

MCFM

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.



PRESIDENT'S PAGE

Did you know... MCFM, through the courtesy of Michael Tremblay, provides you with an interactive, self calculating Child Support Guidelines Worksheet (1/1/2009 version) on the members' only section of the MCFM website. It can be copied to your desktop, saved in client files, or used right there. Check out the other offerings for members only while you are there.

Mediation Tips – Electronics anyone? I have just started to use a small projector connected to my laptop to show the child support guidelines worksheets on the wall for easy viewing in some cases. It serves as a diversion from being hunkered down with calculators and worksheets. It is especially helpful to quickly show different scenarios when there is serious dissention about self-employment income, attribution of income, overtime and bonus impacts on child support, etc. More on this in a later issue as I further experience the benefits and/or deficits of this tool.

Practice Tips – Health insurance affordability The Mass Health Connector website has a 2009 affordability chart which shows the maximum amount for what is considered to be affordable monthly health insurance premiums to be paid for various income ranges. This may be helpful in assisting clients in determining if they may be eligible for state assistance when discussing health insurance options.

Business Tips – Can you speak? Put together a blurb about yourself and your practice. Send it out to various civic organizations – Rotary, Exchange Club, Kiwanis – and let them know you are available as a lunchtime speaker. You will be speaking primarily to employers who value their employees' time. Let them know that recommending mediation to their divorcing employees will generally mean less missed work time and less distress exhibited in the workplace.

MCFM – Free Workshops After successfully sponsoring a professional development workshop in Western Mass earlier this spring, we are now pleased to announce that the free Western Mass workshops will continue on a regular basis beginning in the fall to add to our well-established and outstanding professional development workshops in Eastern Mass on topics of mediator interest.

Mediation World In Australia, beginning July 1, 2008, anyone wanting to apply to the courts for a parenting order (new or modified) must provide a certificate from a registered dispute resolution provider which confirms that an attempt at family dispute resolution was made (with the exceptions of cases involving violence or abuse).



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RE-EXAMINING ALIMONY UNDER THE NEW CHILD SUPPORT GUIDELINES

By Fern L. Frolin

Now that Massachusetts presumptively applies its child support formula on parents' combined income up to \$250,000, what should happen to alimony in the cases of family income between \$100,000 and \$250,000? As in all mediation cases, it depends.

Certainly nothing in the Guidelines text, or in Massachusetts statutory or common law, suggests that divorcing parties must structure all support up to the presumptive income level as child support. It may be wise, and it is certainly permissible, to structure as alimony or "unallocated support" some support on income within \$250,000. Indeed, Factor 2 A, at page 4 of the Guidelines text provides:

These guidelines have been developed with the understanding that child support is non-deductible by the Payor and non-taxable to the Recipient. These guidelines do not preclude the Court from deciding that any order be designated in whole or in part as alimony without it being deemed a deviation provided the tax consequences are considered in determining the order and the after-tax support received by the

Recipient is not diminished. It is the responsibility of the parties to present the tax consequences of proposed orders to the Court.

In its October 2008 Report of the Child Support Guidelines Task Force, which serves as a legislative history for the Guidelines, the drafting committee notes that "by designating some, or all, of an obligor's support obligation as tax-deductible to the payor and taxable the recipient, a greater portion of the family's collective income may be shifted into a lower tax bracket. Consequently, tax-deductible support payments may permit a significant tax benefit" at a critical time for the family.

Before structuring support as alimony, or as "unallocated support," deductible to the payor and includable as income to the recipient, the careful drafter will need to review Section 71 of the Internal Revenue Code ("Code"). Section 71 delineates the rules under which support payments may be includable as income to the recipient and deductible to the payor. In summary, the section provides that deductible payments must be: (1) in cash or cash equivalent; (2) defined in a divorce or separation instrument; (3) payable to a spouse or former spouse who is not living in the payor's household at the time of the payment;



(4) and terminated on the death of the recipient. Furthermore, the spouses may not file joint returns.

In addition to the basic requirements of tax deductible alimony, the drafter must be wary of an exacting three-year “recapture rule” for excess alimony payments, at Code Section 71(f). The purpose of this rule is to prevent parties from disguising property settlements as alimony. During the first year in which payments begin, and in the next succeeding two years, payments may not be reduced by more than \$15,000 per year. Any reduction in a succeeding year in excess of \$15,000, will be “recaptured” as income to the payor. Exceptions to the three-year recapture rule permit alimony reduction in the event of temporary orders, death of the payor, and alimony awards of at least three-year duration determined as a fixed percentage of variable earnings, such as “bonus support.” (Code Sec. 71(f)(5)(C)).

Finally, the thorniest issue in structuring support as alimony is the Code’s proscription against terms in the instrument that reduce any part of the support amount upon a contingency relating to a child. Thus, the support amount may not decline upon a child marrying, attaining a certain age, dying, or graduating from

school. Unallocated support or alimony payments tied to an event in a child’s life are taxable to the payor from the outset. To take advantage of the tax benefits available from shifting income as alimony, the parties will need to agree to an alimony duration that ends either well before – or well after – emancipating events in the separation agreement.

The new Child Support Guidelines may change our thinking about alimony in a second way. Parties may want to consider spousal support on income that falls fully within the \$250,000 presumptive child support maximum. To determine whether

The thorniest issue in structuring support as alimony is the Code’s proscription against terms in the instrument that reduce any part of the support amount upon a contingency relating to a child.

alimony is reasonable as a supplement to child support at the higher presumptive child support income levels, parties will first calculate the Child Support Guidelines formula. Next, parties should calculate each party’s available income after the child support transfer. On completion of these tasks, parties will need to consider and apply alimony principles: After transfer of the child support amount, does the recipient still have

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unmet needs? Does the payor still have ability to pay? If the answers to both inquiries are affirmative, then alimony may be appropriate.

Under the old formula, child support calculations presumptively did not apply to combined family income over \$135,000. In cases of family income well above that amount, the economically disadvantaged spouse typically received a meaningful percentage of the payor's excess income as alimony. Depending on needs, alimony percentages on these amounts might be 33% of the payor's income, or more. The new Child Support Guidelines nearly double the amount of family income presumptively covered. But the Guidelines also reduce by half the marginal percentage rate of support at the highest income levels. For these reasons, in higher income cases with a low earning or non-working recipient, aggregate child support and alimony orders will be greatly reduced and may

be insufficient unless alimony supplements child support.

As mediators, divorce lawyers, and divorcing parties considering support in cases with children, we generally in the past reserved for child support all income up to presumptive maximum. We then applied an alimony percentage only to excess income. Under the new Guidelines, we will want to reexamine that practice. Will our outcomes be different? It depends.



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**“There are some things that count
that can’t be counted, and
some things that can’t be counted
that count.”**

**Quote (reputed to have been) on
display in Albert Einstein’s office**



TILL CHILDREN DO US PART

By Stephanie Coontz

Half a century ago, the conventional wisdom was that having a child was the surest way to build a happy marriage. Women's magazines of that era promised that almost any marital problem could be resolved by embarking on parenthood. Once a child arrives, "we don't worry about this couple any more," an editor at *Better Homes and Gardens* enthused in 1944. "There are three in that family now. ... Perhaps there is not much more needed in a recipe for happiness."

Over the past two decades, however, many researchers have concluded that there's a crowd when it comes to marital satisfaction. More than 25 separate studies have established that marital quality drops, often quite steeply, after the transition to parenthood. And forget the "empty nest" syndrome: when the children leave home, couples report an increase in marital happiness.

But does the arrival of children doom couples to a less satisfying marriage? Not necessarily. Two researchers at the University of California at Berkeley, Philip and Carolyn Cowan, report in a forthcoming briefing paper for the Council on Contemporary Families that most studies finding a large drop in marital quality after childbirth do not consider the very different routes that couples travel toward parenthood.

Some couples plan the conception and discuss how they want to conduct their relationship after the baby is born. Others

disagree about whether or when to conceive, with one partner giving in for the sake of the relationship. And sometimes, both partners are ambivalent.

The Cowans found that the average drop in marital satisfaction was almost entirely accounted for by the couples who slid into being parents, disagreed over it or were ambivalent about it. Couples who planned or equally welcomed the conception were likely to maintain or even increase their marital satisfaction after the child was born.

