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Family & Kin Relationships: All or Multiple

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FAMILY & KIN RELATIONSHIPS:
ALL OR MULTIPLE
Careers in Collision
Working Couples Find
An Increasing Chance
Of Conflicts in Jobs

Personal, Corporate Troubles
Arise When Spouse Works
For Competitor, Supplier

Barring ‘Shop Talk’ at Home

By JOANN S. LUBIN
Staff Reporter of THE WALL STREET JOURNAL
When Susan T., a patent attorney for Baxter Travelon Laboratories Inc., decided to marry a patent lawyer for rival Abbott Laboratories, her boss acted as if she had just kidnapped the Lindbergh baby, she recalls.

“He said that if any Baxter secrets leaked to Abbott, he would assume that I had passed them on,” she adds. Upset by his lack of trust, Susan reluctantly quit the Deerfield, Ill., hospital-supply concern a few months later, in January 1975. She joined a private Chicago law firm and prefers anonymity to avoid further problems.

Her former boss says he never questioned Susan’s integrity but worried about sensitive information slipping out inadvertently at home. “I mean, if you had a choice between two patent attorneys of roughly equal competence, wouldn’t you choose the one that didn’t have that problem?” he asks.

Dual-career couples “are a corporate time bomb,” and conflicts of interest represent part of that lit fuse, says Douglas T. Hall, chairman of the organizational behavior department at Northwestern University’s graduate school of management.

An Increasing Occurrence
Formerly confined to blood relatives, clashes of personal and working relationships are occurring more these days between spouses—the result of more women working, especially as professionals and executives. Such conflicts arise when a man’s employer has business or political dealings with his wife’s organization or when she works for a competitor or vice versa.

Real or potential conflicts affect couples in banking, law, computers, accounting, advertising, management consulting and the media, as well as in politics. Thus, public outcry forced the wife of U.S. Sen. Jacob K. Javits, a New York Republican, to give up her $67,500-a-year job as a publicly agent for Iran last year because it tarnished her image as a strong supporter of Israel.

Typically, conflicts between working husbands and wives only get to be a problem when both work as professionals or executives in important areas, such as sales, research and development, finance, planning or personnel. Many companies say they couldn’t care less about a mate working on a competitor’s assembly line or in a low-level clerical job.

A few employers already deal head-on with conflicts of interest between spouses. Major accounting firms, for example, require auditors and accountants to sign oaths annually that no relatives—including marriage partners—work for clients.

Avoiding Litigation
But the oath isn’t a sure-fire preventive measure, concedes William B. Haase, personnel-division director in Arthur Young & Co.’s Chicago office. If, despite the oath, such a conflict did occur, the accountant would be moved to another client assignment and possibly, Mr. Haase adds, one person “would have to leave his or her employer.”

Civil-rights experts say that companies can develop specific policies for couples without fear of successful litigation as long as they enforce the regulations equitably.

That’s what the Blue Cross health-insurance plan in Columbus, Ga., did in drawing up a written ban on hiring or continued employment of anyone whose mate works for a competitor. (The policy doesn’t extend to blood relatives, however.)

A secretary unsuccessfully challenged the Blue Cross rule after she was fired because neither she nor her husband, a salesman for Pilot Life Insurance Co., would resign. She lost her sex-discrimination suit in a U.S. appeals court in 1971. She contended that Blue Cross had failed to take any action against a male employee in a similar predicament. Blue Cross said it had been unaware of that situation; when it found out, it remedied the male employee of its rule, and his wife quit her job with a competitor.

Muddling Along
But most concerns just muddle along. Personnel officers complain that they cannot avoid the conflicts issue in advance because federal antitrust rules prevent them from inquiring about a job applicant’s marital status. At some companies, if someone with a marital conflict of interest is hired, a supervisor may make a point of reviewing general guidelines about confidentiality and business dealings with relatives.

Other companies simply ignore the situation, saying they respect their staffers’ loyalty and trust. Still others seek resignations or find different suppliers when a person’s job collides with that of a spouse.

In general, bosses feel awkward about policing employees’ private lives. “I don’t know how you go about legislating behavior at home,” says Eugene Croisant, senior vice president and head of corporate personnel services for Chicago’s Continental Illinois National Bank & Trust Co. “It isn’t something that we or other organizations had to give serious consideration to before.”

Conflicts of interest can create sticky moments for the couples as well as the companies for which they work. They find they must adjust their personal lives to keep work and marriage separate.

Not surprisingly, Forest City Enterprises, a Cleveland real-estate developer, stopped bidding on housing-rehabilitation contracts for the city after Ruth Miller, the vice chairman’s wife, became Cleveland’s director of community development in 1976. As added insurance, Mrs. Miller locks her briefcase when she walks in the house, and, she says, her husband, Sam, “doesn’t even know the combination.” (Mrs. Miller stopped down from her post last Friday for reasons apparently unrelated to the conflict.)

Couples like the Millers also bar “shop talk” from the dinner table. But practically speaking, most such spouses are too committed to their careers to avoid sharing some details about work. “We talk, but not about specific clients for either of our firms,” declares Blue Olson, a management consultant with Booz, Allen & Hamilton Inc. Her husband, Cliff, consults for Peat, Marwick, Mitchell & Co. in Chicago. Just recently, she says, she offered to drop Cliff off for a client presentation on her way to work, “but he refused to even tell me where he was going.”

Cliff Olson says that he and Blue do discuss work specifics sometimes and that such discussions help avoid uncomfortable confrontations with clients. For instance, because Blue told Cliff about one project she had done, he turned down a similar assignment from the same corporation four months later.

Conflicting allegiances can put severe strains on a marriage, says Prof. Hall at Northwestern, who has been studying two-career couples. “Any time two important parts of your life have to be kept separate, it takes a lot of effort and energy to maintain that boundary,” he says.

Karol Emmerich, assistant treasurer of Dayton-Hudson Corp. of Minneapolis, recalls having tiffs with her husband when he was an investment analyst for Investors Diversified Services Inc., a mutual-fund concern with Dayton-Hudson stock in its portfolio. (He left IDS last November.) “At dinner he would ask, ‘Are you going to have a good quarter?’ ” Not wishing to violate insider-trading rules, she would decline to answer. “He got real ticked off about it,” she adds.

He kept saying, ‘You don’t trust me. You don’t trust me.’”

One Chicago executive blames his pending divorce on the conflict-of-interest problem. The marriage broke up, he believes, partly because his wife resented her informing the company legal counsel about her employment as a recruiter with an executive-recruiting firm he used by his company. (He later led the company’s recruiting effort with the recruiting firm she works for.)

A spouse employed by a customer or a competitor can create personal problems on the job as well. One woman says co-workers tease her with a big show of covering their desks when her husband comes out of the office because both of them also do recruiting; her colleagues like to inquire, “How many people is Peat Marwick recruit-
Conflicts in Upper Management

Conflicts at lower levels pale by comparison to those that flare up when a marriage partner reaches upper management. Charlotte J. is a case in point. The $30,000-a-year New York airlines executive married a middle manager with another air carrier, and for four years neither airline objected.

Then he was named regional vice president in Los Angeles, at $60,000 a year, and she asked for a transfer to a top financial and marketing-analysis position there. The company turned her down, arguing that she and her husband would be preparing regional budgets for their respective airlines.

"I know you are both more concerned about your careers than about industrial espionage," Charlotte says a senior executive told her, "but I am afraid of the appearance of a conflict of interest and the precedent it would set." He offered her a Dallas post instead. She refused and is looking for another job. Her husband starts his new job next month; for several months, they will live on opposite coasts.

No matter how they may try to avoid marital conflicts of interest, many companies may end up simply having to extend the prohibition to brothers. The committee has refused to reconsider.

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Economic Squeeze Sets Off Crush of Family Tensions

By STEVEN V. ROBERTS
Special to The New York Times

DAYTON, Ohio, May 17 — At night, alone in the dark, Tom Bateman worries. He worries about losing his job, his house, his dreams. And he worries that he might have to tell his son that Dad is a failure. "I'm more embarrassed about that than anything — telling Jeff we have to pack up," said Mr. Bateman, who works in a plant making heat exchangers and air-conditioners for Chrysler cars. "That bothers me immensely."

"The boy is 12," said the 39-year-old Mr. Bateman, an intense, dark-haired man who looks more like a boy than you think you'll lose your job? I say, 'Don't worry about it,' but I never give him a direct answer. I feel like the bottom of my stomach is falling out, but I try to hide it."

Next Step for Me Is the Door"

Mr. Bateman has 17 years' seniority at the Chrysler plant here, but with the auto industry in a severe slump and economists saying that a recession is starting, he can see the handwriting on the factory wall. "I know the next step for me is the door," he said one afternoon recently as he lounged around the union hall after work. "I thought after 17 years I had it made."

Around the country, from New York and New England through the industrial Midwest and west to California and Arizona and points west, many Americans feel themselves slipping into a whirlpool of economic pressure and uncertainty. Inflation and unemployment are invading even their most personal moments, affecting the way they relate to each other and their children, how they sleep and eat and feel, what they say around the dinner table — and what they don't.

Like Tom Bateman, countless Americans who thought they had it made are now frightened. According to interviews with average citizens and professional counselors in about a dozen cities, fear and insecurity are leading to sharp increases in family tensions. "We see a full range of things — parents concerned about providing adequately for their families, more and more both parents having to work out of necessity, and lack of time together as a family," said Bob Bowman, assistant director of Child and Family Service in Austin, Tex. "The financial crunch calls for more negotiating, cooperation, and sharing of responsibilities. It calls for changes in the marital relationship."

A Cloud of Depression

"I've seen more depressed people in the last six months than collectively over the last three years," said Dr. Dan Conley of the Adaptive Stress Center in Phoenix. "Economics and what the world goes through is reflected in all of us."

This cloud of depression hangs heavily over a city like Dayton, which has been losing manufacturing jobs for years and now suffers from an unemployment rate approaching 10 percent. For many workers, losing a job means losing an identity, not just an income. "They're very, very proud that they've been self-sufficient," said Shirley Schroer, a counselor for the Family Service Association here. "A lot of blue-collar workers have looked down on anybody on welfare, and when they find themselves in that situation, it takes away their sense of self-worth."

Mike Craig has been laid off from Chrysler here for the last year, and next week his unemployment benefits will run out. "It makes me kind of down in the dumps, really," said Mr. Craig, who is 47. "You don't have a desire to do anything. You worry all the time where your next meal is coming from and how you're going to pay your bills."

"You Lose Your Ego"

Mr. Craig's wife is working part-time, and while that helps his financial situation, it does not necessarily improve his mental state. "It makes you feel kind of guilty in a sense," he explained. "You lose your ego, whatever you want to call it. Naturally you think it's the man's job to bring the money home and make the living."

Even when jobs are not in jeopardy, the economic squeeze can force many people to make adjustments, and the emotional toll is often high. The post-Depression generation of Americans grew up thinking that life would always get better, that standards of living would always improve. And that makes the slide that much harder to take. "You go to parties, and all anybody talks about is money," said Suzette Vari, a 27-year-old bank teller here. "Everybody is busy doing financial things, whatever they want, and all of a sudden, they can't. You just have to sit home, and everybody gets real depressed and irritable." "Five years ago," said Ann Rosen, a computer programmer in New York, "I thought that by now I'd have much more money. But in fact, it's the opposite. I get out my bank book and look at all those figures under 'withdrawal,' and I can go for pages before I see something marked 'deposit.'"

Staying Home for College

As people feel themselves slipping, horizons shrink, options narrow, hopes fade. For example, Elaine Feliciano of the Bronx said that she stayed in a secretarial job for more than a year, even though she felt subjected to sexual harassment, because she could not afford to quit.

"We'd like to build an A-frame somewhere, and have some cows and horses," added Cheryl Rothenberg, another former Chrysler worker. "It's our dream. And it's depressing to think our dream won't come true."

In Austin, Larry and Sandra Fox's daughter had to turn down acceptances by Sarah Lawrence College and Georgetown University in the East and stay at home to go to the University of Texas. "Sure, she's resentful," said Mrs. Fox. "But not towards us, it's more a nebulous thing."

Margin of Safety Squeezed

As people feel "weighty down" by economic circumstances, their margin of safety gets squeezed, and they become vulnerable to emergencies. "I keep thinking about the house," said Nancy Pitman, who works at a large department store here. "What if the furnace breaks? It's scary."

"March was a five-paycheck month," noted Christine McMahon, a computer programmer, a mother of two living in Manhattan, "and I remember. Oh, good, now maybe I can get ahead. But then the kids and I needed some dental work done, and that was the end of the extra check."

These fears act like a fun-house mirror, distorting and straining personal relationships. Donald Ladue, a police detective in Springfield, Mass., takes extra jobs to make ends meet, but they leave him feeling guilty and his wife angry. "She's mad because I'm gone all the time," said Mr. Ladue, "and I'm exhausted when I get home. She's blaming me for being exhausted, and we say, 'Hey, we need the money to meet our overhead.'"

Jim Haney drives a truck for an oil company here and feels his standard of living slipping. "I'm more irritable," said Mr. Haney, who is 33, "and to be honest, it's even affected our sex life."

"My wife is always asking me, 'How are things going at the plant?'" said Mr. Bateman, the Chrysler worker. "Are things picking up?" Invariably I say they are, but I know they aren't."

So, on some nights, to avoid the pointed questions and the pained looks at home, Mr. Bateman goes to a bar after work and drinks too much and stays too late. "It's gotten to the point where I argue with my wife over it," he conceded. "I didn't have this problem 10 months ago."

Complaints From Children

As adults rub each other raw in the struggle over money, their relationships with their children also suffer. Patrick Hurgado, a toolmaker in Springfield, Mass., takes on extra work to cover his heating bills, but that time is stolen from his family. "My kids are complaining that they go to bed without seeing me anymore," he said, "and that bothers me a lot."

For generations American parents have believed that their children would be better off than they themselves were. But today, they are not so sure. "I don't think it will keep them from being happy," said Warren Rogers, the wife of an engineer here. "But they'll have to get used to doing without the material things they've grown up with."

"Maybe Americans have been too extravagant and wasteful," said Mrs. McMahon, the Manhattan computer programmer. "And it's about time we learned our lesson. But it still hurts."
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Courts Increasingly Asked To Rule on Affairs of Heart

By Fred Barbash  Washington Post Staff Writer

Tom Hansen, a lonely and troubled young man, sued his parents in 1978 because he didn't like the way they brought him up.

It was a unique case then. Now it seems rather ordinary, compared with other cases in recent months.

A young man, sued his parents in 1978 because he thought his parents had made him work in their household chores, and the suit asked for control over his allowance and parents.

A lot of these cases, including Hansen vs. Hansen, are thrown out of court eventually, but they attract attention and more lawyers like them. They are the kind of stories you overhear in the National Enquirer: the freak case, kid sues mom and dad, a joke.

But the frequency of these lawsuits is mounting, and the doors to the courthouse are slowly beginning to open for them. Serious questions are being asked about the portents of the law.

Can the courts, which often fail to resolve less subtle issues, settle disputes of the heart? Even if judges can assess who was at fault and award money, can they do it without further damaging an already injured family or personal relationship? Must every problem facing humanity be brought to the courts just because someone has been hurt?

Supreme Court Justice William H. Rehnquist warned in a speech recently that the response of courts to these cases "has not generally been to bounce these individuals out of the courtroom and back into their living-rooms."

This trend, he said, "cannot but endanger even further the vitality of the family as an institution in our society.

Tom Hansen, the man who sued his parents for $330,000 in Boulder, Colo., is now 26. His case is over. Hansen has hardly seen his parents since the suit was filed. He says he doesn't know where they are now.

A sad and strange outcome. Hansen acknowledges now. For what he really wanted from his lawsuit, he says, "was love from them. I wanted attention.

If his case had been heard by a court, Hansen would have centered it on the physical labor—his father made him carry as punishment for his problems in school at the age of 13, on the fact that his parents sent him away to boarding school in Italy, how these and other actions damaged his ability to work and to function emotionally.

The suit, he said, was originally suggested by his psychiatrist as a form of therapy. "The suit was to be my treatment," Hansen said.

For Hansen's lawyer, Boulder attorney John Taussig, the legal theory was simple and should have been accepted by the Colorado courts, which refused to hear the complaint.

"It was an extension of the battered-child syndrome," Taussig said. "If a kid is physically abused, we have precedent allowing a suit for damages against the parents.

"Here you have emotional rejection, rejection that screws up a child for life. Isn't it a small difference between this and physical abuse?"

The family heard about their son's suit before it was filed, said Shirley Hansen, the mother, but, like everyone else, they regarded it as a joke.

She was "devastated" and "humiliated," she said. "Being a parent is the most important thing you can do. Your kids are just fundamental to your existence. Something like this just doesn't belong."

"I thought the parents were really held up to public ridicule," said E. Gregory Martin, the parents' lawyer. "I think they love him, but they're just beside themselves at what to do."

Tom Hansen is equally uncertain about his future. "I'm going out to California," he said in an interview from Colorado. "I think I'm going to try to connect with some consciousness groups."

"This is the problem," said Jay Folberg, a professor at Lewis and Clark Law School in Portland, Ore., and an official of the Association of Family Conciliation Courts.

"Litigation only fans the flames," Folberg said. "The adversary process—by definition—pits people against one another and results in a winner and a loser. Whenever you have a relationship that should continue, having a winner and loser only creates further friction."

That is just one reason, Folberg says, that many of these personal cases may not belong in court, or belong there only as the final resort, after efforts at conciliation.

"You have people dealing with each other without any written contract," he said. "They never anticipated being where they are now. Lawyers, judges and others in the adversary system are trained for a type of precision. And precision may be the antithesis of what we want to help parties resolve matters so precious.

Lawyers who approve of such personal cases understand the difficulties courts have with the nuances and the undefinables. They also say they understand the damage that can be done by going into the harsh adversary climate of the courts.

But they argue that the damage has already been done.

If a child cannot sue his or her parents for psychological damage, can a wife sue her husband for failing to shovel snow off the front walk?

Most states have prohibited such lawsuits between spouses in order to protect the integrity of marriages and to prevent collusion between husband and wife to defraud insurance companies by collecting damages for household injuries.

But during the past decade, more than half the states have either eliminated or sharply modified this concept. Massachusetts did so last month in the case of Brown vs. Brown.

William Brown, of Wakefield, Mass., allegedly had responsibility for shoveling and snow off the walk and driveway in front of the family's home.

One winter morning in 1978, according to his wife, Brown had to leave home in a hurry, and neglected to do the shoveling. She slipped, broke her pelvis and sued him for $35,000.

The Massachusetts Supreme Judicial Court had already eliminated a ban on suits between husbands and wives stemming from automobile accidents. The court ruled last month that eliminating it for other kinds of damages is the next logical step.

The ban on such suits is based on the idea that the husband and wife case legally one person, the Massachusetts court said, but it is time to change those "antediluvian assumptions concerning the role and status of women in marriages . . . Mrs. Brown should at least get a chance to prove her case in court."

Mrs. Shirley Brown seems confident that her marriage can survive the upcoming lawsuit. "She loves her husband," her lawyer, Charles Blumsack, told reporters. "This has not created any problems."

The Florida Supreme Court reached...
The Florida court would not allow the suit. "There have been many changes in Florida since 1829 (when the ban on husband-wife suits originated) but the reasons for it still exist," the court said.

The suits "can have an upsetting and embittering effect upon domestic tranquility and the marital relationship," the Florida court ruled.

The Florida judges were also wary of collusion, warning: "We expect too much of human nature if we believe that a husband and wife who sleep in the same bed, eat at the same table and spend money from the same purse can be truly adversary to each other in a lawsuit when any judgment obtained... will be paid by an insurance company and will ultimately benefit both spouses."

Another avenue for new litigation is lawsuits over broken promises. Marie Hajus, a Connecticut teacher, was engaged for two years to an airline pilot, Robert Piccininni. He says he bought gifts for her and her children and paid for substantial improvements to her home.

Then she told him the wedding was off. Their relationship dissolved and, eventually, each married someone else.

Last year, Piccininni sued. He asked the court to award him the value of all the gifts and home improvements, which he estimated to be $40,000. "Every salad bowl that was purchased," according to Diane Ruben, a New Haven attorney who is defending Hajus. "It becomes "a dry economic claim," said lawyer Ruben. "It has to do with the economic intentions of the parties. It is not inappropriate for a court."

Because few of these cases have reached the testimony stage, Ruben's view is untested. But the possibilities for confusion are clear, if not in this specific case, then certainly in others.

Was the couple really engaged to be married? How did he ask her? What did she say when she accepted? Was it a fraudulent engagement? Did she really intend to marry? Did she really love him? Did he love her? Piccininni vs. Hajus is, in some respects, an extension of the "palimony" suit, brought to notoriety in Michele Triola Marvin's case against actor Lee Marvin. But there is an important difference: the couple in Connecticut never lived together.

The potential, many lawyers believe, is mind-boggling.
By Sandy Rowan

V.N. Raohe tells this story:

Many moons ago, in days of yore, the empress of India accidentally killed the husband of her laundress. Now in those days of kingdom and megah, it was customary for the emperor to hold a daily court so that the people of the kingdom could present their grievances. The next morning the laundress came to the court, but stood there mute. Finally the emperor entreated her to speak, and she said, she, her husband had been killed. "Killed? In my kingdom? How could this happen?" demanded the emperor. Also, the poor laundress said, it was at the hand of the empress.

The emperor was stunned. Slowly he rose from his throne and descended to the level of the laundress. He drew his jewelled sword from its scabbard and handed it to her. "Here," he said. "Take it. Your emperor commands it. The empress killed your husband. Now you must kill the empress' husband with this sword."

But the laundress refused. And the emperor, on his way, beheld jewels and riches upon her and made her one of the richest people in the kingdom. Then, it is said, based on this case he instituted a series of reforms in the kingdom, and she became the first case of reparation.

"Now this," said Raohe, who is director of India's Institute of Criminalistics and Forensic Sciences, "may be an apocryphal story. Or it may be true. But the concept, seemingly so new to the Anglo-Saxon systems of justice, is something we have had for a very long time.

V.N. Raohe is one of a number of victim champions in town this week for the First International Conference on Victimology.

A lot of victims are represented at the meeting, including dogs, cats, cockroaches and chickens by animal husbandman, Dr. Michael Fox. In general, though, the participants are not victims themselves, but rather ecologists, criminologists, lawyers, doctors, nurses and feminists representing any man, woman, child or beast who could somehow fall under the umbrella term of victim.

In meeting rooms after meeting room across town, levels of the American's vast warren of confering chambers, groups gathered to share reports, offer suggestions, debate on approaches, philosophies, techniques.

- Parent abuses. Take this example: Mrs. Jones, who is director of the Institute of Law, Psychiatry and Public Policy at the University of Virginia, said that this system would undoubtedly be ruled unconstitutional in this country because the offender would be denied his rights to face his accusers.

- Children's rights. How to protect a child from the psychological side effects of the criminal justice system? A system in use in Israel requires that the child, victim/witness, be interviewed only by a "trained youth examiner," psychologically trained personnel. In a sex offense involving a child under 14, no questioning or testimony may take place without the examiner's permission.

In his presentation to the rights panel, Gary Mote of the Institute of Law, Psychiatry and Public Policy at the University of Virginia said that this system would undoubtedly be ruled unconstitutional in this country because the offender would be denied his rights to face his accusers.

Emilio Viera is director of the National Institute of Victimology, and it was he and his International Journal Victimology who sponsored the conference.
For weeks, Martha had been harrased by her former boyfriend, John. He had pestered her with phone calls at home and at work day and night, followed her to the supermarket, waited outside her apartment house, and bothered her family and friends with calls. One night, drunk, he tried to break into her apartment. In desperation, Martha went to the Rochester, N.Y., police department to swear out a complaint.

The complaint clerk introduced Martha to Jerome Skolnik, a conflict resolution specialist who is on the staff of Rochester's Center for Dispute Settlement. Skolnik offered her a cheaper and faster alternative to the courts in settling her personal differences with John.

Martha and John agreed to let a conflict mediator serve as a referee to keep the fight fair and help them work out their own solution. With his help, John and Martha reached an agreement: John would stop calling her and her friends, and accept that the relationship was over; she would return a stereo which he had left in her apartment. This was written into a contract, signed and notarized. Six weeks later, Skolnik contacted them to make sure the agreement was working. It was.

The Rochester mediators, who regularly handle conflicts between friends, neighbors and families, are among a new breed of peacemakers - specialists in conflict resolution. They use research methods most often practiced by psychologists, diplomats and labor experts.

"The Bible is full of people trying to mediate conflicts," says Bill Keeney, Executive Director of the Consortium on Peace Research, Education and Development, a professional organization that includes conflict resolution specialists. "But most of those mediators were relatives or neighbors who had little to help them but common sense."

These days, common sense is bolstered by sophisticated research. Labor-management negotiators in New York City organized the Institute for Mediation and Conflict Resolution 11 years ago to see if collective bargaining and other labor mediation techniques could solve personal and community conflicts.

Al Rivera, the Institute's Director of Mediation Services, says: "We now have two dispute settlement centers and a training program with a full-time staff of 25 and more than 150 trained, volunteer mediators. We have resolved more than 5000 disputes since 1974. Such disputes range from family assault to neighborhood nuisance complaints.

Many conflict resolution specialists, like Kathy and Jim McGinnis, a wife-husband team at the Institute for Peace and Justice in St. Louis, try to teach people to resolve their own conflicts while they are in the "mediation" process.

"The key to resolving a conflict successfully is for both parties to state clearly all the reasons they have for their point of view," says Jim. "We urge people to look for underlying causes relating to self-respect and personal identity that may not be apparent to the other person."

Even children can learn to resolve their conflicts effectively. Priscilla Prutzman of Children's Creative Response to Conflict uses role-playing and puppets to help children learn to compromise and cooperate with one another.

"We particularly emphasize helping children feel good about themselves," says Prutzman. "If children don't like themselves, they won't respect other people, and respect for other people is the foundation of good conflict resolution."

As the field of conflict resolution has grown, a number of colleges and universities have instituted Conflict Resolution programs.
...Ask questions to help you find out the other person’s point of view and the reasons behind his or her attitude...

**DISPUTES**

Resolution or Peace Studies programs. Dr. Neil Katz of the Program in Nonviolent Conflict and Change at Syracuse University offers academic courses to train the new peacemakers as well as short-term workshops to teach people to resolve their own conflicts.

Eileen M. was a typical student in one of Dr. Katz’s classes. She discovered from her journal that she almost always gave in or ran away from a conflict. She rarely got what she wanted, and she realized that, as a result, she felt hurt and resentful toward her husband.

Dr. Katz had Eileen and a classmate act out a typical argument with her husband. They role-played the conflict several times, until Eileen decided that the most effective technique was to stand up for herself while still remaining polite and calm. By the end of the course, she claimed that her new conflict resolution style had dramatically strengthened her marriage.

“Conflict,” says Dr. Katz, “does not have to lead to frustration, anger and hatred. It can be an opportunity for growth. In fact, if I had to sum up the goal of the new peacemakers, I would say it is to find ways to help people grow through conflict.”

**IN CASE OF QUARREL**

Conflict resolution specialists offer these suggestions on how you can better handle personal and family disputes:

- Choose a time and place where both of you feel free and comfortable to discuss the problem. If the other person brings up the problem at a bad time, let him or her know you are willing to work on the conflict seriously and suggest a better time.

- Try to find out how the other person sees the conflict. Ask questions to help you find out the other person’s point of view and the reasons behind his or her attitude.

- Ask the other person to listen to your point of view. Try to be specific about how the problem bothers you and why. Be tactful: don’t insult. “I didn’t like your doing that,” is better than “You’re inconsiderate.”

- Ask the other person to tell you exactly what he or she would like you to do differently.

- Tell the other person exactly what you would want in an ideal situation. Don’t make vague requests like “Be polite,” or “Clean up your room.” Explain exactly what you want. The other person’s idea of politeness or cleanliness may be different from yours.

- Agree on a solution. Be sure that both of you know exactly what you have agreed to. Plan to check with each other to make sure the solution is working.
Suing Someone In the Family — No Joke Today

By FRED BARBASH
The Washington Post

WASHINGTON — Tom Hansen, a lonely and troubled young man, sued his parents in 1978 because he didn't like the way they brought him up.

It was a unique case then. Now it seems rather ordinary, compared with other cases in recent months. A woman sued her husband for not carrying out his household chores. A rejected suitor sued his ex-fiancée to recover expensive tokens of love. A man sued his former lover — after the baby was born — because she had assured him she was on the pill.

A lot of these cases, including Hansen vs. Hansen are thrown out of the courthouse are slowly beginning to open for them. They are the kind of stories you overhear on the bus or read about in the National Enquirer: the freak case, kid sues mom and dad, a joke.

But the frequency of these lawsuits is mounting, and the doors to the courthouse are slowly beginning to open for them. Serious questions are being asked about the portents for the law.

The Washington Post

CAN THE COURTS, which often fail to resolve less subtle issues, settle disputes of the heart? Even if judges can assess who was at fault and award money, can they do it without further damaging an already injured family or personal relationship? Must every problem facing humanity be brought to the courts just because someone has been hurt?

Supreme Court Justice William H. Rehnquist warned in a speech recently that the response of courts to these cases “has not generally been to bounce these individuals out of the courtroom and back into their living-rooms.”

This trend, he said, “cannot but endanger even further the vitality of the family as an institution in our society.”

Tom Hansen, the man who sued his parents for $350,000 in Boulder, Colo., is now 26. His case is over. Hansen has hardly seen his parents since the suit was filed. He says he doesn’t know where they are. His mother and father say they don’t know where he is.

A SAD AND strange outcome, Hansen acknowledges now. For what he really wanted from his lawsuit, he says, “was love from them. I wanted attention.”

If his case had been heard by a court, Hansen would have centered it on the physical workload — backyard labor — his father made him carry as punishment for his problems in school at the age of 13, on the fact that his parents sent him away to boarding school in Italy, how these and other actions damaged his ability to work and to function emotionally.

The suit, he said, was originally suggested by his psychiatrist as a form of therapy. “The suit was to be my treatment,” Hansen said.

FOR HANSEN’S lawyer, Boulder attorney John Taussig, the legal theory was simple and should have been accepted by the Colorado courts, which refused to hear the complaint.

“It was an extension of the battered-child syndrome,” Taussig said. “If a kid is physically abused, we have precedent allowing a suit for damages against the parents.”

The family heard about their son’s suit before it was filed, said Shirley Hansen, the mother, but, like everyone else, they regarded it as a joke.

She was “devastated” and “humiliated,” she said.

JAY FOLBERG, a professor at Lewis and Clark Law School in Portland, Ore., and an official of the Association of Family Conciliation Courts, says “Litigation only fans the flames. The adversary process — by definition — pits people against one another and results in a winner and a loser. Whenever you have a relationship that should continue, having a winner and loser only creates further friction.”

That is just one reason, Folberg says, that many of these personal cases may not belong in court, or belong there only as the final resort, after efforts at conciliation.

Most states have prohibited such lawsuits between spouses in order to protect the integrity of marriages and to prevent collusion between husband and wives who want to defraud insurance companies by collecting damages for household injuries.

But during the past decade, more than half the states have either eliminated or sharply modified this concept. Massachusetts did so last month in the case of Brown vs. Brown. William Brown, of Wakefield, Mass., allegedly had responsibility for shoveling ice and snow off the walk and driveway in front of the family’s home.

One winter morning in 1978 according to his wife, Brown had to leave home in a hurry, and neglected to do the shoveling. She slipped, broke her pelvis and sued him for $35,000.

THE MASSACHUSETTS Supreme Judicial Court had already eliminated a ban on suits between husbands and wives stemming from automobile accidents. The court ruled this year that eliminating it for other kinds of damages is the next logical step.

The ban on such suits is based on the idea that the husband and wife are legally one person, the Massachusetts court said, but it is time to change those “antediluvian assumptions concerning the role and status of women in marriages ... Mrs. Brown should at least get a chance to prove her case in court.”

Mrs. Shirley Brown seems confident that her marriage can survive the upcoming lawsuit. “She loves her husband,” her lawyer, Charles Blum­sack, told reporters, “This has not
Another avenue for new litigation is lawsuits over broken promises. Marie Hajus, a Connecticut teacher, was engaged for two years to an airline pilot, Robert Piccinini. He says he bought gifts for her and her children and paid for substantial improvements to her home.

**THEN SHE TOLD** him the wedding was off. Their relationship dissolved and, eventually, each married someone else.

Last year, Piccinini sued. He asked the court to award him the value of all the gifts and home improvements, which he estimated to be $40,000. "Every salad bowl that was purchased," according to Diane Ruben, a New Haven attorney who is defending Hajus.

The Connecticut Supreme Court decided in April that such cases should be heard, even though the state has a legal prohibition against "breach of promise to marry" suits.

The law was designed to prevent the courts from adjudicating confused feelings, sentimental bruises, blighted affections, wounded pride and mental anguish.

**BUT IT IS** possible, the Connecticut court said, to weed out those factors and concentrate on purely legal elements. Was property exchanged? Was it exchanged under fraudulent circumstances? The courts can handle such questions, Connecticut's judges decided, and allowed the case to proceed to trial.

Was the couple really engaged to be married? How did he ask her? What did she say when she accepted? Was it a fraudulent engagement? Did she really intend to marry? Did she really love him? Did he love her?

Piccinini vs. Hajus is, in some respects, an extension of the "pallimony" suit, brought to notoriety in Michele Triola-Marvin's case against actor Lee Marvin. But there is an important difference: the couple in Connecticut never lived together.

The potential, many lawyers believe, is mind-boggling.
Relationships

Job Loss: Ordeal At Home

Being dismissed from a job, it has often been said, is one of the most painful experiences a person can endure. Only death of a loved one or divorce are believed to induce more stress.

