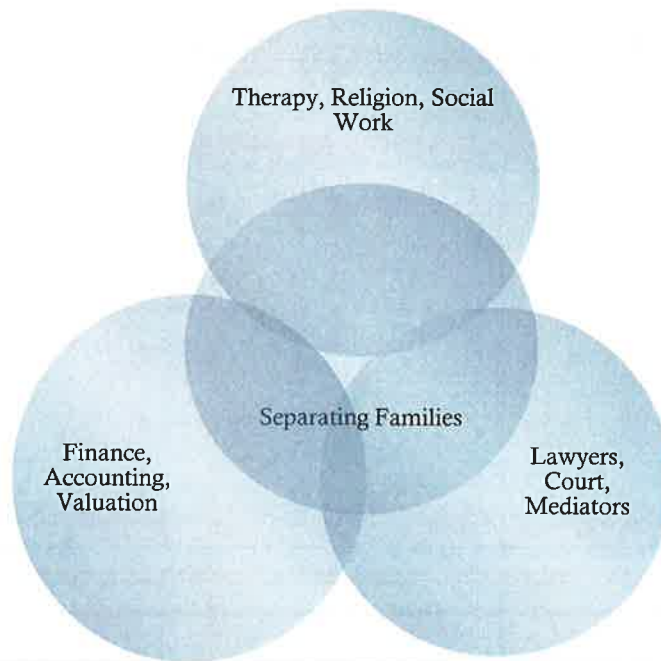


SENSIBLE SEPARATION



Sensible Separation is an interdisciplinary newsletter for professionals assisting families with divorce or separation. If you would like to contribute an article, please submit to gkincaid@hrkklaw.com. Another opportunity to share helpful thoughts or insights about our work exists on the *Sensible Separation* FACEBOOK page, which is located at www.Facebook.com/KincaidMediation. We are just getting it started and would appreciate the traffic and any helpful information that you would like to share. For more information about divorce mediation, please visit www.kincaidmediation.com.

Articles in this issue of *Sensible Separation* include:

Our Modern Families, by Greg Kincaid.

For years I've been filing vital stats forms for families. I had no idea that the Kansas Department of HEW compiled demographic reports from the data. What I found tells an interesting story about the families we are assisting.

Page 3

Parents are Forever, by Erin Poolman

Among Erin's many responsibilities is the administration of the *Parents Forever* Class. Read more about it from her.

Page 5

Holiday Tips, By Liz Graham

It's that time of the year. I asked Liz to share some tips to help separating families better enjoy the Holidays. Here are her top six!

Page 2

Six Holiday Tips For Divorced Or Separated Parents, by Elizabeth Graham



Holidays can be difficult and stressful for families who are experiencing a divorce or separation. We get a lot of messages from our own families as well as from society as to how the holidays are “supposed” to be. If this is your client’s first holiday season apart, they may be unsure about what to expect or how to celebrate. Below are a few tips you might be able to offer about handling this special time of year.

1. **Take care of yourself** - make healthy choices during this time of year. Find supportive friends and family members who are positive. Reduce stress by getting enough rest and exercise. Avoid overindulging in eating, drinking, activity and spending.
2. **Plan ahead** - make holiday arrangements with the other parent in advance and confirm in writing. Let extended family members know what your arrangements are.
3. **Be flexible** - consider how you want your children to remember their holidays and be willing to work with the other parent to create happy memories. Be prepared to compromise.
4. **Be respectful** - consider how difficult this is for all family members and demonstrate an attitude of cooperation and problem solving. Encourage extended family to show respect for **all** of your children’s family.
5. **Create new traditions and memories** - some familiar traditions may be too painful or not practical to maintain. Let go of what you cannot do and come up with new ways to celebrate with one another. Invite your children’s ideas.
6. **Keep your expectations reasonable** - enjoy the moment and invite imperfection into your holidays. Have fun and celebrate!



Our Modern Family, by Greg Kincaid

Many states collect statistics on a variety of events—birth, death, abortions, marriage and divorce. In isolation, no one family tells the whole story, but viewed collectively, we can see a great deal about the changing shape of our relationships. What you see might surprise you. At least, it did me.

In the State of Kansas, for example, the data has been compiled in the [Annual Summary of Vital Statistics](#). Some of these trends we recognize as being generally true, but until now I could not have quantified them. Unless otherwise indicated, the figures are reported in groups of 1,000 individuals.

More and more people simply choose to not marry. In 1945, the Second World War ended and wedding bells were ringing at a blistering rate of 38 marriages (for every 1000 people). By 1953, the water, while no longer hot, was still tepid. The rate was down to 10 per 1,000 and it remained that way until about 1983, which is about the time I started practicing law. During my legal career, the bell has cracked. We've seen a steady fall to a meager 6.3 in 2012. See, pages 152 and 158 of the [Annual Summary of Vital Statistics](#). The data collected by the Center for Disease Control and Prevention (the CDC) tells a similar story. See, [National Marriage and Divorce Rate Trends](#). For example, in the year 2000 the national rate of marriage was 8.2. A mere 10 years later, in 2010, the rate of marriage had dropped to 6.8. This is nearly a 20% decrease in the rate of marriage in the last decade alone!

