

**Humanizing the  
Divorce Process  
By Sanford N. Katz  
Section Chairman**



It seems that almost daily either the printed or visual media features items about family law. Some of them are quite moving; others are sensational and should prompt us to read them and clarify mistakes or distortions for the editors. A beautifully expressed personal statement about divorce and child custody appeared on the Op-Ed (19) page of *The New York Times* on April 18, 1981 under the title, "Father, Part-Time." Ben Barber, the author, wrote:

[After divorce and custody has been awarded to the wife with visitation rights to the husband] There is a cycle of hurt and healing, and nothing one does prevents it from running its course. The first week after [the children] . . . leave, it seems to hurt the most. Then, around halfway to Easter or summer or whenever they're due to come again, it hits again. There's a feeling of grayness—it's as if they will never see you again, that you will die far away and be forgotten, remembered only as that funny, familiar man with a mustache who lived in a house in the city far away. Or that they will be swept up into their own lives and friends so much that when you come to collect them or call up, they won't even notice you or pay attention to you.

None of it may happen. Yet the fear alone has driven one friend to kidnap his small daughter and disappear because he felt she would be lost to him once his wife got custody after their divorce. . . .

\* \* \*

I've come a long way emotionally since . . . [the divorce]. But I still can't help feeling out of place each time I drive up to their neat, low school and ask permission to speak with their teachers. I don't learn much from those visits, but at least I show the flag. Their teachers know that they have a father who cares about them, and they can show me off to their schoolmates: "That's my Dad." . . .

\* \* \*

After reading Mr. Barber's article, which I believe reflects a common feeling among out of custody fathers, we lawyers should feel a sense of obligation to assist our clients, whether male or female, in understanding the enormous adjustment problems that they will face after divorce. We should view our responsibility as first trying to help prevent marital-breakup. I do not make this suggestion naively. I know some marriages are "irretrievably broken" by the time a lawyer is sought. But many, I am sure, are salvageable if lawyers will discuss on a realistic plane all that divorce involves.

One way this can be done is by using the initial client interview as a time to explore not only the practical aspects of custodial arrangements and the financial aspects of the divorce and post-divorce living, but the psychological ramifications of the whole divorce process, especially the feelings of loss, hostility and despair that are so common. I know many excellent lawyers make a point of asking every client to think about his or her decision to divorce, even asking the client to return for the second conference in a week or two to allow time for further reflection or to begin counseling.

Our section is concerned with ways of humanizing the divorce process. Committees on Family Courts, Mediation and Conciliation and Divorce Procedure are engaged in efforts to learn about various state programs and will be reporting about them at our annual meeting. We are cooperating with the Divorce Mediation Project in Denver, Colorado, which is collecting information on various mediation models.

The media has tended to be sensational in its coverage of surrogate motherhood. At our Honolulu annual convention, the Spouses' Program featured a panel discussion on the subject of "test tube babies." Because of the widespread interest in the subject, the section decided to support a study on the legal and scientific implications of surrogate motherhood. Attorney George Annas, chairman of the Committee on Science and the Family, and Dr. Seymour Lederberg, professor of biology at Brown University, are presently cooperating on an interdisciplinary study. The result of their efforts should be published in the fall.

The New Orleans annual meeting will soon be upon us. Chairman-Elect Stanford Lerch has prepared a program that should be of interest to all our specialists. Highlights of the program were outlined in the last issue of the *Family Advocate*. We are featuring truly unique social activities that will help make our members' visit to New Orleans memorable. Please try to attend.

See you in the French Quarter in August.