



LAW OFFICES OF PETER J. RUSSO P.C.

ATTORNEYS AT LAW

Mediation... Is It For You?

THE PROCESS OF MEDIATION

Mediation is initially a choice made by the parties to mutually agree to weave together their different perspectives to create a lasting solution. While commonly used in family law cases, mediation is available for all matters. Mediators must set the tone for the process- a fair process that includes sharing information and empowering participants. Often the environment of equality found in the mediation process is enough to loosen an individual's position, if they feel they are finally being "heard" for the first time. Then the individual may make a new choice to either suspend their belief or give up the right to blame the other party. In mediation we do not attempt to find out who is right or wrong in the relationship; only answer the question of how we can proceed with the situation as is and what decisions can be rendered now and which will be left for later. For some, mediation also serves the purpose of giving "completion" to the relationship and allowing a respectful reflection of their personal process during the marriage. The power of resolving the conflicts mutually and creating a new relationship is always beneficial, even when painful. The court only needs to actively involved where the problem cannot

continued on page 2

INSIDE THIS ISSUE

- 1** [Mediation... Is It For You?](#)
- 1** [Basics About Child Custody](#)
- 2** [News You Can Use](#)
- 3** [Our Practice Areas](#)
- 3** [Our Contact Information](#)

Basics About Child Custody

What is Legal Custody?

Legal custody awards a parent or parents the right and responsibility to make child-rearing decisions. Such decisions include issues like education, discipline, religion and medical care.

Is It Possible to Establish Joint Legal Custody?

It is possible for both parents to be awarded joint legal custody. In this situation, both parents will have equal rights to important decision-making. Joint legal custody is most likely to be awarded to parents who have the ability and desire to cooperate with each other to ensure that the best interests of the child are protected. Because this involves a certain level of parent-to-parent interaction, parents who cannot civilly and rationally discuss their child's interests are not likely to be awarded joint legal custody.

What is Physical Custody?

Physical custody refers to the child's primary residence. That is, if the child lives with her mother, the mother is said to have physical custody of the child. The decision of which parent gets physical custody of the child depends largely on what is in the best interests of the child.

be resolved by the parties.

FOCUS OF MEDIATION

The nature of each mediation will dictate the need for individualized care requiring a personalized approach. First and foremost, flexibility and pacing are vital to finding the way. Generally, the mediators encourage interaction between the spouses, assist in the identification of areas of disagreement, as well as agreement, and then work to bring the parties to a resolution; a resolution reached and defined by the parties themselves. The art of mediation is gentleness sprinkled with lots of flexibility and care. We have found that often one or both parties may garner essential emotional support from a concurrent association with a psychotherapist, as that connection tends to diminish the trauma of divorce.

THE WIN OR LOSE COMPETITION

Ultimately, the adversarial system pits parents against parents, as children are placed in the middle of a battle between parents, as if children were a piece of furniture their owners are fighting over. This is obviously antithetical to the best interests of a child. The adversary process is essentially a win or lose competition. Each party attempts to prove to the court why he or she should be the winner and/or the other, the loser. If the winning prize is money or property, the concerns of the sought-after object need not be considered. However, where the sought-after object is a child the dispute is of a totally different nature. While this difference is widely recognized, the conflicts over the best interest of the child continue to take place in a win or lose framework. The adversarial framework dominates because attorneys, no matter how sophisticated their understanding of total family dynamics, can represent only one of two opposing points of view. To achieve victory in the family custody situation, parents sometimes make extreme allegations about their spouses, such as charging the other with sexual abuse of the child. Adversary proceedings sharpen and deepen the parents' differences, and once litigation is initiated; compromise, flexibility, and cooperation are often devalued or impossible to recapture. Thus, the child may be treated like property while parents clog the courts with bitter fights over money, assets, and support. The combative atmosphere makes it more difficult for divorcing couples to reach a settlement and develop a cooperative relationship once the divorce is final☀



**LAW OFFICES OF
PETER J. RUSSO P.C.**

NEWS YOU CAN USE

Child Support

Grasso v. Grasso, Monroe L. Rep. No. 47, pg. 38

Even though the general rule is child support continues until a child graduates from high school or attains the age of 18, whichever comes later. In this case the Court deemed that the support obligation does not cease where the reason for failure to graduate from high school linked to the child's absenteeism.

Divorce

Taper v. Taper, 2007 Pa.Super. 397

Section 3323(d.1) of Divorce Code, 23 Pa.C.S. 3323(d.1), does not provide basis to grant posthumous divorce. Order vacating divorce does not affect equitable distribution order. Motion to strike brief of counsel who represented deceased spouse for lack of standing denied when court appointed counsel to represent interests of deceased spouse's estate.

Worker's Compensation

Ingram v. W.C.A.B., No. 491 C.D. 2007

Dependent in fatal claim proceeding barred from litigating compensability of decedent lifetime disability where lifetime occupational disease claim withdrawn per compromise and release agreement.

Ballerino v. W.C.A.B., No. 1113 C.D. 2007

Presumed statutory wage for volunteer firefighter per Section 601 of act, 77 P.S. 1031, may not be stacked with pre-injury wage.

Dear Valued Client,

It is a pleasure to service your legal needs. We are here to help you and provide you with legal services with a personal touch. We hope you find this newsletter helpful and we look forward to continuing our relationship with you!

Sincerely
Pete, Liz, Ashley & Amber

OUR PRACTICE AREAS

Family Law

Divorce - Custody - Support - Adoption
Property Agreements
Name Changes - Visitation - PFA
Collaborative Law

Business Law

Business Startup - Business Litigation - Contract
Disputes - Business Startup
LLCs - S Corps - Contract Review & Negotiation
Business Purchase or Sale

Real Estate Matters

Buying or Selling - Residential or Commercial
Title Insurance
Agreement of Sale - Post Settlement Problems

Wills & Estates

Wills - Power of Attorney - Living Will
Probate - Trusts

Employment Law

Workers' Compensation
Unemployment Compensation
HIPPA - Discrimination - Sexual Harassment
PHRC - EEOC - Employment Agreements
Employee Handbooks

Is it Possible to Establish Joint Physical Custody?

It is possible to establish joint physical custody. When the child is able to live with each parent for a significant period of time every year, both parents are said to have joint physical custody. Because the psychological and social impacts of living in two separate places at the same time are often hard for a child, this sort of lifestyle is not often in a child's best interests. ☀



Contact Information

Amber – Extension 105

asouthard@pjrlaw.com

Ashley – Extension 103

asipe@pjrlaw.com

Liz – Extension 104

lsaylor@pjrlaw.com

Pete – Extension 102

prusso@pjrlaw.com