

Divorce is way out of 'till death do us part'

By Sallie Jo Simmons
Staff Reporter

In 1970, Lancaster county granted 631 decrees for divorce, according to Lancaster County district court records. By 1982, the number of decrees granted soared to 1025. As of 1984, the decrees granted slumped down to 967 in Lancaster County.

"It's not a shameful thing anymore," attorney Jim Harris said. Changing lifestyles influence society's ideas, he said. Living together, as well as divorce, have greatly affected society's opinion on marriage and its success, Harris said.

Harris said the hardest part about obtaining a divorce is getting the client to agree to settlement proposals. A lawyer can only make recommendations to his client, he said. The client has the final word on proposals, Harris said.

"She filed for the divorce," Scott, a UNL graduate student, said. But he said that he wanted it just as much.

Their divorce was filed in February 1984. Their court date was in April, and

the divorce was finalized by October 1984, he said.

"I was just in there (court) last Tuesday, again," Scott said. "And I'll be back in two months," he said, because of continuing re-arrangements for child support.

Scott said he has two children, ages five and two, that he supports with the \$300 a month his ex-wife receives.

"They're great kids," he says. "I was 21 when I got married," he said. He and his wife bought a new car and a new home, Scott said. Then, they started a family. And yet, divorce crept its way into their home in less than five years.

"Divorce is disappointing," Scott said. "But it takes two for a marriage."

So, she got the new car and the children, Scott said. He got the house and assets. The court requires a 50-50, or 'equable distribution of assets,' and the couple agreed on the split-up of things beforehand, he said.

Divorce is expensive. Just for an uncontested divorce, Scott said he paid about \$2000 in lawyer's and court fees.

One thing Scott didn't pay for prior to, during, or after his divorce was marriage counseling. Not longer than a year ago, Nebraska required couples filing for divorce to see marriage counselors, but this rule recently changed.

Pat Farnsworth, a marriage counselor for Family Services of Lincoln, said if she can get couples to make their own

agreement, it's better than giving them rules.

Farnsworth said divorce requires five things: child support, spouse support, property settlement, child custody and visitation.

The biggest problem with divorced couples is the man's non-compliance with child support, she said. Too many times the woman will get custody of the children, while the man goes off to live his own life, Farnsworth said. Sometimes the men are forgetful of payments, they don't have the money or they're hard to get in touch with, she said.

Divorce proceedings create very emotional times for people, Farnsworth said. People cry, yell, and steam, she said. "Just give me another chance," is commonly heard in her office, Farnsworth said.

"Once the feelings are gone, the marriage is over," Mrs. Farnsworth said. Then, people expect marriage counselors to "perform magic" and put their marriages back together, she said.

Any case involving divorce induces heavy overtones of non-communication, Farnsworth said.

"We don't pretend to be lawyers at all," she said. Divorce counseling encourages the couple to come together to work out their differences through positive reinforcement, she said.

A key element in divorce counseling is children, Farnsworth said. A program called divorce mediation teaches

parents how to relate to themselves and their children for the future, she said. The sooner the parents can agree on how their children will grow up, the easier it is for the entire family, she said. This will also eliminate continual visits to court, Farnsworth said.

Some people use divorce as a threat to correct a troubled marriage, Farnsworth said. Such empty threats

can do more damage than help for a troubled relationship, she said.

Paul Monkowski of the Catholic Social Services in Lincoln said his organization works with troubled couples of any religious faith and try to keep the marriage together.

Monkowski said in the end, the decision to stay together really rests with the couple.

Divorce: where, how and how much

The fee for filing for a divorce in the district court is \$56. The form requires the petitioner's name, general information, and then the spouse's name, otherwise referred to as the respondent. The petitioner must have resided at least a year in the county before filing a divorce in the county.

The fastest court date would be in 60 days, but it could take longer, depending on the court schedule. Then the respondent may appear at court voluntarily, or the sheriff will issue a subpoena.

Anytime before the trial, the couple may sign a property settlement agreement. If not done before the trial, it can be taken care of during the trial.

Nebraska divorces are all "no-fault." A divorce is granted when the marriage is "irretrievably broken."

Divorces can be uncontested or contested. Uncontested divorces mean the petitioner and the respondent both agree with the settlements. Contested divorces signify that the couple doesn't agree with one of the following: alimony, child support, child custody, visiting rights, division of property, attorney's fees or court costs.

The trial may last anywhere from two minutes up to several weeks. If the divorce is contested, several court hearings may be arranged later to settle everything. Once the divorce is granted, neither one of the couple may re-marry for six months. After that period the divorce is finalized.

An uncontested divorce will cost about \$300 in legal fees. A contested divorce, generally being more expensive, costs between \$40 and \$100 per hour, depending on the lawyer.

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