And nowhere do the shock waves from being "terminated" — the euphemism employment specialists use for the experience of being dismissed — reverberate more profoundly than at home. Listen to the view of an engineer who lost his job last year at a time when he was putting two children through college and helping support his mother and mother-in-law.

"You can't do something like this to the man of the family without firing the entire family. It changes every single relationship."

In particular, it affects the marital relationship — for better or worse. Some spouses keep their mates on an even emotional keel and help them with the practical details of the job search; others blame and denigrate their partners.

If there's a crack in a marriage, termination can be the wedge that will drive it apart altogether," said Joie Smith, a vice president of Drake Beam Morin Inc., a concern specializing in a field known as "outplacement counseling." "Those in the field counsel dismissed people on how to deal with job loss and help them map job-hunting strategies. The concerns, which do not act as employment agencies, are generally retained by the companies that have dismissed the individuals and most, though not all, of the people they aid are executives or professionals, usually men. Most women who are clients, according to the agencies, are unmarried.

Wives who do not work outside the home tend to feel the strain more and to react in a more negative way than do those with their own careers, according to Miss Smith and other counselors. "If the husband was vice president for marketing, then the wife was Mrs. Vice President, so in her own mind, she loses her stature and her identification," she said.

And when the marriage is foundering, "all the anger that the wife has pent up focuses on the termination," Miss Smith continued. "She may say, 'I've been telling you all along that you are weak, and now your company knows it, too,'" she said. "Or she may say, 'I stayed home, took care of the house, the laundry, cooking and children. Since you're not working, I think you ought to take on part of my job.'"

With working wives, the situation is usually different, most experts agree. "There is more confidence on the part of both spouses in that situation, said Bob Swain, president of Eaton-Swain Associates, another outplacement concern. "The wife knows what is involved in getting a job, she understands office politics and how this could have happened."

Like his colleagues, however, Dr. James Gallagher, chairman of Career Management Associates, said that the bitter wife lashing out at her husband was in the minority. "The characteristic spouse is bolstering, supportive, cheerful," he said.

Indeed, two metropolitan-area couples who discussed their situations anonymously — people who have been dismissed often keep it a secret — found their bonds strengthened by the experience.

One man who was asked to resign from the insurance company where he had worked for 22 years did not even wait to reach home to tell his wife. "I felt betrayed," he said. "I questioned my own ability and initially felt it had to be my fault. So I phoned her and said, 'I'm sorry but I must share the burden of this with you immediately.'"

The wife, who is employed herself, recalled that phone conversation: "I was more upset for him than for the situation. I didn't stop to think that his pay would be cut off, my first thought was to give him moral support."

And that she did for the nine months it took him to find a position in publishing. "She helped me by giving me her opinions freely, by rehearsing interviews with me, by acting as a sounding board," the husband said. "If she was depressed, she never showed it. And if she saw me moping around she would ask, 'What have you got to be sorry about?'"

A banking executive, who had moved with his wife and two young children to a Southern city for his new job, lost it in a power squeeze, and did not tell his wife for a week because he did not want to spoil their vacation. But after he did, they became a team in his seven-month search for a new position that culminated in a more challenging job back in the North.

"Without her I would never have done so well," the man said. "She always expressed confidence in my ability, and she got involved in the search to whatever extent I asked: typing and filing for me, making sure I had enough envelopes and stamps. She never gave me the feeling that she was nervous. When a rejection came, she would say, 'Who would want to work for that company anyway?'"

His wife, who does not work outside the home, said, "It brought us closer. We worked hard, we worked together, we were determined to better our situation and we did."
A Hot Line for Everyday Family Stress

By MELANIE SHORIN

HELP line. For most people, the words ring only one bell — trauma. Telephone help lines have been reserved for people enmeshed in personal tragedy: rape victims, drug abusers, people who are suicidal. But in Nassau County the phones of a three-month-old family help line are kept busy with ordinary people calling about ordinary problems.

"My daughter has been away at school for the past year. Now that she's home for the summer, I just can't get used to having her in my house. She's invading my space."

"My son is 13 and he hasn't started thinking about grades. Last year he got all C's. How is he ever going to get into Harvard?"

"My wife and my mother have never gotten along. Now my mother is sick. I can't afford a private nurse and I don't want to put her in a nursing home. But my wife says that she'll move out if my mother moves in."

The Family Phone was begun by the Nassau County Mental Health Association in response to problems like these, concerns about sibling relationships, marital conflicts, divorce, illness and death. Also, the Family Phone handles calls on drug abuse and alcoholism.

Operating Monday through Thursday from 9 A.M. to 10 P.M., the help line, at (310) 483-2222, receives about 25 calls a day. On Fridays, from 9 A.M. to 12:30 P.M., calls are recorded on tape and only emergencies are handled.

"Today, with family life so complex, there are external pressures and inter-generational conflicts of all kinds," said Sadie Hofstein, executive director of the Mental Health Association. "With nowhere to turn, there's a great need for a support system."

Mrs. Hofstein said she believes that providing support systems is preventive medicine.

"Our clinics report that people coming into the clinics in 1979 are sicker than they have ever been," she said. "That means that we are just not getting to them quickly enough. Everyday problems can get out of hand."

In contrast to other help lines, which are often operated by volunteers, the Family Phone is staffed only by professional social workers. Weekly, four professionals respond to a minimum of 20 calls a day.

Their job also includes advising case workers who call with on-the-job problems and providing an information and referral service. But the most taxing task, they have found, is manning the Family Phone. The reason, they say, is that they are dealing with an entire family rather than just one person.

"It's not our job to become a lonely hearts club or a substitute shrink."

Mrs. Hofstein said. "We will see a family three times, if necessary, but after that our job is done. If it's just a minor family problem, we should solve it in three visits. If we can't, then we refer them to someone else."

Such was the case when a desperate 13-year-old girl rang the center one evening. "My older brother is downstairs in the basement with my little sister and he's going to kill her," she told the social worker.

The social worker talked the 13-year-old into going downstairs, taking her sister's hand and calmly walking out of the house to a neighbor's. The next day, with the consent of the 13-year-old, the social worker called the parents. The family came into the center together. It was discovered that the older boy was in need of longer term professional help and he was referred to another clinic.

The service, including help over the phone or in person, is free. If long-term help is needed, the family is sent to a clinic that is also free.

Because the association was already running the information and referral service, its only added cost has been increased telephone bills.

Melanie Shorin is a freelance writer.
Frank Serpico, the one-time honest cop about whom a book was written and a movie made, has not lost his talent for calling things as he sees them. In court, where he has been hauled on a paternity charge, he described his relationship with the plaintiff as "just sex," says he was tricked into making her pregnant and adds, just for good measure, that he has no interest in her child — even if it is his. For this, no chorus of oink-oink follows him. Instead, some feminists approve.

In fact, his lawyer is Karen DeCrow, the former president of the National Organization for Women, about whose feminist credentials there should be no doubt. It is her contention that Serpico, like any person, should have the right to decide whether and when to become a parent. If a woman can decide to have an abortion, then a man can reject responsibility for a child he did not want and had no intention of fathering.

"It's the only logical feminist position to take," said Ms. DeCrow.

A little background is in order. Both Serpico and the woman, known as Pamela P., agree that they know each other and that they had sex on at least one occasion. The woman says that their relationship amounted to more than a one-night stand, while Serpico says it was hardly even that. He says that he asked Pamala P. if she was taking birth control pills and, having been assured that she was, proceeded to proceed.

Serpico claims that it is he, and not the woman, who is the victim. He says he was used as "a sperm bank" and denied his right to choose or not to choose fatherhood. He asserts this as his constitutional right — an effort to guarantee his "freedom of choice, freedom of expression and freedom to listen to my inner self." His inner self tells him not to provide one red cent for the support of the child.

Already, Serpico has won a favorable ruling from the court. It said that Pamela P. should support the child if she had the funds to do so. A more recent hearing concerned whether she in fact has the funds to support the child. But money is not the larger issue here, and neither is it whether men and women are, as DeCrow says, sexual equals. They should be and Serpico is right in insisting that fatherhood ought not result from what amounts to fraud.

To be trapped into fatherhood is an awful thing. The only thing worse is to be trapped into motherhood.

Ethically, Serpico has a case. If he was lied to, he has been done dirty. He has been made a father against his will and put into the position of either denying the child or denying himself the life he wants to lead. Legally, the judge has not only to make a Solomonic decision but to worry about precedents. After all, no matter how clear things might be in this case, what happens between a man and a woman in passion is almost never clear.

If a judgment in Serpico's favor opens the door to countless alibis from men about how they were fooled into becoming fathers, no good will come out of this case.

But morally, none of this matters. What matters is that there is a baby. That is undeniable. That is the reality of the situation. He (if it's a boy) is what is important now. Serpico and the lady known as Pamela P. are not the only ones that count. The child counts, too. What does he know of "inner voices," "just sex" and feminism?

The trouble with feminism as defined by DeCrow is that it amounts to every person for himself or herself. It's Pamela P. doing her thing and Serpico doing his thing and no one pausing to take responsibility for what they have done (even if they did not mean to do it). In this case, what they have done is produce a baby — not individually, not alone, but together.

It's too bad if the kid gets in the way of some theory about sexual equality, and it's too bad if Serpico only feels responsible for things over which he has control. Life is not so simple nor so neat — not to mention fair. That child, too, has its rights, its claims. Accident or no accident, he is here. Sandbagged or not sandbagged, Serpico is apparently the father, and if the woman needs Serpico's money to support the child, then regardless of what he intended at the time, he should pay it. The real victim, after all, is not the woman, nor Serpico nor feminism. It's the baby.
A 7-year-old girl is taken to a New York City clinic for a physical check-up. A doctor discovers that she has gonorrhea, and the police are notified. Efforts to learn how the child contracted the disease are unavailing until a detective offers her a set of anatomically complete dolls used to interview sexually abused children.

Picking up two dolls, one representing a man and another a girl, the child depicts sexual intercourse. "Daddy did it to me," she says.

In a Philadelphia legal center a lawyer is briefing two clients, brothers ages 4 and 6, whose parents have been charged with child neglect. As the lawyer talks, the boys crayon in a coloring book filled with black-robed judges peering down from benches. Its title: "Going to Family Court."

A mother and father embroiled in a custody battle in Los Angeles are being interviewed by a Conciliation Service. The child is briefing two clients, brothers, 9-year-old John and Andy, who have been brought to Family Court by the court. It is 7 a.m. John is colorfully realistic rag doll with movable parts. Andy is a talking doll with a remote control.

"Dad's house" on opposite sides. "The legs are sticking out in both directions because I don't know which way to go," the boy tells the counselor.

As growing numbers of youngsters become entangled in the legal system, new techniques and tools such as special dolls, books and other visual aids are being developed to encourage children to communicate with police officers, lawyers, judges, social workers and others charged with protecting their interests. They have come to the attention of the authorities through no fault of their own, these children - as victims of abuse or neglect, as subjects of custody disputes, as witnesses in cases involving termination of parental rights. Yet mental health professionals often find such children reluctant to offer any information about a parent or parent figure, no matter how abusive.

The professionals cite several reasons: The child fears punishment or, worse, loss of parental love. The child feels somehow to blame for what has happened. The child is intimidated by a large and austere courtroom filled with inquisitive strangers.

Only a fourth of the abused and neglected children referred to the Legal Aid Society's Juvenile Rights Division openly acknowledge the fact. "Even if you make it easy for kids, if you describe it and tell them to nod, kids just don't," said Susan Larabee, head of the society's Manhattan office. "The whole abuse and neglect area is pretty complicated, but it doesn't mean kids don't love their parents, and it doesn't mean parents don't love their kids."

Young Less Likely to Complain

Citing Federal Bureau of Investigation figures showing that only two of 10 sexual assaults are reported, Detective Ellen King of the New York City Police Department's Sex Crimes Squad stressed that the youngest victims were even less likely to speak out. Typically, she said, the police are informed of sex-abuse cases by hospitals, schools and social agencies.

In New York, as in several other cities, the newly designed and anatomically realistic rag dolls with movable parts may serve as investigatory tools when the child expresses an interest in playing with them. "The dolls are supposed to be nonthreatening because of the Raggedy Ann and Andy image," Detective King said. "But they don't appeal to all children. For example, a little girl in the Bronx who was handed the dolls said: 'Hey, this doll isn't me. I'm a black girl.'"

Sensitivity to Child's Needs

More important than dolls, according to Detective King and others, are the special skills developed by squad members in training sessions. Sensitivity to the needs of child victims is stressed, she said, adding that she usually carries a stuffed animal or "something cuddly" on interviews and that she always requests that parents not be present because they might transmit anxiety to the child.

Detective King said that in the ideal situation the child learns to trust the investigating team - usually a man and a woman - and if the case goes to court, the child is able to tell his or her story to a judge. As for the disputed question of the credibility of child witnesses, the police have found many to be truthful and accurate.

Support Center for Child Advocates in Philadelphia, which coordinates the work of 450 volunteer attorneys who represented more than 3,000 abused and neglected children in Family Court last year. To prepare them for the court experience, the center has produced a coloring book that depicts judges, lawyers and courts and describes their roles.

Among Family Court jurists who keep copies of the coloring book in their chambers is Judge Nicholas Ciccarini. "This is a sad court," he acknowledged. "It is traumatic for children to come here, and the coloring book is a way of making them feel more at ease. When there is no stress, no fear, nobody intimidating them, children really tell it like it is."

So successful is the coloring book that it is being used not only by courts and social agencies but also by psychologists and psychiatrists to treat children in the midst of custody contests between divorcing parents.

The divorce courts have their own books as well. Children who visit Los Angeles Conciliation Court, where counselors attempt to resolve custody disputes, may be offered a copy of "My Mom and Dad Are Getting a Di-
The book, which is sprinkled with cartoons, was written by Dr. Florence Bienefeld, a senior marriage and family counselor with the court. After seeing the parents, Dr. Bienefeld talks with the children in private to learn their feelings and wishes. "Often I'm the only neutral person the child has spoken to since the parents broke up," she said. "Other family members and even friends take sides, and the children feel very much alone. They don't feel they can share their feelings with either parent."

Drawings Express Pain
They share their feelings through art as well. The walls of Dr. Bienefeld's office are covered with hundreds of drawings conveying the impact of custody battles on children. "There are others I don't put on the wall," she said. "I keep them in the drawer because they express such pain. "Some children are shy or defensive," she went on. "They don't want to talk. They don't want to draw. So I read to them from our book. I remember one sad little girl — her eyes got wider and wider as I was reading — and finally she smiled and said, 'This book is about me.' I remember a little boy who told me he didn't care that his father doesn't see him. When I came to the part in the story where the father leaves and the child gets very angry, the boy made a fist and said, 'Oh, I'm so mad I could punch him in the mouth!'"
9.1 HOUSEHOLDS
GROSS

DIVORCED FROM ALIMONY

"Me? You want to interview me? For the newspaper? You got me so excited I dropped my towel. I mean, your call got me out of the shower and I'm soaking wet and wait let me get my towel back on. You see, I have to leave in 15 minutes to see 'Lenny' and I got home late from work... Listen, let's get together tomorrow, anytime, wherever you say. Terrific!"

Harriet Gross, the new president of the Committee for Fair Divorce and Alimony Laws, is not your typical homemaker-you-want-to-interview-me-okay-let-me-check-my-calendar kind of person. Neither is she your typical divorcee.

For one thing, she doesn't believe in alimony. Not at all. For another, she's not so sure about child support, either. And then there's the fact that she loves, in no uncertain terms, being single.

"I feel marvelous, just marvelous," she reveals a day after the deepening wet phone call. "I'm not against marriage—after all I tried twice—but I kind of like things the way they are now."

Harriet Greber, daughter of a Bronx furrier, got her first-person first-class education in divorce, American style, the hard way. It came hand in hand with her second marriage in 1964 to pharmacist Stanley Gross, almost five years after her first husband died.

Gross had been married before, was the father of two children, and was paying half of his weekly $160 gross salary to his first family. Mrs. Gross wasn't working and, she says, "We were absolutely desperate. And there was nothing we could do."

Then the Grosses saw a TV panel discussion with members of the Committee for Fair Divorce and Alimony Laws, formed in 1965 to help bring about divorce reforms in New York State. They joined the group, were advised on court procedure and, after a legal seufflie, won a $25 reduction in alimony payments.

In the process, Mrs. Gross says today, their marriage was effectively destroyed and they were divorced last October. "I guess both of us were a little scarred. After awhile, you don't even know who the enemy is any more."

Unless the enemy is the divorce and alimony system itself. Mrs. Gross is unequivocally opposed to alimony and wouldn't have accepted financial help of any kind from her ex-husband, who died recently following an operation.

Mrs. Gross' personal stand is actually stiffer than the Committee's. "They're kinder than I am," she says. The Committee is calling for a one-year limit on alimony payments, except for the aged, infirm or for mothers of preschool children.

Mrs. Gross, who will be the unsalaried president of the organization until next January, goes a step further. "I don't think any woman should get alimony beyond a year. Give her a year to adjust, find a job, go to work, and that's it."

Everybody? "Well, there are some exceptions, but if a widow can help herself, a divorcée can, too. Most alimony isn't needed anyway. It's just vindictiveness."

Women's Lib couldn't agree less, and has opposed the Committee's stand on alimony. "It's superficial, discriminatory and cruel," said a member of NOW (National Organization for Women) recently. "You have to consider whether the woman is employable, placeable, what are her skills. What jobs are available to women who have been out of the labor market for 20 years, for example? Of course we're opposed to it. I think any fair-minded person would be."

Mrs. Gross, who also suggests that women pay alimony to their ex-husbands in certain cases, is puzzled by her sisters' attitude. "I'm not too keen on Women's Lib," says the first woman president of the Committee. "Equal means equal. You don't have to label yourself a man or a woman."

Mrs. Gross works part-time now, as a secretary in a Bronx real estate firm, not far from her two-bedroom Pelham Bay apartment. The over 2000-member Committee, headquartered at 516 Fifth Av., keeps her busy with meetings, calls and letter-writing. Credited with helping to bring about the 1965 New York State divorce reforms, the Committee is now working for the one-year limit on alimony, the abolition of New York's alimony laws, and a "No-fault" divorce law.

Mrs. Gross dates often but doesn't want to marry in the near future. Her work and the Committee keep her jumping as does Andrew, her 13-year-old son who was just accepted by the Bronx HS of Science.

Hobbies? "Well... I don't know if you'd call it a hobby. But I like being a woman. I like being treated like a woman."

What does that mean? With a toss of her long reddish-brown hair and a giggle that would send Germaine Greer back to the drawing board, Mrs. Gross says, "Any woman who's a woman knows what that means."
Not Just Love, Honor, Etc.

BOSTON, March 13 (AP)—The era of negotiation may be replacing the era of confrontation in the household as well as on the international scene.

The Judiciary Committee of the Massachusetts Legislature heard testimony yesterday on a bill to allow couples to sign contracts specifying the terms of their marriages.

Should the wife be paid for washing dishes, making beds and wiping runny noses? Should the husband be paid for mowing the lawn and waiting in the gasoline line?

The contracts could cover economic obligations, home and child care duties, care of aged relatives and division of property.

In a changing society, a wedding ring is apparently no longer enough.

“We need to stretch the institution of marriage so that it will be viable today,” said Laura Rasmussen, a law student.

One sample contract offered by Miss Rasmussen contains 14 articles, including household expenses, household duties, children, inheritance, divorce or separation, as well as provisions for severability and revocation or amendment of the provisions.

One of its articles concerns careers, and includes a waiver by the husband of his right to determine where the family will live.

Another article, headed “Relationships with Others,” recognizes that each party has friends of his own, but that the sexual relationship will be just between the marriage partners.

Arbitrators would replace marriage counselors and would be directed to follow the rules of the American Arbitration Association.

If arbitration breaks down, the contract could be taken into probate court. And presumably the married couple might have the same recourse as the great nations in this age of negotiation. They might call in Henry Kissinger.
Marital Discord Often Is Tied to Unemployment Line

by BARBARA SNYDER

Says Rate of 9 Percent in Area Leaks Nation.

The Layoffs Pave Rise of 77 Percent from 79.

fore Layoffs Due Monday.

John lost his job. Then he lost his wife.

The Kenmore native and college graduate, 28, joined an increasing number of Western New Yorkers who found that the jobless trauma reached beyond impersonal headlines and touched their lives in a most personal way — their marriages.

"My ego was smashed," said John, a salesman in a small remodeling firm whose layoff became permanent in January. "It was my first time ever on unemployment. This guy? No way!"

But "no way" became his way as John painfully realized that unemployment strikes with no particular logic or reason.

At first, his wife, Joanne, was supportive.

"Take it easy," she urged. "Use the time to find out what you really want to do."

Then Joanne, a teacher's aide working 7:30 a.m. to 2:45 p.m., took on an additional job from 3 to 9 p.m.

SUDDENLY JOHN was alone, and lost.

"I didn't have the knowledge of how to cope with my skill and strengths," he said. And the more he reached out to Joanne for comfort, the less she was there.

"I was in a position of trying to get my head together, and she was cranky and wiped out. I'm trying to get into our relationship, and she was spending more time away from home." 

Meanwhile, at her new job, co-workers were dropping hints. "Hey, did John find work yet?" they would ask her.

"If my husband was out of work," they would giggle, "I'd tell him to hit the road."

Remarked like that infuriated John. "People call people on unemployment bums," John said, "but nobody knows what it is like. I don't think people choose not to work."

John pounded the pavement answering help-wanted ads, but to no avail.

Countless job interviews that bear no fruit can weigh heavy on a man.

THE FIRST thing he lost was 15 pounds.

Next he lost his self esteem, "work," he shrugged, "equal accomplishment."

Then he had a terrible feeling he had lost control of his life. "If it was buying an airplane, he explained, "then suddenly you lose control and you feel like you are going to crash. There are times when I would just sit in a chair and stare out the window."

Six months of this and Joanne was no longer telling him, "Don't rush darling." Instead, she was saying "Get a job!"

Not long after, she suggested the only person who could help John was himself.

Then she left.

Those who work nationally and locally with the social fallout of layoffs agree John and Joanne are not unique.

Marital stress, they contend, rises along with the daily unemployment headcount.

Recently a social worker for the United Auto Worker's union in New York reported "plenty of separations" as the result of widespread layoffs in the auto industry. Men don't know how to be fathers and they don't know how to be husbands, she said, because in their minds they are primarily workers.

LOCALY, FIVE of Sister Margaret Manzella's 35 cases in the Catholic Marriage Counseling Center are unemployment-related.

She calls it the "snowball effect." Layoffs precipitate crises, the staff therapist said. Crises can then cripple a couple's communication, identity and flexibility.

But whether the crisis ends in marital separation depends, she cautioned, on the couple's problem-solving skills during their marriage up until the layoff, as well as their personal flexibility to adapt to change.

One father of two, 30, recently laid off from the Ford Stamping Plant, sank into depression, started drinking, began behaving irresponsibly, and then turned to marital abuse.

He stayed home, watched TV, drank beer, shouted at the kids and put impossible demands on his wife. "He didn't]," she said, "have the motivation to keep busy. Unemployment attacked his personal integrity."

ANOTHER MAN, the same age and the father of one younger "kept himself busy," she recalled. He fixed his camper, resumed his carpentry, joined a baseball team and became concerned with juggling the family's tight budget.

For him, Sister Margaret said, "Unemployment was incidental. It was an opportunity to be a part of the family dynamics in a way he never had been."

Counselors in the Lackawanna office of Child and Family Services do frontline battle with the casualties that befall the jobless.

Family Counselor Larry Ortiz called layoff a "catalyst" within a marriage, bringing out problems that were there, but weren't dealt with due to busy schedules.

"It's not so much the money strain," Mr. Ortiz said, "as it is his being around at home 24 hours a day. It's an ongoing stress factor."

JOHN MARTIN, supervisor of the Lackawanna office, said joblessness forces the couple to look a little closer at their relationship. Sometimes they don't like what they see.

Is that what happened to John and Joanne? John agreed that unemployment can be a couple's ultimate stress test.

"You have to dig deeper for strength," he sighed. "Some find it, others don't."

"Get back together again! I don't know," he mused. "Other people have entered the picture. It was as simple as saying, 'I have a job now, come back..."
Your Money

Deborah Rankin

Premarital Agreements

Lucille H. was worried. The widow of a successful businessman who had left her substantial assets, she was planning to marry Morton, a lifelong bachelor of relatively modest means.

The problem was what would happen to her property if she died before Morton. Lucille had three children and seven grandchildren, and she wanted the bulk of her estate — which was accumulated primarily because of the efforts and acumen of her late husband — to pass to them. But the laws of New York and many other states do not allow one spouse to disinherit another, and as a result, Morton would be automatically entitled to a major share of Lucille’s property if she predeceased him.

Then a friend of Lucille’s who had faced a similar situation suggested that the couple draw up a premarital agreement in which Morton would waive his statutory rights to Lucille’s estate. Because Lucille did not want to leave her future husband without resources upon her death, she would agree in turn to transfer to him $200,000 in stocks and bonds.

“When people get married, they become bound by certain laws that specify how they must support their spouses while alive and how much they must leave them when they die,” says Sondra Miller, a matrimonial attorney and partner in Bradley & Miller, a law firm with offices in Manhattan and White Plains. “With a premarital agreement, you in essence sidestep the law and make your own contract that spells out what’s fair for both parties in your own special circumstances.”

A premarital, or antenuptial, agreement is most commonly used when elderly people such as Lucille marry for a second time and one or both of the prospective spouses want to leave the bulk of their property to their children and grandchildren from the first marriage. The agreement can be mutual. That is, both parties can waive their rights to the estates of the other. Or it can be unilateral and specify that only one partner will give up his or her rights to the property of the other. Although many people such as Lucille make a financial settlement with their prospective partners, there need be no consideration given in exchange for waiving one’s rights to another’s estate. If a gift is made, however, the giver will be subject to gift tax.

Although the agreements typically provide for a waiver of estate rights, they can cover a variety of items — not always successfully. A pact that prohibited cohabitation between the new spouses was overturned, as was an agreement that called for a mother-in-law to live with the new couple. On the other hand, a court also invalidated an agreement that said the wife’s children from her first marriage were not to live in the new household on the ground that the arrangement would threaten the close and socially desirable relationship between parent and child.

Critics maintain that such agreements undermine the institution of marriage and replace love, trust and affection with cold-blooded legal negotiations that undercut time-honored laws designed to perpetuate matrimony. Lawyers argue that the agreements are a rational means of settling the financial disputes that inevitably arise in marriages, especially second ones, and say the potential problems are usually more amicably resolved before rather than after marriage.

Regardless of who is right, the agreements must be carefully drafted to withstand court challenges. Mrs. Miller says it is advisable for both parties to be represented by separate legal counsel.

“There should also be full and adequate disclosure or else the agreement could be invalidated after death,” she adds. “Otherwise, it could be subject to attack on grounds of fraud or overreaching [lack of fairness].”

But the courts have been less than clear about just how much disclosure is necessary. However, they have frequently upheld agreements that made fair and reasonable financial arrangements for the surviving spouse, even though the disclosures made before marriage were clearly inadequate.

The scope of premarital agreements has been widened by New York State’s new divorce law, which provides for the “equitable distribution” of property acquired during the marriage, such as a house, stocks, bonds or family business.

Prior to July 19, when the new law went into effect, property that was in the name of one spouse during marriage remained with that person after divorce. The courts could not split up marital property to reflect the economic contributions of the partners to the marriage fairly but could only order the husband to pay alimony to the wife.

Under the new law, the courts can redistribute marital property and can order wives, as well as husbands, to pay alimony — now called “maintenance” — to their former spouses. But the statute also specifically permits couples to bypass the law by drawing up a premarital agreement so long as the terms are “fair and reasonable” at the time the agreement is made and “not unreasonably” at the time final judgment is handed down.

“The equitable distribution law puts a whole new complexion on these agreements,” Mrs. Miller says. “Now they involve not only what you leave when you die but what you have while you’re alive.”
Couples Use Lifestyle Contracts

By PETER WEAVER

If married and unmarried couples took the time to work out contracts for their various unions, there might be less business for the courts.

Basically, there are three types of contracts to fit these specific situations. There's the prenuptial agreement for people contemplating marriage or re-marriage. There's the marriage contract for people who are already married and want to spell out who does what with the business of running the home and bringing up a family. And then, there's the living-together contract for unmarried people who want to spell out who gets what if there's a split.

Prenuptial contracts are usually drawn up when one of the parties has considerably more wealth than the other. When a fairly well-off person plans to marry someone less fortunate, the children or the money side might get nervous and sometimes quite vociferous. They don't want "that other person" to get their inheritance.

A prenuptial agreement can be drawn up to soothe the ruffled heirs and still make the other partner not feel like a beggar. Actually most state laws specify that a surviving spouse must get a certain minimum percentage of the estate.

Given the high divorce rate, some couples try to draw up prenuptial agreements which spell out who gets what if there is a split. Some states, however, prohibit such contracts.

Some young people try to work out marriage contracts that spell out who does the cooking, who looks after the baby and on down the line. However, this type of domestic duty contract is rarely, if ever, legally enforceable.

Finally, there's the living-together contract which, in some ways, imitates the prenuptial agreement. Only, in this case the couple is not officially married.

Couples who live together should sit down and seriously sort out who owns what and who gets what in case the unmentionable happens. Lawyers advise unmarried couples to keep separate bank accounts, credit accounts and other separate property wherever possible.

Couples may choose to form a joint account to run the home and pay the bills. Each contributes a specific, agreed upon amount. Then, if anything forces a split, all the property is sorted out according to the contract.

Living-together contracts are particularly important when the couple is planning to buy a home, have a baby or make other major decisions. Getting assistance from a lawyer is advised.

For a set of sample contracts and a step-by-step guide to forming living together arrangements, you can get a Living Together Kit, written by lawyers, by sending $8.95 to Nolo Press, 950 Parker St., Berkley, Calif. 94710.
tative purposes" in the case. Mr. Mitchellson, who calls Miss Triola the "Joan of Arc of live-in women," says the fight to establish legal rights for unmarried cohabitants has since remained "in the vanguard of the civil rights movement."

Just over four years later, courts in at least 28 states, including New York, New Jersey, and Connecticut, have allowed some form of similar suits between former cohabitants. The Index to Legal Periodicals, the legal research publication, has had to add a new category, "Unmarried Couples," to its listings.

Property Just One Issue

Previously, courts had generally not allowed such "cohabitant suits," on the ground that public policy demanded that the benefits typical of a marriage relationship, including the sharing of material wealth between the spouses, should not accrue to those who had not been legally married.

With such prohibitions under increasing attack, disputes among former unmarried cohabitants over property distribution have become only one aspect of the legal ferment resulting from the increase in such living arrangements.

In a speech to a lawyers' seminar in Manhattan last month, Judge Bernard S. Meyer of the New York Court of Appeals, the state's highest, said there was a need for "broad legislation" to clear up the status of unmarried cohabitants.

Among the issues that should be addressed by legislators, he said, are the effect of adultery and fornication laws on cohabitation contracts; the status of homosexual cohabitants with respect to contract and property rights and the circumstances under which one person is to be deemed the "spouse" of the other in an unmarried living arrangement in, for instance, determining rights under an automobile insurance policy.
their separate incomes considered together, just as is done in the case of married couples, to determine their credit rating for a home mortgage loan.

Judge Harold A. Ackerman of the Federal District Court in Trenton ruled that an unmarried woman was entitled to damages for "loss of consortium," including the loss of companionship and sexual relations, after her male cohabitant was injured as a result of a third party's negligence. Such recovery has long been limited to a married person whose spouse has been injured.

In three separate recent cases involving heterosexual couples, judges of the New York City Civil Court have ruled that an unmarried couple may not be evicted from a rent-controlled apartment because of their cohabitation, and that, on the death of one cohabitant, the other member of the couple may retain the rent-controlled apartment that was in the name of the deceased person, just as a widow or widower could.

Many Questions Raised

Questions raised in recent court cases illustrate the difficulties judges are facing while legislators consider whether to enact laws to regulate cohabitation:

May a divorced mother be denied custody of her young children because she is living, unmarried, with a man? The Illinois State Supreme Court said yes, because such cohabitation "offends prevailing public policy." Similarly, the Connecticut Supreme Court last week affirmed a lower court ruling that a divorced father could not have his 10-year-old son visit him overnight as long as the man was living with a woman to whom he was not married.

Is a cohabitant entitled, for Federal income tax purposes, to claim a dependency exemption for the person he lives with? The United States Court of Appeals for the Fourth Circuit said no in the case of a taxpayer who lived in North Carolina, where "lurid and lascivious cohabitation" was illegal under state law.

May an unmarried cohabitant benefit from the status of "spouse" for purposes of a state inheritance tax when her live-in male companion dies? The intermediate-level California Court of Appeals, Fourth District, said no.

Contracts Suggested

Because of the rapid and sometimes unpredictable way in which the courts are changing the law regarding cohabitation, matrimonial lawyers are advising unmarried cohabiting couples, whether heterosexual or homosexual, to enter into detailed written contracts — called "L.T.A.'s," for "living together agreements."

The contracts, which specify rights and responsibilities, should particularly state what is to happen to the cohabitants' property in event the relationship ends, the lawyers say.

"The disappointments and even the hardships that can occur when a relationship without a written agreement is terminated make the effort worthwhile," said Julia Perles, a Manhattan lawyer who lectures in the field. "For example, possession of a rented apartment, even where the lease is in two names, will always be uncertain without a written agreement. You shouldn't have love without a contract."

Miss McCall's lawsuit against Mr. Frampton illustrates the difficulties faced by someone trying to succeed in court without a written contract. The claim, lawyers say, often boils down to a "my-word-against-yours" contest.

Contentions in Frampton Suit

In court, Miss McCall, a Milwaukee native who now lives in Peekskill, N.Y., said she had left her second husband, who worked as road manager for Mr. Frampton's former rock group, Humble Pie, in 1973 when Mr. Frampton asked her to live with him and help him promote his career.

