POINTS OF VIEW

Kids' links to state can chain divorced parent

GUEST COLUMNIST

HENRY S. GORNBEIN

Your divorce is final, but the impact may not be. Say you're tired of the weather; you want to remarry someone from another state; or just want to get away from your former spouse! Can you easily move with the children to another state?

By law, every Michigan divorce judgment must contain a paragraph stating that the custodial parent may not remove the children from the state without court permission. Ten years ago, such petitions were routinely granted. Today I believe the pendulum is swinging the other way.

In the early 1980s, I represented a mother who had joint legal and physical custody of her two children. She wanted to move to California because of job opportunities that did not exist here. We were going through a severe recession and the economy was much better in California. The father tried to prevent the move and sought a change of custody. A hearing in Oakland Circuit Court resulted in my client being given permission to move with the children to California.

A test, called the "D'Onofrio" test, was adopted at that time in Michigan. It is still in effect today. The four factors for moving include the following:

(1) The prospective advantages of the move have to be likely to improve the general quality of life for both the custodial parent and the children.

(2) The custodial parent must not be trying to remove the children in order to defeat or frustrate visitation by the other parent. In addition, visitation must be facilitated by the parent who wants to leave. In such a situation, normally the courts have large blocks of visitation time such as the entire summer with the non-custodial parent back in Michigan. The bulk of the school year is to be spent with the custodial parent, alternating holidays between both parents.

(3) The reason for the non-custodial parent's resistance to the move should not be to gain a financial advantage regarding child support.

(4) There will be a realistic opportunity for visitation that replaces the normal weekly pattern in order to preserve the relationship between the children and both parents.

I see an unfortunate trend now where courts are denying removal petitions. Courts are ruling that a parent has the right to leave the state, but not necessarily with the children. If the children have roots in Michigan and have a close relationship with the non-custodial parent (along with community ties, school ties and friendships), the children are allowed to remain behind.

I oppose this. We are an extremely mobile society. Legitimate reasons for moving, such as remarriage, job opportunities which are only available in other states, and family ties that originate in another state are the realities of today's world. In addition, often the custodial parent is here just by virtue of a previous job relocation.

If you want to move to the northern part of Michigan or the Upper Peninsula, no court permission is required. However, if you want to move to Toledo, Ohio, court permission is required because it's another state!

If you have a legitimate reason for moving, consult an attorney immediately! Strategies must be laid out and a great deal of preparation is required. I recently tried a case where my client married a man from another state and had legitimate reasons for wanting to move. She was willing to grant a great deal of visitation to her former husband. He fought the move. After a court hearing, the judge denied permission to remove the children and changed custody. The woman moved with her new husband but was forced to leave her children behind.

If this is a trend, it is alarming!

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Schools don't translate benefits of language study

JAMES RADEBAUGH

While traveling in Asia in the summer, I happened one afternoon to be eating dinner in Hohhot, the capital of the Inner Mongolian Autonomous Region of China.

Among my companions was a Chinese college student.

"Jeem," she said, as we ate roasted peanuts with chopsticks, "how you call in America?"

We call them peanuts, I said.

"Ah," she said, "penis."

A Taiwanese woman who was eating with us — and whose English was much better — doubled over laughing while I explained the importance of the T sound in "peanuts."

Such are the hazards of learning a foreign language.

There are bigger humiliations. One is being overseas among people from several nations and being the only one who can't get by in a second language. This was my recurring frustration.

One steaming morning in Vietnam, I boarded a train, found my compartment and sat across from a man I thought might be French. Drawing on the little French that I know, I asked him, "Are you French?" To show off, I added, "I'm American."

"Oui," he answered, with a good-natured smile. He indulged my feeble efforts to speak his language and told me, in very good English, that it was unusual to meet an American who spoke French.

He was flattering me.

Later, two Germans joined us. The Frenchman spoke to them freely in their language; then, apparently for my benefit, they all began speaking English. After we'd bumped along the track for about an hour, one of the Germans told the Frenchman that although it had been years since he'd studied French, he'd like to give it a try.

Then he let loose a monologue that put my clumsy sentence fragments to shame.

On another train, this time in China, I sat among Korean and Japanese students who spoke to one another in Chinese and English. I couldn't judge their Chinese (my own amounted to the Mandarin word for thank you), but their English was surprisingly good.

After enough of this I started to feel ignorant, as if I were missing out on something other people took for granted. Somehow, 12 years of our public schools and four more of college had let me down.

