

# **FAMILY LAW RIPPLES**

March 2007, Vol. 5, No. 1



## ***Ripples Back in Publication***

This issue marks the beginning of the 5<sup>th</sup> year Family Law Ripples has been in publication. This publication focuses on family changes which are achieved with cooperation, connection and positive values. Please feel free to distribute copies of any of its articles to clients, friends, attorneys and others, with credit to the source.

## ***Ten Tips for Working with a PTE***

So you've been having a terrible time getting your parenting time over spring break worked out with your ex-spouse. Exasperated, you ask your attorney to bring a motion to decide the issue. The judge looks at both of you and asks if you have ever worked with a Parenting Time Expediter (PTE). You say, no. A week later your attorney forwards a copy of an order appointing So and So as the PTE and referring the dispute to the PTE.

Parenting Time Expedition is an out of court process for resolving disputes about an existing parenting time schedule. It is described and governed by a statute, Minn. Stat. Sec. 518.1751, which can be viewed at <http://www.revisor.leg.state.mn.us.stats/518/1751.html>

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Ten tips for working effectively with a PTE are as follows:

(1) Determine the PTE's name, address and telephone number. Some Orders name a specific individual; others don't. It is difficult to ask for help without knowing who is serving as your PTE.

(2) Fulfill the PTE's prerequisites for working with you. Imagine that two years down the road you have an urgent issue which needs resolution within two days. You call the PTE and the PTE says "I didn't even know I was your PTE." Most PTEs require a copy of the Order appointing them, contact information for both sides and a retainer before they will act. Some will have additional requirements.

(3) Know how to initiate the PTE's help in resolving a dispute. By telephone call? FAX? E-mail? Letter? With a bare statement of the issue? With additional information?

(4) Anticipate issues and seek the PTE's help as early as possible. PTEs take vacations, are sick and are sometimes out of their offices. It takes time to reach the other parent. It takes time to have discussions with both sides.

(5) Ask the PTE to address topics that the statute or the Order assigns to the PTE. The PTE statute limits the authority of a PTE to issues relating to an existing parenting time schedule. The issues of setting a schedule, modifying an existing schedule, making a major decision for the children, and parental communication, cooperation and other co-parenting issues are typically not within the PTE's authority **UNLESS** THE Court specifically gives the PTE additional authority **OR** the parties agree to expand the PTE's authority. Some PTEs will require that an agreement to expand their authority be approved in a Court Order.

(6) Don't expect the PTE to be a guardian ad litem. A guardian ad litem is appointed by the Court to determine and advocate for your children's interests. Guardians are required by statute to make investigations, talk to or observe your children, evaluate your children and you, and make recommendations to the Court. They might appear in Court; they can be witnesses at a trial. In contrast, PTEs are neutrals who are in charge of a process intended to resolve disputes between parents. The PTE process is confidential and only the PTE's decision will come before the Court and then only if it is challenged.

(7) Ask the PTE to do things which will solve the problem. The PTE statute allows PTEs to implement a schedule, which is generally taken to mean adding

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details which are necessary to do the schedule. For example, if a parent is entitled to one week of vacation during the summer and the parents disagree on the dates, the PTE could help them reach agreement on or decide the dates.

A PTE can interpret terms of a parenting time schedule which are not specific. For example, if the Order says a parent may have a reasonable amount of time, the PTE could help resolve a dispute as to whether the five weeks requested or the two weeks offered are "reasonable."

Finally, a PTE can also enforce a parenting time schedule. For example, if a parent denied holiday parenting time and the other parent then asks for the next holiday as compensatory time, the PTE could assist them in resolving the dispute as to whether there was compensatory time due and when it would be taken.

A PTE cannot change the other parent's attitude or make the other parent be more cooperative.

(8) Be clear when the PTE is switching from helping the two of you reach an agreement to making a decision. A PTE has a duty to help the two of you reach an agreement before declaring an impasse. When impasse is reached, you may want a break to collect your thoughts before making a "final argument" on your side of the story before the PTE decides the issue.

(9) Know what to do if the PTE's decision will not work for you. If you agree on a resolution, presumably you will follow through with it. However, if the issue was resolved by a decision, you might not agree with the PTE. You need to know that PTE decisions are binding unless a party brings a motion **and** the Court orders something different. In the meantime, you need to follow the PTE's decision.

(10) Don't expect the PTE to work for free. If you have used up your initial retainer, make another deposit. Doing so will avoid delays in the event you need a decision on short notice.

Quotes of the Month

*Coming together is a beginning. Keeping together is progress. Working together is success.*

*Henry Ford*

*A team...is a process of give and take.*

*Barbara Glacel &  
Emile Robert Jr.*

*A pebble drops, transforming the lake.*

**On the Net: New Child Support Law**

Effective January 1, 2007, Minnesota has a new formula for calculating child support which applies to all cases involving child support filed after the first of the year and certain motions to modify child support. The new statute will apply to all child support cases effective January 1, 2008.

New features of the formula are that it takes into account the income and basic child rearing expenses of both parents and looks to the percentage of time the child spends with each parent regardless of the custody label. There are many ins and outs to the statute which both the Courts and attorneys are finding out as they begin to apply the new statute to cases. The entire new statute can be viewed at:

<http://www.revisor.leg.state.mn.us/stats/518.551.html>.

There is an online child support calculator, which should be used in conjunction with a good understanding of the details of the statute. That calculator can be found at:

<http://childsupportcalculator.dhs.state.mn.us/>

**In Books: Teen Agers**

There's the movie the *Horse Whisperer* which has now inspired a book to help parents form alliances with their teens. *Teen Whisperer* by Mike Landerman discusses helpful responses to typical teen issues such as self-image, peer pressure and so on. The book will be released September 1, 2007, and is available from [www.amazon.com](http://www.amazon.com) and other sources.

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