However, Mr. Frampton, who was then separated from his wife, now denies that he promised Miss McCall that if she joined him they would be "equal partners" in all his earnings as a performer. He insists he did not need Miss McCall's services to further his career, and says that all there was between them was a "male-female relationship."

Both Mr. Frampton and Miss McCall were later divorced from their spouses, but they did not marry each other.

Miss McCall's suit had been dismissed two years ago because of her adultery. However, last month the Appellate Division of the New York State Supreme Court in Brooklyn ruled unanimously that adultery was not a bar to the suit's proceeding to trial, even though it is a crime punishable as a misdemeanor in New York State.

Mr. Frampton's lawyers refused to say whether they would take the case to the Court of Appeals. While his old romance gets dissected in the courts, associates say Mr. Frampton is living quietly on the Ossining estate and preparing to release a new album, probably in June.

Peter Frampton and Penelope J. McCall during the time they lived together

©Frank Edwards/Fotos International
Love's Labor's Arbitrated

Nearly five years ago the California Supreme Court decided that a Miss Triola was entitled to a trial on her claim that she and a Mr. Marvin had an unwritten agreement regarding the disposition of income and property from the time they lived together. On that day, cohabitation law was born and so, it's fair to say, was a new unease in the always touchy roommate situation.

Miss Triola was characterized by her lawyer as "the Joan of Arc of live-in women." Since her victory, her standard has been borne by women suing men, men suing men, women suing women—the many facets, that is, of human affection. But the cases one reads about are only the tip of the iceberg, newsworthy because they involve money and fame. At any given moment there are, known only to their friends and whoever lives next door, hundreds of the unfamous left to squabble without benefit of church or state over custody of the stereo and bookcases.

Some of the quarrels, or "cohabitant suits," are of a complexity that would stagger Solomon. Others, however, could be obviated by what matrimonial lawyers are calling L.T.A.'s, "living together arrangements," which specify whose property is whose at the breakup. Since, as is known by every romantic brought crashing to reality, all love affairs are predicated on an exchange of goods and services, L.T.A.'s strike us as inevitable. An L.T.A. is, after all, a variation on a classic union position—"No contract, no work." That policy did a lot for labor; perhaps it will do as much for love.
Quelling Sibling Quarrels

Elizabeth Taylor isn't exactly the first one to give sibling rivalry a bad name — when, as Regina Giddens in "The Little Foxes," she and her stage brothers Ben and Oscar undo one another with cold hatred and hot avarice. After all, Cain and Abel did less for the institution of brotherly love than they might have, back in the household of Adam and Eve.

But there are other sibling stories: "Peter Pan," for one. "That's a very lovely tale about how siblings can get along with one another," said Dr. Richard N. Atkins, a psychoanalyst and child psychiatrist who is the director of training in child and adolescent psychiatry at Downstate Medical Center. "If you forget symbolic meanings and simply look at the story, it's quite positive: Wendy is taking care of Michael and John, and they all go off together and come back together."

"And surely, when you think of 'Hansel and Gretel,'" he said, "you'd have to say that they're really in it together."

Dr. Atkins said that without question there is evidence of sibling rivalry, "but it's not the only thing that has to take place, and it's not inevitable. "Rivalry can also be helpful to children," he said. "In playing out their conflicts with each other, they can help each other to solve developmental dilemmas that they might not be able to express with their own parents."

Sibling rivalry seems to be much misunderstood. "There's a common misconception that all fighting between brothers and sisters is sibling rivalry, or that somehow there's too little love to go around," said Dr. Donald A. Bloch, executive director of the Ackerman Institute for Family Therapy in Manhattan.

"But often, children become the delegates for their parents," said Dr. Bloch. "If you look at the entire family system, the children may be fighting the parents' battles. Children may also fight each other — or may scapegoat one sibling — in an attempt to shift the action from their parents' conflicts."

"Often children are passing around the hot potato of unhappiness received from their parents," said Dr. Bloch. "Sometimes it's easier for children to deal with their own quarrels than with their parents' tension and pain."

Rivalries between siblings depend on a number of variables, said Dr. Atkins: a child's temperament, his or her relationship with parents before the arrival of a new baby, the age of the child at the time of that arrival, and a child's sex and ordinal position in the family.

With proper preparation and expression of parental reassurance, he says, older siblings can function as loving, unjealous caretakers for new babies in the household.

What can parents do when their children's squabbling becomes intolerable? "One kind of emergency relief is simply to change the context," said Dr. Bloch. "Change the children's physical location, or shift the ground to make the argument less toxic: Turn a vicious fight into a pillow fight, or try to de-escalate the fight with humor. But long-term relief may involve paying attention to what the parental battle is about. Parents might ask, 'What's going on in our relationship? What are we doing with each other that might be causing our children to fight?'"

Sometimes children keep picking at each other for relatively uncomplicated reasons. "There's a whole lot of plain nuisance quarreling when kids are tired, or hungry, or bored," said Dr. Leah Kunkle Acus, the author of "Quarreling Kids" (Prentice-Hall Inc., $10.95), a book to be published next month that offers practical advice to parents in coping with children's arguments. In response to such squabbling, parents can do the obvious — encourage them to take a nap, feed them or try to occupy them with something.

"When kids are really impossible, you might sit down and talk with them," said Dr. Acus. "You can say: 'I have this problem — what you're doing is really getting to me. How can you help me figure out a way to stop this fighting?' " Often children will come up with creative solutions because they'd really rather not be quarreling."

Dr. Acus believes that parents can help children to verbally express their anger during damaging quarrels. "You can help them get to the real specifics of why they're angry — which may have little to do with what they're saying, things like 'You're dumb.' That can help children learn to express their anger in a constructive way."

Dr. Acus is not in favor of just letting children fight it out — but there are exceptions. Every once in a while, she says, children will get into a verbal debate — a disagreement about, say, the purpose of a dromedary's hump — a confrontation that may even lead children to the encyclopedia to buttress their point of view. "These are healthy exchanges of information that sharpen their debating skills," said Dr. Acus. "Instead of intervening, I think that parents should just sit right back and enjoy it."

Glenn Collins
King Palimony Suit Allowed to Proceed

By LINDA DEUTSCHE
Associated Press

LOS ANGELES — Marilyn Barnett's gender doesn't prevent her from suing tennis star Billie Jean King for "palimony," because what matters is whether Mrs. King made any promises to her former lover, a judge says.

Superior Court Judge Leon Savitch ruled Wednesday that Ms. Barnett, a former hairdresser who once had a lesbian relationship with Mrs. King, has sufficient grounds to sue Mrs. King for lifetime support.

He rejected the argument by Mrs. King's lawyer, Dennis Wasser, that only heterosexual couples are covered by the precedent set in the legal battle between actor Lee Marvin and his onetime lover, Michelle Triola Marvin.

The Marvin case first gave unmarried couples the right to sue for community property and support when their relationships ended.

"The Marvin decision turns on contract law, and not consideration of the sexes of the partners," Judge Savitch said.

Before making his ruling, the judge privately examined about 100 letters written to Ms. Barnett by Mrs. King. Mrs. King has obtained a permanent injunction forbidding Ms. Barnett from making the letters public, and their contents have not been revealed.

Meanwhile, Mrs. King and her husband, Larry, plan to sue to evict Ms. Barnett from a beach house they own.

Ms. Barnett, 33, who became Mrs. King's personal assistant and lover in 1972, claimed that during the affair Mrs. King promised her a Malibu beach house and support for the rest of her life.

Mrs. King, 37, acknowledged that there was an affair — she called it "a mistake" but denied that she had promised Ms. Barnett anything.
Consumer Saturday Couples With a Contract

He time to agree to disagree is when there is love in your heart and a smile on your lips," said Cecile C. Weich the other day to women gathered at the Chase Exchange to hear her talk about premarital and pre-living-together agreements. Such agreements are becoming more common these days, she says, because women have more tangible assets than they used to.

"Women enter such agreements as equals these days," she said. "They have bargaining power."

Mrs. Weich, a matrimonial lawyer for more than 22 years, spoke to members of the Chase Exchange as part of its financial seminars program. The Exchange is a financial services program begun in October 1980 to help women manage their money.

A striking woman in white trousers and shirt, white long outer coat with a white handkerchief draped from a breast pocket, and white wide-brimmed felt hat with a band of white feathers, Mrs. Weich spent the better part of an hour answering questions that she said later were typical of those asked by clients who seek her help in preparing binding premarital and pre-living-together agreements. Here are questions she considers the most pertinent and her answers:

Q. What sorts of considerations can be put in such agreements?
A. Any assets, any property, how children are to be nurtured, how work within the shared home shall be divided, how property shall be distributed in the event that the union is dissolved. Sex, how often, how much, shall a bedroom be shared, shall a bed?

All these can and are put into such agreements. You can even put in who should do the dishes and when. Anything can be put into an agreement except that which is illegal or contrary to public policy.

Q. Do the courts recognize these agreements?
A. They have been recognized by the Court of Appeals since 1877 and were legalized in New York by statute in 1964.

Q. If you are already married can an agreement be drawn up?
A. Absolutely, two people can agree to anything.

Q. Does one need a lawyer for such agreements?
A. Two attorneys should be used, just as you would in any business partnership. I never represent two parties to an agreement.

Q. Can drawing up a will be part of such agreements?
A. Yes, and what's more, depending upon the location of the real property involved in the agreement, you can dictate which state's laws you wish your estate to be governed by. For example, you can state that property be governed by equitable distribution in New York, whereas in New Jersey, as of 1989, there is a community property law. Simply, equitable distribution means distribution in fairness, community property means each person owns everything.

Q. In drawing up a will as part of living-together agreement, can you appoint your partner guardian of your child, despite the fact that his natural father might be alive?
A. Generally, I would say no. The biological parent is usually given custody, even maternal or paternal grandparents, even aunts or uncles. I would say not, perhaps because it would seem contrary to public policy.

Q. What is the usual cost of drawing up such agreements?
A. I can't answer that. A lot depends on peoples' ages, their means, the amount of their assets, how complicated the agreement might be.

Q. Is there any financial advantage to a woman of marriage over a living-together arrangement?
A. Financially, no. I can't speak in terms of emotions however.

Q. Are marriages made outside of the United States recognized here in terms of any agreements made in connection with them?
A. Yes, and the same is true with marriages in other states. After an agreement is made, codicils be added, can changes be made, additions, deletions?

Q. Yes, so long as they are done before witnesses.
A. In sum, will an agreement carefully drawn up protect you from financial harm if the union breaks up?

Q. Of course, if it is properly drawn up, ironclad, it should positively protect you. Let me give you an example of how the procedure works and what can happen when an agreement is contemplated:

Two people seeking to draw up a prenuptial agreement came to me, a man, divorced, with two children, and a woman, divorced. We talked about two and a half hours and at the end of it the man concluded that although he wanted to "share everything" he was not willing to give up his pension rights, which he had earmarked for his children.

When the woman suggested that they might have children together and what then would be done for those children, he said he would start a new pension. Well, she, and they, had never contemplated that, and they walked right out of the office. They have never married and as far as I know there is no agreement.

Fred Ferretti
Lark-Owl Marriages

By NADINE BROZAN

He is a lark and she is an owl. That means he rises before dawn, jogs a few miles and is at work in his office by 6:30 A.M. If left on her own she would remain in bed till noon and does not really feel vibrant until evening, when she is ready to write a book or dance all night. But by then he is asleep — or wishing he was.

There are no ontological connotations to the designations of larks and owls: They are simply the descriptions often used to differentiate so-called day people from night people.

These terms have a substantial scientific basis. There are established, albeit still mysterious, biological factors that set the pattern of energy and fatigue in the individual. Dr. Richard Coleman, co-director of the Stanford University Medical School’s sleep disorder center, said, “Each person has a group of cells called the superchlamis — control the timing of peak energy order center, said, products.

The most influential factors, said Dr. Elliot D. Weitzman, director of the sleep-wake disorders center at Montefiore Hospital Medical Center, are probable habitual sleep routines and a natural rhythm that “may well be set by genetics, at birth or soon after.”

“Only 3 to 10 percent fit into each category,” he went on. “They represent the extremes. Most people tend to function well at either end of the day.”

What happens when a lark or one with larklike tendencies is married to an owl? That depends on the couple, their willingness to accept differences and the mechanisms they develop to deal with them.

Such marriages do work, as exemplified by Jim and Pat Spanfeller. A freelance illustrator, Mr. Spanfeller ends his day by having beer or coffee on the porch of his Katonah, N.Y., home and watching the sun rise before retiring. An hour later his wife gets up to begin her day as a marketing director for a direct-mail concern; she works at home in the city too.

The Spanfellers have lived this way happily — together but not in tandem — for most of their 29-year marriage.

“But in the beginning it was difficult,” Mr. Spanfeller said. “She tried to live on my schedule but it was impossible, so we slowly grew into this.”

Mrs. Spanfeller added, “Each of us is a very private person and this certainly gives us privacy.”

While the Spanfellers manage to spend large chunks of time together because both do so much of their work at home, Ernie and Kelly Anastos do not have that luxury. Mr. Anastos is the anchor of “Eyewitness News” for the 11 P.M. newscast on Channel 7, so he usually sleeps until late morning and leaves for work at 4 P.M.

Mrs. Anastos describes herself as “definitely a night person” and one who needs a lot of sleep. “My peak time is probably 8:30 A.M.,” she said, “and if I have a big lunch then I’m finished for the rest of the day.” She makes it a practice to watch her husband on the late news, settle in, read part of a book and turn off the time it’s a struggle to stay awake.”

So when he arrives at their Westchester home after 1 A.M. it is usually silent. “At that hour I’m ready to go,” he said. “But the only person I can talk to is the cat. So I eat. Often I’ll broil a steak then I read or work on a book I’m writing before going to bed at 2:30.”

The couple find ways to compensate by spending weekends together and staying home on Sundays with their young children.

“Sometimes Kelly waits up for me and we stay up together,” Mr. Anastos said. “Other times I get up at 8 A.M. for her so we can have breakfast and a normal day together.”

Even being in business together is no guarantee that a couple will live by the same timetable. Julie Gustafson and John Reilly, both directors for Global Village, which produces documentaries for public television, work together and are married. Miss Gustafson, who uses her maiden name, said: “The problematic part of our marriage is not seeing each other enough. Since most of my day is lived in the early morning and John retires at 10 P.M., and since he doesn’t get up until 10 A.M. and goes to bed at 1:30 A.M., there is not that much time during the day that we are together even though we live and work together.”

Sometimes, she conceded, it irritates her to see him sleeping late. “I have ended up with all the errands,” she said. “It’s useless to expect him to take our two children to school. So I do a lot of tearing around before I arrive at work. I wish I were better at protecting my time.”

Still, she said, she would not attempt to change his routine. “He is one of the most successful people I know in arranging a huge daily chunk of creative, productive time and I love him dearly,” she said.

Owl-lark couples say they have a distinct advantage in child rearing. Ephram Velazquez, an aircraft mechanic, prefers to work during the day — he is unemployed at present — while his wife, Ivette, a registered nurse at New York Hospital, volunteers for late duty. “It’s wonderful for our 2-year-old son,” Mr. Velazquez said. They need a baby sitter for only three hours. There seem to be several keys to making such a relationship harmonious. One cited by many couples is an independent spirit. Bob Hill, an investment counselor, leaves his wife, Casielle, a marketing services coordinator, asleep when he goes out jogging or fishing.

“I sleep so late that sometimes friends check in to see if I’m still alive,” said Mrs. Hill, who sleeps in and starts as she feels the need. “But I do get up to play tennis, go horseback riding or to the beach with friends or by myself.”

For some, the ability to compromise is important. When Anita Madison, now a graduate student at the Columbia University School of Library Science, was married 12 years ago, her idea of fun was “to stay up all night, go to the theater, go dancing and out to nightlife.” She continued: “My husband, Richard, an immigration lawyer, likes daytime sports, skating, ice-skating, jumping out of airplanes. But as time passed he’s given up a lot of his sports and I have given up my nighttime activities.”

Naomi Warner, licensing director for Harry Abrams, the publisher, whose peak time of day is midafternoon, said: “In a long-term relationship, you learn to be humane. It is important not to make the other person wrong. You’re not wrong, you’re simply different, and you learn to be considerate.”

Mr. Warner, who heads an agency that compiles music for television commercials, became a night person during years in entertainment.

Consideration also extends to the sexual relationship. As one woman said, “When you’re living parallel but not necessarily congruent lives, you have to plan for it. You don’t always make love at night.” But she viewed that as an advantage: “You don’t take anything for granted just because you’re lying next to one another as other people do.”

Planning Strategies

A man observed: “You probably tend to have relations less frequently because you have to think about it, to plan strategies. You find you’re no longer totally spontaneous.”

Whatever their situations, couples who overcome disparate schedules tend to laugh at their foibles. Brian Russell of Leonia, N.J., an insurance broker, gets up at 4:45 A.M. to beat the rush-hour traffic, so his wife, Marie捕, knows when she gives a dinner party he will be likely to fall asleep. “But after a 45-minute nap he wakes up as if he hadn’t missed a thing,” she said.

Do they get angry? Oh no: “That’s part of Brian and his charm.”

THE NEW YORK TIMES Style SUNDAY, JANUARY 24, 1982
Believe they made the right decision in asking Mitzi, their adult daughter, to move out of their home. Mitzi had lived at home on and off since finishing high school in 1976. She was not working regularly, and her parents found her lifestyle incompatible with theirs. "She comes in at 4 a.m.," complains George, a teacher. "We have to get up early to go to work. Mitzi smokes, and the place smells of it in the evening. In addition, we're not much charmed by some of her friends."

But perhaps the most important reason for asking Mitzi to leave, Diane notes, was that she was more responsible on her own. "She's working steadily since she moved into an apartment with two other young women. She keeps up her share of the rent. "It's not an easy decision to kick a kid out," Diane acknowledges. "But we get along better, really. Mitzi realizes it."

The Moores have experienced an acute case of "refilled nest syndrome," a living arrangement that is becoming more and more popular across the country. Thousands of sons and daughters who at one time flew the family coop are flocking back. Although most parents are reluctant to act as forcefully as the Moores did for fear of alienating their children, they are watching their nests fill up again with mixed feelings. Even in the best of cases, when parents welcome children and willingly extend help, new problems and conflicts must be worked out.

The 1980 census reported that about 18 million adult children in the United States now live at home with their parents. Population studies at the University of Chicago and at Harvard show the pattern is on the upswing.

Experts generally attribute the trend to hard times in which it is increasingly difficult for young people to find affordable housing and to compete for jobs. In addition, Fred Allvine, a professor at the Georgia Institute of Technology, says: "Escalating housing costs make it difficult for the younger generation to split from the family as readily as before. Moreover, a lot of kids today feel most of the good jobs have been taken by the generation before them."

Half the time Mitzi drives me crazy. Other times I know I'll miss her." Nevertheless, says Diane Moore, a San Francisco bookstore owner, she and her husband, George, Other people attribute the refilling instincts to sociological change. David Keefe, an economist at California State University at Hayward, believes the phenomenon is "a sign that the rebellion of the '60s and '70s is over and the family is being reconciled." Young people are marrying later these days, and many want to live at home in the meantime. And as divorce rates rise, adult children finding themselves alone again in their 20s and 30s may feel the need to go back home for both financial and moral support.

Generally, parents are glad to provide it. When a 34-year-old North Carolina woman separated from her husband five years ago, she moved back into her family's home in Winston-Salem, N.C. "It made financial sense," says her mother. "It was a hard time for her. We had plenty of room."

But the arrangement did cause some family stress. "It was particularly hard, I believe, because we still had a 16-year-old daughter at home," the mother recalls. "Our older daughter was a child of the '60s. Her lifestyle had become a great deal different from ours. We were very traditional. When she got engaged again, she wanted to live with her fiancé in our home. We insisted on separate bedrooms. After a while, our other daughter said she thought we were being hypocritical. We had to have several serious discussions."

For their part, children who return home after being on their own say the major drawback is a lack of privacy. The use of telephones and stereos is curtailed, and social lives are cramped. A 27-year-old Chicago city planner who moved home remarks: "When you've been independent, it's hard to go back and live by your parents' rules again. But on a practical level, it makes sense for me. My roommate moved out of the house we were sharing, and I couldn't swing the $600-a-month rent alone. I don't want to live somewhere shabby."

When the lifestyles of parents and adult children clash, say family counselors and psychologists, family values should prevail in the parental home. Lola Dean, a Seattle mother whose two carpenter sons have returned home several times, typifies parents' attitudes when she says, "My children are welcome, but they have to respect our rules."

Another possible problem is that returning offspring may revert to childish ways and become too
dependent. Paul Kingsley, a psychiatrist in California's Marin County, says that some parents unknowingly foster this dependence. "Parents don't do their children any favors by making life at home so comfortable that the kids don't want to move out," he says. "It seems some youngsters will put up with a lot of inconvenience rather than give up material comforts."

For instance, when a 26-year-old management trainee moved back home in 1980 after the woman he had been living with ended their relationship, his parents welcomed him warmly.

"It seemed a good idea," his father recalls. "But he never quite got back on his feet. He works. He brings his paycheck home. He doesn't intrude, but that may be part of the problem. His social skills are lacking. He seems to want us to make decisions for him. I suspect we may do too much."

Most setbacks aren't this extreme, says Michael Tobin, a family counselor in Walnut Creek, Cal. "But children do revert to old patterns," he points out. "Whatever family tensions existed before will exist again. They'll continue until the generations start to deal with one another as adults."

"Families can be of enormous support to one another in times of stress," Kingsley adds. "But when a child moves home, it's probably a good idea to set a time limit for the stay. Even if you have to renegotiate it later, it's a target toward independence, he suggests. "And it gives parents perspective at a time when they should be getting on with their own lives."

Financial matters are another touchy subject, particularly how much to charge adult children for room and board.

A survey conducted in 1980 by Monica O'Kane, a writer in St. Paul, Minn., showed that only two-thirds of adult children living at home and working full-time paid room and board. The average amount was $75 a month; the range was from $40 to $200 a month.

O'Kane is a mother of eight whose older children have returned several times. She wrote a book on the subject, Living With Adult Children, which was published in November.

"In 1980," she recalls, "my husband and I were wrestling with the question of how much to charge my daughter Tracy. I included the question in a survey I sent to 200 families around the country. I was surprised to learn so few offspring were paying room and board and that the amount they were paying was so little."

Quite a few parents never ask payment for room and board, it turns out. Says LeRoy Nolan of Lyndhurst, N.J., whose son Lee, 30, has always lived at home, "We're delighted to have him here. We don't need the money."

Some adult children find their own ways to help out with finances. Linda Ferrari, 28, moved back to her family's home in Fremont, Cal., after quitting a schoolteaching job in San Diego. After she found work as a substitute teacher, she arranged a low-interest loan for her parents' business through the teachers' credit union, then paid the loan off. She also helped pay for gymnastic training for a sister.

The subject of money can be ticklish, though, Linda admits. "My parents' friends sometimes make remarks about my freelading," she says. "I really appreciate it when my mother speaks up and tells them I pay."

Mutual benefits may accrue when nesters can save and the folks get help around the house. Charles Haynes returned to his family's farm in Boxford, Mass., last spring with his wife and son. He did carpentry during the summer, helping to renovate the house. Now that he's working, he pays rent, which the family is using for further renovation.

"This house will probably be ours someday," Haynes says. "It makes more sense to contribute here than to pay rent to someone we don't know."

In many instances such as this one, the live-in arrangements are mutually satisfying, even enriching, for both generations. Parents and adult offspring grow to know one another as individuals. Some parents are surprised to find that children who were disagreeable adolescents have become charming, helpful adults. Sometimes the extended families get along so well that the reunions become permanent. Some are temporary. Phyllis Feuerstein, author with Carol Roberts of the book The Not-So-Empty Nest, reports, "In interviews with over 200 families, only five said they were completely comfortable with the resumed relationship under one roof. On the other hand, no one I talked to turned down a child who needed the comforts of home."

Elizabeth Douvan, a University of Michigan psychologist, notes, "Some kids gain a great deal of strength by going back home again. Much in their lives may be uncertain. The structure of family gives them a sense of stability."

"Families who are experimenting with these reunions are catalysts of sorts, reacting to changing times without clear-cut rules to accommodate them," says Steven Alexander, a San Diego family therapist who predicts that the roosting trend will increase. "In five to 10 years," he adds, "more families will regroup. I see it as a healthy sign."

Ray Fowler, executive director of the American Association for Marriage and Family Therapists, suggests these guidelines for parents and adult children planning to live together in the family home:

- Clarify house rules. Include everything: room
and board, eating schedules, cleanup responsibilities, space arrangements. Review rules from time to time to accommodate changing circumstances and keep communications open.

- Recognize that conflict will occur. Then settle it quickly and with good humor. Don't let it fester.
- Set a target date for departure. Even if it changes, it gives everyone parameters and an opportunity to bring up the subject.
- Realize that children who come home during times of stress need sympathy and comfort but not indulgence.
- Act in accord as parents on homecoming rules and arrangements. Expect children to abide by parental values.
- Respect one another's privacy. Both generations should have lives of their own.
- Another suggestion is to draw up a bill of rights to which all family members contribute, including younger children living at home.

Charles Haynes (l), his son Eric and wife, Marion (r), returned to the family farm in Boxford, Mass., last spring to live with his father, Ed, and grandmother, Anna Haynes.
When Couples Part Company, Who Gets the Cooperative?  

By EMILY GOODMAN

WHO has the right to keep a cooperative apartment is becoming a critical question as New York's housing shortage worsens, as living arrangements become more fluid, as rents and property values escalate, as the cooperative market grows and fewer rental apartments are available. Disputes that in the past arose only in divorce are now becoming common whether the breakup is of married couples, those living as lovers or merely friends.

Here are some of the questions and answers facing New York tenants, landlords, lawyers and courts:

- John and Mary live together, sign a lease together and both pay the rent. If there is a cooperative conversion plan, who has the right to buy the apartment? Answer: Both.
- Jane and Liz both sign a lease and move into a Greenwich Village apartment. Jane contributes to the rent and furnishings but eventually moves into Susan's apartment, occasionally returning to visit Liz and their cat. The Village building is being converted to a cooperative. Who can buy the apartment? Answer: Probably both.
- Dick and Beth live together and have a child. Dick has signed the rental lease alone and pays all the rent. Dick leaves but continues to pay rent for Beth and the child. There is a cooperative conversion plan. Who can buy the apartment? Answer: Dick.
- Frank and Ann are married. They own a cooperative apartment that they bought in Frank's name with Ann's inheritance. When a divorce occurs, who gets the apartment? Answer: Probably both, under New York's new divorce law.
- Barbara owned a loft that Michael moved into when they got married. Michael contributed to the maintenance and paid for renovations, which increased the value of the loft. Upon divorce, who keeps the loft? Answer: Barbara, probably. But Michael has a right to share in the increased value because of his contributions.

Lawyers may have varying opinions, but they agree that problems like these are inevitable when people break up. They say that whenever more than one person occupies an apartment, the occupants must know who has the right to buy from the landlord-sponsor and their rights in relation to each other.

Kent Karlsson, a lawyer who specializes in representing tenants, said, "I have been going around preaching that where one person is on the lease of a rent-stabilized apartment and the other isn't, the nonsignor is just living there and would not have the right to renew the lease, so here she would also not have the right to buy the apartment as an insider."

Mr. Karlsson said that tenants in rent-controlled apartments sometimes acquired rights without being on the lease but that generally "unnamed occupants simply don't have the same rights."

One right that is clear is that the lawful tenant in a rent-stabilized apartment is the one who signed the lease. The signer has the right of occupancy even if he is not in physical occupancy, and that person is the one the landlord can sue for nonpayment of rent, the one who can demand the renewal of the lease and the one to whom a cooperative sponsor must offer the apartment. Having rights in relation to the landlord, however, or being the person to whom the sponsor must offer the apartment does not necessarily clarify the rights the tenants have vis-à-vis each other.

In a divorce, for example, where a husband and wife are fighting over who has the right to buy the apartment, the answer from the landlord's point of view will be "the real tenant" — generally the one who signed the lease and has the right of occupancy.

Whether it is the husband or the wife who gets the apartment is another matter. If the couple involved in a divorce action after July 1989, when New York's equitable distribution divorce law went into effect, cannot come to an agreement, a court will award property acquired within the marriage according to what a judge thinks is equitable and fair, taking into consideration such factors as what each spouse contributed, where children will be living and the prospects of each party.

In a New York case decided last spring but which current divorce law did not apply, the leaseholder-husband had moved out but had continued to pay rent for his former wife who remained in the apartment. The court ruled that the test of who has the right to purchase in a cooperative conversion is not who is in physical occupancy but the true tenant, the one obligated by the lease to pay the rent, in this case the husband.

As complicated as divorce is, even more difficult situations may involve those who are unmarried. Michael Spitalnick and Roberta Springer lived together in a rent-stabilized apartment on Riverside Drive. Both signed the lease. Miss Springer contributed rent to Mr. Spitalnick, who in turn paid the full amount to the landlord. For several years they had an on-again, off-again plan to marry, but Miss Springer eventually took most of her possessions and sublet an apartment on the East Side, occasionally returning to the West Side apartment.

A few months after Miss Springer...
had taken most, but not all, of her property, tenants of the Riverside Drive building received a preliminary prospectus to convert the building to cooperative ownership.

Mr. Spitalnick and Miss Springer each signed a separate agreement to purchase, but the landlord-sponsor refused to accept two separate subscription agreements and claimed the right to sell to an outsider.

But Miss Springer never totally abandoned her interest in the apartment, the Appellate Division of New York State Supreme Court ruled. The court ruled that she and Mr. Spitalnick had equal rights to purchase and that the sponsor had to sell to them. The court found that whatever the turbulence of their relationship and the appearance of Miss Springer's having left, they were both still legal tenants.

"I think you are dealing with the sympathy of the court," said Mark Kalik, Mr. Spitalnick's lawyer. "You have a very small vacancy rate in this city and the court is saying it is essential to protect the legal tenant wherever possible."

Hence where tenants have established themselves equally with a landlord as legal tenants, they have equal rights to buy the apartment and the landlord-sponsor must sell to them. After that, however, the couple have to work out between them whether to sell, to live together, to own jointly and sublet or to arrange for one to buy out the other's interest.

Settling the issue between the landlord and the tenant may be easier than dealing with the passions of the partners. In many disputes legal solutions may not be totally satisfactory. Most of the possibilities can be anticipated by people who are living together, married or not, if they are clear in their intentions, understand who has what rights and interests and possibly even enter into a written agreement.

Unromantic as it seems to some, New York tenants should be aware of whether they are establishing evidence of being equal, legal tenants or if one tenant has greater rights than the other.

Although many people previously avoided the liabilities attached to tenancy by not being named on the lease, all that has changed as the housing market has changed. If one person leaves and if the remaining party intends to claim exclusive rights, he or she should, with the assistance of a lawyer, secure written relinquishment of any rights to the apartment.
9.2 PHYSICAL ABUSE (spouse; child; parent).
Confronting the Moral and Legal Issue of Marital Rape

By J. C. BARDEN

In Redding, Calif., last year, a 24-year-old man, choking and threatening his wife, forced her into sexual relations several times during the night as she stifled her cries to keep from waking their two children. In the early morning she broke away, ran to a neighbor's house and called the police.

After treatment at a hospital, she moved into a women's shelter with her children and filed rape charges against her husband, who was later convicted of felony rape. The district attorney agreed to drop two lesser charges of sexual assault. He was sentenced to eight months in jail and three years of supervised probation.

California is among the small but growing number of states where a spouse can be convicted of raping the other spouse. The changes have come as a result of a quiet but emotionally intensive campaign by women's groups against what they call "legal rape." The campaign gained momentum after the Rideout case in Oregon in 1978 in which a husband, the first to be charged with rape by a wife living with him, was acquitted.

Other States Changed Law

Since then, four states - Connecticut, Massachusetts, Minnesota, New Jersey - in addition to California have outlawed forcible sexual relations between married couples. At least 47 husbands have been convicted of raping their wives, according to Joanne Schumman, a staff attorney for the National Center on Women and Family Law, an agency financed by the Federal Legal Services Corporation. Of the 23 cases that have come to trial, she said, 19 have resulted in convictions.

In 41 states, including New York, a spouse cannot be charged with rape of the other spouse if they are living together, and in nine states not even if they are married. Campaigns to end the marital exclusion in the rape statutes are underway in New York and at least six other states.

The New York campaign is being led by the Coalition to Reform the Sex Offense Laws, which is composed of about 30 women's groups and religious organizations and many individual lawyers. The state chapter of the National Organization for Women is also active in the campaign.

"A woman enters marriage consenting to voluntary sexual relations, not to rape," said Marjory D. Fields, a lawyer and a spokesman for the group. "The numbers of marital rapes are overwhelming, but the statistics shouldn't matter because even if one wife is raped by her husband, society should be offended."

What the statistics do indicate is that some 600,000 wives are sexually assaulted each year by their husbands. Recent surveys of battered wives by Dr. Mildred Daley Pagelow of the University of California at Riverside and Prof. Irene Hanson Frieze of the University of Pittsburgh found that more than 30 percent had also been sexually assaulted by their husbands. Other surveys have shown a similar percentage of sexual assault among the two million wives who are physically abused by their husbands.

The assaults have little to do with sex as such, according to psychologists, but are a continuation of expressions of anger and frustration. "The sexual assault is a hostile, brutal act that a husband considers the ultimate humiliation, and it has serious consequences for the wife," according to Dr. David Finkelhor, the assistant director of the Family Violence Research Program at the University of New Hampshire.

Laura X (a last name she says she adopted in protest against women being "legally owned by their husbands," who is executive director of the National Institute of the Body, Marital Rape in Berkeley, Calif., said: "People dealing with abused wives found they weren't even asking the right questions to get a clear picture. Battered wives are often more relevant and talk about rape than they are their beatings because of the shame they feel. They use all sorts of euphemisms - 'he used me,' and the classic, 'he took advantage of me.'"

