

Message from Barbie Jetter, Co-President

I'd like to welcome all our new members and thank all our current members for their continued relationship with The Divorce Center. Your new Board of Directors is comprised of attorneys, mental health professionals, financial experts and an IT analyst. Everyone of these professionals have been working with one of our committees to increase our membership, develop the seminar series offered to the public, offer informative and relevant programs for professionals, increase our internet exposure and online ways to promote these programs.

The first Professional Development Networking Breakfast took place on October 3, 2007. **Karen M. Buckley, Esq. and Barbara Shapiro, CFP, CFS, CDEA** presented a case study to demonstrate **"GUIDING THE CLIENT THROUGH THE FINANCIAL PITFALLS OF DIVORCE"** We had a good turn out with much discussion following the presentation.

The next Professional Development Networking Breakfast will take place on November 28, 2007. **Joanna Bunker Rohrbaugh, Ph.D.** will be presenting and

giving us a "sneak preview" of her new book (see separate article) due in bookstores the end of November. We're very happy for her and thrilled she'll be our speaker. Mark your calendar for this one.



Our Public Education program began October 16th and will finish on December 4, 2007. The Fall Seminar Series includes seven separate sessions addressing the emotional, financial and legal aspects of the divorce process for people contemplating or currently in the process. I am always telling professionals who are not aware of our Public Education program the potential-benefits to their clients. Each seminar tries to offer a panel of male and female presenters representing either legal, financial and mental health or a combination of two or three disciplines. Our presenters provide information in an interactive style and do

not get into attendees' specific cases when referred by another professional. Depending on the question, attendees are told to bring those questions back to their attorney, financial expert and/or mental health professional.

We also get attendees who are just beginning the process and are looking to put together a divorce team. The Divorce Center's Directory is a great resource of professionals for an individual contemplating separation and divorce.

The Divorce Center is the only vehicle available to professionals that reaches the public directly. Whether it's the client you have or the client you want, the Public Ed Seminar Series can help with both. We can only do that if we increase the attendance at each seminar and eliminate the fear of professional betrayal. Therefore, I invite every member to attend a seminar with a guest and experience first hand another benefit to your membership. Just call us in advance with names of attendees and the seminar you're attending. Thank you in advance for your help and support. Feel free to call me anytime.

Special points of interest:

- *Public Education Seminars*
- *Robin Deutsch speaks at Annual Dinner*
- *"Custody Standards—What is Best for the Child"*
- *Dealing with Divorcing Clients*
- *Next Professional Development/Networking Breakfast*

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Dr. Robin Deutsch Speaks at Annual Dinner

“Parental warmth and discipline are keys to effective relationships with teenagers.” Quoting from her latest book, “7 Things Your Teenager Won’t Tell You”, Robin Deutsch, Ph.D., Director of Forensic Services of the Children and the Law Program in the Department of Psychiatry at Mass. General Hospital and Assistant Professor of Psychiatry at Harvard Medical School, spoke recently at The Divorce Center’s annual meeting about parenting teenagers.

She stated that quality of parenting includes warmth, problem solving, positive communication, low levels of conflict and negativity, and support. At this stage in their lives teens need to stay safe, keep in touch, and show respect. She presented guidelines for parents of children of all ages in help-

ing them through the divorce process: “be warm and nurturing, have appropriate expectations and limits, oversee and monitor, maintain authoritative discipline, develop a practice of supporting the other parent and keep them out of the ‘middle’, make it safe, and, expect them to love the other parent. And, to be successful co-parents, parents must respect each other, focus on the children, and tolerate the differences in parenting.” Dr. Deutsch urged the members present to help their clients preview what to expect from their children as well as provide parental warmth and discipline.

The book is available through our website (www.divorcenter.org/resources/books-parenting.php) which is linked to Amazon.com.



Robin Deutsch, Ph.D. signs her new book at the June Annual Dinner of the Divorce Center.

Public Education Seminars—Fall 2007

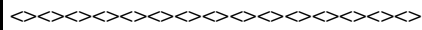
Our Public Education Seminars are underway and being held Tuesday evenings at 7 PM at the law firm of Kahalas & Warshaw, 160 Gould St., (just off Rte 128 Exit 19B) Needham, MA. We urge you, as professionals, to encourage your clients to attend these informative and educational sessions.

