

# Are you a divorcing mother?

## Local domestic-relations

### system may intensify your grief

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Separation,  
divorce and single  
parenting  
all spell  
emotional strife.



Photo Illustration by Sandy Nelson

Whether you're faced with an impending divorce or if you've been there already, what you may not know about the local domestic-relations system and family law may fuel your grief.

The current system, says attorney **Nancy Wallitsch**, a partner at Wallitsch, Figore & Marinos, Allentown, can invite manipulation. "And most often," she adds, "it's the woman with children who is being placed in a very vulnerable financial situation."

Immediate past president of the Family Law Section of the Lehigh County Bar Association, Wallitsch preaches safeguarding oneself against the worst possible scenario.

"It's important for a woman who even has the slightest inkling she may be heading toward divorce to start taking steps to protect herself and her finances," she says. "Don't rely on welfare or a support order, especially if you have children."

Wallitsch gives the same advice to females at least 18 years old who face

out-of-wedlock pregnancies. "From the moment you realize you are having the baby," she says, "begin the legal process to ensure child support will be there when the baby arrives."

Attorney **Susan Maurer**, a solicitor for the Lehigh County Domestic Relations office, sees firsthand how devastating a delay in support can be. "When the primary wage earner walks out on a marriage, the dependent spouse — most often the wife — is left with little or no cash," she says. "That means she can't pay for utilities, for food on the table, or even day care. And without money for day care, how can she work? A delay in the support check puts her in an absolutely awful position."

Maurer advises women to build a nest egg if there's going to be a separation. She also advises them to consider a job with career advancement. Going to work is a reality of divorce, continues Maurer.

Delays have several causes.

Usually, support cases transacted across county or state lines are time consuming to enforce.

So are those involving a self-employed person, according to attorney **Chrystyna Fenchen**, a family-law specialist based in Bethlehem. These cases are notoriously complex since a paper trail is not left behind. "A tax return does not necessarily reflect what the real earnings are," adds Maurer.

Even within county lines delay tactics are common. For instance, it's plausible for a disgruntled spouse to delay meetings as a ploy to hold payments and further antagonize his "ex." As attorney **Richard Shiroff** of Easton points out, "Any court of law can be manipulated by someone of ill-intent."

A prominent Allentown attorney told one reporter that a client asked the attorney to harass the client's wife as much as possible during hearings and court dates. According to the

attorney, the client said, "That's what I'm paying you for, isn't it?"

And while an attorney is supposed to be an advocate for his or her client, the attorney does have ethical considerations to follow, especially when a delay is used. "The attorney must justify the client's delay," says Maurer. "But are they really going to check if the client has truly gone on a last-minute business trip?"

Furthermore, experts such as Maurer and Wallitsch note that since a different judge will most likely hear the case each time it goes to court, such foul play can be difficult to track and prevent.

Many attorneys are now touting the benefits of a "Unified Family Court" system. Currently used in Rhode Island, the system would allow one judge and case worker to remain with a family throughout support and custody proceedings. The theory is that a unified system would allow one judge to be familiar with a family's history, thus cutting down on such difficulties as a spouse lying so that a judge rules in his or her favor. (Please see "Unified Family Court May Solve Domestic Woes" on page 23.)

Other possible delays can involve a request for change in a support order, also known as a "Modification Petition for Support." A defendant might lose a reduction petition and then further delay the office by filing for another reduction instead of taking the appeal to Superior Court. The dependent spouse, whom is already strapped for cash, must then endure another wait. "It's sad to see a spouse slight their own offspring," Maurer says. "However, it's usually the same faces, the same names that keep coming up over and over again."

Even fairytale marriages built on the American dream of big houses, private schools and music lessons can take a turn for the worst under the pressure of a support ruling. For instance,

**Vivienne** of Allentown, whose name has been changed to protect her privacy, found herself borrowing from friends and relatives to keep the roof over her four young sons' heads.

Married for 17 years to a successful business owner, the once amiable divorce turned sour when her husband suddenly dropped a verbal support agreement eight months after they separated.

Due to delays and Domestic Relations' decision to award Vivienne a low support payment, Vivienne had to scramble to survive and her sons were forced

filed and the time that a conference is held."

Wallitsch suggests that a woman attempt to work out arrangements with an ex-spouse, rather than waiting on the court system. Specifically, interim payments could be made between the parents on their own while waiting for Domestic Relations to schedule a conference and enter an order.

