

THE MEDIATOR

Mediation Offices of Michael Becker
Experience Matters

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It Happened Then

In February 1885, Mark Twain published *The Adventures of Huckleberry Finn*. Some libraries — including one in Concord Massachusetts — banned the book. In praising the work, Hemingway famously declared “All modern American literature...comes from Huckleberry Finn.”

Quote Me on It

“He not busy being born is busy dying.”

— Bob Dylan

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Speedier Divorces:

CT Allows Waiver of 90-Day Wait

For as long as most people can recall, Connecticut has required divorcing couples to wait at least 90 days to finalize a divorce.

Some believe this was intended to set up a mandatory ‘cooling off’ period, to let people think things over before divorcing.

While well-intentioned, this required waiting period caused problems for people who had thoughtfully finalized all terms of their divorce before the 90 days were up, and just wanted to finish. They found themselves in a holding pattern. They didn't feel like they were still married, yet couldn't finalize their divorce.

Now, in a change to CT General Statutes section 46b-67(b), if both parties attest under oath that they have an agreement on all terms of their divorce, they can ask the court for a waiver of the 90-day waiting period.

The Judicial Branch has created form JD-FM-247 to make this request. It is a simple one-page fillable PDF on their website.

One item seemingly missing from the form: a place to request a divorce date, if the 90-day waiver is granted. So once the request is granted, parties must then contact the court again to request a divorce date.

Mediation Centers in Courthouses: More Dispute Resolution Options

The Connecticut Judicial Branch has opened two Judicial Mediation Centers within courthouses, one in Waterbury and one in Hartford. They are available for civil and family cases.

Judges from across the state, many trained in mediation at Quinnipiac University School of Law, are available to conduct mediation. And the Hartford center has a dedicated full-time Judge on staff.

The centers have been set up to create a collaborative tone and for ease of use. So they have oval tables, which are more egalitarian than the standard square ones. And they are available for meeting times outside regular courthouse hours.

The centers are available for civil or family matters from any Connecticut Judicial District. To date, over 300 sessions have been scheduled. That's a great sign.

Retirement (early): The Age 55 Rule

Whenever you take money out of a tax-deferred retirement plan such as a 401(k) or 403(b), you always owe Federal income tax. But if you withdraw money before age 59½ you also owe a costly 10% penalty. That is, unless an early distribution rule applies.

Three common early distribution exceptions are death, disability and incurring significant medical expenses. A fourth and less well-known exception is for participants in a company's 401(k) or 403(b) who are 55 or older when they leave their job. The penalty is waived if they take money out before age 59½.

Be very careful when using the age 55 rule. You must be 55 or older when you leave your job (called "separation from service" in the IRS code). If you leave the job before age 55 and wait to take distributions after age 55 but before age 59½, you still owe the 10% penalty. So before doing this it's best to consult with your accountant or financial professional.

Tools & Tips

In life everyone experiences uncertainty. And for many, divorce is one of those times.

Pema Chödrön is one of my favorite authors about meditation, mindfulness and Buddhist thinking. In *When Things Fall Apart: Heart Advice for Difficult Times*, Chödrön offers helpful advice for living a bit better when we are faced with uncertainty.



She invites us to think about uncertainty as one of the basic facts of human existence, and to accept this rather than fight it. Combining this with a central tenet of Buddhism — that nothing lasts forever, everything changes — Chödrön suggests that we can better master our anxieties.

That's not to say that we don't try to change things. Rather, paradoxically, accepting uncertainty and knowing that things will change can help to calm us a bit all by itself.

Michael Becker is a Westport attorney who also holds a Master's Degree in marriage and family therapy and a Bachelor's Degree in accounting. An ACR Advanced Practitioner and an APFM Advanced Mediator, Michael is one of the most experienced mediators in the area. He is also founding Director and twice President of the Connecticut Council for Nonadversarial Divorce, and a James W. Cooper Fellow of the CT Bar Foundation.