The clearinghouse, a nonprofit organization supported by donations and the fees of individual and institutional members, maintains a library on marital, cohabitant and date rapes.

In New York and other states without marital rape laws a husband can be charged with assault if he injures his wife in the course of forced sexual relations, according to Miss Fields, who said that for prosecution in New York there had to be "clear signs of injury to a nonsexual body - a black eye or bruises and abrasions."

An example of the legal difficulty a woman can meet in such cases was given by Meg O'Regan-Cronin, a lawyer who is the executive director of the Nassau County Coalition for Abused Women, a nonprofit legal advocacy and support group for battered wives.

Eviction Plea Fails

Some months ago, Mrs. O'Regan-Cronin said, she went to Family Court seeking the eviction of a husband from the house where he had brutally raped his wife. "When the woman tried to bring the rape up in court, the male judge cut her off," Mrs. O'Regan-Cronin said. "The wife said, 'Judge, I'm talking about pain, and I'm talking about mental hurt.'"

"The judge said: 'I don't want to hear about these things. You're a married woman.'"

The judge did not order the husband evicted. He issued the wife an order of protection, which authorized the police to arrest the husband if he harassed or abused his wife.

An order of protection can sometimes be meaningless, however. A suburban assistant district attorney who frequently handles cases of wife abuse said that police officers at times refused to respond to calls from wives being abused, or refused to arrest the husband when they did.

Proposed New York Bill

A bill that would eliminate the marital exclusion from the New York law was introduced in the Assembly this year by May W. Newburger, Democrat of Great Neck, L.I., and is now in the Codes Committee. Under the present law a spouse can be charged with raping a spouse only if there is a court order requiring them to live apart, or a separation agreement that expressly provides that rape of the spouse can be prosecuted as rape.

Other states in which women's groups are trying to end the marital exclusion in rape laws are New Hampshire, Maryland, Oklahoma, Pennsylvania, Washington and Wisconsin. "It is very difficult for women to lobby this kind of legislation," Miss Fields said. "The problem is in trying to relate to male legislators the physical and emotional horrors that have been committed by husbands."
Son Attempting to Evict Parents From Their Home

By BARBARA CORNELL
Knight News Service

WICHITA, Kan. — Today is Ed and Elizabeth Johnson's 58th wedding anniversary. But there's not much to celebrate.

In four days they must appear in court, where their son is trying to evict them from a home the couple has lived in since 1955.

The summons says: "The defendants have refused to leave the premises and continue to remain in possession of the premises without the plaintiff's consent ..."

Their son, Clarence, a 50-year-old engineer, refuses to discuss the case. "It's just a personal thing that's been going on for a long time," he says.

The defendants are his mother, Elizabeth, 77, who has suffered cancer and a stroke, and has two artificial hips that keep her confined to a wheelchair, and his father, Ed, 88, who worries about falling from the support of his walker because he can't get enough leverage to stand up.

The premises is a small red brick bungalow with white trim and a lone red rosebush. The couple remembers buying the home in 1955 because their two sons were returning from military service.

"I liked it because it was close to the university and I knew my boys were gonna come back from Korea," Mrs. Johnson said. "We bought it and lived here so they could go to school."

To buy the home, Ed Johnson sold American Automobile Association memberships to earn $110 for the monthly mortgage payments. It was where the boys, Clarence and Bill, worked late into the night to earn their engineering degrees. It was where Clarence's oldest daughter was born before he and his family moved into the house next door.

The elder Johnsons didn't figure that old age and illness would gobble their savings; leaving them Social Security and an AAA pension to live on.

And when they deeded their home to Clarence in 1974 — so he could borrow against it to send his daughter to school — they didn't figure that one day he'd try to evict them from it.

"I didn't think he had a deed on it. I don't think he has," Mrs. Johnson said. "I never intended to deed it over to him. It was mine and I paid for it, and I did without a lot of things to pay for it."

But the eviction petition says the home is Clarence's — that "no definite term of tenancy was fixed," so that he, as landlord, can end the rental agreement with proper notice.

Elizabeth says that her other son, Bill, has offered to let them live with him and his five children.
Why People Fight About Money

By Bradshaw Hovey

Ruth Lascala, family counselor, dug through a file drawer searching for the case history of a married couple which would show how families can come to grips with chronic fights over money.

She pulled one manila folder tentatively, glanced at the name, and shoved it back. "Oh, they divorced, too," she said. "I tell you, that's a measuring stick of where the relationship was."

Mrs. Lascala, who works in a private Amherst clinic, continued to paw through her files until she found a case where the moral to the family story was a bit more optimistic.

The husband, in this case, was a "self-made" professional man of middle-class upbringing, Mrs. Lascala said. He came to her for help when he realized that his marriage was in trouble. His wife, the mother of their four children, had already contacted a lawyer to discuss divorce proceedings. But when he asked his wife to visit Mrs. Lascala to talk things over she agreed — but with one condition. She demanded that the issue of money "not be swept under the rug," anymore.

Survey data and reports from family counselors confirm that money is one of two subjects which families are most likely to fight about (the other being sex or children, depending on whom you talk to) and one which is likely to land a couple in divorce. With the economy — especially locally — suffering from a persistent case of anemia, that shouldn't be a big surprise. But sometimes when couples fight about money, money isn't the real problem. It is often something else.

How money could have been a problem in the family in Mrs. Lascala's case history might be a puzzle to some people. The husband's income enabled them to afford high-priced automobiles, frequent vacation trips and even servants. But, Mrs. Lascala said, "there were so many other issues involved besides money."

In fact, money was only nominally the problem which was threatening to tear man and wife asunder. The more fundamental issue was control. The wife never had reason to want anything — except a role in making decisions about how the family managed its money, not to mention other important family matters. She wanted to know where the family income came from and where it went, she wanted to give advice and consent on major purchases, investments and vacation plans, and she wanted to have family property, bank accounts, etc. put in her name as well as his.

"I sided with her on this," Mrs. Lascala said. "And he really came around. He was really conditioned to believe that a man takes care of those things." After two months of counseling, what had been a fundamental misunderstanding in their marital relationship was corrected. They didn't get a divorce. Mrs. Lascala sees their case as somewhat typical. "I have almost never in six years of practice seen a fight solely over money. When they're getting along there isn't anything a couple can't solve." But, she added, a couple with serious communication problems may find it impossible to resolve a disagreement over family finances, or anything.

This is certainly not to say that money doesn't cause trouble for families. The Rev. Franklin Tuchols, a counselor at the Catholic Marriage Counseling Center, thinks deteriorating marriages and the floundering economy are linked. "Our caseloads and intake go up and have gone up as the financial situation has worsened in the area," said Father Tuchols. "I can say that there is a direct relationship." And as economic pressures on families increase, the unseen fractures in marriages — communication problems, hidden conflicts — can become very visible.

It's worse for lower-income families, said Father Tuchols. "Middle-income and upper-middle-class people can hide their other problems," he said, because their relative financial stability allows them to maintain the illusion that everything's all right with their marriage. That's not the case with lower-income families.

Sometimes a problem may truly be a matter of economics alone. In that case a couple should seek help from a financial adviser. But if there are deeper problems in the relationship, Father Tuchols recommends seeking help from a professional family counselor.

Sometimes families argue about money because it is easier, safer and less abstract than other topics. "Money is sort of a nuts-and-bolts kind of thing," said Father Tuchols. "Sex is a more emotionally charged thing." And so are a lot of other subjects. A wife may complain that her husband doesn't give her enough spending money, when the real problem is that he doesn't spend enough time with her or that she feels unloved. Money often becomes a surrogate issue for other subjects which may be more sensitive or taboo.

Or, money might be used as a weapon. A woman who gets a part-time job and spends the paycheck on herself instead of pooling it with her husband's income may just be expressing her anger at being excluded...
from participating in family financial planning. And, a husband who reduces his wife's "allowance" may be using money to retaliate for something she did that was totally unrelated to money.

One of the more common sources of marital discord has been the increase in the number of families with two breadwinners. Joan Clarke, a clinical social worker at Child and Family Services explained: "For a long time a family was usually able to live on one income if they were wise." But economic hardship has forced more and more married women into the work force. The strains on couples of conventional values has been great. "We assume that men will take on their share of cooking and cleaning," said Mrs. Clarke, "but it isn't always easy for a wife to say, "This is your night to cook dinner, do the dishes, and oh, while you're at it, throw a load of wash in." That's especially true if the man was brought up to expect his wife to greet him with a drink, his slippers and a kind word when he walked through the door after work.

Likewise, there are strains when one spouse or the other must work two jobs. The one spouse may feel the other isn't doing his or her share while the other feels neglected. In all of these cases families have had to work hard to adjust to new realities, to reach new understandings.

When couples come to Father Tuchols for help, he prefers to see them together, "I want to see how their marriage operates, from the very beginning," he said. The first major task is to get each person to describe in detail what the problems between them are. "If I can get them to agree on what the problems are," said Father Tuchols, they're more than halfway home.

Once the problems are defined and agreed upon he tries to get the couple to negotiate an agreement on some course of action to solve the problems. For example, the couple may decide to tighten its budget up by buying less on credit.

"When you come to an agreement, I say let's get it in writing," Father Tuchols acknowledges that some people can relate to each other." After all, it's often a lack of communication that sets man and wife at each other's throat in the first place. And having it all down in black and white discourages future misunderstandings.

There are those, perhaps, who see some sort of indignity in seeking professional counseling help. Family conflicts, they figure, are a private matter, not something you take to a perfect stranger. Father Tuchols disagrees: "I think we feel too independent from each other," he said, "I think we've come to look at therapy as going to the shrink. But I consider it a strength to ask for help."

Joan Clarke sees it as a necessity. "Look, I happen to be a psychiatric social worker and my husband's a psychiatrist. But when we have problems we have to get outside help."
Almost since wife abuse began to be recognized as a widespread problem a decade ago, specialists in the field have known that a husband’s wish to maintain control of his wife has been a major factor, along with stress, frustration and alcohol. The wife abuser, when he feels his dominant role threatened, uses power to maintain it, the experts say.

Now researchers are beginning to see a new aspect, one that they feel could eventually lead to the end of most severe wife beatings. The solution, they say, is in women’s attainment of power — or status, as some prefer to call it — in the broad sense: economic, educational, political, social and legal.

The topic was widely discussed when more than 140 family violence researchers met at the University of New Hampshire two weeks ago to assess their work and exchange ideas on how wife abuse could best be overcome.

Of the power solution, Dr. Mildred D. Pagelow said, “This is a point on which many of us seem to be reaching some kind of consensus.”

Dr. Pagelow, a lecturer at California State University at Fullerton, reported on research based on 350 interviews and many case studies in which she found that wives with the most resources were the first to leave physically abusive husbands. Resources included income, education and job possibilities.

Wives with the least earning power are the most likely to be abused. In a study of the economic dependency of wives, Dr. Debra Kalmuss found that 6.5 percent of those with the highest dependency were subjected to severe batterings by their husbands against 2.4 percent of those with the lowest dependency.

Dr. Kalmuss, a researcher at the Family Violence Research Program at the University of New Hampshire, based her study on the program’s extensive interviews, which the experts say provide the most reliable measure of the extent of wife abuse. These interviews with a representative sample of 2,145 husbands and wives showed that in 1976 some 2.2 million wives, or 4.6 per 100, were severely beaten by their husbands at least once a year.

In another study based on the interviews, Dr. Kersti Yllo, an assistant professor of sociology at Wheaton College in Norton, Mass., measured the status of women in all states, based on economic, political, educational and legal positions, and found that wife abuse was highest in those where women had the lowest status. In these states, 6.2 percent of wives were victims of severe battering, Dr. Yllo found, while the figure dropped to 2.9 percent in states where women were considered to have “moderate” status.

There were two surprises in Dr. Yllo’s findings: In states where women’s status was highest, wife abuse was also high, 5.1 percent, and wives there were more likely to respond to a husband’s violence with violence. In high-status states, the findings showed, violent acts by each partner were comparable.

Dr. Yllo cautioned against a quick interpretation of these statistics because she did not try to determine if a wife’s violence resulted in injury to a husband. “Because of the strength and size of men,” Dr. Yllo said, “women are much more likely to wind up in the hospital.”

Explaining the batterings of high-status wives, Dr. Yllo said it was likely husbands felt “threatened by the rapid social change and the breakdown of the traditional husband-wife roles.”

As for violence by these wives, Dr. Yllo said, “It may be that that violence by husbands is no longer regarded as legitimate behavior and that illegitimate acts are reciprocated in kind.”

So, Dr. Yllo concluded, “increased domestic conflict and violence may be short-term consequences of women’s move toward equality.”
9.3

Divorce;
Separation
Top U.S. Arbitrators
In Labor Strife Turn To Marriage Wars

By LAWRENCE VAN GELDER

After 50 years of grappling with disputes in labor, commerce, insurance and consumerism, the American Arbitration Association is stepping into the ring with the marriage dispute community.

"As we extended our interests in mediation and into the negotiating process," said Robert Coulson, the association's president, "we noted that one of the areas where people are having to negotiate contracts is in the family dispute field.

"When a couple decides to break up, one of the first things they have to do now is make arrangements for how they will live after they separate, and basically involves negotiating the terms of their separation agreement. We felt the increase in no-fault divorce laws gave people an opportunity to concentrate on the problem of negotiating a reasonable settlement under which both of them can live."

The result of this thinking is the Family Dispute Service of the American Arbitration Association, which is being established in each of the 23 regional offices of the organization. These offices called upon 40,000 arbitrators and mediators and handled 13,000 cases in 1975, according to Mr. Coulson.

Four Basic Functions Noted

The service, however, is not confined to the negotiation of separation agreements.

"We have four basic functions that we can provide impartial persons to serve," said Mr. Coulson. "The first is conciliation. The conciliator can help the parties to get back together again, sometimes by negotiating a contract for continuation of the marriage."

"If they both agree the marriage is irrevocably dead, then the impartial mediator can serve as a mediator, and he can help them agree on the terms of the separation agreement.

"Then if they feel that they just can't agree as to one or more of the issues between them, it is possible for them to ask the mediator or some other person to serve as a referee, and they will agree that they will accept the decision of the referee."

The fourth and final service is the arbitration of disputes arising under the separation agreement.

Increasing Caseload Expected

Mr. Coulson noted that since 1926, when the American Arbitration Association was founded by a group of lawyers and business men in New York City, the not-for-profit service corporation has handled a few cases arising from separation agreements. In addition, he said, a few of its offices had provided some mediation service in marital cases request, but no specific program with formal rules had been established.

Last August, Mr. Coulson formally announced the new service in an appearance before a meeting in Atlanta before the Family Law Section of the American Bar Association.

Since then, he said, the association has handled more than 100 cases. "We think that as the public hears about this, there will be a continually increasing caseload."

Mr. Coulson, who is a graduate of the Harvard Law School, pointed out that contested litigation in family disputes could be expensive and traumatic for the parties.

"If a husband and wife negotiate a separation agreement," he said, "they're more likely to live up to it."

He noted that last April, in a speech in St. Paul, Minnesota, at the National conference on the Causes of Populare Dissatisfaction with the Administration of Justice, Warren E. Burger, the Chief Justice of the United States, indicated that many familiar types of lawsuits should be taken out of the courts.

A Change in Attitude

Regarding family matters, Justice Burger said, "We must see whether it is feasible to have relationships of such intimacy and sensitivity dealt with outside the formality and potentially traumatic atmosphere of the courts."

"The attitude toward divorce until recent years was that it was exclusively an area for the courts," said Mr. Coulson, adding that there were elements of fact-finding and punishment in the system. "Well, now with the newer legislation—the so-called no-fault legislation—the attitude has changed."

"It's let's try to figure out some agreement under which the parties can both live and we can take care of the children. So it becomes more possible for people to come to an agreement as to their arrangement."

In setting up the Family Dispute Service, Mr. Coulson said that the American Arbitration Association was trying to recruit as experts people with experience in such matters: social workers, family lawyers, psychologists and ministers.

But resort to the service for negotiating a separation agreement does not mean that the services of a lawyer are not required. Once agreement is reached, Mr. Coulson pointed out, a lawyer is needed to put the agreement in legal terms and file it in court.

How Mediator Can Help

Well, if lawyers are involved in the end, why not go to them in the first place? Mr. Coulson pointed out: "There are ways to approach a problem that lead to an agreement and there are ways to approach a problem that can lead to an impasse. A mediator can help them (the parties) come to an agreement."

He said that it was considered for one lawyer to serve both parties, and when two lawyers were involved in a marital case, they are duty bound to take an adversary position. Usually, he said, a settlement is worked out, but not before "bitter steps" that raise the possibility of litigation.

"It's a job of helping the parties come to an agreement rather than representing them as an adversary representation," he said of the mediation service.

"There are some couples that can't deal with each other on this mature basis. They declare war. It's very expensive and traumatic and very hard on the children."

"There are only some couples who are mature enough to deal with each other on a settlement-oriented basis. We think there are more and more like that."

Not all lawyers agree that such a service is without its flaws. Philip F. Solomon, a New York lawyer who is the president of the American Academy of the Matrimonial Lawyers, maintained that an arbitrator's decision—unlike a judge's—was not subject to appeal. Further, he said, arbitration generally means compromise, and he feels that some situations arise where there should be no compromise.

Mr. Solomon, who said he is an arbitrator for the American Association, feels that the Family Dispute Service will be useful "before the fact"—in the working out of separation agreements but he looks less favorably upon it when he comes to disputes "after the fact"—determinations by an arbitrator.

Prof. Henry M. Foster, president of the New York University law school, who is chairman of the Section of Family Law of the American Bar Association, said he was speaking as an individual and not as a chairman when he commented on the Family Dispute Service.

He said that he was among those consulted by the American Arbitration Association in setting up the service. "It's clear that I personally approve of this as a possible alternative in some
cases, and I would suspect that most of the members would agree," he said. He described the reaction to Mr. Coulson by Family Law Section members in Atlanta as "very favorable."

The High Cost of Divorce

"The Family Law Section is very much interested in alternatives to litigation," he said, "because we think we are concerned about family stability and the tremendous increase in the divorce rate, and we are also concerned about the cost for delivery of legal services here and the pricing out of the market of people not only of low incomes but people of moderate incomes. Divorce is too darn expensive." He put the going rate for uncontested divorces in New York at $1,500 to $2,500, with the cost rising where there are problems involving property, alimony or child support and becoming "very expensive" when the case is contested.

Mr. Coulson said that the Family Dispute Service charges $50 for the appointment of a conciliator or mediator and $100 for an arbitrator or referee. These then charge an additional professional fee, which runs from $100 to $200 a day. But he pointed out that the parties to the dispute have a great deal of control over how much time they want to spend with a mediator, and full day sessions are unlikely.

"Asked how the cost of utilizing the Family Dispute Service for preparation of a separation agreement would compare with the cost of the parties going to two lawyers, Mr. Coulson would say only that it should be less, but no figures were yet available."
After a Divorce, Who Gets Custody Of the Apartment?

By MICHAEL deCOURCY HINDS

"It's an absolute horror story — that's all I can tell you because the divorce is in litigation now," said Julia Perles, a New York matrimonial lawyer. For a year and a half, a couple known to Miss Perles have been sharing and battling over possession of a big, inexpensive rent-controlled penthouse in the Upper East Side. Neither spouse will move out until the divorce is settled because "it's incredibly difficult to fight for possession if you've shown you can manage outside the apartment," said Miss Perles.

Divorcing spouses have regularly fought over the marital residence, but with apartments in Manhattan so scarce and expensive the fight has escalated into a battle. Who is currently winning these battles for custody of the prized apartment? Often the husband, sometimes the wife with children, but many times both parties have to move out. The large number of divorces that break one household into two are themselves contributing to the apartment shortage, according to some experts.

New York is a title state, meaning that whoever is named on a lease, bank account, deed or car registration has the sole right of ownership after a marriage dissolves. There are about seven other title states, but in more than 40 remaining states the courts "equitably" distribute the assets of a marriage without regard to official ownership. In a few of these states, including California and Louisiana, the marital assets are equally divided.

Two bills are currently before the State Legislature that would give the courts greater discretion in distributing matrimonial assets. One bill, which has been passed repeatedly by the Assembly and defeated repeatedly by the Senate, is once again on the Senate calendar. This bill, sponsored by Assemblyman Gordon W. Burrows, Republican of Yonkers, provides a guideline for "equitable" distribution of property.

The second bill, sponsored by Senator Linda Winikow, a Democrat from Rockland and part of Westchester counties, also provides for equitable distribution but requires there to be a "presumption of equality," or equal division of property, and minimizes judicial discretion. The bill has not been reported out of committee.

Under current law, the rent-controlled penthouse mentioned above may be awarded to the husband since his name is on the lease. But the wife contends that she should get the apartment, which they rented together years ago, because she will have custody of their child. The wife may win, temporarily at least. When minor children are involved and the custodial parent can't find or afford similar

Battles over the marital residence are escalating.

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housing, or if there are other compelling circumstances, the court usually allows the custodial parent exclusive occupancy of the apartment until the children reach a specified age, often 21, even if the custodial parent is not the lesor or owner of record, according to Miss Perles.

(However, if "marital misconduct," which includes adultery, either homosexual or heterosexual, repeated beatings, harassment or even changing the locks and locking a spouse out, is proven as grounds for divorce, the guilty party would lose the right to alimony as well as the right of exclusive occupancy, even if children are involved, according to William G. Mulligan, a matrimonial lawyer.)

In another rent-controlled apartment on the West Side, one that saves its occupants about $14,000 a year in rent, a legally separated couple have been living in different ends of the dwelling for seven months, awaiting the court's decision.

"The husband and son are in one bedroom and the wife is in another; it's like something Neil Simon would have written," said Stephen Raphael, a real estate lawyer who occasionally advises matrimonial lawyers.
"A lot of these problems start with "the fog of battle" in the preparation of divorce negotiations," said one matrimonial lawyer. "Up to about 10 years ago," said Norman Shrey, "judges used to throw the husband out of the house as soon as the couple decided to fight, and the wife was left to live in the apartment where she was divorced. But no longer. Now, the court may award a temporary occupancy, or joint use, or joint occupancy, or joint use of the property before the trial. It is to prove that violence may happen, and that the court should not interfere with the property rights of the divorcee."

There are many examples of judges who have awarded temporary occupancy to cooperative apartments. For example, Judge Martin Perlman, a Manhattan real estate lawyer, awarded a temporary occupancy to a cooperative apartment owned by a woman and her two children. The court ruled that the woman should have the right to live in the apartment during the divorce proceedings.

In another case, Judge Martin Perlman awarded temporary occupancy to a cooperative apartment owned by a couple who were in the process of divorce. The court ruled that the couple should have the right to live in the apartment during the divorce proceedings.

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An Unusual Agreement Eases the Pain of Divorce

By ALEX WARD

"Divorce," said Roger Kahn, the writer, "is not a legal matter. It's a family matter." Mr. Kahn was speaking from experience.

After six years, nine lawyers and three court hearings, he and his former wife were entangled in a settlement that is not yet final. But Mr. Kahn, not his former wife, not their new spouses, and certainly not the children involved: Roger, now 16 years old, and Alissa, 13. "When you start to argue, Mr. Kahn said in explaining his relationship with his former wife Alice, "you don't stop."

The turmoil of their battles took the heaviest toll on young Roger. He ran away from the Milton Academy in Milton, Mass., where he had been an average student and an outstanding athlete, and there was even a suicide threat. "Life just got to be overwhelming for him," said Mr. Kahn, whose best-selling book on the Brooklyn Dodgers, "The Boys of Summer" also chronicled his own formative years. "He was unable to function."

Roger is now enrolled at the De Sisto School in Stockbridge, Mass., and, his father says, is much better. Part of the reason for Roger's improvement, Mr. Kahn believes, is that his parents have stopped quarreling over him and his sister. They are now abiding by an agreement that was worked out by Mr. Kahn's present wife, Wendy, and Tom Moir, who is now married to Mr. Kahn's former wife Alice.

Their arrangement, which the Kahn's are the first to admit is unusual, was suggested by Michael De Sisto, who runs the Stockbridge school, during a parent-child "encounter" week there last winter. "I am not usually fond of this kind of thing," said Mr. Kahn. "I think of myself as a stoic, so I wasn't really eager to go. But it was a terribly emotional experience." His latest book, a novel called "But Not to Keep," is about a marriage that ends in a nasty divorce battle. "We were all there, confronting each other, being open with one another about the situation for the first time."

"Finally, Michael said, "It's clear you need a new arrangement," recalled Wendy Kahn. "He said the people you never hear from in these cases are the present spouses. They're the ones who live with this constant flak, and they're the ones who often have the best perceptions of the problems."

"So he turned to Roger and Alice and told them, 'Forget the courts. Let Tom and Wendy make the arrangements.'"

Two weeks later Tom Moir came down from his home in Merrimacport, Mass., north of Boston, to meet with Wendy Kahn in New York. "We spent the first 30 minutes breaking the ice, getting to know each other and discussing our roles," Mrs. Kahn said. "We both had a sense that we could solve some of these problems. There was give and take, but neither of us wanted anything more than peace, for the kids, for us, and for Roger and Alice."

Their meeting lasted four hours. Concessions were made, some of them dealing with finances, and some with visitation rights. It was agreed that Mr. Kahn would only contribute $5,000 a year to the children's trust fund. Before, it had been $5,000 a year plus 50 percent of his earnings over $60,000. "That put me in something like the 110 percent tax bracket," he said.

It was also decided that Roger and Alissa would see their father and stepmother whenever they wished. Roger spent a month with the Kahn's earlier this summer at their country home in Stone Ridge, N.Y., and the couple are taking Alissa with them to Ireland this month.

A few of the accommodations in the agreement were small, but because they settled points that were particularly irritating to one party or the other, they seemed important. For instance, when Alissa flies down to visit the Kahn's, her mother now drives her to the airport in Boston. She used to send her in a limousine, which added nearly $50 to the cost of her trip. After young Roger's stay with the Kahn's in Stone Ridge in June the Moirs drove halfway to pick him up. "We met at an ice cream parlor," said Mr. Kahn, "and it was quite pleasant. We actually talked."

There is nothing legally binding about their arrangement, said Mr. Kahn. "After it was worked out we did inform our lawyers about it," he said, "but that was only as a courtesy, not as any legal reasons. The agreement wouldn't hold up in court, we know that, but I feel stronger about it because now I'm honor-bound by my wife. I'm willing to do more to make it work because I know that people who really care were behind it."

Have there been any disagreements over the arrangement? "Not so far," said Wendy Kahn, who was divorced herself when she met her husband. "But if there are, I feel the lines of communication are always open between Tom and me. We've developed a very practical relationship."

Alice Moir was somewhat more guarded in her assessment of the agreement. "I think it is a very innovative solution," she said. "I feel there are still some unanswered questions, but I'm comfortable with it the way it is now. If there are problems in the future, I would want Tom and Wendy to work them out. I know Tom would be willing."

The author Roger Kahn and his wife, Wendy
I love women. I am committed to their civil rights.

Marvin Mitchelson

Divorce Mitchelson Style

By PAMELA G. HOLLI

LOS ANGELES — In Hollywood, Marvin M. Mitchelson has almost as many adoring admirers as enemies. Almost exactly as many. Most of his admirers are women. Most of the enemies are their former husbands. “I get just enough threats to amuse me,” says the silver-haired 50-year-old lawyer.

Mr. Mitchelson is the flamboyant attorney who brought to court the seven-year battle between Michelle Triola Marvin and the actor Lee Marvin, from which emerged a precedent-setting decision about the rights of women in live-together relationships. Known as a “woman’s lawyer,” Mr. Mitchelson during the last two decades has also filed suits against such entertainment personalities as Marlon Brando, Groucho Marx, Rod Steiger, Chevy Chase, Flip Wilson, Bob Dylan and James Mason. And he is currently handling the divorces of Bianca Jagger from Mick Jagger of the Rolling Stones and of Soraya Khashoggi from Adnan M. Khashoggi, the Arab financier and arms agent.

Mrs. Khashoggi, 33, is asking a record $2.54 billion in damages and property in a case Mr. Mitchelson is calling his most important since the Marvin suit. In an attempt to prove the California courts had jurisdiction, he tried to force Richard M. Nixon to testify that Mr. Khashoggi had visited the former President frequently. And in a related case in London it was revealed that Winston Churchill, grandson of Britain’s wartime leader, had been romantically involved with Soraya Khashoggi, a native Briton whose name before marriage was Sandra Jarvis-Daley.

Cases like these bring him an annual income that he says is “sometimes six figures, sometimes seven.” In opulent celebrity-style offices, he and his staff of three lawyers and two associates handle 50 cases at once, he says. Mr. Mitchelson charges $150 a hour, the going rate for established trial attorneys. (He spends 15 to 20 hours a week in court.) For

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Divorce California Style

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contract cases, such as the Marvin suit, he gets a contingency fee of as much as one third of the award.

Considered the originator of the $1 million-plus divorce, Mr. Mitchelson's celebrity practice has turned him into a celebrity himself. Charming, talkative and stylishly dressed, he is now a fixture on the lecture circuit, a regular guest on television talk shows, and his photographs show up often in magazines.

He clearly enjoys the publicity. On a recent trip to New York, where he plans to buy a home, he was nearly thrown off a bus because he did not have exact change. He threatened to challenge the exact-fare system. "I wanted to test the constitutionality of refusing to take someone who tendered money," he said. He changed his mind after the press reported the incident and New Yorkers in letters suggested he return to "Sin City."

The son of a Latvian contractor, Mr. Mitchelson grew up in Los Angeles during the Depression. Impressed by the glitter and glamour of nearby Hollywood, he wanted to be an actor or a football player. Mr. Mitchelson's friends and clients are now among the wealthiest and most glamorous people in Hollywood—many of them discussed in his gossipy book, "Made in Heaven, Settled in Court," which chronicles his rise as a Beverly Hills lawyer.

For Mr. Mitchelson, the star divorce is a self-generating business. Just the publicity from the Marvin case has brought scores of potential clients to his office, which, in the style of the Hollywood he loved as a child, resembles nothing so much as the set of a West Coast movie. It is lavishly furnished with Persian rugs, plush velvet couches, satin pillows and dark woods, and his private corner sanctum is equipped with a throne-like red velvet chair. Using remote controls, he can part two walls of drapes to reveal Beverly Hills below.

"I decorated this myself," he said, leaning back to admire a large backlit panel in the upper portion of Botticelli's Venus. "In 1954 she was the mistress of Michaelangelo and Botticelli at the same time," Mr. Mitchelson said of the model for the painting. "She expresses something romantic in women. There is something regal about her. I like her."

Mr. Mitchelson is an unabashed admirer of women. "(I love women," he said. "I am committed to their civil rights." But he is also a romantic. He has, for instance, no marital contract with his wife of 19 years, the former Italian actress Marcella Ferri.

Perhaps because of his style, his Rolls Royces, his celebrity friends and his 5,000-square-foot A-frame home in the Hollywood Hills, or perhaps because of his background—a mediocre student, he attended the obscure Southwestern University School of Law in downtown Los Angeles—Mr. Mitchelson is not very popular with other Los Angeles lawyers. But they concede that he is a passionate speaker and a hard worker. And as one colleague put it: "Marvin has the ability to baby fragile egos and still get the job done."

"If you really love them," Mr. Mitchelson said of his clients, "I think you're good at handling difficult-to-handle people. I'm not only an attorney. I'm a friend, a part-time psychologist, a priest, sage, counselor, accountant, referee and detective."

In his early days as a family lawyer he handled child-custody cases and routine divorces. Then he convinced Pamela Mason, the flamboyant wife of actor James Mason, to be his client. She sought a divorce from her husband after 21 years of marriage on the grounds of mental cruelty. Mr. Mitchelson won her case and she received nearly twice the $1 million in community property and child support she had anticipated.

After that case came the bitter divorce of Michelle Lerner from her husband, the lyricist Alan Jay Lerner; the divorce of Eden Marx, the third wife of Groucho Marx; Rhonda Fleming's divorce from Hal Bartlett; Richard Harris's divorce from his English wife, Elizabeth. "I have handled more than 200 divorces in the last 23 years," Mr. Mitchelson said. "Most of them came to a satisfactory resolution..."

In law, it is difficult to measure success and failure. "It's like a pitcher," he said. "If he has a 20 and 10 season, he can consider it a successful season. But I do better than that. I guess that nine out of 10 of my cases are resolved in what I think is a favorable way."

For Mr. Mitchelson, the Michelle Marvin v. Lee Marvin case was successful, although he failed to prove that the couple had an implied contract and Miss Marvin, who had asked $3.3 million, was awarded only $194,000 to "re-educate" herself and gain new skills. But the case created a legal stir, bringing fame to Mr. Mitchelson and setting a precedent for people who live together without marrying. "The case established the rights of women to a fair share of the property they helped to accumulate," he said. "It means that such couples are not to be treated specially. They are just the same as anybody else who enters into a partnership and then dissolves it."

The Marvin case, which created the concept the legal profession is called "palimony," is being appealed and cross-appealed. Until the cash is resolved, Mr. Mitchelson cannot collect his contingency fees. "When a client doesn't have any money but has a good case, you make other arrangements for payment," he said. "I've put in seven years and about 5,000 hours. I spent 11 straight weeks in court," he said. "I got a lot of publicity. But I've never known a man who could eat his newspaper clips."

Mr. Mitchelson's bread-and-butter business in recent years consists less and less of routine divorce and child custody battles and more of cases that require his high-priced "extraordinary" services. "An extraordinary service would be, let's say, the breaking of a prenuptial agreement," he said. The Mitchelson agreement called for a total settlement of $5,000 in the event of a divorce between a wealthy insurance broker and his wife. The court upheld the contract, but Mr. Mitchelson won for his client a settlement of $12,000 a month for the first three years and $10,000 a month for life, all charged against the estate. "It also included an unusual feature which meant that even after his death his estate paid her," Mr. Mitchelson said smiling. "And they say there is no alimony after death."
A Divorce Ceremony, For Children's Sake

By TRACIE ROZHON

Three Episcopalians in Darien, Conn., have developed a religious service that affirms the love of separating parents for their children while trying to avoid condescending divorce.