I wouldn't say this if it were just me, if it were simply that I neglected opportunities my schools provided, but the truth is, my ignorance of foreign languages is typical of American college graduates. Our schools just don't emphasize them.

In the darkness of the 1970s, my own high school eliminated its foreign language requirement for college-bound students. What they were thinking is anybody's guess. But even now, few public school students have an opportunity to begin a language before junior high, or even high school, and fewer still ever get the instruction needed to become proficient.

This is a shame — and for more reasons than that we're dooming ourselves to feel stupid when we're around foreigners.

The Frenchman on the train told me he studied languages to increase his value in the job market. This may not be much of a consideration in a country as big as ours, but maybe it should be. The trade deals that, for better or worse, are being signed these days mean we'll be doing more and more business overseas. Candidates who can bridge the language gaps will have an edge on some choice jobs.

But, then, having a great job isn't the most important thing in the world.

No, there are better reasons for studying foreign languages: It's fun — and educational.

Kids who learn even a little of the grammar and vocabulary of another language learn a lot about their own language and how languages in general work. They're bound to learn something about history and geography. They can gain a deeper understanding of literature and philosophy. In short, they become *educated*.

As for the pleasures of fluency, of being able to converse freely in a second or third language . . . well, I'd love to be able to tell you about them.

So, though I'm skeptical of current efforts to reform education — the people dominating the debate seem incapable of imagining the benefits, much less the methods, of a really good system of public education — here's one change I would welcome:

Let's introduce all kids to at least one foreign language in grade school and expect at least some proficiency in at least one, preferably two, languages for all high school graduates who plan to go to college.

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National job training wears 'Made in Michigan' label

PHILIP POWER

■ Out of this chaos emerged a series of innovations that put Michigan on the job training map . . .

President Clinton last weekend announced that the economics and labor ministers of the seven largest industrialized nations will gather March 14-15 in Detroit for an unprecedented summit to figure out what to do about the persistently high unemployment that has hobbled economic growth around the world.

That's great for all of us in Michigan. "It gives us a chance to counter the horrendously negative image we've had," says Karl Gregory, Oakland University's well-known economics professor. And it suggests that Detroit, like our resurgent auto industry, is "on the cusp of change," as the president puts it.

"Detroit is a working city that has embraced change, met the challenges of technology and lives and dies by international trade," said Clinton. "Holding the jobs conference in Detroit will send a message that we intend to confront the challenge of job creation and unemployment."

It's also fitting that the eyes of the world will be here when job training and retraining are under discussion, for Michigan in the 1980s was the laboratory where this previously stagnant field was literally revolutionized.

Facing a severe recession that produced more unemployed people than some states' populations, the Blanchard Administration launched a far-ranging examination of the way to get people back to work. I was part of that effort, serving as the chairman of the Michigan Job Training Coordinating Council.

Two conclusions camo early:

■ Good skills produce good jobs; poor skills lead nowhere.

■ The way to good skills is through training and retraining, but the job training system is a mess.

We took an inventory. What we found amazed even the most hardened bureaucracy watchers. There was no job training system in Michigan. Instead, there was a crazy quilt of 70 separate job training programs with administrative responsibility spread among nine different departments of state government and no coherent overall management!

Nobody recognized how vital job training was to get back to work. And even if somebody reached that conclusion, the administrative chaos insured that nobody could get training even if qualified.

Workers would go to one office to fill out forms, only to be told to go somewhere else to fill out other forms, only then to be told they couldn't qualify for training. Employers couldn't find workers with the skills they needed. And the political system had long since concluded that job training was one of those stagnant governmental backwaters of no use and no possible interest.

Out of this chaos emerged a series of innovations that put Michigan on the job training map, later featured in the best-selling book "Reinventing Government" by David Osborne.

Instead of a myriad of offices and conflicting forms, create one common office for all programs — an approach now called "one-stop shopping." Instead of confusion, provide people with a "Michigan Opportunity Card," like a credit card, which provided skills information and helped people figure out if they were eligible for help. Instead of unemployment compensation being a form of publicly acceptable welfare, think of the system as the gateway to training and re-employment.

President Clinton's thinkers in this area — Labor Secretary Robert Reich and Doug Ross, assistant secretary for employment and training — will no doubt be rolling out the administration's thinking at next month's summit. It's nice to realize that much of that thinking was initiated and tested right here in Michigan.

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