The remaining schedule is:

November 6: How do I navigate the matrimonial maze (Part 2)?

Topics: Alimony, child support, medical expenses, marital property etc.

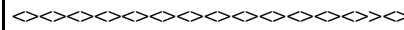
- Speakers: Richard Novitch Esq.,
- Karen Christensen, Esq.
- Larry Dannenberg, College Solutions
- Herbert Shapiro, Financial Advisor



November 13: How do I navigate the matrimonial maze (Part 3)?

Topics: Types of custody, role of GALs and parenting coordinators, parental relocation with children.

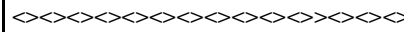
- Speakers: Richard Novitch, Esq.
- John Quigley, Esq.
- Paula Noe, Esq.
- Amanda Baker Wright, Esq.



November 27: How do you modify/and/or enforce divorce judgments and agreements?

Topics: Basics of how, when and what needs to be proven, to modify custodial and financial provisions of a divorce judgment.

- Speakers: Susan Klueppel, Esq.
- Karen Buckley, Esq.
- Karl Topor, Esq.



December 4: How do I learn to ‘play the cards’ I’ve been dealt?

Topics: Coping with divorce stress and pressure; understanding changes in your family’s lives, time-sharing holidays and special events, maximizing your talents/skills to choose a career or job.

- Speakers: Lorri Woodacre, Esq.
- Pat Piper, Ph.D.
- Shel Miller, Ph.D.

Voluntary contribution requested: As a non-profit organization, we welcome a \$10. contribution per session to defray our costs.



What is Best for the Child?

Custody Standards and Social Science Research

By Joanna Bunker Rohrbaugh, Ph.D., Harvard Medical School &
Rohrbaugh Associates, Cambridge



Divorce professionals and parents all want what is best for the child. But what, exactly, is best? To answer this question we need to consider

the factors involved in current custody standards, research about children's responses to divorce, and recent research about specific aspects of parenting plans.

Custody Standards

Most states have adopted the definition of "Best Interest of the Child" contained in the Uniform Marriage and Divorce Act of 1979 (UMDA), which includes five factors:

1. Parent or guardian's wishes re. custody
2. Child's wishes re. custody
3. Child's relationship with his/her parent(s), siblings, and other significant people
4. Child's adjustment to home, school, and community
5. Mental and physical health of all family members

The UMDA standard remains vague because it does not specify what other relevant factors to include, how to weigh the various factors, and whether to focus on the past, present, or future of the child. Legal scholars and courts have responded to this ambiguity by developing additional concepts and standards:

- **Psychological or de facto parent**, who fulfills the functions of parent and has a parental emotional relationship with the child.
- **Primary caretaker**, who has been primarily responsible for the major caretaking tasks pre-divorce.
- **Approximation standard**, which proposes that physical custody be based on each parent's proportion of caretaking time pre-divorce.

- **Friendly parent rule**, which specifies that if joint custody is not appropriate, sole custody should be awarded to the parent who is more likely to facilitate the non-custodial parent's relationship with the child.

In actual practice, the professional organizations and courts working with divorcing families use an expanded version of the best interests model that incorporates all of the factors proposed by the Best Interests, Psychological Parent, Primary Caretaker, and Approximation Standards. This means that divorce professionals must consider *all* of these factors in thinking about what would be best for the children in each family.

Social Science Research on Children's Responses to Divorce

- **Infants and toddlers** often develop disturbed eating and sleeping patterns post-divorce due to anxiety and fear of separation from both parents. They tend to be resistant to parent exchanges and are extremely sensitive to tension, anger, and violence between their parents. These children do best when they spend time with each parent at least 3-4 times per week with a predictable schedule that gives each parent a chance to do basic caretaking tasks such as feeding, bathing, playing, soothing, holding, and napping.

Preschool children (age 3-5) often feel responsible for the divorce, fear that one or both parents will abandon them, and try to say what they think each parent wants to hear. Preschoolers may be fearful and anxious when not with regular caretakers, become upset during transitions from one parent to another, and occasionally show regressive behavior. At this age children still do best with daily contact with both parents and continue to need a lot of consistency and predictability in their schedule,

but they can usually tolerate being away from either parent for 2 or 3 days at a time and find it reassuring to talk with the absent parent on the telephone. Structured time with age-peers, without the parents, is also beneficial to preschool children.