The service, one of the first of its kind, was written by a marriage counselor, a priest and a social worker after all three found an increasing number of children of divorced parents who felt neglected, alienated or guilty for their parents' breakup.

The liturgy, called "A Service of Affirmation When Parents Are Separating," was published a month ago by Forward Movement Publications in Cincinnati, a major publisher of religious tracts for the Episcopal Church.

Copies of the 12-page pamphlet have been requested by those of other faiths, according to its authors, who stress the service's ecumenical appeal.

"A Service of Affirmation When Parents Are Separating" was published a month ago by Forward Movement Publications in Cincinnati, a major publisher of religious tracts for the Episcopal Church.

"We acknowledge that we are now unable to meet one another's need and preserve those vows of matrimony which we once solemnly undertook," the liturgy reads. "We say this with regret for we had wished to cherish each other and to see our union endure. Now, it seems best that we set each other free."

"We further acknowledge that we are entitled to this relief of our vows only as we accept our basic responsibilities for you (indicating children) and each other."

"The parents each pledge to lend support to — rather than malign — the other spouse. Then, both mother and father separately pledge to carry out their responsibilities for the care and education of the children."

"Anybody can see these kids are really caught up in something unexpected," said the Rev. Frederick Bender, associate rector of St. Luke's Episcopal Church in Darien, one of the service's authors. "They love their mom and dad, and they figured they'd be tracking with them right down the primrose path — and then, bam!"

"Children grow up with a basic trust and confident expectations," added Dr. David Ulrich, chief psychologist of the Child Guidance Clinic of Greater Stamford, Conn., and the prime mover behind the liturgy. "If the parents stay together, this is preserved, but if they split, it's more difficult and often has a crippling effect on the child."

"What happens in a divorce is that even with the best intentions, things become so full of acrimony, the lawyers get sucked in and a kind of centrifugal force sends the parents flying apart. This service is an attempt to reaffirm the covenant the parents made when they married, and affirmed again when they baptized the children."

The third author of the service, which was published about a month ago, is Faith Whitfield, a caseworker at Family and Children Services of Darien and Stamford.

Mr. Bender said he had not heard of a service actually being performed. Both he and Dr. Ulrich said they were counseling parents now who may want to participate eventually. "But they're not at that point yet," Mr. Bender said.

The service has been praised by most of the people who have seen it, according to Mr. Bender, who added, "In the pull and tug, when it was being drafted, one of the bishops didn't think it was so neat — he was a little suspicious it might open the floodgates to more divorces."

But of the 20 members on the council of the Stamford Deanery, composed of 10 Episcopal churches, "no one gave us any negative sense and no one opposed it," Mr. Bender said.

In the foreword to the service, the authors describe their intention.

The service, the foreword says, "is in no way intended to suggest that the church can or should condone divorce. To the church, marriage is and will continue to be sacred and, by intention, lifelong."

"At the same time, the church is confronted by the reality that nearly two million children each year are involved in the divorces of their parents," the second paragraph begins.

"We're walking on delicate ground," Dr. Ulrich said. "There's a schismatic situation here, and the more liberal efforts are being assaulted by the conservative branch. We want to deal with the subject in a way that's not offensive."

Grew Out of Seminars

The service was first suggested in the winter of 1979 when the Stamford Deanery sponsored a series of classes. One of the seminars was titled "Preserving Parent-Child Relationships in Changing Families."

The first class, led by Dr. Ulrich, was on a Sunday and "as it happened, I just had been at church," the psychologist said. "It occurred to me there might be a religious event possible. I started talking to my minister in Stamford and then to the deanery. We kicked the idea around and decided to do something."

After the series of four classes, Dr. Ulrich continued to attract parents to a series of seven weekly discussions.

"What happened was absolutely predictable," Dr. Ulrich continued. "We tapped into the universal feelings and attitudes and ethics concerning divorce — and it wouldn't have mattered if the people had been Protestant, Catholic, Jewish, Moslem or Hindu."

"One thing we try to get people to understand: It's an uphill struggle to get people to recognize that when they're shooting down the other spouse, the children feel a profound loyalty to both parents and they are struggling to preserve that loyalty. It is amazing how much time a child will spend trying to put his parents back together."

In the service, the priest or narrator reads: "Sometimes, children believe they are responsible for their parents separating. What can you now say to (the children's names) about this?"

Each parent in turn recites to the children: "This separation is in no way your responsibility, but ours, your parents. I want you to know that your presence in my life was a reason for keeping this marriage together. You brought joy when you were born. You bring joy now. Without you, I would be something less. So I am that there will be grateful to God for you. Nothing can ever erase my love for you."
Divorce Mediation: Will It Work?

By BARBARA SNYDER

She wanted the kid. So did he. The fight was on.

During the 18 months they waited for their contested divorce to come to trial, ugly incidents occurred, involving both families.

Tires were slashed. Autos were vandalized. The police were called. More than once.

The day before the case was to be decided, they showed up in the office of O.J. Coogler, founder of the Family Mediation Association and the father of what has come to be known as divorce mediation.

"The couple was fed up with the craziness," said the Florida-based Coogler, a marriage and family therapist and licensed attorney who is training proteges and spreading the word about mediation through the legal and mental health professions. "They opted for mediation."

A Florida judge reluctantly agreed.

It wasn't easy.

"THEY WOULDN'T even give each other their telephone numbers when they sat down to mediate," he recalled.

But after a long struggle - with Coogler mediating - "they divided the time in a joint custody arrangement, then began working on financial issues."

The mediation ended successfully, and not without a sense of great accomplishment. "They felt they did it themselves," Coogler said. "Mediation empowers people to define problems. Put them in a courtroom and they define themselves as enemies."

As America's divorce rate escalates, so does the emotional and financial carnage.

Is there a better way to make divorce decisions, outside a legal system some critics consider tend lives off the afflicted and wounded who end marriages?

A system others say encourages conflict in divorce by caging the petitioner as adversaries competing for the judge's favor?

A way to cut the cost of drawn-out litigation? (Mediation costs about $40 an hour. Requires six to eight meetings and with the cost of an attorney to prepare a final draft, highly complicated divorces have been settled for under $1,000.)

**  **

**CAN MEDIATION** save the pain of divorce? Can a warring couple at least learn something about the benefits of cooperation?

Ever since he began the development of structured mediation in the fall of 1974, Coogler's answers have been a firm "yes."

In the last five years, 75 attorneys and therapists have taken Coogler's extensive 100hour training sessions and about two dozen private divorce mediation services have started, most in the Washington, D.C. area, where the Family Mediation Association's Training Center is located.

How does divorce mediation work?

Since mediation's baseline is cooperation, Coogler has his couple agree to, and sign, a set of ground rules that are a legally binding contract.

All bargaining strategies are denied, other than the strategy of cooperation.

Then they get down to business: dividing property, spousal support, child support and custody.

Once at the mediation table, the couple works through a pile of forms.

For division of property, for example, each is required to prepare detailed financial statements supported by tax returns from the last three years.

**  **

**IN THE CASE** of child support, both must prepare itemized budgets - one that applies if they have custody, one if they don't.

Custody arrangements are often saved as a last consideration to insure children are not used as a bargaining tool.

As the couple disassembles their marriage, the mediator acts as an impartial third party: making sure the couple observes the rules, using his or her training to interpret tax and financial matters and smoothing often volatile interpersonal relationships.

Then the couple selects - from a panel of attorneys maintained by the mediation service - one impartial lawyer who listens to what the couple has agreed to and develops it into a legal separation agreement. That document then becomes part of the final judgment in a divorce.

In case of an impasse, the issue is referred to an arbitrator.

Although one out of five taking Coogler's training is a lawyer, most Bar Associations across the country are opposed to the concept, Coogler said.

Locally, Grace Marie Ange, head of the Erie County Bar's Family Law Committee, called mediation "unethical. It bothers me," she said, "if each side has a lawyer and they aren't going to do business."

Enter Mark Lohman, mediator of the Family Mediation Service of Northern Virginia in McLean, a kind of self-appointed "mediator" between the mediation process and angry lawyers.

A "friendly competitor" to Coogler, Lohman follows the basic goals and techniques of mediation - introduction of a trained, neutral third party to facilitate communication and work out an agreement.

But he differs with Coogler's "single legal advisor" approach that alienates the Bar. Explained Lohman:

"There are some couples, bright and sophisticated, who don't require independent legal counsel to further define their views. But most people have acquired a high degree of contention and want to confer with independent legal counsel."

In Lohman's mediations, each party retains separate counsel to review the draft. "Many lawyers here are comfortable with that," Lohman said.

One local attorney who serves in the divorce battleground daily said he favors the idea of mediation:

"I have really given up on litigation of solutions for matrimonial problems," said Herbert H. Blumberg, matrimonial referee for the New York State Supreme Court. "Custody, especially, doesn't litigation well. I think it's an idea whose time has come."

Close to home, the American Arbitration Association is gearing up to offer mediation service to Western New Yorkers. Contact Deborah Brown, director of the Syracuse regional office, 315-472-5483.

Added Mark Lohman: "It's a fabulous idea but it's completely unregulated. A title or office shingle advertising marital mediation can be misleading. Check credentials."
Making similar choices is increasing because "people are tending more and more to sit down and figure out what is best for the children and deciding that, in some cases, perhaps a boy relates better to his father."

Still, to the world at large, a woman's decision not to live with her children when she has been granted either full or joint custody remains inexplicable.

For the women themselves, no matter how sure they are of their course and no matter how deeply they remain involved in their children's lives, the move is inevitably followed by ambivalence, guilt and fear that the children may take the decision as rejection. There is also the pain of physical separation even when visits are frequent and the communication close.

Two psychotherapists in New York, Susan Falk and Joan Lakin, plan to start a workshop and group in February to offer such women an opportunity to grapple with their situations and their feelings. (For information, telephone [212] 929-0096.)

"The reason it is such an explosive topic," Mrs. Lakin said, "is that all human beings struggled as babies with the sense that they would be abandoned by their mother when she went out of the room for an evening or a moment. On some level this recalls their own fear of abandonment."

Mrs. Lakin, who was attending school, was amenable to her husband's request that he take their daughter, now in her mid-teens, and son, now 10, during the first year of the separation because he was an extremely devoted and loving father.

At the end that year, Lawrence Lakin announced he wanted full custody, so the couple settled on a joint custody arrangement rather than go to court. In 1979, Mr. Lakin moved to California for a new job. "I was devastated," Mrs. Lakin said. "It was my fantasy that I'd never see them again, but again I didn't want to expose the children to a legal battle. I have been out there numerous times, we write and phone all the time, and he is now looking for another job here."

Nadine Brozan
Today’s ‘Friendly’ Divorces Are Tougher on the Kids

By Frances Maclean

Many afternoons during even-numbered months when he lives with his mother, Anthony, a quiet 10-year-old, plays Dungeons and Dragons at our house. On afternoons during odd-numbered months, he stays at his father’s house.

One recent February afternoon, Anthony looked drawn and was more quiet than usual. When pressed, he admitted to having a dilemma. His mother and father, who are divorced but are by his description “still friends,” had told him it was his decision whether he spent the summer with his mother and her research group in the Southwest or stayed in the city with his father and dived for the swim team.

“The thing is,” said Anthony, rolling a handful of dice, “I’ve worked hard on my diving. On the other hand, I’ve never been to the desert.” He steadied the dice for a moment. “And no matter how much they tell me it doesn’t matter what I decide, I’ll hurt the other one. Then they’ll start fighting again and act funny to me for a while.”

Children traditionally have been the battle-ground for divorcing couples. As society grows more familiar with divorce and the marriage failure rate hovers just under the one-in-two mark, it has not necessarily followed that society has grown more adept at handling the attending problems. Even in this day of enlightened divorce, when partners separate amicably enough to continue to share the weekend cabin and the Cuisinart, the undercurrent of acrimony such as Anthony felt prevails.

When my parents divorced 25 years ago, no sugar coating covered the bitterness of that event. My mother never told my younger brother and me (neither did our father, but a man of his era wouldn’t have been expected to) that she and my father were splitting because they were not “right” together or that they just could not develop their potential to the utmost while under the same roof.

My mother also never told us, although she did not know as we do today that double binds are the stuff schizophrenia is made of, that our father was a kind, honest, good man, just not good for her, and we were to continue to look at him in that light, even if she didn’t.

Frances Maclean is a Washington free-lance writer.

By Geoffrey Moss for The Washington Post

See DIVORCE, Page C3
DIVORCE. From Page C1

It was the unspoken, naked truth that they ended their 25-year marriage because they simply couldn’t stand it any longer. At times, I look at Anthony with his month here and the next there, and see his body cut into wedges, like so many pieces of holiday pie. He and other children of modern divorce appear to have been divided neatly and judiciously along with the other goods and chattels. But I would be less than honest if I did not admit to fueling at least part of my outrage with old-fashioned envy.

My parents were the only pair in either of their families or among their acquaintances in our Illinois town to voluntarily put an end to a marriage. It was not so much a “scandal,” for they weren’t that kind, as “a shame.” For me there existed no war. too nice and probably quiet and sophisticated and modern. “Oh, your... self-centeredness, often assume their parents’ anger is directed toward them, and think if they had only kept their rooms cleaner or gotten better grades their parents would have never broken up.

As reluctant social pioneers, my mother and father handled their divorce without much finesse. But it has had its advantages. I don’t remember one moment thinking I caused their marriage to sour or that their anger had much to do with me. Of course I’ve had my own emotional figure eights. For the first 10 years, my allegiance to my mother was complete and I blamed my father for the failure. The next 10 years I spent assigning fault to my mother.

Yet I admire today’s divorced parents — their civility, their care, their struggle for fairness. A familiar feature of school events at which parents are invited to beam approval as children perform are the divorced parents who both attend. They usually sit on opposite sides of the room, their backs straight, their chins high, their eyes averted as they watch their children perform. I’m moved by their effort and commitment. I think I’ll always be envious. I remind myself that my own parents also worked hard. But their effort was before they split. And, probably, that’s the way it should be.
Mediating a Less Hostile End to a Marriage

By JUDY KLEMESRUD

When Carol and Donald Krug of Westbury, L.I., decided to end their marriage in 1977, they were determined to avoid a court battle that would turn them into adversaries and which, they thought, might generate antagonism and hostility that could last forever.

"We had seen this happen to divorcing couples who had two lawyers battling it out," said Mr. Krug, 44 years old, a professor of sociology at Wagner College in Staten Island. "We didn't want it to happen to us."

So the Krugs went to see John M. Haynes, a divorce mediator, who is also an associate professor at the School of Social Welfare, State University of New York in Stony Brook. They saw him six times, and he worked out custody arrangements for the Krugs' two teen-age children, child support and a division of property.

A year and a half later, when the divorce was filed, the Krugs saw Mr. Haynes two more times to work out the final agreement, in which Mrs. Krug was awarded the family house and Mr. Krug the upstate vacation home.

"I Had No Anxieties"

"The whole procedure was very calm," said the former Mrs. Krug, 45, who is now Carol Kelly, and works as a counselor for displaced homemakers in Levittown, L.I. "I had no anxieties about the process whatsoever. There wasn't any hostility, because neither one of us was trying to bleed the other."

Mediation is the latest trend in divorce. In this process, a couple works with a trained mediator — usually a lawyer, social worker or psychologist — to make joint decisions, rather than hiring two lawyers to plug it out in the traditional adversarial procedure.

Mediation services are now available in several cities, including New York, Washington, Los Angeles, Minneapolis, Atlanta, Denver, Fort Lauderdale, Fla., and Richmond, Va. In California, mediation is mandated by state law for any divorce case in which child custody is involved.

The Family Mediation Association, an organization that trains mediators, recently set up national headquarters in Washington, and says it has a membership of 700. Its founder was O. J. Coogler, a lawyer and marriage counselor who is generally credited with pioneering the mediation concept in the mid-1970's after his own divorce.

"The whole concept of divorce mediation needs exploration," said Linda J. Silberman, professor of family law at New York University, who helped set up the new divorce mediation program at the Postgraduate Center for Mental Health, 124 East 28th Street.

"The traditional adversarial process has had pervasive problems," she added. "People who are working in mediation try to understand the serious social and emotional problems of divorce, but most lawyers do not see that as their role. They're interested only in the legal process."

On the other hand, Miss Silberman said she also saw problems with the mediation process. Commenting on the Family Mediation Association's policy of awarding a certificate to anyone who spends $600 for a five-day training course, she said:

"There is nothing to stop almost anyone from putting up a shingle and saying they are a divorce mediator. There needs to be some kind of check on these people."

So far, there has been very little comment from bar associations regarding divorce mediation. Last March, the Committee on Professional and Judicial Ethics of the Association of the Bar of the City of New York issued an opinion that said there was no ethical bar to a lawyer's participation as a mediator in a divorce mediation program organized by a nonprofit organization if certain careful precautions were taken.

Donald C. Schiller of Chicago, chairman of the American Bar Association's Committee on Divorce Law and Procedures, said: "Mediation is like a new drug. You never know what the reaction is going to be. It may cure some of the early symptoms, but two years down the line it may kill you."

He added that one of his biggest worries about mediation was that the person doing the mediating would not make each party aware of his or her rights. "Say a mediator tells the wife that she's entitled to 50 percent of everything," he said. "That may make her feel good, but what if she is actually entitled to more than half? That could be very damaging to her."

Divorce Mediation Services

A growing number of people in the New York area are calling themselves divorce mediators. They include lawyers, social workers, psychologists, physicians and college professors. Since the profession is relatively new, it is not yet regulated by the state or the Federal Government, and none of the mediators have licenses or other official accreditation.

Several professional organizations also offer divorce mediation services in the city. They include the Postgraduate Center for Mental Health, 124 East 28th Street, New York, N.Y., 689-7700, and the American Arbitration Association, 140 West 51st Street, New York, N.Y., 484-4000.

Those seeking more information on divorce mediation can get in touch with Morna Barsky at the Family Mediation Association, 61 Jane Street, New York, N.Y., 675-1624 or the organization's national office at 5018 Allan Road, Bethesda, Md., 301-320-3300.
Above, Carol Kelly (facing camera); at right, John Haynes.

Most divorce mediators use one of two methods to do their work: a nonlawyer mediator will do the early part of the mediation, trying to keep a lid on the couple's emotions, and then recommend that both parties hire separate lawyers to take their divorce agreement to court; or a nonlawyer mediator will work in conjunction with a lawyer, who draws up the agreement for both parties and takes it to court.

Whatever method is used, mediation is normally cheaper than the adversarial divorce — usually about half the cost. Mediators' fees usually run between $50 and $100 an hour, compared with $200 to $300 for lawyers.

According to John M. Haynes, the Krugs' mediator, who said he had mediated 300 divorces in the New York City area, the average cost of a mediated divorce is $1,500 — including $750 for the mediation and $800 for two lawyers to take the divorce agreement to court. In the adversarial procedure, he said, the average total cost is $3,000.

Mr. Haynes, author of "Divorce Mediation" (Springer Publishing Company, $17.95), conceded that mediation was not for every couple.

Why do couples choose divorce mediation? "The two sexes have entirely different motives," said Jessica Pearson, a Denver sociologist who is conducting two major studies of divorce mediation, one a national survey and the other in Colorado.

Miss Pearson said that after studying 120 Colorado couples who used mediation and 120 Colorado couples who used the adversarial method, she had concluded that men chose mediation because they felt their chances of winning in court were "pretty low." The women who chose mediation, she said, did so because they felt the court was not an appropriate forum for divorce, "and they wanted a warmer way of settling the dispute."

She said that the study, known as the Denver Custody Mediation Project, also shows that 55 percent of couples who try mediation come up with agreements; that couples who mediate are more satisfied with their divorces than those who rely on the courts, and they are more likely to agree to joint custody of children, as opposed to a single-parent custody arrangement.

Other Couples Involved

Married couples are not the only people who are turning to divorce mediators. According to Mr. Haynes and a number of other mediators, unmarried couples and homosexual couples are also using mediation.

Hank Glaser, a 38-year-old landscaper from Bay Shore, L.I., said he went to a mediator three years ago after he and his live-in companion of five years, JoAnn Bonamico, broke up. The mediator drew up a joint custody agreement concerning the couple's son, Josh, now 8. A second agreement was drawn up a year ago when Miss Bonamico moved to California.

"We didn't want to kill each other," Mr. Glaser said. "We had seen people end up as enemies, and we wanted to see if there was a more humane way to do it."

But divorce mediation is not entirely painless. Kathleen Hasegawa, 36, of Huntington, L.I., admits to "crying a lot" during the mediation sessions after her husband of 14 years, Jack, asked her for a divorce two years ago.

"But now I feel no bitterness," added Mrs. Hasegawa, who is on the faculty of Friends World College in Huntington. "In fact, the mediation has allowed me to keep the feeling that I made the right choice when I married Jack. And how many divorced couples can say that?"
Marriage & Divorce

By Melvin A. Berke and Joanne Grant

Mediation: Split Without Pain?

By Melvin A. Berke and Joanne Grant

Divorce mediation is a relatively new concept that has attracted considerable attention as a possible alternative to the traditional adversary method employed in divorce proceedings. Although private mediation services have been established in some cities and courses in divorce mediation are being taught, the field is still in its infancy.

It seems only reasonable and logical to assume that the emotional and financial crisis of divorce should be handled as judiciously as possible and that a system which pits two emotionally distraught people against one another can only intensify the pain and conflict present and future. The aim of the divorce mediator is to assist the couple in decision making with his/her powers of persuasion and skills in communication. This distinguishes mediation from arbitration where a third party makes the decision. After the mediator assists the couple in negotiating their divorce agreement a lawyer is called in to draft the legal documents. Lawyers also can act as mediators, but in these instances they are neutral legal advisors rather than advocates.

Despite the seeming merit of this approach there has been little systematic study of divorce mediation. One attempt to evaluate the mediation process was conducted by Professor Stephen Bahr of Brigham Young University. Bahr used three criteria to evaluate mediation: Cost, fairness and client satisfaction.

Cost: Individuals who used a mediation service paid approximately $150 less for their divorce. In those instances where data was available from both husband and wife to obtain the total cost of the divorce, on the average, couples who used mediation paid $550 less for their divorce.

Fairness: Two questions about fairness were asked: 1. Do you feel the money and property settlement was fair? 2. Were the custody and visitation arrangements fair?

One hundred percent of the mediation group believed the financial settlement was fair while only 50 percent of the non-mediation group did. There was no significant difference between the mediation and non-mediation groups on perception of fairness in regard to custody and visitation.

Client Satisfaction: In answer to the question: “Overall, how satisfied are you with the final decision regarding money, property and children?” Ninety percent of the mediation group were somewhat satisfied compared to 50 per cent of the non-mediation group. Due to the sampling procedures and other factors, this study should not be considered conclusive. Nonetheless, the results suggest that mediation is a viable alternative to the traditional adversary system. However, an attorney will still be a vital part of the divorce process, although his role may focus on the legal ramifications of the persons decisions, rather than on the decisionmaking process itself.

REGISTER AND TRIBUNE SYNDICATE
'Dirty Divorce' Book Contained Hints for Ex-Wife, Author Finds

PHOENIX, Ariz. (UPI) — Robert H. Morrison, 43, may regret the day he published his 1979 book "Divorce Dirty Tricks."

Among other things, the book advises parting couples to "play dirty," and that's just what the author and publisher has been accused of doing in a suit filed by his former wife.

Mrs. Morrison, 30, a weight-control and smoking-control therapist, accused her former husband of defrauding her of half of $3 million in community property when they were divorced in January 1980. Her suit asks for more than $1.5 million in damages.

Mr. Morrison, whose book calls the divorce process "legalized thuggery," has denied in a sworn affidavit that he hid assets from his wife. He and his former wife were married in 1976, in Reno, Nev., after she responded to his advertisement seeking a companion for an extended cruise on his boat, according to court records. Their divorce was his fourth, and he has since remarried.
A Share in Spouse's Future Earnings
Suggested by Coast Court in Divorce

By Judith Cummings
Special to The New York Times

San Bernardino, Calif., Jan. 20—
The plot in the movie 27 years ago and
in the court case here earlier this month
were the same: Ambitious young man
marries ambitious young woman. Both
sacrifice while he completes medical
school and she holds a job. And, just
when a promising medical career is
about to become a reality, the marriage
breaks up.

In the movie, "Not as a Stranger," the
ambitious young man and the ambitious
young woman were Robert Mitchum
and Olivia de Havilland. In the court
case the leading characters were Mark
and Janet Sullivan of Orange County.

For the court case, a new ending was
written by a California appeals court,
which ruled that if a spouses divorced
after putting the mate through medical
or other professional training might be
entitled to a share of the future profes­
sional earnings.

Grace Ganz Blumberg, a professor of
family law at the University of Califor­
ia at Los Angeles Law School, said the
decision was the first in California to
open the door to awarding a spouse a
share of future professional earnings.

However, she said, about two years ago
courts in other states began devising
other means of making sure that the
spouse who contributes to a professional
education "gets something." That could
include reimbursement of costs in­
curred during the education or other
methods of compensation. "It's defi­
itely a trend," Professor Blumberg
said.

State of Legal Innovations

The new opinion, in the 1980 divorce of
the Sullivans, is limited to California
and is still several steps away from
being binding as precedent here. A trial
court must still make a financial deci­sion
in the case. But the ruling, by the
California Court of Appeal, Fourth Dis­
trict, is being closely watched for its
potential impact on the dynamics of
modern marriage because California is
the state that fostered such legal innova­
tions as community property, in which
property acquired during marriage is
equally divided in a divorce, and sup­
port payments made after the separa­
tion of unmarried mates who have lived
together.

Mrs. Sullivan, now a financial ana­
lyst, says the ruling has brought her
closer to "a fair return on my invest­
ment" in a marriage she said included
an understanding that first she would
help her husband establish his career,
then he would help her build hers.

Dr. Sullivan, now a urologist in pri­
vate practice, describes himself as the
victim of an unjust decision that is "kill­
ing me by degrees."

The case has caused a stir among
many professional people in the state,
and even the medical community is
sharply divided in its reaction to it.

Contrast in Viewpoints

"It's terrific," said David Zeitlin, the
communications director for the Med­i­
cal Association of Los Angeles County,
who stressed that he was speaking "per­
sonally" and not for the organization.
"Too many of these ladies knock them­
selves out and then they don't get any­
thing for it."

But the association's president, Dr.
Michael Freilich, had a vastly different
view.

"I'm outraged," he said. "It's typical
of the courts to go beyond their constitu­
tional rights like this."

Earlier attempts to claim a share in a
spouse's future professional earnings
have failed. The critical factor distin­
guishing Mrs. Sullivan's claim, the
three-judge panel said, was that al­
though she had contributed substantial
money and time toward Dr. Sullivan's
ability to practice medicine, she had not
received "any real economic benefit"
while the marriage lasted.

"Janet provided almost all of the in­
come to the community from her earn­
s during the marriage whereas Mark
was not employed at all because he at­
tended medical school full time," the
court said.

When they separated in 1977, the Sulli­
vans' community property consisted of
some used furniture and two cars that
were not fully paid for. They divided
those things.

The appeals court noted that Mrs. Sul­
ivan by law had been denied any
spousal support because, by supporting
the two of them, she had demonstrated
that she could earn an adequate living
on her own. However, she was awarded
child support of $200 a month in the joint
custody of their 7-year-old daughter,
Teresa.

The couple were married in 1967 while
Mrs. Sullivan was a junior and her hus­
band a senior at the University of Califor­
ia at Los Angeles. In 1968 he entered
medical school at the University of Califor­
ia at Irvine and she, having ob­
tained a bachelor's degree in econom­
ics, began working.

In 1972, Mr. Sullivan began residency
training in Oregen, which the court said
"forced Janet to give up her full-time
employment" as a systems analyst at the
Irvine campus. From 1982 through
1977, the court said, Mrs. Sullivan pro­
vided the majority of the couple's in­
come.

She took two years off to have their
baby and worked from 1975 until 1977
when they separated, according to the
court.

"I think of my time, effort and emo­
tional energy as an investment in the fu­
ture," Mrs. Sullivan said in an inter­
view. "So since we weren't going to have
a future together, the medical degree
was the only thing I did have an invest­
ment in. I really felt I had no other
choice."

Mrs. Sullivan said she and her former
husband had planned their marriage to
be a "partnership" with the understand­
ing that "as soon as he got on his feet, it
was supposed to be my turn to go back to
graduate school."

The appellate decision calls for the
California Superior Court to decide how
much she is owed for her financial inter­
est in the profession attained by her
former husband. Mrs. Sullivan suggested
"10 percent or 20 percent" of his earn­
s for 10 years, the length of time they
were together as a "fair" settlement.

Dr. Sullivan, reached at his office in
Laguna Niguel, vowed to fight the de­
cision, first by seeking a rehearing by the
appellate court.

"The decision exploited the old stereo­
type of the sweet young thing who
scrubs floors while her husband lounges
around and finishes medical school be­
fore abandoning her," he said.

Contradicting the court's statements
about their marital finances, Dr. Sulli­
von said he had furnished 70 percent of
the marriage income over the 10 years.

Asked why his figures were not reflected
in the written opinion, he said, "For
some reason, I think they overlooked it."
Child Support: A Growing Problem of Nonpayment

By ANDREE BROOKS

Exasperated by the difficulties they say they have encountered collecting delinquent child support payments, hundreds of divorced mothers in several states have begun forming protest groups.

Groups have sprung up in at least five states within the last year, according to Elaine Fromm, secretary of the Organization for the Enforcement of Child Support, a Maryland-based group of 350 divorced custodial parents that is trying to give the new protest movement a national base. Only by organizing, the women say, can they focus public attention on a problem they call a national disgrace.

According to the Federal Office of Child Support Enforcement, slightly more than six million women in the United States sought enforcement of delinquent court-ordered child support payments through the agency in 1981, an increase of 59 percent over the four million requests in 1979, the first year the agency compiled such statistics. The Federal Office of Child Support Enforcement operates in conjunction with state agencies on behalf of custodial parents who have not been receiving payments. Ninety-five percent of custodial parents seeking such help are women.

‘No Need to Bother’

These figures do not include the women who have given up trying to collect or who are seeking collection through private channels, which officials say might account for at least two or three million more. "Word has spread among absent fathers that they can get away without paying," says Mrs. Fromm. "They think to themselves that there is no need to bother because the government or the custodial parent will take care of the kids. And the authorities are not going to do a thing about it."

That statement, however, is being challenged by enforcement agents who say that laws are being increasingly toughened and collection activities growing more diligent.

Nevertheless, the large number of delinquencies worries officials. While a Bureau of the Census study in 1978 concluded that only half of all women awarded child support by the courts were receiving full payments, enforcement officials at the local level say the number is much lower. "A divorced woman today has only a 10 percent chance of being paid on time and in full," said Harry Wiggins, chief of the New Jersey Bureau of Child Support. Ninety percent of all child support payments in his state are in arrears.

Enforcement officers, demographers and matrimonial attorneys suggest several reasons for the high and increasing delinquency rate. Arthur Norton, assistant chief of the population division of the Census Bureau, cites the cumulative effect of five years of a divorce rate just above the million mark annually, double the rate of the early 1970's. Because at least half of these divorces, Mr. Wiggins said, involve at least one child under 18 years old there are more parents involved in child custody programs, and therefore more parents likely to face delinquency.

Exacerbating the divorce rate, says Fred Schutzman, deputy director of the Federal Office of Child Support Enforcement, is the number of remarriages. "Five out of six men end up with a second family within a few years," said Mr. Schutzman. "This makes it very difficult to support the children from the first marriage."

While the problem is not new, said Doris Jones Freed, chairman of the Child Custody and Support Committee of the American Bar Association, it is gaining visibility not only because of the swelling numbers but also because of stronger enforcement laws.

Enacted mostly in the last five years along with the establishment of the Federal and state child support enforcement agencies, these laws, she says, have enabled women who would otherwise have been unable to collect to pursue delinquent fathers.

Other recent problems are rising unemployment and governmental fiscal restraints. "The numbers of cases are growing all the time," said David L. Chambers, professor of law at the University of Michigan and author of the book "Making Fathers Pay: The Enforcement of Child Support," "but the staff hired to deal with these cases is not keeping pace because of Federal and state cutbacks."

"It's no easy task," said Anthony Di Nallo, chief of the child support program in Connecticut, which reported a 14.5 percent increase in the number of delinquencies in the last six months of 1981 compared with the first half of the year. New cases, said Mr. Di Nallo, are now pouring in at the rate of 1,100 a month. "A lot of the cases cannot be processed because of lack of staff, because of the inability to find some of these people and also because of the inability of the courts to deal with such a large volume."

Nonpayment of child support is by no means confined to lower-income families. Arthur Balbirer, former president of the Connecticut chapter of the American Association of Matrimonial Lawyers, who handles divorces primarily for couples with a household income of $50,000 and over, is also seeing increasing delinquency. He suggests this is partly because executives are being laid off or having their salaries reduced.

Other legal approaches are being tried. A New Jersey law, effective last month, provides for automatic attachment of the wages of a noncustodial parent 25 days or more in arrears. Research by the Child Support Enforcement Project of the National Conference of State Legislatures, which was created to review the problem and recommend legislative remedies, shows that in New York City wage attachment has worked remarkably well. On court orders with an automatic withholding provision, the payment rate was 80 percent, compared to a 40 percent payment rate on orders that did not include one.

Since January 1979, New York State law has required that all orders of child support requiring payment through an official collection agent include a withholding order that is automatically triggered when a specified number of payments are in arrears.