Marital quality also tends to decline when parents backslide into more traditional gender roles. Once a child arrives, lack of paid parental leave often leads the wife to quit her job and the husband to work more. This produces discontent on both sides. The wife resents her husband's lack of involvement in child care and housework. The husband resents his wife's ingratitude for the long hours he works to support the family.

When the Cowans designed programs to help couples resolve these differences, they had fewer conflicts and higher marital quality. And the children did better socially and academically because their parents were happier.

But keeping a marriage vibrant is a never-ending job. Deciding together to have a child and sharing in child-rearing do not immunize a marriage. Indeed, collaborative couples can face other problems. They often embark on such an

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intense style of parenting that they end up paying less attention to each other.

Parents today spend much more time with their children than they did 40 years ago. The sociologists Suzanne Bianchi, John Robinson and Melissa Milkie report that married mothers in 2000 spent 20 percent

Keeping a marriage vibrant is a never-ending job.

more time with their children than in 1965. Married fathers spent more than twice as much time.

A study by John Sandberg and Sandra Hofferth at the University of Michigan showed that by 1997 children in two-parent families were getting six more hours a week with Mom and four more hours with Dad than in 1981. And these increases occurred even as more mothers entered the labor force.

Couples found some of these extra hours by cutting back on time spent in activities where children were not present — when they were alone as a couple, visiting with friends and kin, or involved in clubs. But in the long run, shortchanging such adult-oriented activities for the sake of the children is not good for a marriage. Indeed, the researcher Ellen Galinsky has found that most children don't want to


spend as much time with their parents as parents assume; they just want their parents to be more relaxed when they are together.

Couples need time alone to renew their relationship. They also need to sustain supportive networks of friends and family. Couples who don't, investing too much in their children and not enough in their marriage, may find that when the demands of child-rearing cease to organize their lives, they cannot recover the relationship that made them want to have children together in the first place.

As the psychologist Joshua Coleman suggests, the airline warning to put on your own oxygen mask before you place one on your child also holds true for marriage.



Stephanie Coontz is a professor of history at Evergreen State College and the director of research at the Council on Contemporary Families. She is the author of *The Way We Never Were: American Families, The Nostalgia Trap and Marriage, A History: How Love Conquered Marriage*. This article was first published in the New York Times on February 5, 2009.


**“Marriage is our last,
best chance to grow up.”**

Joseph Barth



TOP SEVEN MYTHS ABOUT ALIMONY

By Linda S. Fidnick

1. ONCE ALIMONY BEGINS, IT NEVER ENDS

Alimony is actually more flexible than child support; it is based entirely on the recipient's need and the payor's ability to pay. As these circumstances change, so can the alimony payments.

2. ALIMONY IS PUNITIVE

Absolutely not. Alimony is just one of a variety of tools that can be utilized to address short term or long term economic disparity.

3. ALIMONY IS ONLY FOR RICH PEOPLE

Wrong. Alimony, as a means of economic adjustment, is just as appropriate for people with very little income as it is for the wealthy. Alimony may be what stands between the recipient spouse and homelessness.

4. ALIMONY IS PAID BY MEN AND RECEIVED BY WOMEN

No, alimony is gender neutral. Need and ability to pay are the sole criteria.

5. ALIMONY IS NOT APPROPRIATE WHEN CHILD SUPPORT IS BEING PAID

Think again. Given the income parameters of the new Child Support Guidelines, alimony is even more important to consider as a means of providing balance.

6. SURVIVING ALIMONY WAIVERS ARE APPROPRIATE IN ALL SHORT TERM MARRIAGES

No. There are circumstances in which it is important to keep the possibility of future alimony open, such as health, employability, or the relocation of a spouse as a consequence of the marriage.

7. UNLESS THE PARTIES ARE WEALTHY, AN ACCOUNTANT IS UNNECESSARY TO REVIEW AN ALIMONY AGREEMENT

Wrong, wrong, wrong. The tax consequences of alimony are many and complicated. Seek the advice of an accountant, even in lower income cases.



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FAMILY MEDIATION WITH CHALLENGING PERSONALITIES PART I of II

By Deborah C. Silver & Robert B. Silver

Mediation is by its very nature challenging. After all, it involves interacting with people in conflict. Conflict is a potent and painful stressor. People often regress under stress and react in more inflexible and primitive ways. Yet, mediation that facilitates empathetic communication and emphasizes listening skills promotes the likelihood of positive resolution. Still, the ways in which mediators define and frame issues, including their perspective on those individuals they endeavor to serve, can dramatically alter the eventual outcome. The mindset of the professional coupled with creative problem-solving ability enhances the ability to overcome even formidable obstacles to achieve optimal outcome. Remaining one of the more vexing problems for mediators is how to most effectively respond when encountering difficult personalities. For the purpose of this article, difficult personalities will refer to those individuals who are rigid, uncompromising, faultfinding of others, yet uncritical of themselves. It includes those who are easily offended or upset, whose emotions dominate their reasoning, or those who engage in distorted logic, believing they are entitled to special consideration not due others, as well as those unwilling or unable to adopt a viewpoint other than their own. Indeed, such difficult people can be the bane of the mediation process.

The mediation process is further complicated when the difficult individual is a parent. The mediator is wise to develop healthy respect for the primitive biological forces they may encounter when stepping between parents involved in a divorce “war.” Borrowing the mindset of police officers who are faced with the daunting task of addressing domestic violence, the mediator must anticipate the unexpected. Rather than being viewed as a helper endeavoring to mitigate potential harm for both parties, with the difficult person the mediator might be perceived as a threat to the existing family system by overt attempts to change the status quo. Why do mediators persist given the daunting nature of this challenging professional pursuit? The rewards are many and powerfully enduring. Recognizing that these most challenging of clients are, at the heart, desperately needy and capable of being positively supported with a proper mental framework and skills, the mediator can happily press on with this important work. Perhaps the greatest reward has to do with the impact successful mediation can have on the future generations. When parents are at war, there is no doubt, the children will suffer. The quality of children’s lives can be considerably improved by the dedication of the family mediator who models constructive problem solving, while teaching the adults the benefits of compromise and conciliation.



Difficult clients typically and unknowingly have developed self-destructive interactional styles, and repertoire of mental characterizations of the world and other people. They do not recognize how noxious and self-destructive their attitudes and behaviors can be for others. As divorce represents one of the major adult life stressors, the pre-existing characterological makeup of this challenging person becomes increasingly taxed. While prior to the divorce others might have perceived this person as mildly annoying, when embroiled in this painful process this unduly stressed individual can activate powerful, negative reactions even in superficial contacts. The mediator accepts the role as an intimate partner with divorcing parents, unwittingly invited into the established family system. One

challenge for **Conflict is a potent and painful stressor.**
the mediator

is to anticipate and direct personality-based, maladaptive responding in a more palliative fashion. Taking sides is not only contrary to the role of the mediator, it is particularly unhelpful for divorcing parties. By making conscious potentially destructive and unexamined attitudes and assumptions the mediator makes available this powerful tool for reducing conflict. It is essential for the mediator first to assess the mindset of the individuals preparing for a family "war."

A non-pejorative set of terminology is a useful way that mediators can communicate with other family

professionals about the individuals they are attempting to serve, while also framing possible ameliorative strategies. The authors propose the following common language as one means to begin thinking about these challenging personalities. Rather than utilizing the customary clinical diagnostic approach as exemplified in the *Psychiatric Diagnostic and Statistical Manual* we have endeavored to make use of neutral language that, hopefully, can enable the mediator to maintain the most optimistic frame of mind about the people with whom they are working. Furthermore, as mediators understand more about Family Systems work they are more effective in responding to the powerful force created between the divorcing parties. Additionally, the martial artist also has much to teach the mediator.

Using the force created by the opponent, rather than opposing it head on, the mediator can redirect the momentum created by the difficult parent.

The intent of this commentary is to further an understanding of difficult people and the reasons they are difficult. In a nutshell, it is their mindset. That is how they view the world and interpret their experience. Based upon this understanding the mediator should be better equipped to defuse the maladaptive elements that difficult people introduce into mediation. Indeed, it is hoped that with this expanded understanding and by

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implementing proposed ways of responding, the normally problematic behavior of the difficult personality can be circumvented, or at least subdued.

