries to **DeLaurice Fraylick at masscouncil@mcfm.org**.

REFERRAL DIRECTORY: Every MCFM member is eligible to be listed in the MCFM Referral Directory. Each listing in the Referral Directory allows a member to share detailed information explaining her/his mediation practice and philosophy with prospective clients. The Referral Directory is printed and mailed to all Massachusetts judges, and to each listed member. The referral directory is also available on-line at the MCFM web site.

MCFM was the first organization to issue Practice Standards for mediators in Massachusetts. To be listed in the MCFM Referral Directory each member must agree to uphold the MCFM Standards of Practice. Copies of the MCFM Standards of Practice are available on-line at the MCFM web site.

The annual Referral Directory fee is \$60. Please direct all referral directory inquiries to **Jerry Weinstein at JWeinsteinDivorce@comcast.net**.

CERTIFICATION: MCFM was the first organization to certify family mediators in Massachusetts. Certification is reserved for mediators with significant mediation experience, advanced training and education. Extensive mediation experience may be substituted for an advanced academic degree. A copy of the MCFM certification requirements is available on-line at the MCFM web site.

Every MCFM certified mediator is designated as such in both the electronic and the printed Referral Directory. Only certified mediators are eligible to provide mediation services to the Massachusetts Probate & Family Court through MCFM. Certification must be renewed every two years.

Certification applications cost \$100, and re-certification applications cost \$50. Certification and re-certification applications are available on request from **Lynn Cooper at lynnkcooper@aol.com**.



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