

The New York Times

November 27, 2005

## **More Options to Answer 'What About the Kids?'**

By MIREYA NAVARRO

IN the new film "The Squid and the Whale," the Berkman announce their breakup to their 16- and 12-year-old sons and proceed to put them in the middle of their fight. The dad tells the kids that their mother is to blame and confides to the older son that she has cheated. The mother asks the younger boy to keep secrets from the father and soon starts dating the children's tennis instructor.

The scenes draw audible gasps from the audience. In the decades since the divorce boom of the 1960's and 70's, and even since the mid-80's, when the film takes place, many divorcing parents have struggled to avoid such disastrous events; the trend has been toward agreeing to agree early in the divorce for the sake of the children. Increasingly, say lawyers, psychologists, educators and other professionals who deal with divorce, ex-spouses are showing a willingness to try new or little known strategies to lessen the damage to children from a fracturing household.

These strategies include interactive Web sites where parents communicate with each other through message boards and calendar postings instead of arguing; a "collaborative law" movement in which parents and their lawyers commit to come to terms without going to court; and, for the highly contentious who can't even agree by e-mail, "parenting coordinators" available for hire to make decisions for them.

The increased role of fathers in child rearing, divorce lawyers and mediators say, has also led to more creative joint-custody living arrangements. In one example, known as bird-nesting, children stay in the family home and parents take turns living there.

"The one thing you can say is that when parents are communicating and getting along and putting the kids first, the kids are more likely to thrive and do better," said

Peter Salem, executive director of the Association of Family and Conciliation Courts, a group of judges, mediators and others involved in the resolution of family conflict that has grown 50 percent over the last four years, to 2,600 members.

These efforts go on despite a recent, much-publicized challenge to the "good divorce" movement in the form of a book, "Between Two Worlds: The Inner Lives of Children of Divorce." The book, by Elizabeth Marquardt, a scholar with the Institute for American Values, a pro-marriage organization, is based on a national study that

found that even in amicable divorces children suffer more isolation and feelings of being torn between two worlds than children from intact families. The pain of divorce is lasting even when efforts are made to minimize it, Ms. Marquardt argues. The study has drawn criticism from those who say it does not address what they argue is a more apt comparison: how the children of divorce would have fared if their parents had stayed in troubled marriages.

But Ms. Marquardt, 35, a child of divorce herself, concludes that parents in "low conflict" marriages - those not involving violence or serious fighting, for example - should stick it out.

"When parents are married," Ms. Marquardt said in an interview, "it is their job to first deal with conflict. When the parents get divorced, it becomes their children's job to make sense of the two worlds."

But what constitutes "low" conflict for some is unbearable for others. Hundreds of thousands of couples continue to divorce annually - with some government surveys showing about a million children experience divorce each year in the United States - and get down to the business of raising their children separately, hoping the way they handle themselves, not the act of separation, will determine how well their children fare.

With four children, KatRyn Howell, 47, a piano teacher, and Roger Bowerman, 48, a community college professor, devised a bird-nesting solution requiring a level of cooperation that belied the tensions of the marriage. Since January, when the couple separated, the kids have lived in the four-bedroom family home in the San Fernando Valley, while the parents each went back to their own parents' homes, the same homes where they grew up about five miles apart.

They now take turns living with the children - she every Monday, Tuesday and Friday; he every Wednesday and Thursday. They alternate Saturdays and Sundays.

It allows the children "to have a fairly normal life," explained Mr. Bowerman. "Their lives haven't changed that much except Mom and Dad are not around at the same time - and we're not fighting."

The shift to more equitable custody arrangements over the last decades, a reflection of the changing role of fathers, has propelled many couples into more contentious divorce proceedings, as they fight over equal time with their children, some divorce lawyers say. Yet the resulting financial and emotional toll of protracted litigation is at the same time creating a powerful incentive for many separating couples to look for ways to agree.

Judges are increasingly mandating that parents play nice, sending them to child-rearing classes and requiring them to draw up plans. This year the American Academy of Matrimonial Lawyers put out a "model parenting plan" that spells out responsibilities and contingencies at different ages, including whether parents must

confer before allowing piercing and tattooing, access to the Internet or viewing R-rated movies.

Divorcing parents seeking to avoid warfare can also find tools that they didn't have before. Erica Laughlin, 35, an outreach program director at the University of Wisconsin in Madison, logs on to OurFamilyWizard.com, a Web site created in 2001 by Paul Volker, an airline mechanic with three children and a stepdaughter.

Ms. Laughlin uses the site to hash out the scheduling and expenses of her two young sons with her ex-husband. The couple, who split custody 50-50, pay \$100 a year to use the Web site, which has features that allow them to request trading days with their kids and to keep an expense log.