Difficult people lack awareness of how they create and/or contribute to their own problems. Additionally, they often do not know what it is that they are really upset about. Moreover, they tend to be non-reflective, particularly as to any negativity that they may inject into the process. These individuals have problem-solving skills that are limited and rigid. Such obstructionistic behavior tends to create reactions in others that validate their inherently inflexible beliefs. In high-conflict situations, the problem is not the stated issue. It is the distorted perceptions and unreasonable expectations that are at the heart of the matter.

For high conflict persons it is their inability to see things from a perspective other than their own that causes them to become mired in a trap of their own making. Some strategies to consider when dealing with this myopia include attempting to guide the difficult person by reorienting them to understand the position of the person with whom they are in conflict. Examples of this are as follows:

“You have done a good job of making your position clear. I was wondering if you are just as clear about your spouse’s position. In your own words, tell me what you think he/she is saying.”

“What in particular do you think your spouse is being rational about?”

“In divorce matters ‘fairness’ is often a subjective matter. When you and your spouse disagree on what is fair, whose opinion, other than your own, would you respect on this matter? So if _____ suggested you could be fairer, on a specific issue, would you be guided by that?”

It is not usually helpful to directly point out to difficult clients the traits or characteristics that make them difficult. Rather, by recognizing potentially difficult person’s mindset the mediator can more expeditiously identify the reasons for their difficulty and then adapt their approach accordingly. The purpose of this article is to provide mediators with a working model for understanding and guiding professional interventions with difficult people. Following are some of the more challenging types of people encountered through the mediation process. Not all of these are clients, rest assured. It behooves family law professionals — whether attorneys, mental health or financial professionals — to take a look in the mirror from time to time, to ensure that our own characterological makeup does not drive a destructive process, nor promote inherent conflict.

The Nitroglycerin Parent: Mediators are likely to be hard-pressed to find non-pejorative terms for an individual whose



emotions and perspective shift unexpectedly and intensely, and are often tinged with unfounded accusations. It is confounding to address issues with a person who reacts to the mediator one moment as if they are an idealized savior, while the next responding as if the mediator is a predatory villain. This type of parent is particularly good at alienating those who come to their aid. Mental health professionals often refer to this individual as a Borderline Personality disorder. It is quite beneficial for the mediator to quickly recognize the *Nitroglycerin Parent*, in order to implement strategies to diminish potential harm that their painfully confusing behavior adds to an already complicated situation.

What this person fears most is abandonment. Since they lack a stable self-image, they feel empty and their moods are unstable. Thus, any perceived sense of abandonment tends to evoke intense, extreme anger. In the *Nitroglycerin Parent's* mind the mediator is either supportive or unsupportive. If supportive, the professional is wonderful and if unsupportive the mediator is dreadful. Thus, the *Nitroglycerin Parent's* opinion is never stable and fluctuates depending on how supportively the mediator is perceived. Therefore, it is helpful to remain as unaffected as possible, because one can be transformed in the mind of the *Nitroglycerin Parent* from

the best in their field, to the worst person in the world in a matter of moments.

The *Nitroglycerin Parent* often presents with an engaging and charming façade, which is abandoned once negotiations begin. Thus, initially the mediator might be lulled into a false sense of security, believing the mediation will be a pleasant, uncomplicated matter. However, the intense emotional instability erupts when the give and take process begins. Family law professionals function most optimally with the *Nitroglycerin Parent* by

The mediator accepts the role as an intimate partner with divorcing parents.

recognizing that their overt emotions do not arise from actual dangers, or from appropriate reactions to real injustice. Rather, these responses arise from the client feeling abandoned. Mediations can be more effective when the attorney representing the *Nitroglycerin Parent* recognizes this potentially self-destructive mindset, how it can compromise achievement of cherished goals, and maintains some control over their client. The mediator may be more optimally effective by engaging the assistance of a mental health clinician who can redirect and support this parent with a predictably composed demeanor, hopefully guided by a lawyer with a similarly palliative approach.

It should not be surprising to the mediator that the deleterious behaviors

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of the *Nitroglycerin Parent* are most constructively contained and redirected by a “village” of family law professionals around them. Attention to detail and willingness to consider objective data and facts from the entire family perspective is central. When considering some of the most difficult types, the *Nitroglycerin Parent* embodies all elements that have been previously described. Explosiveness drives the adverse impact of their dramatic, suspicious, self-centered and critical conduct. Consequently, the mediator must diligently maintain self-care by developing a repertoire of stress management techniques. During interactions with a *Nitroglycerin Parent* mediators can best manage their own emotional reactivity through implementation of meditative, relaxation or visualization techniques.

The mediator must anticipate the unexpected.

Slowing the pace of speech and speaking softly comforts the mediator as much as it does the *Nitroglycerin Parent*.

Looking for the positive side of the *Nitroglycerin Parent's* outlook can be helpful. Their worldview while individualistic can be quite creative. Because of this, the *Nitroglycerin Parent* can sometimes identify solutions that escape the recognition of others. Creating a safe environment leaves the *Nitroglycerin Parent* feeling secure and protected and thereby promotes optimal results. Some suggestions for talking to

the *Nitroglycerin Parent* include the following:

“You obviously care passionately about this circumstance. It would be most helpful if to utilize your deep appreciation of the situation to develop constructive solutions. How do you see ways to resolve this challenge?”

“With your deep understanding you probably have already begun to generate solutions. What ideas are you thinking of that will make this situation better?”

“It would be wonderful if we could help your spouse to recognize the value of your great ideas. However, only if your spouse is able to see the value of your plan will your solution be the solution ultimately implemented. I believe the key is in your hand. By presenting this plan very calmly and in a reasoned fashion perhaps your spouse might begin to see the wisdom in your thinking.”

The Self-Focused Parent: The mediator can most quickly identify this individual by mindful attunement to his or her own internal emotional state. When the mediator begins to feel the impulse to serve and defer, they may



well have met a *Self-Focused Parent*. This individual overvalues their self-importance and significance to others. A strong sense of entitlement and need to be acknowledged and honored is characteristic. From the *Self-Focused Parent's* point of view only the most exceptional individual, such as a person like themselves, can truly appreciate them. The mediator who does not recognize the uniqueness of their problems, and does not automatically take their position, is vulnerable to being dismissed because they are not special enough to serve them. To maintain a position of being helpful the mediator must avoid directly confronting the *Self-Focused Parent* on their remarkable similarity to all of the rest of humankind.

Mental health professionals often identify the *Self-Focused Parent* as narcissistic and immature. However, affixing these labels can work at cross purposes to being helpful and certainly does not enable this challenging individual to enhance their parenting skills or abilities to work constructively in a co-parenting partnership. It is essential to appreciate that what this person most fears is a loss of importance. The *Self-Focused Parent* requires admiration, believes they are entitled and thus should be granted special treatment. They believe that fair means favorable to their position. This parent is apt react badly if one does not validate their sense of self-importance.

Since concessions represent a threat it is best to reframe concessions as magnanimity on the part of the *Self-Focused Parent*. Also, the concept of noblesse oblige, to those to whom much is given, much is expected, can sometimes be used to appeal to their better nature.

The mediator best supports a constructive process by adopting a “yes

In high-conflict situations, the problem is not the stated issue. It is the distorted perceptions and unreasonable expectations that are at the heart of the matter.

but” response to this difficult individual, respecting the underlying apprehension that drives this self-orientation. The *Self-Focused Parent* becomes offended whenever their concerns are minimized or discounted. Optimal results are more likely to be achieved by appeals to their higher nature and the validation of their feelings. Redirecting the focus to what the *Self-Focused Parent* has under their control significantly mitigates their anxieties. A positive, encouraging approach that emphasizes appreciation of achievement of even small goals enhances the likelihood of a positive outcome. The mediator builds trust and mutual respect through the demonstration that the process will actually enable the *Self-Focused Parent* to achieve important aims. Shaping behavior by reinforcing approximations toward the goal, helping these

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individuals to appreciate the specific accomplishments throughout the process, powerfully and constructively impacts their thinking. The usual emphasis on faultfinding is shifted to problem solving, redeploying this parent's physical and emotional energy in a fashion that brings good results. The mediator might be inclined to speak to the *Self-Focused Parent* in the following manner:

“It is apparent that you care deeply about your children and that you doubt your spouse's similar commitment. It is easy to appreciate your perspective that your parenting partner is acting in a selfish manner. However, it also is obvious that the bigger person will take up the challenge to make the sacrifice on behalf of those children who are much-loved.”

