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Divorce rates falling locally and across the U.S.

By JOE LAMBE
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Fewer people are divorcing, and more who do are making nice during the process, new studies show.

In the last five years, more couples settled divorces without needing a trial to solve money, property and custody issues, according to a recent national survey of lawyers.

"It is a trend that has teeth in it, and is going to accelerate," said San Diego lawyer James Hennehoefter, president of the American Academy of Matrimonial Lawyers.

Credit much of it, he said, to a series of trial alternatives spreading nationwide.

Those alternatives are far cheaper and allow more creative solutions, said Larry Swall, a Liberty lawyer who is chairman of the Family Law Committee of the Missouri Bar.

"You're crafting a plan to fit the family," he said, "and not trying to fit the family into the plan."

In 2002, one in three Jackson County residents seeking divorce went to trial to settle cases. Four years later, only one in four needed a trial. Meanwhile, the number seeking divorce fell 29 percent. In Johnson County, the number of divorces filed and those settled by trial changed little from 2002 through 2006. But taking the county's 10,000-a-year population growth into account, per-capita divorce rates are dropping, mirroring national trends, said Court Administrator Michael McLain. Couples make wide use of mediation to work out settlements and avoid clogging courts, said Gary Kretchmer, Johnson County's director of court services.

There will be 800 new orders for mediation there this year alone, he said. "It's good for courts, and it's good for folks."

Mediators work with both parties to craft a settlement.

Arbitration is another growing option for divorced couples or unmarried people with children. With it, couples each make presentations to a neutral party who decides the issues and rules without possible appeal.

In collaborative law, the couple will agree not to have a court trial. Each party brings a lawyer, expert or both to help work toward a settlement. If an agreement cannot be reached, the parties can hire other lawyers and experts and start over, but the expense grows.

"The idea is to settle it or make it hard not to settle," Hennehoefter said. Among those with the most trouble settling, he said, are lawyers, doctors and police officers.

In another possible bit of good news, a study this year found that while the U.S. marriage rate may be at the lowest level in history, fewer who marry are getting divorced.

Betsey Stevenson and Justin Wolfers of the Wharton School at the University of Pennsylvania found the rate of divorce was 16.7 per 1,000 married couples in 2005, down from a high of 22.8 in 1979.

In an op-ed piece in *The New York Times*, Stevenson blasted a story telling people not to stock up on silver anniversary cards because fewer than half of marriages reach that 25-year mark. About 53 percent of those married from 1975 to 1979 reached it, an improvement from earlier time periods, she said.

"... today's marriages are more stable than they have been in decades," she wrote. "Perhaps it is worth stocking up on silver anniversary cards after all."

Their study speculates that marriage is more enduring for reasons that include more shared interests, smaller age gaps and fewer unwanted pregnancies. Also, they say, more people live together before marriage and split up if they do not like each other.

But nothing is simple. Swall said more of his cases have shifted in recent years from divorce-related child-support and custody cases to those involving children of unmarried parents.

Some clients don't get married for fear of divorce, he said. But then he asked: "Are people trading one set of problems for another?"

Family lawyers say they're not threatened by falling divorce rates and fewer trials because there will always be plenty of family conflicts.

"We have job security," Swall said.

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