"The things that are difficult to discuss - who gets the kids when, who owes who money - that's handled electronically," Ms. Laughlin said. "The kids don't have to listen to talk about all that. Our conversations are focused on the kids. They're about the school conference or Christmas."

The site, used by more than 4,000 parents, is growing steadily, adding up to 150 new accounts a month, Mr. Volker said. Like e-mails, the system not only helps by keeping emotions out of communications but also by keeping a record.

Tracking how many divorced parents are exploring such novel strategies to improve their relations is difficult because states and courts vary in what they mandate, divorce experts said. And while some strategies have helped cut down on return visits to court by quarreling couples, mediators and others say, the long-term influence on children is more subjective and harder to gauge.

But the growth of some organizations suggest an increased attitude of cooperation. The International Academy of Collaborative Professionals has trained more than 7,000 lawyers, child specialists and other professionals in the workings of a nonadversarial divorce proceeding, known as collaborative practice, over the last five years, its incoming president, Susan Hansen, said.

And Mr. Salem of the courts association said surveys show that parent education programs for divorcing couples number in the thousands, compared with just a few hundred in the mid-90's.

On a recent Thursday night Jayne A. Major, a parent educator in Los Angeles who gets referrals from family court, gathered half a dozen parents at an Indian restaurant in Brentwood for a session of her "breakthrough parenting" program, which teaches separating or divorced couples how to minimize conflict. The husbands and wives often attend different sessions; the conversation underscored the ugliness that can emerge in marital discord. One man asked how he could protect himself if his ex-wife was not cashing his child support checks so that she could later claim he was not paying it.

One woman, 53, who had been divorced for several years, said the classes were helping her communicate better with her ex-husband.

"Even in my communication by e-mail I turn everything into 'I' statements," she said, singling out one lesson from the workshops. " 'I want this to be done because I believe this is best for the child,' " she explained, "instead of saying, 'You are wrong,' and pointing out the negative. It takes the sting off everything." She asked not to be named because she is in the middle of a custody fight over her 12-year-old son.

For high-conflict cases, some parents are turning to a third party to make decisions for them. Bruce Copeland, a clinical psychologist who serves as a "parent coordinator" in Bethesda, Md., said parents hire him to decide which holidays their kids will spend with which parent, who buys school uniforms and other day-to-day issues.

"You can get involved in absolute minutiae," he said.

Joan Kelly, a psychologist and researcher on children's adjustment to divorce, said that options like parent coordinators are gaining ground as the emphasis in many divorces shift away from the combative route.

"The approach," she said, "has been to use the research that has been developed over the last 25 years to make post-divorce arrangements appropriate for kids, so they don't experience longing and loss."

But Ms. Marquardt, who conducted a survey of 1,500 adults from 18 to 35 whose parents divorced during their childhood, said longing and loss are inevitable.

In publicizing her research, Ms. Marquardt has pointed at her survey and to movies like "The Squid and the Whale" as representing the increasingly vocal opinions of adult children of divorce. In an interview Noah Baumbach, who wrote and directed the movie and was 14 when his parents divorced, insisted that his film is not meant to judge the parents, even when it portrays their joint custody arrangement as hard on the two brothers.

"Some kids are affected much more than others, and it has to do with the dynamics of the family beforehand," he said. "A lot of families never break up, and there's this underlying tension and anxiety. Each situation is so specific."

He seemed reluctant to discuss his own family and the effect divorce had on him. "I almost don't know," he said. "Obviously it was very hard at the time, and you adapt, and it becomes an experience for you."

Many parents say they can plainly see how hard divorce is on children. But of those interviewed for this article, all said they thought their children were better off.

"It's equally unhealthy to not see an open display of love," said Sherwin Bryant, 33, a college professor in Evanston, Ill., who separated six months ago from his wife and

now spends half of the week with his two young daughters. "The absence of love is very loud."

In Los Angeles the bird-nesters Ms. Howell and Mr. Bowerman plan to divorce, although they have not filed papers. "We stayed together for many years because of the kids," Ms. Howell said of her 23-year-old marriage. "Finally you ask, Is it better to see happy parents or parents who are always arguing?"

The couple have four children, three girls, ages 17, 15 and 11, and a 9-year-old boy. One of their children, Deanna Bowerman, 15, said she preferred living in her house while her parents came and went to having to move between two separate homes. "It'd be a hassle to move all of us," she said. "They're still both around."

The couple keep most of their belongings and receive mail at their old address. They switch off stays under certain rules: each will leave the house tidy, each is responsible for his or her own groceries, and neither will bring dates. Mr. Bowerman said the arrangement "makes it more difficult" for both parents "because you don't get closure."

But he added, "Right now I see it as the best thing for the kids."