National Policy Suggested

Mr. Chambers and other experts advocate a national withholding policy, similar to income tax withholding, as the only practical way to enforce payment regardless of where the noncustodial parent is living and working.

Other laws that have recently been enacted or suggested to deal with delinquent parents, according to the Child Support Enforcement Project of the National Conference of State Legislatures, include withholding of all state or Federal income tax refunds; a requirement that all child support payments be made through a court so that delinquencies can be monitored and pursued, and the use of liens on property and other capital holdings.

Last year Congress authorized the Child Support Enforcement Office of
Parents Establish Action Groups

"It's humiliating to be on assistance," said 44-year-old Yvonne Prestwich, founder of a protest group, Pecos, Parents for the Enforcement of Court Ordered Support, of 25 divorced mothers formed a month ago in Enfield, Conn. Mrs. Prestwich said she had to turn to the Aid to Families With Dependent Children program in 1979 when she was unable to collect support from her former husband for their three children.

The group's lobbying effort began in May with a plea to Gov. William A. O'Neill to put pressure on the state Child Support Enforcement Agency to be more diligent in its pursuit of delinquent fathers.

Members have agreed to write to the judges who presided over their divorces to tell their histories of not receiving payments and attempts at seeking remedies. Copies of these letters will be sent to Governor O'Neill and the Connecticut Commission on the Status of Women.

Locating the point at which the enforcement mechanism is breaking down so that they can bring this to the attention of legislators is another goal of the group, says its new president, Patricia Caputo, a 38-year-old former nursery-school teacher.

When she recently remarried, A.F.D.C. payments were suspended, as her children were considered the financial responsibility of her new husband. This is one of the provisions of the current law that Mrs. Caputo says needs altering, because it places an unjust burden on a stepfather, she says.

A year-old group from Virginia known as Focus (For Our Children's Unpaid Support) believes that its lobbying was influential in getting a wage assignment law through the Virginia Legislature.

A group in Maryland, the Organization for the Enforcement of Child Support, is concentrating on educating and acting as a clearinghouse for information, making sure members are kept aware of changes in laws that might help them collect. Other groups exist in Long Beach, Calif., and Flint, Mich., and there are individual, at-large members of the Maryland group in Florida, Texas, Kentucky, Pennsylvania and New Jersey. For information on these local organizations, call Elaine Fromm at 301-833-2458.

In Philadelphia, however, two couples have sued the Federal Government in an attempt to stop it from seizing joint Federal income tax refunds. Stephen F. Gold, the couples' lawyer, contends that the wives "are not legally liable for the support obligations" of their husbands' previous marriages.
9.4

CUSTODY
DISPUTES

(child
snatching)
Child Snatching: The Extralegal Custody Battle After Divorce

BY IVYER PETTIERSON
Special to The New York Times

STONY BROOK, L.I.—It happened to John Gill the way it happens to so many other single parents. It was his former wife's turn to take Alison, their 8-year-old daughter, for the weekend, her right under the Gills' divorce agreement.

On Sunday night Alison had not been returned.

"Then you go through the terrible time, the waiting, and it's really terrible, horrible," Mr. Gill remembered.

"Finally you get the phone call," he added. "They say she's gone, you're not going to see her anymore, but she's all right.

In the language of divorced parents who have had their children seized by a former spouse, Alison had been "snatched." It's not a kidnapping, since the kidnapper is not criminally held responsible for the taking of a child by one of his parents. But to the thousands of divorced parents who have won custody of their child or children only to see them seized by a former wife or husband, it can be worse than kidnapping. No ransom will recover the child, and often the parent's only recourse is to attempt a reverse snatch, perhaps aided by some of the private "custodial vigilantes" who now specialize in that kind of work.

One of the more celebrated of these is Eugene (Mean Gene) Austin of Foley, Mo., who calls his work "vigilante recovery." Mr. Austin charges $300 and up for expenses to recover a child in a custody dispute, and is the author of "Child Snatching, Search and Recovery Techniques."

In this mimeographed volume, Mr. Austin advises those trying to recover a child to, among other things, "use violence if necessary, because you are going to be accussed of it anyway."

The problem of child snatching by parents was highlighted in a famous episode last year, when the two daughters of Seward Prosser Mellon, heir to the Mellon family's fortunes, had three men seize his two daughters from his former wife, Karen Mellon, in Brooklyn and had them spirited off to Pennsylvania.

A group called Children's Rights Inc. was recently formed in Washington to help parents recover children seized in this manner, as well as to provide the solace and advice that a parent faced with the disappearance of a child often needs. Working with missing persons reports, Federal statistics and reports from its branches across the country, the group estimates that 100,000 such snatches occur each year. Few of them end happily.

John Gill is head of the New York chapter of Children's Rights and it was his experience with losing Alison that led him to form the group in this university town. Since its formation, the New York chapter has seen its membership grow to 600. The lack of turnover in its membership is one indication of how apparently insoluble the emotional and legal problems of recovering a snatched child can be.

The police tend to avoid involvement with custody disputes between parents, even when a child snatching is involved. At a recent meeting at Mr. Gill's home, Sgt. George Wallbauer of the Suffolk County Police Department's juvenile bureau was invited to explain one of the reasons for this:

"When we get a report that a kid is gone," he told the group, "it's initially taken as a missing person's report. But to tell the truth, when we find out it's a parent that's got the kid, then it becomes a child-custody dispute and we get right out of it.

Under the laws of New York and most other states, a parent who seizes his own child without having custody of it is guilty of custodial interference, a misdemeanor, and misdemeanors are not extraditable offenses.

The only exception is when the aggrieved parent can demonstrate that the child's life was endangered by the snatching, in which case the seizure may be ruled by the courts as a felony.

A parent who has seized a child and taken it to another state can frequently obtain custody in that state, in conflict with the original custody ruling. This sets up the kind of standoff that still marks the Mellon dispute.

"So the whole system is designed against you," Sergeant Wallbauer continued, "against whoever does not have the child. It's like possession being nine-tenths of the law."

Accordingly, Children's Rights is lobbying for a new Federal law that would include under its new kidnapping statutes parents without custody who take a child, although with lesser penalties than those imposed on outright kidnappers.

The group is also seeking to have more states ratify reciprocity laws, which would have the effect of enforcing custody rulings of one state in other participating states.

Twenty-one states have passed the Federal Uniform Child Custody Act under which they agree to uphold custody decisions made by courts in other reciprocating states. In New York State, the reciprocity agreement will take effect in September 1978.

But in the meantime, the victims of child snatching seem left with little recourse but to fight fire with fire.

Mr. Gill, for example, did a few things in tracking down Alison's whereabouts that he did not care to admit. "Phone bills and credit-card statements give you the best clues, if you can get hold of them," he said. Alison was returned after three months, Mr. Gill said, when his former wife and the child were finally located.

Another man who was at the meeting had a story that seemed typical.

"I figured she had taken my daughter to live with her brother in Illinois," he said, referring to his divorce. "So my brother and I flew out there—I didn't even tell my family—and we went to the local school." There Joe posed as the parent of a prospective second grader about to move into the district, and asked if he could take a look at the school.

"I finally found her just coming out of her class," he recalled. "I asked her if she wanted to come home with me. My intention was that if she didn't want to come I would have left her there," he said. "She was afraid of what the school would say if she left, but she came." His fight for custody of his daughter is still in the courts.

Mr. Gill was asked why his group's network stressed the rights of custodians when it appears that it is the parents who are most in need of help.

Mr. Gill said he believed that the experience of being seized by an estranged parent and taken to another state, to another school and a new life, has effects on children that adults can only guess at.

"When you get them back they say yes, they had a good time, they visited Disneyland, they enjoyed it for a while," he said. But as with Alison and with Joe's daughter and with the other children whose parents described the ordeal, the trauma of being snatched child who has been recovered rarely fails to show itself.

"They become afraid of going to school," Mr. Gill said, "they start acting up, sometimes they're terribly shy, sometimes you have to get special counseling for them—you can see that it affects them terribly!"
He Steals Children From Their Parents — Legally

By DAVE SMITH
L.A. Times-Washington Post
LOS ANGELES — Pat Buckman looks like your average Dudley Do-Right who always brushed his teeth and married the sweetheart of Sigma Chi.

So one wonders: What's a nice boy like you doing in a business like this?

Buckman is a private eye. And depending on which side of the fence you sit on, he might also be:

— A supralegal stormtrooper or a child snatcher — for a price.

— An empathetic human being who carries out decrees of the law itself but is too toothless to enforce, a knight in shining armor, a James Bond with nobility; in fact, a living salient — for a price.

— THEN THERE is Buckman's view: "I don't accept the labels like child snatching or child stealing. I'm in the business of child locating and recovery."

Buckman's services have been resorted to more and more in recent years, particularly since greater public attention has been focused on the problem of one parent stealing his child from the legal custody of an ex-spouse.

Because of nonuniform federal, state and local laws governing child stealing, and because of widespread refusal of law enforcement to investigate or prosecute such cases, most incidents go unrecorded. But estimates range as high as 100,000 per year nationally.

Mr. Buckman's basic retainer for locating and retrieving a child is $1000. "This pays for my confidential sources, any number of telephone calls and a certain amount of personal travel in most cases," he says. "Of course, it can go higher. But $1000 has at least located the child in most cases. My highest billing on any such case was $20,000. That involved a trip to Norway and then dodging European authorities in several other countries.

"That was my toughest case yet. That, and the time I had to take a sailboat out of Mexico with a small child and a storm came up."

Start Mr. Buckman has located more than 50 stolen children to date. "Of all the cases I've taken on, I have at least located all of them," he says. "Some cases took up to two years. And in some cases, success of recovery was determined by how much the client could afford."

Mr. Buckman's recovery was blocked by the child itself — depending on its age and size, and how much the client could afford by the parent who stole it. And 99 per cent of the time it's necessary to take the child by stealth, so if the child is big enough to be unco-operative ...

"But most of the time my personality seems to control the children enough. I do identify with the child, I think the children tend to feel confident with me."

In years past, when women almost automatically got custody of children, it was usually the father who stole the child, since men were most often the breadwinners and this had the necessary money and mobility to carry it off.

"But now," says Mr. Buckman, "I'm mostly looking for women. They're starting to take their children more because they're losing more custody battles than they used to."

And what about those unpleasant moments of truth when Mr. Buckman is confronted by the fugitive parent from whom he must retrieve a natural child?

Mr. Buckman smiles ruefully.

"Sometimes I act very bluff and gruff. But I've never had to hurt a woman. I had to karate-chop a man. Men are more difficult to handle, of course. Sometimes they have bodyguards for themselves or the child, and I don't like that. I'm really not a violent type."

"AND ANY time you risk physical confrontation, you risk not getting the child away or you risk injury to the child. I couldn't live with myself if that happened."

"I have a strong feeling that these children are being dealt a bad deal, where one parent poisons the child against another parent. And whether it's right or wrong, the courts have to say which is the best parent for the child to be with. But when one parent second-guesses the courts and just takes the child, that child loses communication with the other parent."

"I really feel the police could cooperate more with agencies that deal with parents who've had a child stolen, but they just don't like to touch these cases. They have other priorities."

"IN MOST of these cases, I am simply following a court order that the police aren't enforcing. In some cases, just a few, where there is no custody established but the child is missing, I make the decision whether to take the case anyway."

"Most private eyes don't make $2,000 to $15,000 a year," he says. "I've been very fortunate. I've known people in very well-rounded, educated circles, and I haven't had to do the shabby things that are associated with the whole notion of being a private eye."

Mr. Buckman, 40, glides over the question of his annual income but acknowledges that his annual gross billings are now $300,000 a year. He employs a woman and three other men as investigators on other cases; child recovery is Mr. Buckman's special turf.
THE AMERICAN WAY of Divorce has taken a new and ugly turn in Mount Prospect, Ill., which landed on the map last week when "60 Minutes," entered the troubled home of Jacqueline Jarrett and her live-in lover, Wayne Hammon. It was a home she once shared with her ex-husband, Walter Jarrett, and their three daughters, but all of them are gone now.

Jacqueline originally got custody of the girls after her divorce in 1976. Then Hammon moved in and Walter Jarrett, for the first time, sought custody of the children. A lower court judge ruled in his favor, an appeals court ruled in hers, and finally the Illinois Supreme Court sided with Walter. The court ruled that Jacqueline was involved in a "troublesome relationship" that "offends prevailing public policy," and ruled that the girls, who are now 15, 13 and 10, should live with their father.

There are a lot of questions about this case, not the least of which is how a judge can decide what is in the best interests of three children without ever interviewing them. Lawyers for the Jarretts say neither parent wanted to subject the children to a courtroom procedure in which they would wind up having to side with either their mother or father. That's all very civilized, but the net effect of it is that the judge made a decision altering the children's lives with substantially less information than he could have obtained.

Arthur Solomon, Walter Jarrett's lawyer, said the decision was based solely on the question of whether Jacqueline Jarrett's living arrangement might harm the children's moral well-being. He said there was no need for psychiatric or other expert testimony about the effects of this on the children. "I think the court can look at moral standards itself without an expert."

"The bottom line," says Jacqueline Jarrett's lawyer, Michael Minton, "is that Jacqueline is a good, kind, loving, stable mother to her three children. She has been found both by the trial court, the appellate court, and the state supreme court, not to be an unfit parent. The children are happy, well-adjusted, normal and not ailed or adversely affected by Jacqueline living with Wayne."

"The message the court has sent out to the 20 million single parents is very clear: If you choose to live with a person of the opposite sex for any reason whatsoever—be it economic, physical, so-
There are a lot of bothersome issues in the Jarrett affair, and some of them aren't likely to go away. As long as people defy conventional ways of living, there are going to be others challenging their right to do so. When those people are also parents, there will be spouses challenging them through the children. Spouses will accuse each other of trying to control each others lives through the children and maybe there will be some truth to that. And there will be spouses claiming to be genuinely concerned about the welfare of their children, and there will be some truth to that, too. It's been happening to lesbian mothers and homosexual fathers, and now it's happening to heterosexuals.

In breaking down families, we've opened the doors for judges to peer into our private lives and decide whether we are fit parents and who has the best home in which to raise the children. The Jarrett case will strike some people as somewhat more appalling than other custody decisions if for no other reason than the fact that cohabitation without benefit of marriage is much less troublesome to a lot of us than it is the judges of Illinois. But where joint custody is out of the question, judges are going to be awarding custody to one parent and the other is going to lose out, and inevitably the judges are going to make moral judgements on the parent's life styles and their sexual conduct. But these are not the only factors in a family that affect children's well-being.

What's appalling about the Jarrett case is not so much the decision, but the narrow-minded way it was reached. That was hardly in the best interest of the children.
Charge Upgraded Against Father in L.I. Abduction

By SHAWN G. KENNEDY

In an unusual move, the Nassau County District Attorney has upgraded charges against a Cedarhurst, L.I., man who allegedly abducted his 7-year-old daughter last year from a misdemeanor, custodial interference, to a felony, second-degree kidnapping.

According to District Attorney Denis Dillon, the defendant, Arthur Liebling, took his daughter, Mandi, from a school bus in March 1979, and has since harassed his former wife with telephone calls and letters telling her that she would never see her daughter again. Mr. Dillon said Mrs. Liebling had also received letters from her husband containing fingernail clippings and snips of hair, which she said she thought were her daughter's.

The prosecutor, who said Mr. Liebling and Mandi had not been found despite a nationwide search by private investigators and his office, added that he had asked the Federal Bureau of Investigation for help.

In recent years, law enforcement agencies have been of little help to custodial parents whose children have been abducted because the cases are considered no more than misdemeanors.

Motivation Called a Factor

Mr. Dillon said that the charges against Mr. Liebling were changed because "there was strong evidence that his motivation in taking his daughter went beyond just the desire to have her with him or assume custody."

Although Mrs. Liebling has heard from her former husband, who used to have a trucking business, neither she nor anyone in the family has seen Mr. Leibling or Mandi since March 29, 1979, when Mr. Leibling met his daughter's bus and then disappeared. Since then, a Nassau County police detective, investigators from the District Attorney's office and a detective hired by Mrs. Liebling have unsuccessfully tried to locate the pair.

"For the past 13 months," Mrs. Liebling said, "the only thing on my mind, the only thing I've worked for is finding her, so I'm relieved that the F.B.I. has been called in on this."

"My trauma makes me feel that Mandi must have been hurt by all this," she said. "It's not the position that a 7-year-old child should be put in."

Said to Have Missed Visits

She added that until her former husband took their daughter, he had not expressed a desire to have custody and had frequently missed visits that had been arranged. She said he had also harassed members of her family with phone calls.

Andrew Yankwitt, general counsel to the Citizens League on Custody and Kidnapping, said: "This is the first time in metropolitan New York that this upgrad-
Child Snatchers Finding a Haven in D.C.

By Michel McQueen
Washington Post Staff Writer

The marriage fell apart after 12 years, two children, the stresses of two careers and, finally, a series of beatings. Between them, they had an expensive house in the District side of Chevy Chase; a little money, a car and their children.

Too bitter to set up joint custody, they battled in court for the teen-aged girl and boy. The judge gave the mother custody and the father visiting rights, but he soon moved to Illinois and refused to pay child support after that.

A year later, the boy flew to see his father, and after the court-ordered six weeks had passed, the mother drove to Dulles Airport to meet her son.

He didn’t show up. Her phone calls went unanswered, her letters returned unopened, and she agonized over how well he was sleeping and eating and whether someone was helping him with his learning disability.

Six months, several lawyers and investigators and $17,000 later, she tried to take her son back. The boy ran from her—“It killed me,” she said—but eventually she did get him back. It took a crazy writ of habeas corpus, she said, “They usually use that in murder cases, you know.”

This woman and man—she prefers anonymity to spare her already troubled children from embarrassment—were involved in child snatching playing out a real-life melodrama that takes place thousands of times across the country each year.

The Congressional Research Service estimates that children are “kidnapped” by their parents 25,000 times a year; an official of Children Rights Inc., a lobby that fights child snatching, puts the figure closer to 100,000.

But the problem is particularly acute in the District of Columbia. Because it hasn’t passed a law recognizing custody agreements filed in other states, the District of Columbia—along with Illinois, six other states and Puerto Rico—is a haven for parents who want to take their children from the parent who has custody.

There are no reliable figures on the number of children who are snatched from or by parents in this area. But the Children’s Rights office here estimates it involves 300 calls a year from area residents who have a problem with a D.C. custody order.

“I’m really afraid that D.C. acts as a funnel,” said attorney Debra Luxenberg, director of the Women’s Legal Defense Fund, who has counseled scores of women whose children have disappeared. “Once a child is in D.C., the court can rule on custody regardless of the original custody decision. If they (the parent who stole the child) leave (the District), they can be charged with contempt of court, Who’s going to put police onto searching for somebody who’s only going to pay a $150 fine?”

When the federal kidnapping statute—the so-called Lindbergh Law—was enacted in the 1930s, parents were specifically exempted from prosecution for “concealing” or “restraining” a child, actions that would subject them to felony charges if the children weren’t their own.

“The Justice Department opposed making child snatching a federal crime because the FBI would then be required to get involved in all these cases,” said Pat Hoff, a children’s rights activist on the staff of Sen. Malcolm Wallop (R-Wyo.) “As it is, the FBI will only act if the parent can prove that the missing child’s life is in imminent danger. Imagine how many people can prove that when half the time they don’t even know where the child is.”

To fill this gap most states have passed the Uniform Child Custody Jurisdiction Act a measure that says the state will recognize and enforce child-custody rulings made in other states. To date 43 states—including Maryland and Virginia—have passed the law. But the District has not, making it a convenient refuse for child snatchers from the suburbs.

And because the uniform act includes a reciprocity agreement states that have passed that don’t enforce custody orders made in the District since the District won’t enforce theirs.

The District has not passed the uniform act because all legislation concerning the jurisdiction of city courts must be passed by Congress. Since January the city has had authority over its own criminal code and a tougher law against child snatching was included in recent proposed revisions in the District’s criminal code, but those revisions are expected to take months, if not years, to pass if they are to become law.

Meanwhile legislation to apply the uniform act nationwide has passed the U.S. Senate but has stalled in the House.

“You feel as though you’ve followed all the rules and done everything the way you’re supposed to and it’s all for what? It doesn’t mean anything,” said one local father who traced the young daughter who was in his custody through four states trying to find her. His ex-wife had taken the child after her visiting period ended and with the help of her parents in Virginia hid the child until he found her a few weeks ago.

Even the uniform act is not all that uniform. Different states, Hoff said, have different versions of the act, some more stringent than others, and some have more resources to track down violators. Only six states, for instance, will issue felony warrants for the arrest of a suspected child snatcher.

In Virginia, some parents can get felony warrants, but it depends on the judge, said Rae Gummel, cofounder of Children’s Rights. In Maryland, child snatching is a misdemeanor, punishable by 30 days in jail or a $200 fine or both.

Even when states have the uniform

See CUSTODY, A16, COL. 1
CUSTODY, From A16

law on the books, judges are often as likely to back the local parent as the parent with a valid agreement in another state, said Huff. Judges, she said, "are usually pretty jealous about their own determinations" and want to write the custody agreement themselves.

There is no typical snatching victim, in the District or elsewhere, said Gummel. "We've had calls from parents on welfare, orthopedic surgeons, bricklayers—basically anybody who's a parent can do it and anybody who's a kid can have it happen to them." Mothers steal children almost as often as fathers do, now that men are winning custody more frequently, she said. Most children are between 3 and 7, what experts call the "probable years."

Snatching takes many forms. A visiting parent, the loser in a custody fight, may take the child on a weekend trip and never return, hoping to have the custody order rewritten elsewhere. Or the parent who has custody may flee to prevent the ex-spouse from ever visiting the child.

Parents often plead that they are afraid their former spouse, with child abuse is often a part of the snatching scenario. In most cases, though parents take the children and run before a custody order is ever negotiated. "About 70 percent of our calls for help come from people who've lost the kids before they ever got to court," said Gummel.

Even when parents find their children, the entire family may continue to avoid problems. Bethesda child psychologist Lee Haller has treated a number of children who have been snatched by a parent. "They have tremendous feelings of abandonment," he said. "They lose everything they've got except for the snatching parent, and some kids will blame the custodial parent for allowing this to happen to them."

Often these feelings are inflamed by the parent who took them away, said Haller, who will tell "out-and-out lies" to win the children over. "I've heard of parents who will say [to the child] 'I took you because your mother hates you' or 'If Daddy finds us, he'll beat the ... out of you.'"

Worse still are the problems that linger. "Very often the kids can't form a stable peer group; they tend to remain withdrawn especially when they've made repeated moves. Nightmares aren't uncommon, school achievement wears off. They can't feel that the world makes sense and that's no way for a kid to grow up," said Haller, who has testified before a congressional hearing in support of a national uniform child custody act.

The emotional problems can take years of expensive therapy to erase, as the Chevy Chase mother discovered. After she sold her house to raise $100,000 for the legal fees to recover her lost son, she found herself paying $60 an hour for weekly family therapy sessions.

"The one who's really suffering is my 16-year-old daughter," she said. The daughter was not kidnapped by her father, and "here she's got a brother with two parents fighting over him, and a father who didn't even want to see her."

Sen. Wallop has introduced legislation in Congress that would extend the uniform act nationwide and make child snatching a federal misdemeanor punishable by up to two years in jail, a $10,000 fine or both. In addition, it would authorize the use of the federal Parent Locator Service, which helps find child support delinquents, to ferret out child snatchers. The bill has passed the Senate in two different sessions of Congress, but has not moved beyond hearings in the House.

A group of local lawyers led by Suzanne Richards of the American Bar Association's family law committee have volunteered to draft a uniform child custody act for the District to take to Congress—since Congress must pass laws that affect the jurisdiction of the District's courts.

The D.C. Law Revision Commission has proposed that the District's criminal code be revised to punish the removal of a child under 14 from his or her custodial parent along the lines of Wallop's bill. Hearings were held in February, at which the D.C. Corporation Counsel's Office opposed the revision.

"We didn't want to treat parents the same as kidnappers," said Jim McKay of the counsel's office. The office said in a memo at the time: "In view of the problem of identifying the actual custodial parent, we believe that the exception for parents [from the kidnapping laws] should be continued. In the absence of a strong showing [that the change is needed] we feel that such radical change in the present law is not warranted at this time."

The City Council's Judiciary Committee is now studying the proposed revisions before submitting them to the council.

"About 70 percent of our calls for help come from people who've lost the kids before they ever got to court,"

have the custody order rewritten elsewhere. Or the parent who has custody may flee to prevent the ex-spouse from ever visiting the child. Parents often plead that they are afraid their former spouse, since wife or child abuse is often a part of the snatching scenario. In most cases, though parents take the children and run before a custody order is ever negotiated. "About 70 percent of our calls for help come from people who've lost the kids before they ever got to court," said Gummel.

Child snatching parents go underground, frequently changing addresses, jobs and their names. An Alexandria father tracked down his daughter and discovered that she had moved so often she had no grades for an entire school year. A Falls Church father estimates that he spent $25,000 in a three-year search for his two younger sons who are in the custody of his ex-wife. He finally found them in Seattle.
Bizarre Custody Battle

Shots Fired
At Flying Porn Star
By Katy Butler

A former pornographic model and screen won temporary legal custody of her 4-year-old daughter yesterday, 24-hours after rifle shots frustrated her airborne attempt to retrieve the child from her husband's remote home, allegedly a marijuana plantation.

Serena Blaquelourd, 23, armed with the Marin County Superior Court order, vowed she would return to Humboldt County and try again to regain her child.

"We're going right back up there," Richard Critchlow, her attorney, said outside the judge's chambers in Marin County's pink Civic Center building.

"I'm going to insist the local sheriff help Serena get her baby." Critchlow obtained the court order from Richard Breier, presiding judge of the Marin County Superior Court, minutes before 5 p.m. yesterday, shortly after Blaquelourd returned from her dangerous attempt to retrieve Lucy Sky Diamond Blaquelourd from 40 remote, wooded acres near Garberville.

Blaquelourd, 23, an exhausted blonde dressed in a simple madras shift, sat on a bench at Marin County Civic Center yesterday after the order was granted.

She looked far too young and fragile to be either a mother or a pornographic model.

In an affidavit, she said her estranged husband was a marijuana grower in Humboldt County, where the leafy plant is the backbone of a huge underground economy. Her estranged husband, who spells his name Thomas Blaquelourd—her marital discord extends to a different spelling of their last names—spied away her child beyond the reach of telephones and paved roads last spring, and refused to let her see Lucy, she said.

"Two days ago, she hired a helicopter and two private detectives at a cost of more than $2000, and flew to the rugged Crooked Prairie area near Garberville, planning to serve divorce papers on Thomas and "at least see my daughter."

She said they found themselves amid a bunch of plants that appeared to be marijuana patches growing around a small shack.

Blaquelourd, she said, dove into the woods, and she and the detectives scattered after a friend of her former husband picked up a rifle and "I saw bullets bouncing off the dirt."

"I never saw Lucy—which worries me," she said. "She is in total squalor, with no house, no toilet facilities, nothing. It's so much worse than I could have imagined."

She filed a complaint, alleging marijuana cultivation and attempted murder, with the Humboldt County sheriff's office, she said, but, "They wouldn't do anything. They didn't follow up on anything."

Her attorney said he believed that law enforcement officials wanted to protect the (marijuana) crops, and acted like officials in "a small southern town.

Officers at the Humboldt County sheriff's substation in Garberville confirmed yesterday that the shooting incident had occurred, but had no further comment.

Thomas Blaquelourd, who has no telephone, could not be reached.

"She's not his child," Serena Blaquelourd said. "It's been a marriage of convenience, an on-and-off relationship."

Blaquelourd said her daughter's father is really somebody rich and famous in the music business in Los Angeles when she was 17.

"It wasn't a groupie one night stand," she said, "I spent a summer.

Shortly thereafter, she said, she married Blaquelourd, whom she met either "on the road," or "on a blind date" when he was a 19-year-old runaway and she was an 18-year-old pornographic model for the "raincoat crowd" in Los Angeles.

Over the last four years, she said, they occasionally lived together in Los Angeles and San Francisco apartments and on 40 acres of land she was buying with her earnings near Garberville.

She left her child, Lucy, with him for stretches of time, including several months while she was, she said, the Monte Carlo mistress of a well-known Midwestern arms dealer.

The peculiar arrangement came to an end last winter, when she returned to San Francisco, fell in love with Bolinas artist, Michael Bowen, and decided to get out of the pornographic movie business.

She told her estranged husband to leave her Fill Street apartment, she said.

"His response was to beat me with handdrift," she said. "I ran away to L.A. I was degraded, I felt whipped. I felt guilty, as though I was my fault somehow. She left her daughter with Thomas until Bowen said he would help her get the child back.

Bowen, whose work has been exhibited at the Vortal Gallery and elsewhere, is divorced from Susan Sert — the former wife of actor John Carradine — whom Bowen later married in 1987 when she was 35 and he was 37.
Man Quits Battle for Baby

United Press International

PASADENA, Calif. — A woman who agreed to bear a child for a New York couple through artificial insemination and then refused to give up the baby has won her battle to gain custody of the child.

The sperm donor, James Noyes of Rochester, withdrew his custody-paternity suit against the woman after it was learned his wife is a transsexual.

Attorney Noel Keane said his client dismissed the suit "because the extraordinary publicity would not allow his child to lead a normal life."

The unexpected action came just minutes before the unprecedented case was to be heard in Superior Court here Thursday.

Denise Lucy Thrane, also known as Nisa Bhimani, wept during the closed-door dismissal hearing, saying, "I love my baby. I feel great. I'm going home to my child."

Mrs. Thrane, a divorced mother who lives in nearby Arcadia with her three children, was artificially inseminated last June with sperm frozen and flown from New York to Southern California. The woman's medical expenses were paid by Mr. Noyes, but she was not given any money for bearing the child.

After she became pregnant, Mrs. Thrane decided she wanted the baby and contended that Mr. Noyes was not the father. A paternity test ordered after the baby's birth April 4 determined there was a 98.9 percent chance Mr. Noyes was the father.

Although Mr. Noyes' wife, Bjorna, was not a party to the suit, her fitness as a parent would have become an issue in the case, Judge Robert M. Olson said.

Mrs. Noyes' transsexualism surfaced after Mrs. Thrane's attorneys filed a deposition that questioned the reasons for her inability to bear a child, whether she had been under a doctor's care during the last five years and whether she had ever been known by another name.

Documents produced Friday, on file in Monroe County, N.Y., revealed Mrs. Noyes underwent the transsexual surgery at Upstate Medical Center in June 1976 and went to court in Monroe County a year later to change her name from Robert to Bjorna, the Pasadena Star-News reported.

Mrs. Thrane's attorney, Stan Springer, said his client had second thoughts about the agreement almost from the beginning.

Mr. Keane, who said he has been arranging such surrogate birth contracts between childless couples and fertile women for five years, said, "There's reason to believe that if she had been paid a fee she wouldn't have changed her mind."

Surrogate Mom Keeps Child
Custody and the Legal Clashes

By GEORGIA DULLEA

When the Rev. Francis Pizzarelli opened the rectory door at Infant Jesus Catholic Church in Port Jefferson, L.I., in March 1980, he found a wiry 15-year-old seeking sanctuary.

His name was Jamie Schaeffer and he had bolted from a custody hearing after a Family Court judge ruled that he must leave his father’s home in Long Island and return to his mother’s home in Florida. “The police are looking for me,” he told the priest.

It was not the first time that Jamie had defied court orders to live with his mother, who was granted custody when the Schaeffers were divorced in 1975. But, as it turned out, it was the last time.

At issue in custody disputes such as the one involving Jamie is the right of parents to rear a child as they see fit against vaguely defined rights of children in the evolving American family.

As Father Pizzarelli looked back on the night he agreed to shelter Jamie, it seemed to him that the boy’s story was in some ways bizarre and in other ways typical of Long Island’s runaways — children 16 and older who are leaving home at a rate of 4,000 a year and some times trying, as Jamie later tried, to emancipate themselves.

“The custody issue is driving kids out of the house,” the priest said. “They’re being told, in no uncertain terms, ‘You have no rights to say who you want to live with.’ Kids who’ve been dragged through the courts tell me, ‘Father, I don’t want to live with either one of them.’”

The child in a custody battle, the minor seeking emancipation, the pregnant teen-age girl — a variety of children caught in a variety of predicaments — are claiming the right to make major decisions affecting their lives even though the decisions conflict with their parents’ wishes. Such conflicts, once confined to the privacy of the home, are spilling out into courtrooms and into the halls of the state and Federal legislatures, where they have become a subject of intense debate.

Lawrence Schermer, past chairman of the American Bar Association’s family law section, predicts that the press for children’s rights in the 1980’s will parallel that of women’s rights in the 1970’s. Of divorced parents he said: “We’re moving away from the concept of chattels just as we have moved away from the concept of wives as chattels. It’s a natural progression.” Nevertheless, Mr. Schermer echoed the view of many in the family-law field when he concluded: “I have yet to see the answer to the question what should be the rights of children and of parents.”

Marcia Robinson Lowenstine, chairman of the children’s rights project of the American Civil Liberties Union, calls the clash of children’s rights and parents’ rights “one of the most difficult and complex issues we deal with.”

To illustrate, she cited the widely publicized case of Walter Polovchak, a 13-year-old Ukrainian boy who was granted political asylum after refusing to return to the Soviet Union with his parents. The Chicago chapter of the American Civil Liberties Union is representing Walter’s parents in the case, which is on appeal. The division among civil libertarians reflects the complexity of the issue, Mrs. Lowenstine said, adding: “There are people on the national staff who think we should be on the other side of the Polovchak case. Conflicts between parents and children are very difficult.”

**Continued on Page B4, Column 1**

**Public Favors Rights**

As the professionals pose this question, a New York Times/CBS News poll suggests that the American public favors greater rights for children in some areas and more parental control in others. For example, most of the 1,467 respondents (68 percent) in a telephone poll conducted recently believe a child has a right to a lawyer when his parents get divorced, while an almost equal number (53 percent) believe minors should not be allowed abortions without their parents’ consent.