“It would not be surprising if you felt like you are giving away a lot... or that you are giving away too much. Furthermore, it would be understandable if you felt that your spouse was not being fair. Despite these formidable obstacles, you still have it within you to choose to be the bigger or the better person.”

The Ardent Parent: The mediator should be prepared to encounter parents from time to time who live their lives as if they are an actor in a dramatic play. The *Ardent Parent* is naturally drawn to the courtroom battle given the opportunity for

intense drama, seemingly oblivious to the associated painful aspects so apparent to many others. These people's mental lives exist outside of the mundane, routine and pedantic world the rest of us live in. Their role is to liven things up, as well as to be admired and adored particularly by those closest to them. What they choose to see is what is real for the *Ardent Parent*. Evidence and facts are minor distractions and not something that really factors into their thinking when it is contrary to what they feel is correct and right. The *Ardent Parent* believes what they want to believe.

The *Ardent Parent* most fears neglect or lack of attention. *Ardent Parents* may use their physical attractiveness or charm to draw attention to themselves, or to be ingratiating. For this person feeling predominates over facts. Therefore, their thinking is impressionistic and not highly logical. Indeed, logic and facts are likely to be less persuasive to the *Ardent Parent*. With such persons strategies emphasizing emotional reasoning usually are more persuasive.

The mediator should be vigilant for internal impulses of needing to help the *Ardent Parent*. This person exists in a chaotic world, with their *raison d'être* fueled by crises. “Helpers” are readily drawn to their side, since they are good at creating circumstances not easily or simply addressed. Difficult, self-created problems afflict them. The *Ardent Parent* suffers an undue number of emergencies. The physical, mental and emotional resources of family law professionals can readily become exhausted unless one establishes boundaries for their calls for



help. While the mental health professional might assign a label such as histrionic or dramatic, such designations do not really change this type of person. The adage “there are two sides to every story” is a mantra that can help with this type of client. *Ardent Parents* are effective at employing allies as weapons, rather than helpers to achieve mutually beneficial aims. Feelings become facts, rather than fleeting emotional states.

When encountering the *Ardent Parent* the mediator might pose a series of questions that are factually based. When this individual becomes emotional, and they will, it is helpful to redirect them in a compassionate and benevolent manner. In so doing, the thinking of this emotionally driven individual can shift to a more productive, rational frame of mind. The mediator might consider responding in the following fashion:

“This certainly is an emotional issue that you were currently facing. However, to be of most help to you here it is best to start with an understanding of the facts that you were working with.”

“When did this situation happen? What was the reason you did...? Who did you see there at the time this occurred? What behaviors were you able to directly observe?”

“I can see you are upset and would welcome some more

immediate or dramatic progress. However, I feel certain that you can manage the fact that things do not always work out exactly the way that we hoped. Let’s just begin by discussing this situation calmly and then decide what may work best for your family.”

Editor’s Note: Part II will appear in the next edition of the Family Mediation Quarterly.



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DIVORCE THAT WORKS FOR CHILDREN

By Sylvia Sirignano

Why is it that some children whose parents' divorce suffer no negative effects from this event, while others experience life changing, negative effects? Researchers from many different disciplines have sought the answer to this question for almost four decades. Research has demonstrated that it is not the fact that parents divorce that can harm them, but rather that it is how parents function after a divorce that determines whether or not children's lives are negatively affected. Underlying all of the factors identified in the research describing how parents function after divorce is that what matters is the extent to which divorced parents can act like a family from the children's perspective. Even though Mom and Dad are no longer members of each other's family, children who do well after divorce are those whose experience is that their Mom and Dad still perform the functions of a family for their children. In this article I want to highlight what the research tells us about what it means to function as a family from the children's perspective post-divorce and share a few ideas I have found helpful when working with divorcing parents to support the transition to a post-divorce which functions in this way.

The Function of a Family For Children

Functioning as a family from the children's perspective after a divorce appears to have three major components. First, although it is commonly understood that a divorced parenting relationship which is low in conflict is a primary

condition that describes a divorce that is good for children, we also know that even when there is no conflict, if Mom and Dad do not communicate about the children, are not at least cordial and do not cooperate with each other around parenting, and do not make decisions affecting children together, resolving differences respectfully in order to do so, children are still at risk for difficulties. Secondly, if family financial resources are not made available for the welfare of all family members in a way that is perceived as fair to both parents, and that maintains as high a level of financial well-being for all family members as possible, children are at risk for negative outcomes. Thirdly, if at least one parent is not able to protect children and be emotionally available, involved and supportive of children's lives and experiences, children are at risk for negative outcomes.

One way to understand how a couple whose marriage has ended can become a post-divorce family from the children's perspective is by thinking about the family in its most basic form. Families function in our culture as the social and economic unit that provides financial and emotional support and guidance to its members, especially to the children, but also to the adult family members. For most American families the marital relationship serves as the foundation for the family, or at least serves as the beginning of the family. Yet, of course, families can be composed of one to any number of adults who work to support



themselves, each other, and the children with or without a marital relationship as the foundation. From children's perspective, it is not necessary for the adults to be in a marital relationship as long as they can cooperate around providing the financial resources for the family, and around protecting and emotionally supporting the children, while teaching their values and expectations about how to behave and succeed in the larger culture. Whether the adults in the family are also able to be emotionally supportive to each other is not so important to children, as long as the adults are cordial with each other.

When there is more than one adult in a family, those who have primary responsibility for raising the children need to make joint decisions about the children and face and resolve any differences they have in order to do so. These decisions have to do with what values to teach as well as what are effective ways to teach values. When the marital relationship is working well, Mom and Dad are able to address these kinds of issues in ways that are respectful of each other and that result in a resolution of differences. Children who experience parents behaving in this way know that Mom and Dad respect each other and think the other is a good parent, even though they may disagree about some values or some aspects of discipline.

When parents are unable to do this, either because the differences are never addressed and discussed, or because they are not discussed and resolved respectfully, children learn that one or

both parents do not respect the other and/or that Mom and Dad have different values or ideas about child rearing that they are not able to resolve. In this situation children are left to sort out the differences between Mom and Dad that the parents are unable or unwilling to do, and they are asked to make assessments for themselves about what is right that they are not yet cognitively or emotionally equipped to make. Of course, children can find themselves in this situation whether their parents are married or divorced. Certainly, unresolved, hostile conflict between Mom and Dad can prohibit parents from functioning as a family from the children's perspective in each of these ways. Just as readily, however, no communication and an attitude that parents have no right or responsibility to engage in cooperative parenting with their children's other parent can also do this.

Helping Divorcing Parents Become a Post-Divorce Family for Their Children

When a divorce can end conflict between parents and enable them to work more cooperatively together, divorce can be a good thing for children. When a divorce escalates conflict between parents, makes it difficult for one or both parents to be emotionally available to the children, and/or diminishes financial resources significantly for one or both parents, divorce can hurt children. As divorce professionals working with parents through the transition from being an unhappily married couple, to post-divorce co-parents we are in a unique position to help parents begin to have a vision of

Continued on next page



what a post-divorce family from the children's perspective looks like. As a

How parents function after a divorce that determines whether or not children's lives are negatively affected.

developmental psychologist who is well aware of the research, I am constantly exploring ways to facilitate the transition, as a mediator involved with the divorce process. What follows are some of the ideas I have tried and sometimes have found helpful.

Parenting Responsibilities: Rather than framing the task of writing a parenting plan as having to do with arranging parenting schedules, i.e., determining who has the children at what times, I find framing the task as coming to agreements with each other about how to share parenting responsibilities can be helpful. One strategy I have used to encourage divorcing parents to begin thinking about how to do this is to ask them to think about what they each see as their own and the other parent's strengths and challenges as parents. Which parts of parenting are each of them good at, and are relatively easy and enjoyable, and which parts are more difficult and challenging. Thinking like this can lead to a way to divide the children's time between Mom and Dad that allows children to get the best each parent has to offer, and protects children from the frustration parents feel when trying to do something with children that is difficult for them. It also emphasizes that what is

important to children's well-being is not whose home they sleep in when (although that is very important especially to newly separating parents), but that both parents have opportunities to be actively involved in children's lives when they are awake which provide for positive interactions between each parent and the children.

Communication: Since communication between parents is essential, I find it helpful to suggest that parents come to agreement about how that communication is going to happen in a way that is comfortable for both of them. I also suggest that they agree on what information about the children's experience is important to both of them to receive from the other. I find that although working out detailed communication plans may seem silly to many, doing this ends up preventing many related conflicts and is a very concrete way of spelling out what each can expect from the other.

