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Degrees of separation

LOVE CAN BE A BATTLEFIELD – AND NEVER MORE SO THAN WHEN KIDS ARE INVOLVED IN AN ACRIMONIOUS SPLIT. BUT, AS Sarina Lewis REPORTS, DIVORCE DOESN'T HAVE TO BE MESSY

Good divorce. These two words, which, in decades past, would have formed the definitive oxymoron, appear to have acquired different connotations. Anecdotal evidence suggests a growing number of couples are splitting up with more goodwill and less anger. Such couples include actors Uma Thurman and Ethan Hawke who – after their 2004 divorce – avoided a vitriolic public slanging match despite rumours of Hawke’s infidelity. “I cannot participate in anything critical about my children’s father,” Thurman said, expressing a feeling that might be shared by many of today’s divorcing couples. “I just need to keep peace. I think it’s fair to say that I haven’t said one mean thing, and I’m not going to start now. It’s terrible for my family.”

For his part, Hawke labels his ex-wife “a great mother” to their two children, daughter Maya Ray, 12, and son Levon Roan, 8, and the couple choose to live in the same New York street so they can have maximum access to their kids, with both claiming that raising their children is “a priority”.

Thurman, who was married to Gary Oldman before she wed Hawke, has become something of a poster child for successful separations. Since she began dating French financier Arpad “Arki” Busson in 2007, Thurman has put in time with his two sons, Flynn and Aurelius, and their mother, Elle Macpherson. Photographs taken in July of the three of them out with the boys in London’s Hyde Park suggest an amicability not often seen in such situations – let alone ones involving celebrities.

Of course, this speaks to the main reason for a “good” divorce: the kids. Why else would Prince Andrew share his abode with his ex-wife, Sarah Ferguson? But it’s not only the famous and privileged who see the damaging effects that sour parental relations can have on children.

Those involved in family law and relationship counselling – divorce’s front line – speak of a perceptible change in attitudes, where more and more couples appear to recognise the benefits of



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amicable separation, and *The War of the Roses*-type episodes are avoided in favour of successful, if protracted, attempts at harmony.

"When I first started [practising family law], divorce was far more litigious than it is now," says Michael Lefebvre, a director of the Melbourne-based specialist firm Westminster Lawyers with 30 years' experience in law. "I think the mindset was 'We are lawyers and lawyers go to court', so more often than not as a reflex action, we commenced proceedings in a family law matter. In more recent times, the trend's been the opposite – you go to court as a last resort."

Not to mention, Lefebvre adds, the positive impact he believes has come about as a result of the lessening of the social stigma around divorce. "It's not such a shock," he says. "People wouldn't see divorce as inevitable, but on the basis that relationships [do] break down ... well, let's as consumers try to get out of the loop as quickly and efficiently as we can."

The Australian divorce process is now designed in accordance with such changes in legal attitudes and social judgment. So says Geoff Sinclair, chairman

of the Family Law Section of the Law Council of Australia. "The system is designed to keep people out of court," he explains, "and that's been refined over the years." There has been the establishment of compulsory mediation through properly trained lawyers or social workers (couples now require a certificate from an independent mediator signalling a failure in negotiations before being allowed before a court) and, more recently, a refining of legal mediation techniques. One of these – the collaborative law approach – dictates that lawyers for both parties must undertake a legal agreement that they will do everything in their power to keep a divorce out of the courts.

And even when a court appearance seems inevitable, new systems are being put in place to lessen the possibility of conflict: Sinclair says the Family Court has designed a "less adversarial" approach whereby the judge plays a greater role in setting the parameters of the dispute, deciding on which witnesses appear (to minimise the "he said, she said" slanging matches) and performing a stronger refereeing role.

It is a situation many believe is contributing to the rise of divorce "success" stories, like that of Sydney resident Pru Quinlan. When Quinlan and her husband decided to divorce a few months shy of their 10th wedding anniversary, they promised each other from the outset that theirs would include none of the real-life theatrics of celebrity couples such as Kim Basinger and her ex-husband, Alec Baldwin.

"About nine months before we split, we'd had a friend go through an outrageously messy divorce that was hideous. We decided to take that, put it on a pedestal and try to keep as far away from it as possible," she says, adding that it was that single powerful reminder which has guided their joint actions through the past 8½ years of amicable separation and divorce.

Refraining from engaging lawyers, the former partners "quietly settled everything", from property claims and maintenance payments to childcare arrangements for their two young sons (at the time

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just 18 months and five years old). Details were written down to clarify certain financial details and logistics, but Quinlan says the ex-couple approached such paperwork as "a template rather than a live-or-die document".

Though both parties initially settled upon a standard child-visitation arrangement of a weekend a fortnight for her ex-husband, that has since grown by mutual agreement to five nights a fortnight. Even then, says Quinlan, her ex will often step in to ferry a child to his activities when their schedules clash.

"We went for the 'No one's trying to hurt anyone' solution," says the now 40-something, who recently moved to within a zippy three-minute drive from her former husband to make co-parenting easier still. "I mean, we produced two beautiful boys together, so there is that love. Why would you discount that and pretend that 10 years was a waste? It seems a real waste to throw away that goodness along with everything else."

It is a sentiment clearly felt by many of today's divorcing couples: there's →



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"I JUST NEED TO KEEP PEACE. I HAVEN'T SAID ONE MEAN THING, AND I'M NOT GOING TO START NOW. IT'S TERRIBLE FOR MY FAMILY."