- **Children in elementary school (age 6-9)** adapt easily to multiple separations from their parents, different parenting styles, and two residences. They are also apt to feel torn between the parents, however, and to experience intense longing and worry about whichever parent is not currently with them. Although it is still important for the child to see both parents frequently, early school children can sustain longer periods of separation that will minimize the number of transitions between parents each week.
- **Middle school / Pre-teen children (age 10-12)** have a better grasp of time and planning than do early school children, and can better understand and tolerate different parental rules and values. Pre-teens are still very rule-bound and apt to see people as all good or all bad, however, and hence tend to perceive the divorce in terms of the good vs. the bad parent. A variety of parenting plans work well with this age group as long as the child has frequent contact with both parents and both parents respect the child's preferences and support the child's increasing independence.
- **Adolescents (age 13-18)** begin to see others in terms of complex, abstract, stable characteristics, and also begin to experiment with and to understand feelings and sexuality in relationships. - One of the main challenges for this age group is to develop self-

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What is Best for the Child?

Continued from page 3

regulation in the face of pressure from their peers, school, and society. At this age, parenting plans need to support the child's growing independence while still maintaining basic structure and close contact with both parents. Parents should begin to negotiate time directly with the child and continue inter-parental communication, especially about curfews, driving, dating, and overnights away from both homes.

Social Science Research on Parenting Plans

Three of the most important issues are (1) inter-parental conflict, (2) joint custody, and (3) overnights.

- **Inter-parental conflict** is a complicated phenomenon; to assess it one must consider:
 - **Type of conflict:** legal, attitudinal, or interpersonal
 - **Areas** where conflict is focused
 - **Level** or severity of conflict
 - **Timing** of conflict
 - **Function** of conflict in family – who initiates and why

- **Understanding of conflict** displayed by each party.

In general, the more severe, chronic, and widespread the conflict has been the less contact there should be between the parents, and the less flexible the parenting plan can be.

- **Joint custody** is preferred by many courts, but the initial research indicates that taken alone, neither joint legal nor joint physical custody has a significant effect on child adjustment. The two crucial findings are:
 - Extensive parenting time with the father (or non-residential parent) is beneficial to the child.
 - Low parental conflict is essential to the success of both legal and physical joint custody.
- **Overnights** for children under 6 continue to be controversial, despite research findings that overnights increase father involvement, which in turn is associated with better child adjustment.

Summary

Without considering the custody standards alongside the social science research on children of divorce, we cannot know what custody arrangement would be best for each child or family. In order to arrive at a gender-neutral parenting plan that will be most beneficial in each case, it is important to examine the factors outlined above along with any other relevant issues such as diversity in family structure, relocation, alienation/estrangement, parental abduction, substance abuse, domestic violence, and child abuse and neglect. Cooperation among divorce professionals specializing in legal and mental health issues is also essential to the development and implementation of a custody and parenting plan that is best for each child and each family.

*For more detailed information about this topic, see Dr. Rohrbaugh's forthcoming book, *A Comprehensive Guide to Child Custody Evaluations: Mental Health and Legal Issues*. NY: Springer, 2008. (Release scheduled for 12/10/07.)*

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Dealing with Divorcing Clients

Make your clients' lives easier by being there for them during this difficult transition

By Helen Thompson

Even the most civil divorce—and let's face it, how many of them are?—can pose its share of challenges for a spouse who hasn't needed to manage her (or his) own money before. When you add the acrimony and complex negotiations that often go with the territory, you have a potential minefield to deal with. Not only is your client in need of education and resources, but she's likely also upset and not thinking clearly.

Barbara Shapiro, CDFA, has 16 years' experience with this kind of situation. Prior to becoming a financial advisor, she worked as a teacher. Her degrees in counseling and special-needs education weren't of use to her as she tackled her third master's degree in finance, but they sure came in handy when she realized that her niche was helping women navigate the frightening waters of financial independence.