The United States Supreme Court came to grips with the question of parental control as it relates to the medical care of minors in 1979 in two important cases. In the first, the Court held that parents have the authority to consent to the commitment of an unwilling child to a mental hospital as long as two psychiatrists agree. Two weeks later the Court declared unconstitutional a Massachusetts law requiring minors to get the approval of their parents or a judge before they could undergo abortions. This ruling, along with an earlier one on contraception, advanced the so-called mature minor doctrine, which holds that some children may be of sufficient maturity to consent to certain medical treatment.

Meanwhile, in March, the Court upheld a Utah law requiring that parents be notified when a minor requests an abortion. While most state laws and clinic policies do not require parental notice, this issue and related ones are being debated in state legislatures. At the same time the Reagan Administration has stressed its commitment to supporting family involvement in all aspects of teen-age sexuality. “Some here may not like it, but it’s a fact of life and it’s best that we recognize it,” Marjory McKenney, director of the Department of Health and Human Services’ adolescent pregnancies program, recently told a conference of professionals in the field. “We will ask hard fiscal questions as well as hard human questions about what happens to these young women.”

**A Move to Florida**

No trend in modern society affects more children in a more profound way than divorce. In 1979, the last year for which statistics are available, the lives of 1.18 million children were altered by marital breakups and the custody arrangements that followed. Jamie Schaeffer’s case illustrates what can happen when custody arrangements collapse.

Jamie was 10 when James and Elaine Schaeffer were divorced. A few days after the decree was signed Jamie and his mother moved to Florida.

Since the move to Florida deprived him of his right to visit Jamie, the father says, he stopped paying child support. He also says he had to hire a detective to find Jamie. In any event, two years passed.

“All I heard was how bad my father was,” Jamie recalled over a meal in a diner on Long Island’s North Shore. “Then one day I got off the school bus in Florida and there he was. I walked over to him and we started talking. He said, ‘Would you like to go back to New York with me?’ and I said, ‘Let me think about it.’ I thought about it and I said, ‘Yeah.’”

Five days later the police came to his father’s house on Long Island and took Jamie into custody. “My mother told the police I was kidnapped, but I wasn’t,” the boy said. “In my mind I wasn’t.”

The common term is child snatching.

It is estimated that 25,000 to 100,000 children are snatched each year by parents. Until recently, once a child crossed state lines, there was nothing the other parent could do about it except hire a detective to find the child and snatch him back.

Late last year, in response to pressure from aggrieved parents and studies documenting the risk of psychological harm to children, Congress passed the Parental Kidnapping Prevention Act. It requires judges to enforce and not modify custody orders from other states and authorizes the use of the Federal Parent Locator Service to search for parents who flee with children, just as it now searches for parents who flee from support payments.

The New York Times/CBS News poll
In his mother's view, the boy was confused. "He didn't know his own mind," she said in an interview. "He wasn't mature enough to know what was best for him." Jamie disagreed, saying "I knew I wanted to live with my dad. I'm a lot like him. We both like fish, we both

Father Francis Pizzarelli and Jamie Schaefer at the Infant Jesus Roman Catholic Church in Port Jefferson, L.I.

found that 61 percent of respondents believe kidnapping laws should apply to parents. The new parental kidnapping law has its critics, however, both inside and outside Congress, mostly because it fails to make the crime a Federal one, only when a felony warrant has been issued for the abducting parent does the law authorize the Federal Bureau of Investigation to look into the case. Thirty-two states, New York among them, treat child snatching as a misdemeanor.

As John Gill, president of Children's Rights of New York, put it: "If one spouse steals mail from another spouse's mailbox, that's a crime, tampering with the Postal Service. But if one spouse steals their children and hides, that's not a Federal crime."

A Brief Interlude

The child-snatching incident was a brief interlude in Jamie's life, for he was quickly returned to his mother in Florida, but he was not content to stay there. "I kept running away, trying to get to my dad," he said. "My mom blamed him. She said I was brainwashed. In one year I did enough running away for 10 kids. I never got out of the state of Florida, though. The police always caught me."

In his mother's view, the boy was confused. "He didn't know his own mind," she said in an interview. "He wasn't mature enough to know what was best for him." Jamie disagreed, saying "I knew I wanted to live with my dad. I'm a lot like him. We both like fish, we both

like cars and working with machinery. My mom treated me like a baby. When I was 15 she thought I was still 8."

In 1979, Jamie's mother agreed to allow him to spend the summer with his father. At the end of summer Jamie telephoned his mother to say he wasn't coming back. He enrolled in a local high school. His father filed a petition for a change of custody.

"The judge said I had to go back to Florida," Jamie recalled. "He said the Florida court had jurisdiction. I said, 'Don't you care about my feelings?' But the judge said the court wasn't interested in feelings, only jurisdictions.

That's when I ran out of the courtroom. Finally I ended up at the church where Father Frank was. I stayed in the rectory for two months waiting until I turned 16."

As Jamie sees it, the court did not want to hear his wishes. Although many judges now interview older children involved in custody cases, only 20 states, including Connecticut, have laws providing that, depending on the age and maturity of the child, his or her wishes be weighed in the court's determination.

A much debated question in legal circles today is whether every child is entitled to a lawyer in a custody dispute. Opponents argue that the child's interests are adequately protected by the judge, that a third lawyer would "muddy the waters" and that the fees of the child's lawyer, to be paid by one or both parents, would pose an undue hardship. Already, they say, the cost of protracted litigation to win custody approaches the cost of sending a child to college.

Proponents maintain that a child should have a lawyer because his or her interests may conflict with those of the parents. They also argue that the child's lawyer would help defuse the hostility in the proceedings and help develop a more complete picture for the court by interviewing teachers, counselors, psychologists to determine and evaluate the child's preference.

Another approach to the problem of protecting the child's interests in custody disputes is the appointment of a guardian ad litem, or lawyer for the child. Several states have held that the court has the inherent power to make such appointments, but only 20 states provide the statutory authority. In Wisconsin and New Hampshire the appointment of a guardian ad litem is mandatory in all contested custody cases.

In a custody dispute, the child is entitled to a lawyer. If the court does not appoint a guardian ad litem, the child can select a lawyer. If the child does not select a lawyer, a court-appointed lawyer may be appointed. The court-appointed lawyer may not charge the child for legal services.

A study of cases in Michigan, where the child's preference must be considered in custody disputes, found that "although this is an enlightened policy, the extent to which trial judges are willing or able to implement it is questionable." Some judges ignore the wishes of young children while others lack the expertise to interview them, according to the researchers. Richard Benedek, an Ann Arbor lawyer, and Dr. Elissa Benedek, clinical professor of psychiatry at the University of Michigan, among other things, they recommend the use of child counselors, psychologists to determine and evaluate the child's preference.
Joint Custody

In another contested area, Dr. Doris Jonas Freed of New York, a national custody expert, and others assert that a child of divorce has a presumptive right to frequent and continuing and meaningful contact with both parents’ or joint custody. In recent years 15 states have enacted laws requiring courts to award joint custody when in the child’s “best interests.” In California, Hawaii, Nevada and Michigan judges are bound to consider joint custody even if only one parent requests it. In New York a bill along those lines was vetoed last month by Governor Carey, who said the presumption that joint custody was in the child’s best interests should never be made “based on an agreement between divorcing parents.”

“If parents care about their children they should try joint custody,” Jamie said, adding that his father and stepmother, now separated, have agreed to share custody of their 3½-year-old daughter. “I think that’s great if parents can work it out,” he said.

Jamie’s parents could not work it out. So, a few days after his 16th birthday he went from the church rectory to the courtroom accompanied by Father Pizzarelli and Charles Russo, a child advocacy lawyer who agreed to take the case without fee.

The case was a tough one: Jamie was asking to be emancipated from his parents in a state where there are no clear guidelines on the emancipation of minors. Most states provide that a child becomes emancipated when he reaches the age of majority or when he marries or joins the armed forces. Traditionally, only parents, not children, could petition a court for a decree of emancipation releasing them from their legal duties to support, maintain and educate a child. In many states today parents must still consent to a court decree of emancipation of a minor unless they are found guilty of child abuse or neglect, in which case their rights can be terminated.

Emanclpation Laws

More than a dozen states have laws allowing the courts to emancipate minors, but in many cases emancipation is for specific purposes only. In Mississippi, for example, a minor can sell a piece of real estate; in New York, a minor can sue his parents.

Under a new Connecticut law an emancipation decree entitles children of 16 or older to the status of adults. They can sign contracts, join the military and establish residency, among other things. In evaluating a minor’s request for emancipation, courts look for self-sufficiency and freedom from parental control and authority: Does he have a job? A place to live? Does he manage his own affairs? Pay his debts?

Criticls of the Connecticut law, judges among them, maintain that the law allows parents to abandon their children legally. Although such children are often considered runaways, the critics say they are actually “pushouts.” There are pushouts, too, in New York and New Jersey, but no laws to emancipate them.

“Some of them go to the runaway shelters and some stay out on the streets,” says Linda Bailey, executive director of the Runaway and Homeless Youth Advocacy Project in New York. “They’re in a legal limbo. They can’t sign contracts, can’t enroll themselves in school, can’t get medical records, a whole litany of can’ts.”

As for Jamie Schaeffer’s right to emancipate himself, his lawyer, Mr.

Russia, sought to argue the case but was in the wrong forum. “Family Court is a statutory court,” he said. “I knew that, of course. Our next logical step was Supreme Court. But Jamie at this point said, ‘Look, I don’t want any more to do with courts. I’m sick of being bounced back and forth between parents. I’ve got my own life.’”

In the end, Judge Arthur Abrams ordered Jamie to return to Florida with his mother. The judge also ordered an armed court officer to accompany the boy and his mother to her car, which was parked outside the courthouse. When they got to the car, however, Jamie said, “I’m not going, Mom.” And he walked away.

As Father Pizzarelli, who witnessed the scene in the parking lot, put it: “When a 16-year-old walks away, no parent can force him back, no police officer will bring him back. Whether that’s the law or not, that’s what happens.”

Walter Polovchak, the Ukrainian boy who was granted political asylum in the United States.
Some Call New Law Toothless

Spouses 'Steal' 100,000 Children

By MACK SISK
Associated Press

SAN ANTONIO, Texas — Eunice Munford says the police would have shown more concern if her purse had been stolen — instead of her four children.

Mrs. Munford was granted custody of the children in her divorce settlement, but she said police treated their disappearance as a “domestic squabble” because they had been snatched by their father, her ex-husband.

The American Bar Association says 100,000 children are snatched from their mothers or fathers each year by ex-spouses who refuse to abide by legal custody orders. Only 10 percent of the children are ever returned to the parent who was granted legal custody, the ABA estimates.

If an adult snatched any child not his or her own, it would be a violation of the federal kidnapping law and the FBI would help track the culprit down.

But most officials agree that law enforcement agencies treat child-snatchings as family quarrels, reluctant to spend time, resources and taxpayers' money to help distressed parents track down and seize custody of their children.

As one of his last acts in office, former President Jimmy Carter signed a child-snatching law that, for the first time, put the federal government on record as frowning on the phenomenon of child-snatching.

THE LAW, which took effect July 1, does three things:

- Standardizes child-custody orders throughout the 50 states.
- Allows the federal Parent Locator Service, originally aimed at locating parents who skip out on child support payments, to find child snatchers as well. The service is part of the Office of Child Support Enforcement, operated by the Social Security Administration.

- Empowers the FBI to handle arrest warrants which charge unlawful flight to avoid prosecution in such cases.

Mrs. Munford said she was granted custody of her children last July 1, but didn't see the child again until June, when her ex-husband had taken her car away.

Mrs. Munford was luckier than most. Using mostly her own resources, she found her children in California and regained custody. She had searched for a year.

“I found in my own experience that it would have been much easier (to get help from the police) if my ex-husband had taken my car — much easier,” she said.

Mrs. Munford was lucky. The American Bar Association, which works for the state Department of Human Resources, is Texas coordinator for Children's Rights Inc., a Washington, D.C.-based organization made up of parents whose children were snatched.

THE NEW LAW empowers the FBI to act when state felony warrants are issued, but only six states including Texas, have felony child-snatching laws, and even in those cases, local prosecutors often are reluctant to act. New York only recently made child-snatching a felony.

Charles Conaway, First Assistant District Attorney in San Antonio, explained that it's up to the complaining parent to find the missing child, and prove that the ex-spouse has taken custody, before the state can file felony charges.

“'There's not a lot you can do if you're dealing with someone who doesn't have any roots, any close ties to anywhere,” Mr. Conaway said. ‘It's awfully easy to take a small child and get on a Greyhound and say 'bye.' How are you going to find them?”

John Warren, 29, a San Antonian who works for the state welfare department, said he paid $20,000 to have a lawyer and private detective help him gain physical custody of his 5-year-old daughter.

Mr. Warren obtained a “writ of attachment” for the arrest of his ex-wife and return of his child, but he said no law enforcement agency would help him find her.

Mr. Warren won custody of his daughter last Dec. 8, but didn’t see the child again until June, when his ex-wife voluntarily surrendered her to him in front of a Dallas church.

“She told me she gave up, that she couldn't run any more, that she didn't have any money,” Mr. Warren said.
9.88

OTHER FAMILY AND KIN RELATIONSHIPS
Plant Industries' Chief Slaps Son-in-Law With a Full-Page Help-Not-Wanted Ad

By Stephen Grover
Staff Reporter of The Wall Street Journal

NEW YORK—Hell hath no fury like a father-in-law scorned—as demonstrated by a full-page Plant Industries Inc. ad in Friday's New York Times.

Plant Industries' chairman and president, Hyman Katz, 59 years old, and his son-in-law, Robert B. Bregman, 50, are involved in a bitter, "all in the family" proxy battle for control of the company. In the middle is Mrs. Bregman, Mr. Katz's daughter. She couldn't be coaxed to the telephone over the weekend but lawyers described her support of Mr. Bregman as "a sign of the strength of their marriage." The Bregmans have been married nine years and have one daughter.

Mr. Bregman undertook his battle to take over Plant, a maker of industrial and consumer packaging, earlier this year after having served as director of corporate development, a post created for him by his father-in-law. He maintains in his proxy material that the company has, among other things, recorded a "disappointing" operating performance in recent years, that it operates a costly private corporate airplane when commercial transportation should suffice and that it pays for a Fifth Avenue apartment for Mr. Katz.

Apparrently stung by the charges, Plant took out a full-page ad in the Friday New York Times rebutting them. "In our opinion," said the ad, "there is nothing in Bregman's record to inspire any confidence in his ability to manage a company such as Plant, or to capitalize on our major investment in Selvac..." Selvac is a nonaerosol spray container.

Worked for Dad, Too

The ad went on to state that his business career, "as he describes it in his proxy statement, has consisted of two jobs in the last 25 years. The first was as a partner in his father's securities firm and the second was working for Plant, of which his father-in-law is chairman of the board." It notes that "while the senior partner of his father's firm, Bregman was named as a respondent in a Securities and Exchange Commission administrative proceeding and as a defendant in a concurrent civil action, both alleging violations" of the Securities Exchange Act of 1934.

In May 1977, Mr. Bregman was indeed fined $10,000 and suspended for a month by the New York Stock Exchange on the ground that he failed to supervise adequately the operations of Michael, Bregman & Co., of which he was a partner. The exchange had charged him and others with causing single trades to be printed on the ticker as two or more smaller trades, and of making multiple trades where only one would have been sufficient.

The Big Board said that such practices "can create a false impression of heavier market activity which might tend to increase trading volume and thereby possibly influence price movement." It also said that the alleged print-splitting helped Michael Bregman and another brokerage concern to "dramatically improve" their performance ratings. The exchange uses such ratings to measure specialist market-making ability.

Following that bit of trouble, the Plant Industries ad said, Mr. Bregman in early 1978 "asked his father-in-law for a position (with Plant). Shortly thereafter he began his employment at Plant as the Director of Corporate Development—a position which had not previously existed but which was created for him. Among his other assignments, he was responsible for assisting in the disposition of a small subsidiary of Plant and, until it was disposed of, to seek to improve its performance."

Fired as Disruptive

The ad said: "The performance of the subsidiary did not improve and in November 1979 Plant discontinued the subsidiary's operations. Bregman was fired shortly thereafter because management was of the opinion that he failed to meet his responsibilities effectively and because management viewed his efforts to replace Mr. Katz with himself as disruptive."

Mr. Bregman declined to be interviewed but issued a statement through his lawyers in which he expressed "surprise and regret" at the Times ad. "At a time when the (proxy) committee is calling to the shareholders' attention the high level of corporate expenses and the low level of earnings of the company ($1.1 million, or 37 cents a share, on sales of $81.8 million last year), we were surprised that the company incurred the expense of a full-page advertisement in the Times which we are told costs almost $17,000." He said he regretted that "present management appears to be attempting to overcome the serious issues raised by the committee concerning the management of the company by engaging in personal attacks on him."

When asked if Plant had taken out the Times ad because of fears that the Bregman group might be successful in their takeover attempt, Mr. Katz said: "We won't know how successful the Bregman bid is until the results come in." The company's annual meeting at which the battle will be decided is on Wednesday.
Island’s Heirs Vie to Be ‘Lord of Manor’

Imagination loves to trace (mine does, anyway) the settlement and patriarchal happiness of this fine old English gentleman on his island there all by himself, with his large farmhouse, his servants and family, his crops on a great scale, his sheep, horses, and cows. His wife was a Dutch woman — for thus it is written by his own hand in the old family Bible, which the Gardiners yet possess.

Walt Whitman, after sailing around Gardiners Island

By JAMES BARRON
Special to The New York Times

GARDINERS ISLAND, N.Y. — The 11th-generation descendants of Lion Gardiner and his Dutch wife still have the family Bible, the family silver, the family jewels, the family portraits and the family furniture. But the family island is no longer an undisputed source of happiness, patriarchal or otherwise.

In the last couple of years, the family has disagreed on everything from which descendants should have the red-brick manor house on weekends, to what color to try on the floor and of brick manor house on weekends, to what color to try on the floor, to how to decorate the seven master bedrooms. Despite at least two court orders intended to settle the bickering, the Gardiners remain divided over the question of who will control the family’s 3,000-acre island out between the eastern prongs of Long Island.

In the latest chapter in the island’s history, one faction of the family has accused another of throwing family portraits on the floor and of trying to run down a Gardiner with a pickup truck, and a Surrogate’s Court in Manhattan has warned both sides that unless they stop bickering the family might lose the island altogether.

Trust Fund Running Out

As in many family disputes, money is at the heart of the matter. Sarah Diodati Gardiner, who owned the island when she died in 1953, left a $1 million trust fund to maintain it, but the fund is on the verge of exhaustion and its heirs could not agree what to do about the island. In 1978, the operating budget for the island was $186,750. Of that, the largest part, $78,000, went for real-estate taxes.

In a ruling last month, Surrogate Marie M. Lambert urged both sides “to stop engaging in brinkmanship and to start a new era of cooperation.” She also ruled that the heirs should share equally in the island’s expenses and that neither side should exclude the other from the island so long as the payments were up to date.

One of the factions in the dispute is headed by Alexandra Gardiner Creel, and includes her son, J. Randall Creel Jr.; her daughter, Alexandra Creel Goeler and Mrs. Goeler’s husband, Robert. Mr. Goeler is president of the American Museum of Natural History.

Through their attorney, Arthur Norman Field of Manhattan, they declined to be interviewed. But Mr. Field said they were “satisfied” with Surrogate Lambert’s decision last month.

Lord of the Manor

The other faction consists of 71-year-old Robert David Lion Gardiner, who thinks of himself as the last lord of an American manor who still owns the manor. If Gardiners Island were still a province of England, as it was for nearly 120 years, Mr. Gardiner would be called “Your Lordship” and would rather like it.

“I’m not going to be pushed around,” said Mr. Gardiner, who explained that he planned to appeal the surrogate’s decision. “I wouldn’t be a worthy descendant of old Lion Gardiner if I could. I will not be divested of something that’s mine.”

The two factions share the island under an order of occupancy and use that Surrogate Lambert first issued in 1978 and has updated twice. It contains a schedule of periods of up to two weeks during which the island is “reserved for the exclusive use” of one side or the other.

Continued From Page B1

In 1978, for example, Mr. Gardiner had the island for the two weeks before Christmas Day, while Mrs. Creel, Mrs. Goeler and J. Randall Creel Jr. had it from Dec. 26 through New Year’s Day. Sitting on the lawn before the manor house, Mr. Gardiner, who has no children, said the other day that he wanted to purchase the island and leave it to a nonprofit foundation that would conduct a small number of tours, primarily for naturalists and historians. The foundation could schedule the tours at a pace that would not burden the island’s dirt roads, forests and beaches, he said.

“Except for the manor house, a handful of small buildings and 27 miles of dirt roads, the island is still the way it was when Lion Gardiner bought it in 1839 from the Montauk Indians for ‘ten coats of trading cloth.’ It is home to deer, geese, turkey, turtles and dozens of other species, and conservationists say it is an unrivaled nesting ground for the osprey, a rare and endangered species of broad-winged birds.

To spare the island from an invasion of tourists, Mr. Gardiner opposed an effort in 1971 by Otis G. Pike, a Long Island Representative at the time, to acquire the island as a national park.

“There would have been no way to say, ‘I’m sorry, we’ve reached our quota for today, but can’t you come back tomorrow, or next Tuesday?’” he said.

‘Gardiners Adjust’

The idea would be to leave the island alone, pretty much as it was when Lion removed thither with his family — a maid and several farmers,” as early records described his settlement. His third child, Elizabeth, was born there, the first child of English parents to be.
Robert David Lion Gardiner cradling a Canada goose found on Gardiners Island

born within the bounds of what became New York State.

"Lion came over in his own boat with his wife, her maid and 20 men under him," Mr. Gardiner said. "On the Mayflower, nobody had a maid. These people weren't saints but, boy, were they survivors. Gardiners adjust to whatever problems they have to face."

"I adjusted by buying I.B.M. stock," Mr. Gardiner said. "For every 100 shares I bought in the Depression, I have 70,000 shares today."

Mr. Gardiner was ebullient as he showed off the island the other day, riding in the back of a pickup truck, driving through forests, visiting the family cemetery and stopping at the spot where John Gardiner, third lord of the manor, is said to have buried several chests of gold, silver and jewels for William Kidd, who then had the reputation of a gentleman as well as a trustworthy merchant, sea captain and privateer.

A Fall From Favor

By that time — 1699 — Captain Kidd had fallen from the favor of the nobles who were backing one of his expeditions, including the Earl of Bellomont, Governor of the northeastern colonies. Soon after he left Gardiners Island, Mr. Gardiner said, Captain Kidd went to Boston, where he was imprisoned, and the Earl of Bellomont came to the island to claim to treasure.

What the family did not know until Mr. Gardiner compared the receipt left with his ancestor and the receipt the Earl forwarded to London was that the Earl had apparently pocketed six diamonds of the booty for himself.

"You see, this island used to be closer to civilization than our house in East Hampton," Mr. Gardiner said. "Now I can't even get servants to stay here."

Its remoteness caused confusion in the 1930s, when a hurricane played havoc with its only communications link with the mainland, a radio-telephone connection that relayed messages to East Hampton by way of Connecticut. It was a system that sometimes resulted in confusion. One order for five pounds of rice produced five tons of rice.

Mr. Gardiner has spent much of his time in recent years as a real-estate developer of his family's property, which at one time extended from Montauk Point, L.I., to Flushing, Queens. The family gave the land for the Sagittakos Parkway and Mr. Gardiner built a shopping center on family-owned land in Bay Shore, L.I.

"When I signed a lease with Sears, Roebuck, they asked for proof that I really owned the land," he said, "so I brought out the original parchment from England. That one was signed by William and Mary."
By WILLIAM ROBBINS
Special to The New York Times
WASHINGTON, Pa. — The story of a legacy of bitterness and strife of an immigrant without formal education who built a fortune in real estate will soon grow a new chapter, to be written in Pennsylvania's highest court.

The battle, which has aroused sporadic public curiosity in Pennsylvania, is over the estate of Paul Ciaffoni, estimated at as much as $8 million. He began as a meat peddler and learned the intricacies of land dealing in this and surrounding states and accumulated the fortune over half a century.

The version of the Ciaffoni will that reached probate changed terms of earlier wills, disinherited a daughter and partly disinherited a grandson.

The will of Paul Ciaffoni, death, to use the state courtroom as a scene for legal fighting over his estate. The will was ruled valid in a lower court more than two years ago, but appeals have twice reached the threshold of the United States Supreme Court, only to be refused a hearing.

He has pitted brothers against sisters, mother against daughters and grandchildren against aunts and cousins. So far there have been no final victories, only victims, including a Superior Court judge who, while he was in private practice 13 years ago, prepared a will for the Ciaffoni patriarch.

The judge, Richard Disalle, said that the case had caused “a lot of grief” for him and his family. He has testified that the will as it was offered for probate after Mr. Ciaffoni's death in 1974 was a bona fide product of his office. As a result, he has been accused by those contesting the will of taking a role in a conspiracy for which he says he could have had no possible motive.

Robert Ciaffoni, a son, has led a seven-year effort to prove that the will was fraudulently altered after it was signed, charging in appeals that excessive deference had been shown by fellow judges to Judge Disalle as a witness to the will's authenticity.

None of the family has pleaded poverty, and while the will is tied up, Mrs. Ciaffoni has property and income because of joint titles held at the time of her husband's death, she said. But she and her son spoke feelingly of the toll of family strife.

Meanwhile, as legal costs erode potential benefits, the estate remains under the jurisdiction of a lower court.

Creation of the estate began some years after Paul Ciaffoni arrived in this country at the age of 16 from Italy. On May 12, 1916, when he was married at 21, he and his bride, Concetta, were too poor to buy a bed. They were so poor, Mrs. Ciaffoni says now, that their meals sometimes consisted mostly of dried beans.

After working as a miner, Mr. Ciaffoni bought a horse and wagon and began to buy pigs and calves for slaughter. Mrs. Ciaffoni, who is now 82, sold the meat from door to door. Soon, she said, they opened a grocery store. Eventually, they had seven children.

Then Mr. Ciaffoni bought a farm, and then began the accumulation of land and other holdings that would spread over several states.

“He was a taciturn man,” Mr. Disalle said. “I guess he had no formal education.” But he added that by the time Mr. Ciaffoni began to visit the Disalle law office in the early 1950s, Mr. Ciaffoni “probably knew as much about real estate, mortgages and estate sales as anyone around.

In 1967, the judge has testified, Mr. Ciaffoni brought him a 1955 will to use as a guide, though he wanted it provisions changed. Mr. Disalle said he then prepared the first of two wills he worked on for Mr. Ciaffoni before 1968, the year Mr. Disalle was elected a judge and gave up private practice. A will dated May 10, 1968, is the focus of the family dispute.

The principals on one side, supporting the will, are four daughters, including Elizabeth Cowden, the youngest of the seven children.

On the other side, contesting the will, are Robert Ciaffoni and his mother, who were named executors along with Mrs. Cowden, and the rest of the children, who are a brother and the eldest sister, Margaret Soviero.

The attack has become a primary occupation of Robert Ciaffoni, despite two facts: He was required by one judge to promise to support the will before he could be approved as an executor; the provisions of the will for him are undiminished from an earlier will that he does not question. His motive, he said, is “truth and justice.”

Several grandchildren, including the oldest, Paul A. Ciaffoni, 2d, have also taken sides. Among the issue are language leaving Mrs. Soviero without an inheritance and switching several farms, bequeathed in the 1965 will to Paul Ciaffoni 2d, to Mrs. Cowden. Mr. Ciaffoni has long lived on one of the disputed farms.

The contestants have asserted that the elderly Ciaffoni will was disinherit one of his children and that he had long said that the switched land, including the family's home farm, was destined for his oldest grandson.

Other issues focus on findings of specialists hired to give their opinions on the authenticity of the document. Two experts on documents were hired by the contestants but not called to testify. They were later asked by the court for their opinions.

One of them, Orway Hilton, noted in his report that one page was written on paper with a different watermark from the rest of the seven-page will, but he concluded: “It is my opinion that the will has not been tampered with in any way.”

Paul A. Osborn, whose report was never entered into evidence, said in a telephone interview that though he had found the signature to be genuine, there were other questions asked by his client, Robert Ciaffoni, “that could not be resolved from the materials I was given.” He added, however: “I felt there was no positive evidence that any alleged alterations were done subsequent to the execution of the document.”

Still another expert, from the Postal Service's crime laboratory, asked to make his report. “I wish you would review the results detailed in the court order,” this expert said, his examination did not reveal “any significant evidence” tending to challenge its authenticity.

But, like Mr. Hilton, he noted the existence of a page of differing paper, and he said that its typing appeared to have been “produced through the use of a newer or different typewriter ribbon.”

Three other specialists were retained by family members to examine the disputed document and compare its style with others prepared in Mr. Ciaffoni's law office. Their findings, which tended to support the will's challengers, were eventually ruled by a trial judge “to lack probative value.”

In 1979, a lower court upheld the will and rejected subsequent protests. In 1980, the state Supreme Court twice rejected appeals. In an appeal to the United States Supreme Court, Robert Ciaffoni argued that in 1980, after losing an election, Mr. Ciaffoni had been employed by the court as a research consultant to one of its justices and was thus in “a favored position” when his work product was an issue, though records show that that judge had taken no part in the Ciaffoni case.

One of the state justices dissented, saying the lower court had erred in excluding testimony on the reliability of Mr. DiSalle's office shown in comparison will.

In briefs filed last week in August, Robert Ciaffoni is seeking still another hearing. And if he loses that, he intends to start again, at the bottom of the Federal system, with an appeal to a District Court.
Pet Ideas on Why We’re Going to the Dogs

By Dianne Dumanoski
THE BOSTON GLOBE

Most of the time, like other pet owners, I think of him as a member of the family. It’s not that he’s just another person who happens to be wearing a permanent fur suit, but that, whether it’s for a walk in the woods or a trip home for the holidays, his enthusiastic, doggy presence is indispensable.

His unobtrusive companionship is something I take for granted. He’s always there: snoozing under the kitchen table while I read the Sunday newspapers, sniffing through the leaves as I dig holes for next spring’s daffodils or hugging along at the other end of the leash on an evening run.

But every once in a while something happens to remind me that this member of the family is, in truth, a very large animal—100 powerful pounds of Alaskan malamute that still carries the coloring, the markings and many of the habits of his wolf ancestors. Sometimes, prompted by a particular soprano aria in the opera “Norma” or by a fire siren, he fills the house with a mournful liquid howl that carries in its ebbing notes the darkness of the North and wildness of the tundra.

Overwhelmed by our differences in these moments, I’ve puzzled at the attachment between us. When and why did his ancestors come to live with my human ancestors? If my ancestors’ motive was utility, why do so many of us still choose to live with animals in our midst? What has moved us to take them with us into heavily settled suburbs and city high-rises, and what cements our strange, strong bond with a species that can’t even talk?

While no one yet has answers to these questions, serious investigation has recently gotten under way as psychiatrists, psychologists, veterinarians, anthropologists, ethologists and other experts have become more and more fascinated by the mysteries of the human-animal relationship. Though interest was first stimulated by surprising findings about the positive effects a pet can have on the owner’s physical and mental health, researchers are now exploring broader questions like the apparently complex role a pet can play within the family.

Take the work of Jay Ruby, a Temple University anthropologist who has studied family snapshots of pets. Virtually all the pet owners interviewed for one recent survey said they had pictures of their animals. “In some ways, the role of pets and the role of snapshots in our lives are similar,” Ruby observed. “They are both so common and ordinary that they are often overlooked as topics for ‘important’ research. These are a part of the taken-for-granted of our everyday lives, and they are almost invisible.”

Ruby believes that gaining an understanding of pet pictures will provide insight into the social and emotional role played by pet companions. He has concluded that pets are photographed as members of the family and often treated in the same manner as infants.

Ruby discussed these findings last fall at the first international conference on the human/companion animal bond, held in Philadelphia, which attracted scientists from nine countries.

The work of another anthropologist, Constance Perrin, leads to quite a different and intriguing suggestion about the human-pet relationship. Ms. Perrin fell into the study of the human-dog bond by accident, while she was engaged in a study of American neighborhoods and the informal rules that guide them.

Dogs, she discovered, were as im-

portant as children in the relationships among households, and dogs were a frequent source of conflict. In fact, it was impossible to discuss neighboring, American-style, without talking a great deal about dogs and why their owners behave the way they do. This led Ms. Perrin to contemplate the commonly made observation that many dog owners were more defensive about their dogs than about their children. Why should this be? One would logically expect a person to be more defensive about the behavior of his child.

“I took (this evidence) to suggest that dogs and children might not be conceptually equivalent categories,” said Ms. Perrin. “There was sufficient reason to work on the doubt that dogs are surrogates for children.” While it is true that both dogs and children appeal to people’s caretaking instincts, Ms. Perrin suggests that the dog-human relationship is complicated and that the dog owner may be seeking a parent in the dog as much as a child.

Ms. Perrin examines the idealization of the dog in our culture and the stubbornly held myth of the “one-man dog.” Why, she asks, do humans insist upon characterizing the dog as faithful and utterly devoted. Dogs, she points out, do wander off and adopt new families, and they often don’t live up to our notions about them. They can, of course, provide dependable affection and intimacy, if not supercanine fidelity.

Ms. Perrin explores the idea that in the bond with a dog, the human hopes to recreate to some extent the intimate, totally accepting relationship with his or her mother.