Respecting Differences: When there are differences between parents about values and discipline strategies, I have found it helpful to encourage them to come to agreements about as many of these issues as concerns either one of them about the other's parenting. If instead parents are made to feel that they are powerless to protect their children when the children are with the other parent, their own parental authority is diminished in the children's eyes. It does not work for children for parents to believe that in all cases it is okay for Dad to do whatever he wants when the children are with him, and



for Mom to do whatever she wants when they are with her, when they are aware that one parent worries about their health, safety, or well-being when they are with the other parent. Only when parents can be accepting of the other's parenting, even though they may disagree and do things differently, can it work for children to know that Mom and Dad disagree about something or do things differently. When one parent cannot respect the other's parenting decisions, it does not serve children well if parents do not find a resolution to their different ideas or styles that feels okay to both of them. Of course this becomes particularly difficult when most of the struggles between a divorcing couple are precisely about these kinds of parenting issues, but I will have to leave that discussion for another time since this topic in itself is another article.

Finances: Rather than framing the task of dividing up the couples' financial resources as having to do with what's fair for Mom and Dad, or how much does one have to give the other, I frame the task as having to figure out how the same amount of money that supported the family with one home can be divided so that it can now support two homes. This leads, then, to the discussion of what that means in terms of how much money each adult should have to carry their own expenses, whether that gets called child support or alimony. I also encourage parents to think about how they will share responsibility for actually paying the bills for child-related expenses as a way to figure out how much money each should have to cover these expenses.

Although researchers still are actively engaged in work to understand all of the factors impacting children's well-being after divorce, what is already known gives us a good picture of what does not work for children. When the relationship between a couple keeps parents from resolving differences respectfully in order to make joint decisions impacting their children's lives, children are hurt. When the way money is distributed between parents interferes with their children's experience of being taken care of financially, children are hurt. To the extent that parents stay in conflict with each other so that children cannot use either of them as the emotionally available adult that they need, children are hurt. The better we as divorce professionals understand the implications of these findings, the more we are able, using some of the strategies described and others, to encourage divorcing parents to envision and create a post-divorce family that does work for children.



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References

- Amato, P.R. (1994). Life-span adjustment of children to their parents' divorce. *Future of Children*, 4, 143-16.
- Amato, P.R., & Keith, B. (1991). Parental divorce and adult well-being: A meta-analysis. *Journal of Marriage and the Family*, 53, 43-58.

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- Ayoub, C.C., Deutsch, R.M., & Maraganorr, A. (1999). Emotional distress in children of high-conflict divorce: the impact of marital conflict and violence. *Family Conciliation Courts Review*, 37, 297-314.
- Belsky, J., Youngblade, L., Rovine, M., & Volling, B. (1991). Patterns of marital change and parent-child interaction. *Journal of Marriage and the Family*, 53, 487-498.
- Cummings, E.M., & Davies, P.T. (1994). *Children and Marital Conflict*. New York: Guilford.
- Dadds, M.R., Atkinson, E., Turner, C., Blums, G.J., & Lendich, B. (1999). Family conflict and child adjustment: evidence for a cognitive-contextual model of intergenerational transmission. *Journal of Family Psychology*, 13, 194-208.
- Emery, R. (1999). *Marriage, Divorce, and Children's Adjustment*, 2nd ed. Thousand Oaks, CA: Sage.
- Grych, J., & Fincham, F. (1993). Children's appraisal of marital conflict: Initial investigations of the cognitive-contextual framework. *Child Development*, 64, 215-230.
- Hetherington, E.M. (ed) (1999). *Coping With Divorce, Single Parenting, and Remarriage: A Risk and Resiliency Perspective*. Mahway, NJ: Erlbaum.
- Johnston, J.R., & Campbell, L. (1993). A clinical typology of interparental violence in disputed custody divorces. *American Journal of Orthopsychiatry*, 63,190-199.
- Kelly, J. (2000). Children's adjustment in conflicted marriages and divorce: A decade review of research. *Journal of the American Academy of Child and Adolescent Psychiatry*, 963-973.
- Kline, M., Johnston, J.R., & Tschann, J. (1991). The long shadow of marital conflict: A model of children's postdivorce adjustment. *Journal of Marriage and the Family*, 53, 297.
- McLanahan, S. S. (1999). Father absence and children's welfare. In *Coping With Divorce, Single Parenting, and Remarriage: A Risk and Resiliency Perspective*. Hetherington, E.M., ed. Mahway, NJ: Erlbaum.
- McNeal, C., & Amato, P.R. (1998). Parents' marital violence: long-term consequences for children. *Journal of Family Issues*, 19, 123-139.
- Neighbors, B., Forehand, R., & McVicar, D. (1993). Resilient adolescents and interparental conflict. *American Journal of Orthopsychiatry*, 63, 462-471.
- Vandewater, E, & Lansford, J. (1998). *Influences of family structure and parental conflict on children's well-being*. *Family Relations*, 47, 323-330 .
- Zill, N., Morrison, D., & Coiro, M. (1993). Long term effects of parental divorce on parent-child relationships, adjustment, and achievement in young adulthood. *Journal Family Psychology*, 7, 91-103.



**“Example is not the main thing
in influencing others.
It is the only thing.”**

Albert Schweitzer



WHEN DIVORCE MEANS RE-ENTERING THE JOB MARKET

By Laurie Israel

In working with divorcing couples, reemployment of an “at-home” spouse is a recurring theme. This is usually (but not always) the wife, who needs to enter the job market after the divorce. To simplify the writing of this article, I will refer to the at-home or underemployed spouse as the Wife, and the working spouse as the Husband.

An analysis of the finances of a divorce case generally leads to the stark truth that the family unit (now divided into two households) cannot live on the earned income that was being brought into the household prior to the divorce. It is a zero-sum game, and without an additional income stream (which now has to be brought in by the wife), the standard of living of the family unit (as reconstituted) will be drastically reduced.

It does not take a divorce lawyer or mediator to figure this out. However, the lack of adequate income post-divorce comes as a surprise for many divorcing couples. People getting a divorce are so pained by their interpersonal difficulties that they generally do not adequately contemplate the financial shoals ahead. These are difficult financial times between job losses and losses of equity in homes, pensions, and other assets. As a result, the financial problems inherent in divorce worsen dramatically.

Colliding with this difficult new world

of post-marriage finances in hard times is the fact that often the Wife has left the job market, never entered it, or is only tangentially connected to it through part-time or volunteer work. The Husband has built up his career or job path, but the Wife has been the primary person at home, also a full-time job.

The Wife generally has many concerns and great fears about re-entering the job market. When people are losing their jobs every day, the fears of joblessness are well-founded, reality-based, and magnified.

I have no easy solution for this problem; just have a few thoughts to share with the spouses who need to embark on getting into the job market that may help deal with that new task. In my practice, I have seen women rise to the challenge, and have seen women who are defeated and unable to rebuild their lives financially after a divorce. The women who rise to the challenge - even if they build up careers that result in a fraction of their husband’s income - seem to be much happier and well-adjusted post divorce.

I hope that my thoughts below help a few spouses gain courage and give them some tools to reintegrate themselves into the job market.

Being afraid is reality-based and normal. Age discrimination (which starts about age 40) and gender discrimination are facts of life. No one

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can tell you it's easy to get a job, or to build, or re-build a career after being out of the job market for some or many years. You probably feel scared and unsure of yourself as you go towards the unknown. This is normal. Don't beat yourself up. Try to get through those feelings with action. Your goal is to get a job or build a career. When you have negative thoughts, push them away. Be focused on the goal.

You are as talented, capable, and bright as your Husband. That's why he chose you, right? Understand that you have a lot to offer whenever you feel demoralized. Look for work that takes advantage of your strengths. Be persistent. Always think well of yourself. Banish negative thoughts.

Be aware of the cultural lessons that impede your building a career or getting a job. Men generally build careers and establish themselves in the job market through life-long training and expectations. From early childhood onward, boys are taught that they will have a job, support a family, and succeed at work. Women do not have this training. We are taught to assist, be a homemaker, parent, and be a support to family members. Making a successful entry (or re-entry) into the job market requires you to learn the cultural lessons little boys and young men learn. They are learnable with time and effort.