Not that she has all the answers for three women, mind you. "Part of reason is that the financial aspects of the divorce are just a piece of the divorce," says Shapiro. If you're going to specialize in this important market, it's good to build relationships with attorneys and counselors—those relationships give your professional colleagues a 'value-added' for their clients, which means referrals for you. But more than that, having these people on your team will help you avoid incidentally practicing law or falling into a role of counselor.

But just how do you become this kind of specialist? Be sure to read "Untying the Knot" for information on the market. But Shapiro also offers these tips for dealing with divorcing clients:

Make the client comfortable.

Shapiro keeps her office full of eye-catching things that will help her clients start talking. Artwork, "toys" on the bookshelf, sports memorabilia are things a client can latch onto. That way, if they come in nervous, "they'll start talking nonchalantly," says Shapiro. "We'll just chat and once they relax, that's when I ask, 'What can I do to help you?'" Always have tissues on hand. As they tell their story, be prepared to share their pain.

Let them talk, but know when to say when. "It should take about 15 to 20 minutes," says Shapiro, but make sure they stay focused or "you might be there for 15 to 20 hours." By keeping them focused on the future, they're less likely to drown in the present.

Help them understand that they know more than they think they do. Perhaps they don't know about investing and retirement planning, but they do know how to balance a checkbook and follow a grocery budget. By showing them how useful their skills are, you can help boost their confidence.

Be straightforward. Shapiro notes that one of the most important things

you can do is talk plainly to your clients and don't "talk down" to them. It's a tricky balance to communicate on their level while preserving the important concepts they need to develop their financial savvy. Look for clues that they understand: they're responding by repeating what you said in their own words, or otherwise demonstrating they're engaged.

Don't evade. Even if you have bad news, don't sugarcoat it. "In my experience, people in a really bad situation already know that the picture is grim. I'm not doing them any favors if I say everything is going to be fine, when I know it's not. The end result? They'll appreciate your honesty and be more prepared to take the required action.

Help them reach their own conclusions. An emotional client makes emotional choices—and that can lead to bad decisions. "If a client comes in with an irrational decision, help them understand what the long-term ramifications of that decision are going to be. Let them talk it through, and generally speaking, they will come to realize that this isn't based on reality and come to another conclusion. As long as the conclusion is grounded in reality, that's fine".

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The Iceman Cometh....

And so too are the Thanksgiving and December holidays. With colder weather and shorter days upon us, our thoughts are beginning to focus somewhat on all of the things we do to prepare for these upcoming events.

Shopping on-line via the Internet has become the norm for many people rather than the exception. If you want to shop from the quiet of your home and not fight the mall crowds,

may we suggest going to our website and reading through our suggested booklist. We have a direct link on the site to Amazon.com which, as you probably know, doesn't just sell books and CD's anymore, but every conceivable item on your gift list.

It's a quick and easy method to do your shopping and, by using our link, your purchases will help The Divorce Center in a small way. So,

before you go to Amazon on your own, remember to get there through us: <http://www.divorcenter.org/resources/books.php>.



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Making divorce more civilized and less traumatic especially for the children

Since 1983, the non-profit Divorce Center has been easing the trauma of divorce. "Our mission is to make divorce more civilized and less traumatic, especially for the children." We accomplish this through the help of our volunteer attorneys, mediators, psychotherapists, career coun-

Professional Development/Networking Breakfast

On Wednesday, November 28th, Joanna Bunker Rohrbaugh, Ph.D., will provide a sneak preview of her forthcoming book, *A Comprehensive Guide to Child Custody Evaluations*. This interdisciplinary book is designed to assist divorce professionals with all aspects of custody disputes, and is scheduled for release by Springer in the first week of December.

Dr. Rohrbaugh is a clinical and forensic psychologist who is on the faculty of the Harvard Medical School, has a private practice in Cambridge, and is on the Massachusetts Board of the Association of Family and Conciliation Courts.

This networking/professional development breakfast will be held at the Newton Marriott (junction of Rt. 95 & Mass. Pike).

Schedule:
7:30 – 8:00 AM:
Meet and talk with other professionals,
Make new contacts – Enjoy full buffet
breakfast
8:00 – 9:30 AM :
Lecture and Discussion

Registration can be made on-line at the Divorce Center website:
<http://www.divorcecenter.org/professionals/index.php>.