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Al and Tipper Gore (who separated this year after four children and 40 years of marriage) vowing to remain good friends, and the sort of love-in that typifies Demi Moore and Bruce Willis's post-divorce relationship. The ex-couple even went so far as to pose together – with Moore's new husband, Ashton Kutcher – in the pages of *Vanity Fair*. The revelation in 2008 that Sadie Frost and her ex-husband, Jude Law, spend Christmas holidays with their three kids startled few, while the aforementioned Sarah Ferguson and Prince Andrew are described by their daughters as “the world's happiest unmarried couple”.

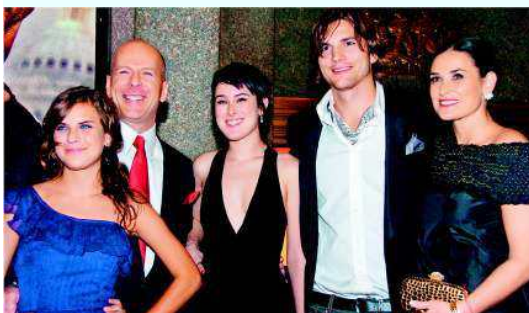
For Dr Constance Ahrons, professor emeritus of sociology at the University of Southern California and author of *The Good Divorce* and *We're Still Family*, all these examples reinforce her belief that the failure of a marriage need not necessitate familial warfare. Coining the phrase “the binuclear family” to describe a family that spans two households, she says there are clear societal benefits to containing animosities. “The relationship between parents is key to how children cope with divorce,” Ahrons explains.

Of a study of 163 grown children whose parents had been divorced for 20 years, Ahrons says about 80 per cent felt that their parents' decision to divorce was a good one and that both they and their parents were better off. The remaining 20 per cent, she believes, were victims of parents who “were unable to let go of their anger and to parent effectively, and their children often lost a relationship with one parent”.

There has always been – and always will be – a small percentage of marriage breakdowns that will never fit an amicable divorce ideal, says Peter Magee, a founding partner at Sydney's Armstrong Legal. “It's often clear at the outset which cases are not going to settle because of issues that can't be compromised,” he says. Magee cites statistics that show about 15 per cent of divorce cases are filed in court as a contest, though only two or three per cent require a federal judge to make a final decision. “For instance, if you're going to allege abuse against a partner, then it's not a case where you can turn around and say, ‘I'll give you some time with the kids.’”



“PARENTS FEEL MORE IN CONTROL OF THE DIVORCE PROCESS BECAUSE THEY'RE THE ONES MAKING DECISIONS.”



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The director of operations for Relationships Australia NSW, Lyn Fletcher, says the benefit of a predominantly self-managed separation is one that is frequently raised by those using the national body's divorce mediation services. "Feedback from our clients indicates that if you can manage this process, rather than allowing a court to decide, you're better off financially. Parents feel more in control of the process because they're the ones making decisions."

This is precisely the situation Matt and Yolande de Torres worked hard to achieve when their marriage broke down in 2000, following 14 years together, 10 as husband and wife. With three children aged between four and 10 at the time – not to mention, says Yolande, her close and cherished ties with her soon-to-be ex-husband's family – the now amicably divorced couple both admit they had a lot to lose.

Anger, as Matt explains, "just didn't seem like a workable solution", hence the couple's decision to "carry on as usual". "We said we're just going to have all the kids all of the time and if we've got a problem, we're going to talk to each other about it. It seemed a shame to muck up a friendship just for a wonky marriage."

Ten years on, their consistent efforts have paid off: the exes now live in the same Sydney apartment building and share full custody of their three children, with Matt's second wife, Sara Irvine, and their two-year-old son frequently sharing meals and family celebrations (including Christmas) with Yolande and her seven-year-old daughter from her second marriage.

"We've got five kids between us who all live in the same building and run around as brothers and sisters," says 50-year-old Matt. And while admitting the extended family requires "constant navigation" for the younger children, at least "it's just a normal family relationship as far as they're concerned".

"It was fraught for quite a while," adds Yolande, 46. "But my friends who have been married for 20 or 25 years also have things they have to deal with. So all partnerships need to be managed some way or another, and I think we do a pretty good job of it.

"We make jokes that we have a commune," she laughs, before turning serious. "But it's really good for the kids. It's really good for all of us." ●

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Doing the splits

Apart from Ethan Hawke and Uma Thurman (above), other celebrity couples who have separated on good terms include (opposite page, from top left) Kate Hudson and Chris Robinson, and Sam Mendes and Kate Winslet, while Bruce Willis is more than happy to pal around with his ex, Demi Moore, and her husband, Ashton Kutcher.

practical divorce tips

Dr Constance Ahrons's tips to avoid going down the Mel Gibson and Oksana Grigorieva route.

- Recognise that compromise is always necessary – mediate your differences.
- Stay in charge – this is your divorce, not your lawyers'.
- Construct a new vision of your family to become a “binuclear” family (where two households equal one family).
- Accept that each child needs – and has a right to – both parents.
- Establish an agreement with clear rules.
- Remember the good (not just the bad) parts of your relationship.
- Learn to tolerate the inevitable ambiguity that family separation brings.
- Slow down the process – children need time to adjust.
- Forgive yourself and your ex, and let yourself grieve your losses.
- For the sake of your children, co-operate with your ex.