But what about looking for jobs in these difficult times? Yes, the job market is bad. People are being laid off. At some point this will turn around, and you will have months of experience in looking for a job. Spend at least four

hours a day. Keep a log of your efforts and of the lessons you learn along the way. Stick to it. Your experience will benefit you greatly once jobs become available.

Patience and persistence are essential.

A spouse needing a job will be competing with young people entering the job market for the first time. It is indeed a challenge, and getting your foot in the door may take some time. Persistence is very important, as is getting the moral support of friends and family while you are looking for work. You will succeed eventually.

Keep an open mind. There are things you can do for work that you have probably never thought about. For instance, outside sales representatives earn very good salaries and often find their jobs enjoyable. This type of job can be a good fit for an outgoing person. Working as an administrative assistant can lead to greater responsibilities. Peruse all the ads in your city or regional paper for ideas. You may get some ideas that you hadn't thought about. Seek out an excellent employment counselor to get more ideas on what might be a good fit for you.

Think about getting some short-term training for a career.

There are short-term training programs to gain entry into many careers where jobs are still available, including in the medical and computer fields, much of which is available on the internet. Keep focused and choose a job path that you think will be a good fit and lead to a fairly quick result. Be realistic.



Be careful about starting your own business. Starting your own business has a lot of appeal because you don't have to get a job, you create it. However, this idea is fraught with pitfalls. Unless you have significant business experience or training, the business may not generate the level of income you need or will fizzle out. Starting your own business after you've built a career with outside employers is generally safer and may lead to a more fruitful outcome.

You will be happier and more fulfilled once you are in the job market. When a marriage ends, you have lost a great deal even if it is you that decided to end the marriage. You no longer have the status of a stay-at-home spouse. Remember that work can be very healing and can generate self-satisfaction. As a success in the outside world, you will be modeling independence and self-reliance to your children, both your daughters and your sons.

View having to work as a benefit (not a detriment) even though it may take some change of attitude. Dependence

on a spouse has its downside, as you have learned by making the commitment to your marriage, which is now ended. Being independent and in control of your own life will actually make you feel very good about yourself. This inner strength will grow and enhance your going forward into new pursuits and into any new relationships you may embark upon in the future.

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Laurie Israel is a lawyer/mediator who helps clients resolve their disputes with a high level of dignity, integrity and creativity. Laurie works in the areas of collaborative divorce, divorce mediation, divorce negotiation, and prenuptial agreements. She also helps people who wish to stay married through providing marital mediation ("Mediation to Stay Married") and negotiation of postnuptial agreements. You can find out more about her work and read her articles on her websites: www.laurieisrael.com and www.mediationtostaymarried.com.



**“You take my life when you do
take the means whereby I live.”**

William Shakespeare



MASSACHUSETTS FAMILY LAW A Periodic Review

By Jonathan E. Fields

Supreme Court Upholds “Plan Document” Rule Resolving a split between the federal circuit courts, the United States Supreme Court upheld the so-called “plan document” rule in finding that plan administrators must pay benefits under an ERISA plan according to the beneficiary designation on file with them. In this case, the ex-spouse had purportedly waived her rights to her ex-husband’s 401-k in a divorce agreement that was subsequently incorporated in a judgment. The ex-husband died, having neglected to change the beneficiary designation; consequently, the ex-wife was still designated as the beneficiary on the plan document at the time of his death. The plan administrators, relying on that designation, paid the benefits to the ex-wife and the executrix of the ex-husband’s estate sued, alleging that the ex-wife had no rights to the benefits as a result of the divorce judgment. The executrix, however, may not be out of remedies as the decision does not make clear whether the estate would have a cause of action against the ex-wife for breach of the divorce agreement. The case law on this issue, too, is divided – with some courts allowing a breach of contract action in these circumstances and others holding that ERISA preempts (*i.e.*

does not permit) such actions. *Kennedy v. Plan Adm’r for DuPont Sav. and Inv. Plan*, 129 S.Ct. 865 (January 26, 2009)

QDRO Not Required to Disclaim

Interest In the same case as above, the United States Supreme Court also reversed the lower court holding that a QDRO was required even in the event that the non-participant spouse disclaimed interest in a retirement plan; this, of course, affirms the Massachusetts practice in which QDROs are utilized only when interests in retirement plans are to be divided. *Kennedy v. Plan Adm’r for DuPont Sav. and Inv. Plan*, 129 S.Ct. 865 (January 26, 2009)

Imputing Capital Gains and Broker

Fees A former husband appealed from a divorce judgment relative to a particular property division. Among his claims, he disagreed with the judge’s rejection of his request to have capital gains tax and real estate broker’s fees taken into account in valuing a particular property. The Appeals Court upheld the judgment, noting that “without evidence that the husband intended to sell the property or would be compelled to sell the property



as a result of the division of assets, it was not clearly erroneous for the judge to decline to consider adverse capital gains tax consequences or broker's fees." If *Bernier v. Bernier*, 449 Mass. 774 (2007) had not already done so, this is yet another "nail in the coffin" for imputing broker's fees and capital gains where no sale of the at issue property is imminent. *Gentilella*

v. Fillion, 73 Mass.App.Ct. 1121 (February 13, 2009) (Unpublished)



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WHAT'S NEWS? National & International Family News

Chronologically Compiled by Les Wallerstein

Impromptu Mediation in NYC “...

Two cars simultaneously tried to pull into a parallel parking spot. One was backing in, and the other was pulling in nose first; neither car was willing to cede its half of the spot. A stalemate. The drivers rolled down their windows and angrily pleaded their cases, but after two or three minutes, no verdict was reached. Finally, one man in our impromptu gallery had seen enough. He strode across the street, stood between the shouting men and dug into his pocket, producing a coin. We could not hear what the peacekeeper said, but the coin was verified by both parties, heads and tails were assigned, and the coin was flipped. The mediator declared that the car now occupying the front half of the space had won the toss. The car in the rear briefly sought an appeal, but eventually ceded the rear territory, speeding off in search of another spot. The gallery dispersed, and the sage man with the coin walked away down the street, undoubtedly to settle other community disputes requiring his wisdom.” (Andrew Flavin, Metropolitan Diary, New York Times 1/26/2009)

Post-Divorce Asset Dispute A couple married for 30 years separated in January 2002, and divorced in 2006. They agreed to evenly split everything, including the \$5.4 million in their account with Madoff Securities.

Husband kept the account and wife received \$2.7 million in cash. After Mr. Madoff was arrested in December 2008 the account was worthless. In February 2009 husband filed suit to recover the \$2.7 million that he paid his ex wife. The case is pending. (John Eligon, New York Times, 2/5/2009)

As Layoffs Surge, Women May Surpass Men In Job Force

A milestone may be at hand: Women are poised to surpass men on the nation's payrolls, taking the majority for the first time in American history. The reason has less to do with gender equality than where the ax is falling. The proportion of women who are working has changed very little since the recession started, while a full 82% of the job losses have befallen men. (Catherine Rampell, New York Times, 2/6/2009)

Straight Couples in France Embrace Civil Unions

When Civil Solidarity Pacts (PACS) were introduced they were not restricted to same-sex couples. The number of PACS celebrated in France, both gay and heterosexual unions, has grown from 6,000 in its first year of operation in 1999 to more than 140,000 in 2008. For every two marriages in France, a PACS is celebrated, making a total of half a million PACSed couples. The number of heterosexual men and



women entering into a PACS agreement has grown from 42 percent of the total initially to 92 percent last year. If one or both of the partners declares in writing to the court that he or she wants out, the PACS is ended, with neither partner having claim to the other's property or to alimony. However, one-sixth of PACSed couples that end their unions do so because they want to get married. (Edward Cody, *washingtonpost.com*, 2/24/2009)

US Family Statistics According to the Census Bureau's 2008 Current Population Survey: The proportion of family households that included a child under the age of 18 peaked at 57% in the early 1960s, fell below 50% in the mid-1980s, and in 2008 was 46%; 25,173,000 married couples are living with children, a decline of one million from 2007, and the lowest number since 1999; Slightly more than half of men and women over 18 are married and living with their spouse; Among the nearly 67 million opposite-sex couples living together, more than 60 million were not married, and the survey did not count same-sex couples. (Sam Roberts, *New York Times*, 2/26/2009)

GLAD Challenges DOMA Gay & Lesbian Advocates and Defenders in Boston filed the first multi-plaintiff, federal lawsuit challenging the Defense of Marriage Act. The case, *Gill et al. v. Office of Personnel Management*, targets the

government's use of DOMA Section 3 to deny spousal protections in Social Security, federal income tax, federal employees' and retirees' benefits, and in the issuance of passports. More than 10,000 same-sex couples have married in Massachusetts since 2004, and none have received federal benefits or protections available to all other married couples. (3/3/2009, GLAD's website www.glad.org/doma.)

