

Some advice on divorce from Troy attorney

By SHERRY KAHAN



JOAN YOUNG

With an estimated one of three marriages ending in Splitville, the phrase, "til death do us part" seem to be on the way to becoming as obsolete as, "Give me your hand in marriage."

While all ages have been affected by the divorce explosion, it was mostly middle-aged women who attended a recent three-hour daytime seminar on divorce arranged by the Women's Justice Center of Detroit. It took place in the Northwest Branch YWCA in Redford Township.

The seminar was designed to shed light on divorce as it relates to children, income, property, court procedure and how to pick a lawyer.

It seemed to be mostly homemakers taking part in the program. The ones on the brink of filing for a divorce eagerly lapped up information presented to them by Joan Young, a Troy attorney. Others were already in the midst of divorce proceedings, and appeared to be comparing what the speaker said with what they had already heard from their lawyer.

MS. YOUNG DEFINED divorce simply: The dissolution of the marital relationship.

She added that under Michigan's no

fault divorce, it is no longer necessary to allege specific behavior on the part of a spouse to be divorced. For a divorce in Michigan, the marriage must simply be broken down and reasonably unable to be preserved.

Behavior, however, may affect the outcome of the custody of children and the division of property.

"Law is what the judge says it is," Ms. Young announced right off.

"There are 11 circuit court judges in Oakland County and 11 kinds of equity."

"The judge in a divorce case is drawn blindly, and that is who you get. If there is some sort of bias on the part of the judge, he may be disqualified, or he may disqualify himself."

Divorces can zip through the court fairly routinely unless settlements of children and property can't be reached by the couple's lawyers.

"There are no rules that say you get half the property or alimony," observed Ms. Young. "The judge is only bound by a statute that says the property division must be equitable."

"The judge can do anything he wants. If you don't like what he did, you can appeal. The court rules say an appeal must be made within a specific period of time, a short period."

"If the time period runs out, you are at the mercy of the court about getting an appeal. Appeals are not terribly successful."

WHAT HAPPENS when the property is divided?

First there is a discovery process when each side answers questions about the property owned.

"You, like your husband, have the obligation to declare what money or property you have," said the attorney.

"If you don't tell, you might be held for fraud. It doesn't mean you will lose your money. It just means that the total property of the couple must be considered in order to make an equitable division."

"Once the property settlement goes through, there is nothing you can do about it unless there was fraud."

One of Ms. Young's few words of hope to the women was that more and more courts are recognizing a woman's contribution to her husband's monetary success.

Usually the lawyer recommends to her clients that they make a settlement rather than court on alimony.

"There is no rule that he has to pay alimony," she indicated. "I also counsel them to go out and find employment so they can support themselves. Neither alimony or child supports is reliable."

She referred to a study made several years ago by the Oakland County courts which showed that five years after the divorce, only 15 per cent of the husbands were paying anything in

child support.

MS. YOUNG, a Birmingham resident, thinks that automatic wage assignments may be the answer to the father who is unwilling to support his children. It would involve an order by the court requiring employers to take child support payments from the father's wages and send them to the Friend of the Court, which in turn would send them to the mother.

"In this way it would never get into the husband's pockets," she commented. "The employers would hate the bookkeeping, but the woman would always know that support would be coming on a specific day. She could live with some certainty."

The problem of what to do with the children is perhaps the most anguishing aspect of divorce.

"Children are often lost in the shuffle," said the speaker. "That is the tragedy of divorce."

"In general women get the children but more and more fathers are expressing a genuine interest in keeping them."

To remove youngsters from the battleground of divorce, some judges appoint a special lawyer to work on their behalf. Ms. Young has been such a lawyer, and she was quickly challenged by some of the women in the audience when she announced she had

once decided to award custody to the father.

"I BELIEVE THE MOST important thing for children during a divorce is stability," she began. "They should have at least one parent who has their them as his primary interest."

She then explained that the father in the case was in a stable position and would keep the kids in the same home. The mother was uncertain about her destination and her future. In addition, she has once left her husband and children and went abroad with a boyfriend.

How can you fight for your kids? This was another question directed to Ms. Young.

"Let me tell you a secret," she responded. "The first person you ask for an ex-parte order requesting custody, and serves it on the spouse, will be looked upon a little more favorably by the court."

In addition, the children will then be awarded temporarily to the spouse getting the order. However, the other spouse can go to court and ask for a change of the order. "Many times what parents are looking for is a fight, a way to vent their hostility," said Ms. Young. "They have to have something to fight over, so they fight about the kids."

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Consumer Mailbag

I throw very little away. I am consistently amazed at the amount of trash and garbage my neighbors put out on pick-up days. I would like your organization to encourage people to think about what they toss out. Isn't it true that everything can be used up or over again in some way or other?

P. Clawson

Well if not everything, then almost everything. One of Concern, Inc., Detroit's primary environmental education efforts is to encourage recycling. You are in good company when you say "use it up." It was Benjamin Franklin who first said, "Use it up, wear it out, make it do, or do without."

Recycling in its truest definition simply means to use something a second time. It is important to keep this definition in mind when we are about to discard any re-usable item. Using anything a second time can reduce our solid waste burden by 50 per cent. When you consider that each one of us contributes some eight pounds of trash per person per day it is easy to imag-

ine burying ourselves in our own garbage.

Concern, Inc. will offer a very good demonstration of recycling Friday, at its fifth annual Benefit Garage Sale. Volunteers from Concern, Inc. will be recycling their own pots and pans, clothing, furniture, knick knacks and more.

The sale will take place from 10 a.m. to 5 p.m. at 290 Chesterfield in Birmingham. The proceeds from the sale will support Concern's community environmental education programs.

How can I get a copy of your recycling center list?

Mary S. Dearborn

For your free copy of Concern, Inc., Detroit's recycling center list send a stamped self-addressed envelope with the word "recycling" in the corner to our office at 1 Northfield Plaza, Troy, 48068.

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'Boss Lady' writer set for guest talk

Jo Foxworth, author of the recently-published book "Boss Lady," will be the guest speaker at a joint dinner meeting of the Detroit Chapter of American Women in Radio and Television and the Women's Advertising Club of Detroit at 7 p.m. Tuesday, Sept. 26, at the Fairlane Manor, Dearborn.

Tickets are \$14 and reservations are being taken by Johanna Solima; 983-1587, or Mary McLeod, 983-1345.

From Tyertown, Miss. to mid-Manhattan, the speaker spent years in various versions of "boss land." She has been executive vice president of the old Galkins and Holden agency and associate creative director of McCann-Erickson.

Currently she is president of Jo Foxworth, Inc. in New York and is a columnist for "Advertising Age" magazine.

In "Boss Lady," Ms. Foxworth reveals how it is to be a woman in the upper echelons of the business world. She feels that "business needs women, not as surrogate men but as what they are: Female people with another dimension of intellect, knowledge and experience."

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