

Happier endings

Amicable divorces are possible, says attorney

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At first, the phrase "friendly divorce" seems like an oxymoron on the order of "jumbo shrimp" or "working vacation." But attorney Barbara Kahn Stark swears that a friendly divorce or, at least one with a minimum of conflict is possible.

"It's rare that you have a divorcing couple who is truly friendly," she said. "But it's becoming more and more typical that, no matter how much a couple dislikes each other, they don't want to go through a long adverse process."

Stark, 54, of New Haven, is a divorce mediator and certified divorce planner, with offices in Norwalk and New Haven. She is also the author of the "Friendly Divorce Guidebook for Connecticut," (Connecticut Bar Association's LawFirst Publishing, \$35), now in its second edition.

The book guides couples on how to end their marriage on mutually agreeable terms. It contains tips on negotiating with your soon-to-be ex, ground rules for a peaceful separation, and information on property division, taxes, child support and other various aspects of divorce.

One area that Stark pays particular attention to is the role of children in a divorce. That includes not only custody and child support issues, but also how to be a good parent through the divorce process.

"The most important issue in any divorce where there are children involved is the children," she said.

For instance, Stark writes in the book, insulating your children from the hostilities you have toward one another is essential to helping them through this difficult time.

The book also maps out guidelines for how to make up parental visiting schedules, taking into account such factors as the number of children you share, their ages, and how much time each parent wishes to spend with the children.

The sections on parenting and children are particularly helpful, said Judith Dixon, a Winsted attorney and president of the Litchfield County Bar Association.

"I really like stuff about parenting and developing a parenting plan," Dixon said. "Parents are upset [during a divorce]. They're going through a difficult time. People are not at their best during a divorce."

An attorney for more than 20 years, Stark worked on a number of adversarial divorces in the early part of her career. In adversarial divorces, each party hires his or her own

attorney and the pair hashes out the end of their marriage in court.

But Stark realized that divorce is painful enough without fighting it out in public. "A divorce shouldn't be about a lawsuit," she said. "It should be about helping a family restructure itself."

According to the state Judicial Department, 14,425 divorces were granted in Connecticut last fiscal year. Stark said, most divorces are settled out of court.

There are some situations in which an adversarial divorce is the best option, such as when one spouse has abused the other, or when one spouse is attempting to hide money from the other. But in most cases, couples should be able to work out their divorce with a minimum of intervention. Assuming you need to go through an adversarial divorce is like breaking your leg, and deciding that it needs to be amputated, Stark said.

"I may need to do that," she said. "But I'm only going to go there if I have to."

Stark stresses that her book and others like it aren't substitutes for a lawyer's advice, but they can help educate people.

"What people don't realize is that they have choices," Stark said.

For instance, she said, many of her clients have come to her believing that Connecticut law requires spouses to split property 50-50. Not true, she said. "What it says is that property has to be split equitably," Stark said.

Depending on the situation, that may mean splitting everything down the middle, or it may not, she said. Consulting resources like the divorce guide can help parting couples make decisions that are best for both of them.

The first edition of the book came out in 1998, but eventually went out of print. Stark said that she wanted to release a second edition, because much had changed since the last one had been published, including child support guidelines and certain tax laws.

She also wanted to allow for a growing interest in internet resources, by including some Web sites that might be useful in the divorce process (most of them for divisions of the state judicial department).

Dixon said that, when the first edition of the book came out, she constantly recommended it to clients. She said she's glad it's available again, because navigating the rather vague world of Connecticut divorce law can be difficult for most couples.

"We don't have a lot of really specific rules," said Dixon, who also does continuing education for the family law section of the Connecticut Bar Association. "People are at sea enough when they come to see you, but when you tell them the law is kind of wishy-washy, they feel even more at sea."

A book like Stark's helps explain the options couples have, and helps them feel like they have more control over the process. "Nothing in the book is a rule," Dixon said. "But they're nice guidelines."