

THE MEDIATOR

Mediation Offices of Michael Becker, Esq.
Experience Matters

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It Happened Today

On April 16, 1878 the United States Supreme Court handed down the decision that made polygamy illegal. A few years later, on September 27th, 1894, President Grover Cleveland proclaimed amnesty for anyone convicted of polygamy.

Quote Me on It

"Behind the cloud the sun is still shining."

Abraham Lincoln

Useless Information

The Academy Awards statue is named after a librarian's uncle. One day, Margaret Herrick, librarian for the Academy of Motion Picture Arts and Sciences, made a remark that the statue looked like her Uncle Oscar, and the name stuck.

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Recent Development:

Connecticut May Limit Secret Divorce Filings

Connecticut will study whether to end or alter the practice of sealing files in civil matters such as divorce and custody.

The matter has been referred to the Rules Committee of the Superior Court, which will study proposed changes and may make recommendations to the Judges of the Superior Court at their annual meeting in June, where a vote could be taken.

Likely rule changes would clarify and perhaps limit the circumstances under which cases could

be sealed, and possibly narrow down what can be held from public view when a file is sealed.

The *Hartford Courant* reported that current practice allows judges, in certain cases, to close courtrooms, seal files and, sometimes, instruct court clerks not to disclose even the existence of a case.

In calling for review of the little-known practice, Chief Justice Sullivan has said that secret files may undermine public trust and confidence in the courts.

Changes to Family Law?

ALI Makes Recommendations

The American Law Institute has recommended sweeping changes in family law, which, it says, reflect societal change as well as provide greater consistency among now quite-divergent state family law statutes. ALI is a group of lawyers and judges, and is often influential in lawmaking.

With regard to child support, ALI makes recommendations to states on how to devise and modify their child support guidelines. States have widely varying guidelines.

More controversial, ALI would extend divorce-like rights to many non-married domestic partners — heterosexual and gay — and reduce the influence of sexual orientation in custody decisions. Some conservative observers worry that extending rights to unmarrieds could undermine the institution of marriage.

The ALI also recommends that adultery should not necessarily be a factor in deciding upon alimony or property division.

Tax Stuff: College Savings Break

Section 529 college savings plans have become increasingly popular over the past few years, and now the IRS has provided two additional key incentives to use them.

First, before 2002, monies withdrawn from such plans and used for qualifying expenses (such as tuition, room and board) were taxed at the child's tax rate. Now, the money, if used for qualifying higher education expenses, comes out tax-free.

Second, the IRS has now given participants much greater flexibility in managing their 529 accounts. Until last year, it was not easy to change investment mixes once an account was opened. This created a big disincentive to those who did not want to be locked into an investment option forever. Now, participants can change investment options within any 529 plan once a year, similar to the way it is done under a 401(K) plan.

Tools & Tips

I'll confess — I watch *Oprah* (sometimes). A recent show covered how little people know about each other before marriage, and how this may contribute to our high divorce rate.

The discussion then moved to — what else — a book on the topic. Having been suckered, I bought **The Hard Questions: 100 Essential Questions to Ask Before**



You Say 'I Do' by Susan Piver. I'd recommend it to anyone considering marrying.

It's short, easy to read, and from the heart. The book arose from Piver's own discussions with her then-prospective husband. She addresses everything from how partners expect to handle religion in interfaith marriages, to expectations on who does the grocery shopping and cooking, as well as lots on money.

One thought — take her tests before sending out the invitations. It'll avoid heartache just in case you don't go through with it...

Michael Becker is an attorney and accountant practicing mediation full-time in Westport, Connecticut. One of the most experienced mediators in our area, he is a founding Director and past-President of the Connecticut Council for Divorce Mediation, and Adjunct Professor at University of Connecticut School of Law. Michael is an Advanced Practitioner Member of the Association for Conflict Resolution.

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