Both Lehigh and Northampton counties' Domestic Relations offices are handling an average 14,000 active cases each. A case remains active until the children in the support agreement reach 18 years old.

**Ruth Vegas-Vilos**, director of Domestic Relations in Northampton County, says most support cases in that county have a three-to-four week waiting period.

That's not always the case in Lehigh County, say some sources. They maintain that dealing with the Lehigh County Domestic Relations office can be a nightmare.

Fenchen — who works with clients from both

counties on an equal basis — advises those who have a choice to file in Northampton County. "Typically, clients don't have to wait as long in Northampton County," explains Fenchen, noting a typical Domestic Relations case in Lehigh County might be delayed double the time it takes in Northampton County.

Lehigh County Family Court Judge **Edward D. Reibman** agrees that the Domestic Relations office in Lehigh County needs updating. Reibman attributes the delays to shifts in procedures on the county level. He also points to social indicators, including the rise of divorce and children out of wedlock. All contribute, he says, to an overload of support and custody cases.

"More people are having three and four marriages," he says. "It

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Photo by Rob Upson/Special to Lehigh Valley Woman

Attorney Nancy Wallitsch advises mothers to take steps to protect themselves and their finances as soon as they have an inkling they are heading toward divorce.

to use reduced-price lunch tickets at school, she says.

Vivienne, who had worked part-time helping her husband build his business, hired a lawyer. Her husband hired his. Both scheduled an appointment with the Domestic Relations office. But two days before the hearing, her husband canceled the meeting. The meeting was finally rescheduled months later.

Vivienne was angry that her husband was repeatedly allowed to reschedule meetings. "There was nothing I could do with the stalling tactic he used — to keep canceling. It was avoidance," she says.

"When a dependent spouse with children files in Lehigh County the wait has been anywhere between four and eight weeks," Wallitsch says. "Domestic Relations has attempted to substantially improve the time within which an initial complaint for support is

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gets very complicated. The stakes are high, especially with custody — that's about as important an issue as the court faces. It has an immediate and direct impact on the lives of individual people."

Marathon waiting periods aside, a trip to the Domestic Relations office also means justice is in the eyes of the beholder. For instance, when Vivienne's hearing was finally held, her husband and his lawyer presented their figures, and Vivienne and her lawyer presented theirs. Vivienne's hope that the support would now be backed

by the courts was short-lived.

"I thought, 'They have to give me at least enough to take care of my children,'" she says. But when the order came, it was so little that neither Vivienne nor her attorney could believe the outcome. "With what they presented and what we presented, it wasn't even enough to meet the mortgage payment — it wasn't even enough to meet a third of the mortgage payment," she says.

But there are two sides to every story. "People come to the court system with unrealistic expectations. Each person is looking for his or her own version of justice. Invariably there's disappointment," Wallitsch says. "Since each person's view of what is fair is different from another person's, one of them is bound to feel as if the system hasn't been fair."

For example, while one spouse may feel support for private school is necessary, the other may think it's a waste of money. Child care and extras such as music lessons or summer camp tend to fall into the gray area concerning child support. And if your spouse never approved of little Jake's karate lessons when married, certainly don't expect a sympathetic ear — let alone any monetary support — when separated.

Vivienne returned to school to

learn a skill to support her children. The domestic-relations system, she says, ruled that her husband did not have to pay for child care because she was at school, not work. After a



Photo by Rob Upton/Special to Lehigh Valley Women

Judge Edward D. Reibman says that the Domestic Relations office in Lehigh County needs updating.

protracted court battle, Vivienne and her husband did reach an agreement on support payments.

Those going through the system should keep in mind that each child-support case is ruled individually. What one person may be awarded in one case may not hold true in another, observes Shiroff.

"In domestic relations, that wound is open for years as the case moves on and on and on through the system," says family law attorney **Edward J. Zamborsky**, Allentown, noting one case in which the "parents fought literally over their kids for years, all the way to the Supreme Court over a \$900-a-year support judgment."

For Vivienne, the need to rely on others to financially support her sons will never fade from memory. She is still repaying.

"We're OK now," she says. "But we're fortunate. I had good family and friends; they helped keep me afloat. But what about the women who don't? What about the women who rely on the court system to give them a fair shake?"

"The system needs to change," she continues. "These are children's lives they are dealing with."

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