Divorce rates remain very high. The CDC data, as well as the Kansas data, supports the conclusion that the rate of divorce remains at approximately half of the rate of marriage. We often hear that divorce rates have been decreasing the last 10 years or so. While this is true, I think we have to be careful about the conclusions we draw from that data. It may be that fewer people are getting divorced for the simple reason that fewer people are getting married. In other words, I'm not sure it would be reasonable to conclude that the declining divorce rate reflects changing attitudes about divorce. If we look at the rate of marriage and compare it to the rate of divorce, they appear to be declining at about the same rate. In fact, according to the Kansas data, the ratio of marriage to divorce in 2012 was 1.9 to 1. See, figure 3 and Tables 74 and 75 of the [Annual Summary of Vital Statistics](#). If anything, this seems to suggest that the odds of a marriage ending in divorce has increased, not decreased.

The number of parents electing to have children outside of marriage is skyrocketing. In 1902, the percentage of births to unmarried women was only about 2%. One hundred years later, that figure is now over 40%. See, Table 30 of the [Annual Summary of Vital Statistics](#).

Families continue to wait longer to get married and are, therefore, older when they divorce. In 2012, the average bride in Kansas was 30.5 years old. The average groom was 32.6 years old. See, Figure 39 of the Annual Summary of Vital Statistics. Figure 40, from the same source, depicts the average age of wives divorcing in 2012 to be 37.8 and husband to be 40.8, as compared to 34.0 for wives and 36.4 for husbands as recently as 1993.

The number of families using lawyers to assist them in their divorce is declining rapidly. When a family elects to proceed without counsel, they are often referred to as *Pro Se*. There have been a number of studies showing that more and more families decide to divorce without lawyers. See, for example, Colorado Report on Pro Se parties, which suggests that the number of *Pro Se* divorces has doubled in recent years. I was able to track down the Kansas data and it points to similar trend: a rather shocking 50% increase in the last seven years alone.

DIVORCE + ANNULMENT			
DECREE YEAR	TOTAL #	PRO SE	PERCENT PRO_SE
2005	8563	1385	16.2
2006	9238	1509	16.3
2007	9428	1498	15.9
2008	9903	1619	16.3
2009	10400	2042	19.6
2010	10641	2142	20.1
2011	10503	2312	22.0
2012	9898	2454	24.8

Source: Kansas Department of Health and Environment
Bureau of Epidemiology and Public Health Informatics

It seems undeniable that, for many professionals, marriage and divorce demographics do not support a “growth industry.” What that means for us and how we must adapt remains to be seen. Many questions need to be answered. Some are general. Why are families abandoning marriage? Other questions, we need to direct at ourselves. For example, why are families abandoning legal assistance? Is the answer that they cannot afford it? Or, perhaps, with all of the forms readily available on the internet, it is simply getting easier to do it themselves. While certainly contributing factors, these are not the explanations I hear daily in my practice. Clients express to me a concern about placing their families in the hands of an advocacy based system. As attitudes about families and divorce change, what clients expect from us will also change.

I hope to further explore these trends in the coming editions of *Sensible Separation*.

New Educational Program for Families at Johnson County Court Services, by Erin Poolman

For years, parents have commented to us that if they had known more, earlier on, about the separation/divorce process, it might have saved their family time, money, and emotional stress. Court Services agreed and, along with the Judges of the Johnson County District Court, Family Division, we developed our newest educational program, *Parents Forever*.

This class replaces the long-standing General Responsibility as Separated Parents (*GRASP*) program once offered by Johnson County Mental Health. *GRASP* provided an invaluable message to parents who were separating or divorcing. Information from the *GRASP* program was relied upon to develop *Parents Forever*. We too hope to provide early exposure to effective co-parenting skills during an emotional time when parents are dissolving their intimate relationship. It is our hope that by timely educating parents, we will reduce future problems and help to establish positive co-parenting patterns that set the stage for better communication in the years to come.

The two-hour *Parents Forever* course strives to introduce parents to the legal process (now and in the future) and to help them co-parent effectively. Participants are encouraged to consider how separation impacts their children and discover what resources are available to them, both privately and through Court Services. Our program also offers a screening tool for parents and provides feedback to the Court about what resources, if any, may be beneficial to the family. Gathering this information for families while they are still early in the separation process makes it more impactful.

Parents filing new divorce or paternity actions (after paternity is established) in Johnson County are required to attend the class. The Local Court Rule 24, which requires parents to attend *GRASP*, is still in place, but is in the final stages of being changed to incorporate *Parents Forever* based on approval from the Kansas Supreme Court.

Because this program is still so new, we encourage interested professionals to attend and provide feedback so that we may better serve our families. For more information on class times, days and fees please call Court Services at (913) 715-7400 or find more information on our [our Parents Forever website](#).

Erin Poolman is the Director of Domestic Court Services and took over this position in May 2013. She has worked in Court Services for nine and a half years in both Wyandotte and Johnson Counties as a mediator and a custody evaluator.

Sensible Separation is a quarterly newsletter offered by Kincaid Mediation. I may be reached at Hubbard, Ruzicka, Kreamer and Kincaid, L.L.C., 130 N. Cherry Street, Olathe, Kansas 66061; (913) 782-2350; gkincaid@hrkklaw.com. My web address is www.KincaidMediation.com.