But relationships between pets and humans go awry just as relationships between humans and humans do. Alice and Dudley DeGroot—a brother and sister team who draw upon her expertise in veterinary medicine and his in anthropology—have examined the alarming increase in pet abandonment in the United States, which last year involved an estimated 20 million pets. To try to understand why this
Their experience with an old man named Jed has become almost a legend in pet therapy circles. Jed, who was in his 70s, had come to the Castle Nursing Home in Millersburg, Ohio, in 1949 after he fell from a tower and suffered brain damage. The staff believed that he was deaf and mute, as a result of his head injury; they found him to be antisocial and apparently unaware of what went on around him.

In 1975, Whiskey, a dog of German shepherd and husky parentage, came to live at Jed’s nursing home as part of the seeing-heart program, and shortly after his arrival, the home’s administrator took him in to visit Jed. The old man responded immediately. “You brought that dog,” he said — the first words he had spoken in 26 years.

After this dramatic episode, the Corsons reported, Jed started talking to the staff about “his” dog. He also began to draw pictures of Whiskey that were detailed and quite artistically sophisticated.

One of Jed’s drawings accompanied the Corsons’ published account of their seeing-heart program. Jed had sketched a woman in the nursing home staff kneeling on the floor and grooming Whiskey’s coat. She smiles broadly as she looks upon the dog, who gazes appreciatively back at her over her shoulder. The warmth and affection between the two are unmistakable.

Whiskey changed and enriched Jed’s life. The old man not only became happier when he petted and talked to the dog, but the staff noted, in time he also became willing to interact with people as well.

Other therapists have used pets in mental hospitals and penal institutions. At the Lima (Ohio) State Hospital, an institution for the criminally insane, David Lee, a psychiatric social worker, used tropical fish and all kinds of animals, including gerbils, rabbits, hamsters, guinea pigs, parrots and a deer, in work with his patients. Agression was a frequent problem with these patients, who included a variety of psychopaths and sex offenders. But Lee reported that after the introduction of the pet program they generally behaved less aggressively toward their peers and the staff.

Many of the people who study humans and animals are now turning their attention to more normal situations. What is the role of the pet in an ordinary family, where illness or isolation is not a problem? What do humans and pets get from each other? Does having a pet affect the development of children? What roles do pets play in the family? What roles do they play in our neighborhood and our society?

Aaron Katcher, a psychiatrist who works with the University of Pennsylvania’s Center for the Interaction of Animals and Society, thinks relationships with pets are often more important than people are willing to admit.

“People are secretive about this,” he said. “There’s the imputation that people are close to animals because they can’t find human companionship, so they may feel it’s stigmatizing or childish. I see this poignantly in people grieving over the loss of a pet. They’re really hurting, but they feel they can’t talk to anyone about it.” Many people, he said, even feel guilty about the depth of their grief.

In the past decade, such books as Desmond Morris’ “Intimate Behavior,” and R. Szasz’s “Petishism: Pet Cults of the Western World,” have popularized the view that a bond with a pet is something of a perversion — an inferior substitute for a relationship with another human being.

Many apparently well-adjusted people, nevertheless, take their relationship with their pets seriously, but it’s something they don’t want to advertise. Who wants to be regarded as another crazy cat lady or as someone so hard up that he talks to his dog?

For all the ambivalence in our culture about the meaning of pet ownership, Americans keep bringing animals home by the billions. If fish, gerbils, turtles and such creatures are included, the U.S. pet population stands, according to one market survey, at 4.7 billion. Americans live with 48 million dogs, 27 million cats and 25 million birds.

Fifty-eight percent of the homes in the country have a resident animal. These figures must warm the hearts of pet food manufacturers; the industry grosses $4 billion a year.

If there is anything weird or peculiar about keeping pets, then human beings have apparently been weird for a very long time. Pet keeping is a very ancient and virtually universal human practice. Long before dogs and cats were domesticated, our ancestors, it appears from fossil evidence, adopted
Why have dogs and cats been the most popular human pets? Two who have considered the question — animal behaviorist Peter Messeni and zoologist James Serpell — believe that the wild ancestors of domestic cats and dogs probably had an edge over other wild species because they possessed certain instincts or patterns of behavior.

This is probably most clear in the case of the dog’s forebear, the wolf, one of the most highly social species of canine. Much has been written about the hierarchical social structure of the wolf pack and how its members cooperate to hunt and to raise the next generation.

Since a similar type of social organization is postulated to have existed among prehistoric human hunting cultures, it is not surprising that wolves and humans found it easy to cooperate.

Messeni and Serpell believe that the tendency of the domestic dog to acknowledge the dominant status of humans is an ancestral characteristic derived from pack life. From the dog’s perspective, his human companion is equivalent to the leader or “Alpha” wolf of the pack, an acknowledgement that is “probably indispensable for the maintenance of good relations between men and dogs,” they wrote.

This dominance issue is at the root of certain common dog behavior problems. The question of standing in the social hierarchy is an important one for a dog, and serious conflicts can arise between dogs and their owners if it is unclear who is dominant. The proverbial instance of the dog “turning on” his owner is from the dog’s point of view a normal fight among pack mates to resolve the question of who will be dominant.

In some of these instances, the dog and its owner may have gone along for years with each operating on the assumption that he was the dominant one in the social group. Then a situation arises that forces the issue, and the dog prepares for a canine showdown.

Very often the dog owner has unwittingly invited this problem. It is easy to forget that dogs are not operating on our set of assumptions. Their wolf ancestors are also extremely communicative: they use a wide variety of vocal sounds, body postures and facial expressions to show their feelings and intentions. Their range of facial expressions is greater than that of any other member of the canine family.

One scientist who compared the facial expressions of primates and dogs found that not only are they similar, but the facial muscles that the two animal families have in common are used in similar manner when expressing emotion.

Perhaps that is why we feel we can read the expression on our dog’s face and fathom whether he is feeling sad or guilty or playful.

Though the cat has never been considered a particularly social species, studies in the past few years suggest that cats are naturally more sociable than is commonly believed.

Messeni and Serpell observed, as have many cat owners, are social in their own way. While they can be companionable and affectionate, they nevertheless insist on “maintaining a degree of independence” that is uncharacteristic of dogs,” the scientists wrote. The highly territorial nature of cats also plays an important role in tying them to a particular place and its inhabitants.

Besides having social inclinations, cats and dogs are playful, intelligent and, like carnivores in general, selective and fairly predictable about where they leave their urine and feces. This last critical behavioral characteristic makes them easy to house-train.

But while this intriguing history suggests how the human-pet partnership began, it doesn’t explain the mystery of the bond itself. Contrary to popular wisdom, the initial studies from this new field, contrary to popular wisdom, the initial studies from this new field, people and their pets, suggest that the relationship isn’t a substitute for anything.

Animals may provide an outlet for human nurturing instincts, but the relationship between person and pet is different from that between parent and child or one person and another. It seems to be something distinct and unique.

Evidence that supports this view has been emerging in unexpected ways. Like many others, Aaron Katcher and his colleague Erika Friedman stumbled into the investigation of the human-pet relationship while studying something else — the survival of patients after hospitalization in a coronary unit.

Scientists have recognized for some time that the bond between human beings has an effect on health; that married people, for example, have lower death rates than those who are single, widowed, or divorced.

In pursuing this further, Ms. Friedmann and Katcher set out to study the effect of social isolation on the survival of patients who had been admitted to a hospital for a heart attack or severe chest pains (angina pectoris).

But they didn’t find at all what they expected. The single social factor that seemed to predict whether a person would survive a year was whether he or she owned a pet.

At first, Katcher said, the research team just couldn’t believe these results. So they decided to go back and look again at the extensive interviews that they had done with the heart patients.

Perhaps the pet owners had been in better health before the hospitalization? No, that wasn’t the case. Maybe owning a dog encourages exercise and, therefore, assisted recovery? Wrong again: Those with pets other than dogs also had a better rate of survival. Nor did the pet owners enjoy a better social status than the non-pet owners.

What surprised the researchers even more was that this positive pet effect didn’t apply only to those who...
were socially isolated. The influence of a pet didn't seem to depend on whether the person was married or widowed or whether his life was isolated or full of social interaction.

These tantalizing and not yet fully understood results suggest, Katcher said, that the pet may offer something to adults that is "independent (of) and supplementary to human contact." The pet offers a kind of relationship other human beings cannot provide.

Again almost by accident, Katcher and his associates discovered that talking to animals has a very different effect on the talker than does talking to other humans. They were studying the fluctuations of blood pressure in people during a psychotherapy session, trying to find out what caused rises in blood pressure — was it the act of speaking or what was said?

The results indicated that the content didn't seem to affect the amount of increase in blood pressure. Whenever a patient spoke or even read aloud from a written text, his blood pressure went up. But when the person was being spoken to, his blood pressure dropped.

Animals became involved through another phase of the blood pressure investigation. Veterinarians had long known that a dog's blood pressure dropped when it was being petted, but no one had bothered to see what petting the dog did for the human.

Katcher and his colleagues placed their human subjects in a room and measured their blood pressure and heart rate when they were at rest or reading aloud from what Katcher called "an uninteresting text."

Then each subject's dog was brought into the room, and he or she was asked to pet it. As it turned out, the subject not only touched the dogs, but greeted them with words.

Despite the talking, the researchers found that the subjects' blood pressure levels were significantly lower when they petted the dogs than when they read aloud. "This experiment is of course a crude beginning," Katcher wrote, "but the results are an invitation to continue to study the dialogue between man and animal."
Family & Kin Relationships:
Foreign Examples
Where Women Sit In Judgment

A unique institution in Ahmedabad, which many harassed women in Gujarat consider their last resort, has helped re-unite hundreds of quarrelling couples and avert many suicides. PADMA and H. K. RAO report.

The social court, presided over by Miss "Justice" Charumati Yodha, is in session at Jyoti Sangh in Ahmedabad. On one side of Miss Yodha are a few clerks jotting down notes of the proceedings. In front is a long row of men and women, some with babies in their arms, patiently waiting for their turn to be heard.

There are people of high social status from as far off as Bombay and Surat, brushing shoulders with farm-hands from Kaira and cowherds from Kutch and Mehsana districts, all seeking domestic peace and social justice. A clerk announces the opening of the case, Shantaben Patel vs. Prabodh bhai Patel, and calls the parties to depose before the "court".

Shantaben, still in her early twenties, trying to suppress tears, says: "Our marriage took place two years ago. We have no children. He, his mother and his sisters tortured me in all possible ways, forcibly took my jewellery and sent me to my mother's home a year ago. He has told me that I need not return to his home—he has abandoned me. I now learn that, a month ago, he secretly remarried a rich girl, Leena Keshubhai Patel, who brought with her a load of jewellery and dowry for him."

Miss Yodha, looking indignantly at Prabodh bhai, asks: "How can you be so treacherous? Do you think a girl is a domestic pet that you can abandon at will?"

Prabodh bhai, unmoved, mumbles defensively: "She is no good; she would not obey my mother and sisters. She could not adjust to our home. She left on her own."

Miss Yodha thunders in retort: "That does not give you a right to take a second wife. Your first marriage is invalid; you have, this way, wronged Leena too. Jyoti Sangh, with all its resources, will support Shantaben and fight a legal battle against you. I will see to it that you, and all those who conspired in your second marriage, are prosecuted and jailed."

Prabodh bhai, Leena and their relatives look nervous and plead for a settlement. They know they have little chance in a legal battle with Jyoti Sangh. They agree to abide by any decision Miss Yodha gives.

After a brief private consultation in another room with Shantaben and her parents, Miss Yodha orders that Prabodh bhai should return the jewellery and dowry to Shantaben with an additional Rs. 10,000 as compensation towards maintenance, and that a customary divorce should immediately take place. Prabodh bhai agrees to the decision and gives a written guarantee.

In the next case, a bereaved father—a local millhand—complains that his daughter, Pramila bai Bhavsar, was murdered by her in-laws at a village in Rajkot district and her body thrown into a lake. Miss Yodha gives him patient hearing and decides to go by the first available bus to the village to verify the facts and gather evidence. The old man looks relieved, for he has complete trust in Miss Yodha, who has been fighting for social
justice for women for more than four decades.

In her long selfless career, Miss Yodha has trained more than a dozen social workers who, at some time or other, have functioned as "judges" in the court of Jyoti Sangh. Besides the "chief judge," Miss Yodha, six of the social workers trained by her are now trying to solve various family disputes at Jyoti Sangh.

In the adjoining room, a social worker, Ushaben Patel, is just finalising a "customary divorce" between Sumitraben (22) and her husband, Govindbhai Maganbhai Patel, a mentally retarded man of Gobit village, Kaira district. Sumitraben, who was an orphan, had been deceitfully married four years ago by her elder sister who was bribed by Govindbhai's parents. On medical examination by Jyoti Sangh, Govindbhai was found to be not only mentally retarded, but also impotent. Following the divorce, Sumitraben will live with her maternal aunt, pending her remarriage.

At another desk in the same room a social worker is trying to reunite a quarrelling couple, Dr. (MRS) M. and Dr. K., who jointly own a surgical and maternity nursing home in Bombay with a monthly income of more than Rs. 4,000. Dr. (MRS) M., who returned to her parents in Ahmedabad a year ago, charges her husband with cruelty and demands a divorce; Dr. K., with his six-year-old son, Anand, clinging to him, promises to improve his behaviour and wants his wife permitted to return to his home.

The women's rehabilitation centre of Jyoti Sangh, which is more popularly known as a "court" among people in Gujarat, handled a total number of 1,596 cases during 1975-76. The following are the break-down figures: Marital conflicts — 1,051, physical torture (wife-beating etc.) — 218, divorce and maintenance — 86, bigamy — 32, child marriage — 55, alleged murders or suicides (cases where the cause of death is not known) — 43, kidnapping — 2, immoral traffic — 7, extra-marital relations (keeping women) — 9, elopement — 7 and miscellaneous — 86.

Jyoti Sangh, a unique women's institution, was founded in April 1934 by the late Miss Mridula Sarabhai, an uncompromising fighter for social justice. Today it is a big institution with many branches. Apart from its "courts," it also has administration and education departments. The administration wing has several sections. Its "karigar vibhag" provides employment to women belonging to workers' families to supplement their meagre income. It trains them in crafts such as cane work, decorative leather work, doll making, batik, hand printing, embroidery, zipped fastening, thread cutting, tailoring, knitting and catering. It also provides them with the requisite raw materials and marketing facilities for their products.

Its production unit undertakes the preparation of eatables and sells them at moderate rates. Its welfare unit looks after a creche for children of working mothers, a centre for rehabilitation of mentally retarded adolescent girls, a consumer guidance bureau and many family planning centres. The education department of Jyoti Sangh conducts coaching classes for women in vocations such as shorthand, typing and secretarial practice, and prepares them for government diplomas.
Strangest Tiny Village
In the Whole Universe

By NINO LO BELLO
Special to The News

STAPHORST, Holland — So why is this tiny village 120 miles northeast of Amsterdam the strangest tiny village in the entire universe? And why do the irate residents of Staphorst treat tourists so badly? Why do they throw stones at you, overturn your car, smash your camera or spatter you with mud? And how, for heaven's sake, did Staphorst become such a tourist attraction, when they "v-a-n-t to be alone"? But even more baffling — why would any tourist want to go to Staphorst at all?

Good questions! Now some answers . . .

Okay, so it takes plenty of spunk to go to Staphorst — especially if you go alone. Here's a tip from the Dutch themselves: They never venture there unaccompanied but do in small groups as a kind of protection. One thing, however, the Dutch don't do is visit Staphorst on a Sunday or a Friday evening because grrr, that's when the Staphorsters are at their most belligerent.

Your Staphorst adventure begins even before you get to Staphorst, for it soon becomes evident that something is not quite right. For instance, if you drive, along the way there are no highway signs indicating the right direction. You must go strictly by map following Highway E-32. Then when you get there, you are confronted with an oval police sign that has a picture of a camera on it crossed out with a big X, and underneath it tells you in four languages that according to Article 44a, the taking of photographs is strictly forbidden.

SHUNNING THE outside world like the plague and fiercely upright in their obsession to be left to themselves, the some 10,000 people of Staphorst live clannishly according to their mutual rabidness about their religion. They belong to the strictest Dutch Calvinist sect and guide their entire lives only by the dictates of what they say the Bible and God give.

Who is a God defined as most strict and therefore not to be trifled with. It's been this way since A.D. 1,000 when the people who were fishermen left the north coasts of the Zuider Zee and settled in virtual isolation at what is now Staphorst to become farmers.

REFUSING TO merge into the 20th Century, the people of Staphorst outlaw visitors because they live by certain bizarre medieval rules involving eye-widening moral customs. Though theirs is a most restrictive society, paradoxical they abide by a set of liberal sex ways that go back to Holland's ancient tribal laws, according to Prof. Sjoerd Groenman.

The University of Groningen sociologist reports that a bride cannot be married in the Reformed Association Church unless she is pregnant. Thus have Friday evenings been set aside for premarital sex between young persons. The way it works is that the father of a marriageable girl erects a heart-shaped copper plate on the front door announcing that his daughter is receiving suitors; then the girl leaves her bedroom "courting window" open for eligible youths to climb through.

On the other hand, the villagers deal most harshly with individuals who break the Sixth Commandment. Married men or women who commit adultery are put to the ultimate degradation of being paraded through town bound hand and foot in a manure cart while people lining the street throw dung at the malefactor. After that, he or she is blackballed for life.

Following a recent dung-cart parade ordeal for Farmer Roelof Tijmens, age 49, Staphorst Mayor Hendriks van der Wal told a Holland newspaper tersely: "This is a closed community in which everybody must live by the rules or walk through the gates of shame. You sin, you pay!"
BIRMINGHAM, England

For Sheila Capstick, a Yorkshire miner's wife, the last straw was the "men only" sign in the clubroom where she liked to play snooker, a form of pocket billiards. For Alexandra McPake, a Birmingham transport worker, it happened when her father died and, as a single woman, she had to ask her neighbors to invite her to the neighborhood club that her family had used for years.

Now Mrs. Capstick, Miss McPake, Mrs. Capstick's sister and her 60-year-old mother have joined with other Englishwomen in a group called Equal Rights in Clubs, Campaign for Action, to campaign for women's admission as members, with equal rights, to working men's clubs, Britain's traditional male preserves.

In mid-April more than 100 women picketed the annual conference of delegates to the Club and Institute Union, with which most of the clubs are affiliated, in Blackpool, and they expect to argue a court case in the fall in which they intend to challenge the clubs' nonmembership policy for women. They are also planning another 100-strong picketing demonstration against a Birmingham club in the fall.

Britain's Sex Discrimination Act of 1975 "may have given greater freedom to middle-class women, but it hasn't done a thing for working-class women," said Miss McPake's sister, Caroline Bradford, a Birmingham housewife. "If we're successful, we could do more to affect the lives of women."*

Founded in the mid-1800's as a way of improving the life and education of the working class, Britain's so-called working men's clubs have become a linchpin of working-class life. The 4,000 clubs, with a total of more than four million members, provide the only social life in many towns, especially in the Midlands and the North of England.

"When we were kids, the highlight of every year was the Christmas party at the club," recalled Mrs. Bradford who, like her mother and sister, lives only a few blocks from the club.

But at the same time the clubs, more than Parliament or El Vinos, the Fleet Street wine bar in London that won't serve women at the bar, are essentially male preserves. At most of the clubs, only men can be full members. Women, as the wives, widows, sisters or daughters of male members, may receive a "lady's card," but that does not permit them to vote, hold club office or invite guests. "The lady's card just lets you buy a drink without your husband being there," explained Mrs. Bradford.

Some clubs do extend full membership to women. But the Club and Institute Union, the parent organization, does not issue women associate cards, which entitle the holder to visit other clubs, a privilege accorded to male members. One reason, suggested a Birmingham man, was that "the women would want to go gallivanting." And a few clubs refuse to let women even set foot inside, while others make the barroom portion of their buildings off-limits to women.

At the last meeting, members of the Club and Institute Union and most women agree that the Sex Discrimination Act apparently has a loophole for private clubs. Working-class women note that the British Race Relations Act of 1976 prohibits clubs from withholding membership from blacks — although, in actual practice, many clubs frequently discriminate by using a variety of pretexts — but similar legal protection has not been adopted for women.

The whole attitude in the clubs is still that women are the property of their husbands," Mrs. Bradford said. Or, as her husband, Joseph, put it, "The only right Caroline has to go into the club is as my missus.

While insisting that the decision on membership is up to a club's members, the general secretary of the institute, Frank Morris, maintained: "The atmosphere would be entirely different in a club if women members were admitted. The way they conduct themselves might not be acceptable to the men. Women might, he suggested, carry on as though they were at a ladies' meeting, "playing bridge, singing, things like that.

"These ladies forget that we were founded as working men's clubs," Mr. Morris added. "It is an inherent trait in British men to enjoy the company of their fellow men. We do like the companionship of women, but in the right place. Men go out to dinner with their wives, for example."*

Attitudes have hardened on both sides since the campaign was begun last summer in Yorkshire and Birmingham. At her husband's club, Mrs. Capstick distributed "Snooker for Women" T-shirts and collected signatures of some members for a petition calling for women's membership in that club, which the club management destroyed. She now plays snooker at another club in the area. The McPakes — Alexandra, Caroline, another sister, who is 16, and their 60-year-old mother — joined some members of the local women's liberation group and members of the Communist Party in picketing their club last August.

A female bartender at the club, who telephoned a local radio station to declare her
support for the woman, promptly lost her job. (The club maintains that she left voluntarily.) Soon after, women's annual dues rose from 10 cents to $2.25, an increase for which some members blame the McPake women. Men pay dues of $9 annually.

The Blackpool demonstration, where women picketed club delegates to the Club and Institute Union's conference, took the quarrel nationwide. "It was a complete flop," said Mr. Morris. "They were protesting about something not on the agenda." The clubs in previous years had voted against women members by "a colossal margin," he said.

The campaign will shift into high gear in the fall, when a Birmingham widow, Mrs. Joyce Bonner, in the first test case, is expected to get a court date in her suit against a club that refused to give her membership. Her lawsuit, being brought in Birmingham County Court against the management of a club to which she belongs, charges that the club refused to give her an associate card that would allow her access to other clubs affiliated with the Club and Institute Union throughout England. Her case is being financed by the Government-funded Equal Opportunities Commission. In addition, a member of Parliament from Birmingham, Jeffery Rooker, is proposing a bill that would make private clubs subject to the Sex Discrimination Act.
Changing Notion of Marriage Besiege Staid Soviet Society

MARRIAGE, From A1

With the post-

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Marrying and Divorcing, Soviet-Style

One Moscow newspaper recently printed an article written by Petroski that concluded that divorce is "economically advantageous" for women. They keep the children and receive about $68 a month in alimony from the state for each child. By disposing of the husband, he said "she has less domestic chores to do."

Another writer explained his divorce in terms of his wife having "turned my home into an office, constantly writing or reading or conducting business over the telephone. She had no time to cook and shop."

Yet another writer added this clincher to a similar argument: "It came to the point where my son had to do the shopping."

According to Russian tradition, housework is considered demeaning for men.

There have been no passionate feminist responses to these and similar statements. Officials, women enjoy full equality here. In practice, they have to maintain the household, mind the children, wait in lines to buy food and hold a job. The latter has become essential to maintaining living standard.

One of the main reasons for divorces, apart from the increasing assertiveness of women, is the problem of drinking that is so widespread among men. Ads written in a lonely-heart style almost invariably refer to the issue.

"Interesting brunette, engineer physicist. Wants to meet a person willing to start a family. Anyone given to drink should not bother to make contact," reads a typical add.

A man described himself as having "solid character, nondrinker" and wanting to meet his future wife "no children, no older than 27."

The lonely hearts columns in themselves are an innovation that reflects the increasing problems of loneliness and a family instability.

The so-called dissolution of the male-female couple's economic lot is likely dissolved, each was eligible for complex maneuverings and exchanges of apartments, they wound up a happy family again—in a large apartment.

The phoney divorce is a device also used to gain residence permits, students from Siberia, for example, after completing their education in Moscow must leave the city unless they have residence papers. The easiest and quickest way to do that is to get married, obtain residence papers and get divorced as if nothing had happened.

But in most cases, a divorce is used to improve the couple's economic lot. The husband and wife claim irreconcilable differences, have their marriage dissolved and then continue to live normal lives together while benefiting from the advantages accruing to divorced persons.

The soaring divorce rate among newlyweds is a cause of considerable official concern. With the population growth rate almost to zero, the family is needed not only as a basic unit in a stable society but also to raise children.

But there is a beginning here of a feminist mood, despite the fact that the country's political and social life remains male dominated. Soviet women today are better educated and more career-conscious than earlier generations. They are also less willing to put up with the strong tradition of male chauvinism.

Soviet men, in turn, have entered public polemics about the subject with letters and articles that display the enduring assumption of male superiority that assumption lingers in folk sayings, such as "a wife is not a jug—she won't crack if you whack her" or "a dog is wiser than a woman he won't bark at his master."
Retirement — Japanese-Style

BY SUSAN CHIRA

"I don't expect that my children will want to help me," said Isa Godai, 81 years old, as she helped her 88-year-old husband into a chair. "I don't want to depend on anyone because I may feel betrayed. I believe in independence and freedom."

Mrs. Godai's remarks might have shocked the Japanese 20 years ago, but residents of Japan's first retirement community say times have changed.

Japanese used to grow old with the expectation that their children would house and care for them until death. In the past, the typical Japanese family consisted of parents, children and grandparents who shared household chores and child care.

Today, only 46 percent of elderly Japanese live with their children. In Tokyo, where most families live in cramped apartments, the figure has dropped to 40 percent, according a Kyodo Press poll. For many years, Japanese rejected by their children had the alternatives of setting up house alone or turning to ill-equipped and impersonal Government nursing homes for the poor.

In 1976, the Japanese Senior Citizens Welfare Organization began planning another alternative: Yuyu no Sato, a retirement community modeled on those in the United States. Yuyu no Sato is a community of 102 residents in 100 units, and it has now served as the model for 69 other retirement communities in Japan.

Yuyu no Sato, on landscaped grounds near Lake Hamana in central Japan, offered the first retirement community of its kind to Japanese who could afford to pay the $100,000 it took to buy a condominium there plus the monthly maintenance fees ranging from $100 to $200.

Like most American retirement communities, Yuyu no Sato includes a communal dining hall, a large recreation room with table tennis and arts and crafts and round-the-clock medical care.

"Originally we had a dream that here we could create a society which corrected some of the faults of the regular society," said Kelko Sakamoto, administrator of the community, in a recent interview at Yuyu no Sato.

She said she hoped that the residents of the community would choose to live there as a positive alternative to sharing space with children or living alone.

Most of the residents of Yuyu no Sato say they chose to live there. These residents say they fear their children and that they prefer to retain their dignity through independence. This is a new concept for the Japanese, who, as the psychologist Takeso Doi noted, have customarily found solace in the idea of mutual dependence.

The first person who chose to live in Yuyu no Sato is the firmest proponent of the new independence. Emi Hashimoto, 69, signed a contract for her two-room apartment even before she left her job in an import concern. "I think it is very miserable to have to depend on others' kindness," she said, "so when it gets to the point where I can't take care of myself, I am paying someone to do something."

Miss Hashimoto said she had always expected to live alone rather than with her relatives because "it's good to be with others only when you want to be." Other members of the Yuyu no Sato community are not so sanguine. Yoshi Matsumoto, 82, moved into her one-room apartment after her eldest son died. "I wanted to kill myself," she said, "but as a Catholic it's forbidden. She chose not to live with her other three children, but she says now that she regrets this decision. Mrs. Matsumoto said she found the complex cold and lonely.

New Social Forces

Mrs. Matsumoto's sadness reflects the ambivalence many residents seem to feel about the new social forces that prompted their decisions to live by themselves. Some speak wistfully of their inability to get along with their children, and while most prefer their independence, they also mourn the simpler past.

"I became a bother to my son and decided to move out — I came here willingly," said Emiko Hagiwara, 75, who moved in with her son and his wife after her husband's death.

But Mrs. Hagiwara said she was happy at the community, where she has made friends with an upstairs neighbor. "I don't like to say this," she said, "but I don't want to accept things from my children. I try to live in such a way that shows I don't need it. I think it's better now to say what I feel, because I have learned that you really can't depend on anyone else.

There is a tinge of bitterness to the conviction of many residents that dependence will bring only disappointment. Miss Hashimoto quoted an old folk tale that is still popular in Japan. When Japanese turned 70, she said, their children accompanied them to the top of a mountain and left them there to die because they were no use to the village anymore. "When you die you're alone anyway," she said. "So I decided by myself to come to the mountain."

Yoshi Matsumoto at retirement community.
Women's Views on Divorce Are Changing in Japan

By TERRY TRUCCO
Special to The New York Times

TOKYO, June 10—Last fall, Mieko Enomoto became the most talked-about divorced woman in Japan.

In the long-running trial of former Prime Minister Kakuei Tanaka, accused of receiving bribes from the Lockheed Corporation, Mrs. Enomoto disclosed that her former husband, Toshio Enomoto, admitted that he had accepted $1.8 million on the Prime Minister’s behalf.

Mrs. Enomoto’s testimony became the talk of Japan, and opinion was sharply divided. Many men were critical of what they called “treachery,” but a number of women cheered. They viewed Mrs. Enomoto’s testimony as a form of revenge in this male-dominated country where divorce settlements are low and divorced women are often treated as outcasts.

Constitutional Guarantee

The Constitution of 1946 guarantees equality of the sexes, but in practice, the Japanese have seldom acted as equals. Elderly women still walk a few paces behind their husbands, and women’s salaries generally are half of those of men, according to figures for 1978 from the Ministry of Labor.

“In the prewar period, the adulteress was dead to society, but the divorced woman was considered even worse,” says Funiko Kanazumi, a lawyer who has handled divorce cases for nearly a decade. “She had failed as a wife, the one role a Japanese woman is expected to fulfill,” Mrs. Kanazumi said. “Even today, Japanese girls are still educated to believe that marriage is the main goal in life.”

Japan boasts one of the world’s lowest divorce rates. According to United Nations figures, there were 1.22 divorces per 1,000 Japanese in 1980. In contrast, there were 5.19 divorces per 1,000 Americans that year.

While it can hardly be termed epidemic, Japan’s divorce rate has risen steadily since 1965, and in the last decade the divorce rate has doubled. Last year, 154,000 couples decided to end their marriages, 12,000 more than in 1980. In 1981, 780,000 couples were married, 5,000 more than in 1980.

Some social observers see the rising divorce rate as evidence of a breakdown in the structure of the postwar Japanese family. Others contend that it shows a healthy improvement in the status of Japan’s women. “Women are beginning to realize they don’t have to continue in miserable marriages,” said Yoriko Madoka, a Tokyo marriage counselor and author of four books on divorce.

Women now file for 55 percent of the divorces, men initiate 35 percent, and parents, usually the wife’s, instigate the remainder, according to 1978 figures, the most recent available from the Health and Welfare Ministry.

In part, these numbers reflect notable changes in women’s attitudes toward marriage. Schooled for centuries in the Confucian principles of endurance and compliance, women were once expected to obey their fathers in childhood, their husbands in marriage and their children in old age. “Japanese girls would laugh at you if you suggested anything like that today,” says Mrs. Madoka, who is divorced.

An increase in so-called “love marriages,” as opposed to the traditional “o-miai,” or arranged unions, has also swelled the divorce rate, some believe. They argue that couples who have married for love, not convenience, enter a marriage with higher expectations and may well divorce before my marriage, and I knew it wouldn’t be easy to support myself and my son,” said Miss Seki. “But I never doubted I would get a job.”

Women contemplating divorce expect to work, since financial settlements in Japan are notably low. Japan’s largest divorce settlement was recorded in 1980, when a court ordered a Yokohama businessman to pay his estranged wife $740,000. But the average divorce settlement—usually involving cash, not property—is for less than $4,350, and such settlements are most often made in one or two chunks, much like severance pay.

Only 10 percent of the payments exceed $25,000, and just 2.7 percent of all women who divorce receive alimony.

The figures, for 1978, were compiled by the Health and Welfare Ministry. Like so much else here, tradition is largely the reason for the small settlements. A divorced woman was usually sent back to her family, which was expected to support her. Now fewer divorced women return home and instead support themselves and their children, if any.

Not Much for Child Care

Child-care payments aren’t much better than the settlements. In 1978, more than half of Japan’s divorced women provided all living expenses for their children, the Health and Welfare Ministry has reported.

“There’s no precedent for higher settlements between divorcing couples, so the amount will probably continue to be small,” said Mrs. Kanazumi.

Many divorced women say they sense job discrimination. Yukiko Hashimoto, a 29-year-old assistant...
secretary who was divorced two years ago and now uses her maiden name, recalled that she was interviewed by a number of companies after her divorce. "But they seemed disinterested in me as soon as I told them I was divorced," she said. Fluent in English, she eventually found a job with an American company in Tokyo.

Yet some employers prefer to hire divorced women. Kiyoshi Yazawa, editor of Cosmo '82, a Japanese science magazine, said she believes divorced women work harder. "Women just out of the university expect to get married in a couple years and are not serious about their careers," she said, "but a job means a lot to a divorced woman."

Many blame the Government for the social stigma still surrounding divorce. Though a mutual-consent divorce is quick, easy and inexpensive, the Government has actively discouraged divorce. Since 1949, Japan's Family Court has provided state-sponsored marriage counseling. But couples are never interviewed together, divorce is seldom offered as a solution, and the most frequent advice, usually for wives, is "gam bate" — "hang in there."

Japan's divorce rate is expected to continue to rise. Japanese women today have fewer children and are well educated. "Living just for your children is no longer enough," said Mrs. Madoka. "Women want companionship from their husbands, not just financial stability. Many Japanese men don't realize this."

Indeed, a second marriage is not a goal for many of Japan's divorced women. While a newspaper survey here found that many divorced men would like to remarry, a little more than half of the women interviewed were interested. Miss Hashimoto, for example, said that while she enjoys dating, she finds that most men want to remarry because they need help with the house and children. "They want servants and slaves; it's very difficult to find a man who isn't looking for a wife," she said.