Vatican Can Be Sued Over Abuse

The United States Court of Appeals for the Ninth Circuit, in San Francisco, ruled that victims of sexual abuse by priests can sue the Vatican even though it is considered a sovereign nation. The court said abuse could be an exception to the Foreign Sovereign Immunity Act. (*New York Times*, Associated Press, 3/4/2009)

Marriage in Verona

Couples will soon be able to wed in the 14th century Casa di Julietta, or in the courtyard below the famous balcony where Shakespeare set "Romeo and Juliet." The cost will range from \$770 for Verona residents to \$1,280 for people outside the European Union. The building belonged to the Cappello family, traditionally identified with Shakespeare's Capulets. (*New York Times*, Associated Press, 3/15/2009)

2007 U.S. Births Break Records

At 4,317,000, more babies were born in the United States in 2007 than in any other year in American history, according to preliminary data reported

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by the National Center for Health Statistics. Also in 2007, for the second straight year, the rate of births to teenagers rose slightly, after declining by one-third from 1991 to 2005. The new report also found that the share of births to unmarried women of all ages reached a record high of 40% of all births in 2007, and the share of deliveries by Caesarian section reached 32%, another 2007 record high. (Erik Eckholm, *New York Times*, 3/19/2009)

2008 US Military Suicides Surge The Army says that for the first time the rate of suicide in the military exceeded that of the general population last year — 20.2 per 100,000 people in the military compared with the civilian rate of 19.5 per 100,000, adjusted to reflect the military's younger and more heavily male demographics. The Army's suicide rate was 12.7 per 100,000 in 2005, 15.3 in 2006 and 16.8 in 2007. Defense Secretary Gates and other senior Pentagon officials believe that the suicide rate is being pushed higher by the Army's rising divorce rate. (Yochi J. Dreazen, *Wall Street Journal*, 3/28/2009)

Sweden Legalizes Same-Sex Marriage Sweden has become the fifth European country to allow same-sex marriage. Parliament adopted a new law, to take effect on May 1, that gives same-sex couples the same marriage rights as heterosexuals. The Netherlands, Norway, Belgium and Spain also allow same-sex marriages. (*New York Times*, Associated Press, 4/2/2009)

Afghanistan's New 'Rape Law' A new Afghan law makes it legal for men to rape their wives. The law says "Unless the wife is ill, the wife is bound to give a positive response to the sexual desires of her husband." The law applies only to Afghanistan's Shiites, who make up 20 percent of the Afghan population. It does not affect Sunni Muslims. Human rights groups and several Afghan lawmakers accused President Hamid Karzai of signing the law to bolster his re-election prospects. (*New York Times*, Associated Press, 4/3/2009)

Iowa Legalizes Same-Sex Marriage A unanimous Iowa Supreme Court has found a state law limiting marriage to a man and a woman unconstitutional. "If gay and lesbian people must submit to different treatment without exceedingly persuasive justification, they are deprived of the benefits of the principle of equal protection under the law upon which the rule of law is founded." There is no requirement that people seeking marriage licenses prove they live in Iowa, so the door will be open to same-sex couples from other states by the end of April. The ruling ensures that Iowa will become a battleground over same-sex marriage. (Monica Davey, *New York Times*, 4/4/2009)

Rejecting Veto, Vermont Backs Same-Sex Marriage Vermont's Republican governor vetoed a bill to legalize same-sex marriage, but the legislature overrode the veto, mustering one more vote than needed to preserve the measure. This step makes Vermont



the first state to legalize same-sex marriage through legislative action instead of a court ruling. (Abby Goodnough, New York Times, 4/8/2009)

American Academy of Matrimonial Lawyers. It reports a 39 percent increase in the number of divorced spouses seeking changes to child-support arrangements in a tight job market and deepening recession. (Joseph P. Kahn, Boston Globe, 4/13/2009)

Amid Layoffs, Child Support Pacts Fraying A Massachusetts family court system that is strained during the best of times faces another challenge: divorced parents seeking relief from — or enforcement of — support arrangements as their financial and employment situations deteriorate. Nationally, the picture is just as grim, according to a survey released last month by the



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MCFM NEWS

MCFM OPTIMIZES ITS ONLINE PRESENCE

MCFM's Board of Directors voted to have our organization listed online with DivorceNet® as of April, 2009.

DivorceNet® is the oldest, most trafficked and comprehensive divorce website on the Internet. MCFM now has a DivorceNet web page linked to MCFM's website and submitted to all of the major search engines.

DivorceNet's Massachusetts divorce page includes a directory of divorce lawyers, mediators and other professionals, and family law articles on child support, alimony, custody, and property division, as well as links to local resources.

Through MCFM's group membership DivorceNet's also offers individual MCFM members a discount, which will include a homepage personal listing with an outbound link to the participating member's web site.

DivorceNet will add a complimentary month to the MCFM's group subscription for each MCFM member that joins the site on an individual basis, in addition to a listing discount to all individual new members and existing members.

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By the time the printed edition of the spring FMQ is delivered by US mail, the Family Mediation Quarterly will have already been automatically delivered by email to all MCFM members. From now on all members will receive their copies of the FMQ earlier than ever in addition to their printed copies. MCFM will also post the latest edition of the FMQ on the Members Only section of our website at www.mcfm.org.



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The NEW Child Support Guidelines Worksheet: *AUTOMATED!*

After the initial posting of the 2009 Child Support Guidelines Worksheet members received revised worksheet by email – incorporating a one-word revision to the official form in late January. *Members are well advised to check back every so often and make sure they have downloaded to most current version from MCFM's website.*



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 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.

Pioneer-Valley Mediators Group: This Western Mass group is newly organized and will be meeting monthly in December on the first Wednesday of every month at the end of the day, from 4 to 6 pm or 6 to 8 pm (depending on the interest) in Northampton at a location to be announced. Please email Kathy Townsend for further information at <Kathleen@divmedgroup.com>



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ANNOUNCEMENTS

All mediators and friends of mediation are invited to submit announcements of interest to the mediation community to wallerstein@sociallaw.com for free publication.

CALL FOR PRESENTERS: MCFM'S 2009 FAMILY MEDIATION INSTITUTE

MCFM has scheduled its 8th Annual Family Mediation Institute from 8:30 a.m. to 5 p.m. on Friday, November 13, 2009. We are now accepting proposals for 90-minute early afternoon and late afternoon sessions.

The Institute traditionally offers one or two keynote speakers in the morning for the full group. The afternoon breakout sessions provide the participants with a choice of three workshops for the early afternoon and three workshops for the late afternoon.

All proposals must be relevant to family mediation issues and in the past have included topics such as child support and alimony considerations, college financial aid planning, mortgages and refinancing, recent developments in the law, power imbalances, mediating elder divorces, coaching, intervention skills, and high-conflict couples.

If you are interested in presenting a workshop, please provide the following information: (1) a summary of 100 words or less describing your proposed workshop; (2) a one-page outline of your proposed workshop; and (3) resumes and complete contact information for the presenter(s).

Electronic submissions via e-mail are preferred with Word and Word Perfect attachments only. E-mail your proposal directly to me at lsudellesq@aol.com Questions?? Please contact Laurie Udell at lsudellesq@aol.com or 781-449-3355.

You may also mail your proposal to:

**Laurie S. Udell, Chair
 2009 Institute Planning Committee
 399 Chestnut Street
 Needham, MA 02492**



ELDER DECISIONS / AGREEMENT RESOURCES, LLC
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**CONFLICT RESOLUTION SKILLS TRAINING FOR
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9:00 am-3:00 pm in Newton, MA

Tuesday, May 5, 2009

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Log on now to register at www.ElderDecisions.com

OR call: 617-621-7009; OR email: training@ElderDecisions.com

Cost: \$195 six weeks prior to program date (\$225 thereafter)

Includes lunch, snacks, and course materials.

