



Divorce Digest

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Greetings! In this month's newsletter, we have included articles written by attorneys James P. Reape, Lovette T. Mioni, and Kale K. Heiman regarding family law mediation, prenuptial agreements, and Parental Alienation Syndrome (PAS). Mr. Reape's article provides information regarding the benefits of mediation and the role of a mediator in a dissolution, while Ms. Mioni's article discusses the benefits of prenuptial agreements and the financial consequences they can determine in the event of dissolution. Ms. Heiman's article defines Parental Alienation Syndrome and provides some examples of this kind of alienating behavior some parents exhibit during custody battles. We hope you find these articles informative and we encourage you to visit our website, www.divorcedigest.com to review other articles written by attorneys at The Reape - Rickett Law Firm. You can also find our articles in The Magazine of Santa Clarita and periodically in The Signal's "It's the Law" section.

Sincerely,
James Reape and David Rickett
The Reape-Rickett Law Firm

Staff Spotlight



Family Mediation: How It Works



by James P. Reape, Esq.

No-fault divorce represents a major change in how family law processes divorce in America. More than twenty years ago, California led the way by becoming the first state to institute the no-fault divorce law. Many attorneys and mental health professionals believe that the mandatory mediation law for custody and visitation disputes is the next most significant change in family law in California. The reason for this is simple. It works.

Mediation offers several advantages for families. None are more important than people usually being better off when they can determine for themselves what forms their lives will take. The era of someone else taking care of families is behind us. Also, people working out their own solutions helps taxpayers by not having to expend unnecessary resources to resolve family conflicts.

Because of the large number of applicants wanting jobs as family mediators, hiring is selective. All of the mediators have advanced degrees in one of the mental health disciplines and most hold licenses in clinical social work or marriage, family and child counseling.

In more than half of the cases, a written agreement results from mediation. There is usually considerable anger and conflict in the beginning of the mediation process, but the mediators work with the parties to focus on the children. With no-fault divorce, parties aren't able to tell their stories in the courtroom. People need the opportunity to express their feelings and usually they are expressed during mediation. By listening and reflecting the pain of the parties, mediators convey understanding and aid parents in working out agreements that are best for the children. Agreements are then placed in writing. After the agreements are signed by the judicial officer, they become court orders. Mediation, however, may be terminated in some cases such as those involving victims of domestic violence. If no agreement can be reached, no report is presented to the judicial officer. [Read](#)

Bachelor of Arts Degree in English Literature from California State University Northridge in 1974 and his Juris Doctor from the San Fernando Valley College of Law in 1980. After practicing law in the Santa Clarita area for several years, in 1984 Mr. Thaw opened his own family law practice in Van Nuys, California.

Mr. Thaw concentrated his efforts as a family law trial attorney appearing frequently in all of the Los Angeles Superior Courts. His reputation as an exceptional family law practitioner was recognized in 2004 when he was named Mediator of the Year by the San Fernando Valley Bar Association. Mr. Thaw continues to serve as a family law mediator and remains active in the Bar Association.

Hot Topics on the Interactive Forum

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To Prenup or Not to Prenup?

By Lovette T. Mioni, Esq.



Most everyone is familiar with a prenuptial agreement. However, most everyone is not familiar with the benefits of a prenuptial agreement. My favorite analogy for a prenuptial agreement is to think of it as insurance. For the sake of it we'll call it flood insurance. You hope and pray that a flood never happens, but in the instance that it does, the insurance was a one time cost that ending up saving you a lot of money and stress in the long run. You also have the piece of mind that should a flood ever happen, you'll be covered. Unfortunately, in today's society, divorces are much more common than floods.

A prenuptial agreement can be used to shape the financial consequences of marriage in a number of different ways. To name a few:

1. It can be used to limit the amount of spousal support that is payable upon divorce.
2. It can also ensure that when you pass away, your assets are distributed according to your wishes. For instance, assets will go to your children from a previous marriage.
3. If you own a business and your marriage ends, your spouse could gain an interest in the business if no prenuptial is in place.
4. It can even ensure that the spouse who is in a financially weaker position is protected.

One of the reasons I hear people stay away from prenuptial agreements is that they are costly. The term "costly" is relative. In relation to the attorneys fees related to a divorce or today's average wedding cost, it's quite a deal. Perhaps register for it as your engagement gift.

While basically anything relating to finances can be addressed in a prenuptial, it does have its limitations. Anything relating to child custody and visitation or child support cannot be

***Testimonial of the Month Comment from a Current Client:**

"I thought you did a very good job in Court today. You countered Opposing Counsel's unfounded remarks and stood ground on our issues!"

***This testimonial does not constitute a guarantee, warranty, or prediction regarding the outcome of your legal matter.**

Parental Alienation: What is It?



By Kale K. Heiman, Esq.

Often in high conflict divorces and custody battles, one parent will accuse the other of alienating the child from the other parent. More specifically, the parent believes he or she is a victim of "Parental Alienation Syndrome" or PAS. But, what really is "Parental Alienation Syndrome" and how do you recognize if you or another parent have exhibited some of the characteristics associated with the alienating process?

Parental Alienation Syndrome is defined by Dr. Reena Sommer, an expert in the PAS, as "the deliberate attempt by one parent (and/or guardian/significant other) to distance his/her children from the other parent and in doing so, the parent engages the children in the process of destroying the affectional ties and familial bonds that once existed."

Common features of PAS as described by the late Dr. Richard Gardner who recognized and developed the criteria associated with the Syndrome are as follows:

- Alienating parents makes explicit and/or implicit disparaging remarks about the other parent.
Example of Explicit: "Mom left us because she doesn't care about us anymore." Example of Implicit: "I can't afford to send you to ballet class anymore because Mom doesn't know that you enjoy it."
- Alienating parent discusses with the children the circumstances under which the marriage broke down and blames the targeted parent for the failure of the marriage
- Alienating parent involves and/or discusses with the children the divorce proceedings, ongoing financial problems, and conflict which result after the breakup of the marriage.

- Alienated children learn that in order to please the alienating parent, they must dislike or pretend to dislike the targeted parent.

The "victim" of PAS is not the alienating or the targeted parent, but the child. It is the child who is not only deprived of a relationship with one of his or her parents, but is the innocent caught in the middle.

It is also important to note that while some courts recognize PAS as part of a child custody and/or visitation determination in the United States, it is not widely accepted by the scholarly community. Thus, evidence of PAS is often inadmissible in court.

The Reape-Rickett Law Firm

Our mission is to provide Family Law legal services that are second to none. We conduct ourselves in accordance with the highest ethical standards and are committed to providing quality services. Each firm member takes special care to understand the unique and individual concerns of our clients. Our team approach to each case ensures efficient and timely responses to simple or complex issues. We empower our clients with knowledge and information, enabling them to make reasoned and results-oriented decisions. The Reape-Rickett Law Firm is the firm of choice when results matter.