Location: The Walker Center, 171 Grove Street, Newton, MA



**COMMUNITY DISPUTE SETTLEMENT CENTER
SPONSORS TWO, 60 MINUTE TELESEMINARS**

Register online for either or both at:

<http://www.communitydispute.org/pages/teleseminars.html>



CDSC TELESEMINAR #1
THE HOW, WHAT AND WHY OF
STARTING A MEDIATION PRACTICE

Wednesday, May 6th from 12:00-1:00 PM EST

With Dina Lynch Eisenberg

Cost: \$45

During this interactive, teleseminar, you will consider important questions before taking the leap — the hows, whats and whys — including: Why do you want to build a practice? Why should consumers choose you? What is your market niche and what makes it viable today? What is business model? How can you use current business practices to market? How can you build a sustainable practice?

Dina Lynch Eisenberg is a serial ADR entrepreneur, veteran mediator, marketing coach and Ombudsman who has worked with leading organizations and companies such as Fleet, Genentech, Coca Cola, the Rockefeller Foundation and Harvard.



CDSC TELESEMINAR #2
LESSONS AND BOUNDARIES:
MENTAL HEALTH AND MEDIATION

Wednesday, May 20th from 12:00-1:00 PM EST

With Jeanne Cleary

Cost: \$45

This seminar is for mediators with or without mental health training. Do you worry that you might be handicapped when dealing with psychologically entangled couples or “high conflict” personalities? Are you interested in clarifying the boundaries between practicing mediation and practicing psychotherapy? Would like to feel clearer about the crossover skills between mental health and mediation? Would you like to better understand the pitfalls of bringing a psychology background to the mediation table?

Jeanne Cleary is a psychotherapist and mediator in private practice with over 25 years of experience in clinical and court-based work with families in the process of divorce. She has designed trainings & courses for high schools, religious groups, and colleges including UMASS/Boston, Lesley, and Boston University.



**MARITAL MEDIATION TRAINING
FOR FAMILY MEDIATORS ONLY**

Presented by John A. Fiske

Offers couples contractual solutions to help them stay married.

Wednesday, May 13, 2009 at the Wellesley College Club
8:30 a.m. to 4:30 p.m.

Total cost \$400 includes written materials and luncheon.

THREE WAYS TO REGISTER

www.mediate.com/fiske

jadamsfiske@yahoo.com

John A. Fiske

Healy, Fiske, Richmond & Matthew

189 Cambridge Street

Cambridge, MA 02141

John A. Fiske has been a lawyer since 1961 and a family mediator since 1979. He introduced the concept of Marital Mediation to help couples stay married, at the urging of his wife, in 1997. He has written various articles and conducted several professional workshops on the subject since then. John has helped about 50 couples to stay married in the last 10 years, and finds increasing interest in this approach.



**WHO'S AT THE TABLE AND HOW ARE THEY
IMPACTED BY DOMESTIC VIOLENCE:
A CONFERENCE FOR MEDIATORS**

Friday, June 26, 2009

8:30 am - 4 pm

Holy Cross College in Worcester

ORGANIZED BY

**Children's Services of Roxbury/Massachusetts Family for Kids
and The Mediation & Training Collaborative**

A conference to increase mediators' understanding of domestic violence and to explore the question of when, if ever, mediation is appropriate when domestic



violence has occurred and, if appropriate, what the mediator needs to know to conduct the mediation effectively, including how to terminate safely if necessary. Workshops and panel presentation by distinguished guests including mediators and domestic violence experts.

Keynote Speaker: Dr. Robin Deutsch, Director of Forensic Services and Training at the Children and Law Program, Assistant Clinical Professor of Psychology at Harvard Medical School, Co-Chair of the American Psychological Association-American Bar Association Working Group on Issues of Alleged Abuse, Neglect and Endangerment, Co-Chair of the APA-ABA Working Group on Psychological and Legal Interventions with Parents, Children and Families.

Conference Introduction: The Honorable Gail Perlman, First Justice of the Hampshire Probate and Family Court.

**To register or for further information, contact
Kristina Ryer at 617-989-9425 or kryer@csrox.org.**



DIVORCE MEDIATION TRAINING ASSOCIATES

40 Hour Comprehensive Basic Divorce Mediation Training

Our fall training is scheduled for October 28, 29, 30 and November 6 and 7, 2009 at the Wellesley College Club. John A. Fiske and Diane Neumann are the trainers and the total cost, including written materials, an instructional DVD and too tasty meals, is \$1,500. For more information please check our website at www.dmtatraining.com. If we were McDonald's, we would say, "Over 500 mediators trained." We're not, and we're proud that at least one former state representative and five currently sitting probate and family court judges are among our diverse and grateful alumni with many different professional backgrounds.



**FRAMINGHAM COURT MEDIATION SERVICES
ANNOUNCES TWO FALL 2009
MEDIATOR TRAINING COURSES**

These basic mediation trainings emphasize facilitative mediation as a method of alternative dispute resolution. Both courses are taught according to Rule 8 of the Supreme Judicial Court. **To register for either, please call 508-872-9495 or email info@framinghammediation.org.**

VOLUNTEER MEDIATOR TRAINING This is a 36-hour course is for people who are interested in becoming volunteer mediators in Framingham, Natick, Concord and Marlborough District Courts. To be eligible for this training, volunteers must commit to serving in the district courts at least once a month for a year. **September course dates are:** 9/22: 1-5PM, 9/25: 8:30 AM – 3:30 PM, 9/26: 8:30 AM – 3:30 PM & 9/29: 1-5PM. **October course dates are:** 10/2: 8:30 AM – 3:30 PM & 10/3: 8:30 AM – 3:30 PM. **The fee is \$100 to cover the cost of materials and food.**

BASIC MEDIATOR TRAINING This 34-hour basic mediator training is designed for people interested in learning how to mediate as a means to enhance professional and interpersonal skills. **November course dates are:** 11/10: 4:30 – 7:30 PM, 11/13: 8:30 AM – 3:30 PM, 11/14: 8:30 AM – 3:30 PM, 11/17: 4:30 – 7:30 PM, 11/20: 8:30 AM – 3:30 PM & 11/21: 8:30 AM – 3:30 PM. **The fee is \$650 to cover the cost of materials and food. PDPs and CEs are available.**



**“Without courage, we cannot practice
any other virtue with consistency.
We can't be kind, true, merciful,
generous, or honest.”**

Maya Angelou



JOIN US

MEMBERSHIP: MCFM membership is open to all practitioners and friends of family mediation. MCFM invites guest speakers to present topics of interest at four, free, professional development meetings annually. These educational meetings often satisfy certification requirements. Members are encouraged to bring guests. MCFM members also receive the Family Mediation Quarterly and are welcome to serve on any MCFM Committee.

All members are listed online at MCFM's web site, and all listings are "linked" to a member's email. Annual membership dues are \$90, or \$50 for full-time students. Please direct all membership inquiries to **Ramona Goutiere at <masscouncil@mcfm.org>**.

REFERRAL DIRECTORY: Every MCFM member is eligible to be listed in MCFM's 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 most current directory is always available online at www.mcfm.org**. The annual Referral Directory fee is \$60. Please direct all referral directory inquiries to **Jerry Weinstein at <JWeinsteinDivorce@comcast.net>**.

PRACTICE STANDARDS: 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. **MCFM's Practice Standards are available online at www.mcfm.org**.

CERTIFICATION & RECERTIFICATION: 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. **MCFM's certification & recertification requirements are available online at www.mcfm.org**.

Every MCFM certified mediator is designated as such in both the online and the printed Referral Directory. Certified mediators must have malpractice insurance, and certification must be renewed every two years. Only certified mediators are eligible to receive referrals from the Massachusetts Probate & Family Court through MCFM.

Certification applications cost \$150 and re-certification applications cost \$75. For more information contact **Lynn Cooper at <lynncooper@aol.com>**. For certification or re-certification applications contact **Ramona Goutiere at <masscouncil@mcfm.org>**.



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 email: masscouncil@mcfm.org

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EDITOR'S NOTICE

MCFM Family Mediation Quarterly

Les Wallerstein, Editor
1620 Massachusetts Avenue
Lexington, MA 02420
(781) 862-1099
wallerstein@sociallaw.com

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 affect 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 and emailed to all MCFM members. The FMQ is mailed 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 online 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.

Family Mediation Quarterly



Les Wallerstein, Editor
1620 Massachusetts Avenue
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wallerstein@socialaw.com

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