

Erika Ramazzini Joins Family Law Practice

Although she was born in Stuttgart, Germany, Erika Ramazzini considers herself a Sacramento resident of over 40 years. She received her undergraduate degree in political science at the University of California, Davis and her Juris Doctor from the University of the Pacific, McGeorge School of Law. While in law school, she earned an American Jurisprudence award for Regulation of Financial Institutions and obtained prestigious finalist status in the International Moot Court competition.

The world of Family Law has made a profound impact on Erika. For many years, she grew her legal experience in business and civil litigation and expanded into Family Law, which became her exclusive area of practice. "I pay particular attention to the emotional dynamic in each Family Law case," she stated. "Combined with my knowledge of legal

principles and passion for Family Law, I'm able to strike an effective balance representing my clients."

Bartholomew & Wasznicky LLP welcomes Erika's expertise as the firm continues to expand its practice. "Everyone at the firm is very friendly," said Erika. It's a large family—with so much stability. Most of the staff has been with the firm for many years. It's been a very welcoming environment and I look forward to my tenure here."

Additionally, Erika carves out time to work on childhood education issues in the San Juan Unified School District. She has served on the boards of several schools in the district and currently is an active Executive Board Member and Past President of the Parent Teacher Organization for Del Dayo Elementary School—overseeing budgets, implementing technology and library programs,



among her many assignments. Simultaneously, she serves on the Executive Board of the Arden Middle School PTA. Well versed on the educational and geographic issues of the district, Erika has also advocated on a number of topics including school reconfigurations and closures at District meetings.

Erika is a member of the California State Bar, Family Law Section and the Sacramento County Bar Association. 🍷



Snooping On Your Mate: Finding the Truth or a Criminal Act?

Your instincts may tell you your partner's up to no good, but does your suspicion give you carte blanche to operate a home-based spy operation? Apparently, a lot of people think so. 36% of married adults admitted to surreptitiously looking at a partner's texts or e-mails in a Retrevo.com study. A similar study by an Australian mobile phone provider showed that one-third of cell phone users read another's text messages without permission, with women more likely than men to snoop. 45% of the snoopers in the Australian study reported finding flirtatious or sexual texts. But there are downsides to snooping on a partner, whether it confirms a suspicion or not.

Snooping Can Be a Relationship Killer

The act of snooping breaks trust in a relationship. California marriage therapist Jay Slupesky said in an MSNBC Redtape interview that therapy addresses a partner's concerns about infidelity more effectively than spying.

When snooping becomes active rather than passive, it may lead to legal complications. Audiotaping another person without consent is illegal in many jurisdictions. Not only will such tapes prove useless in divorce court, they may land the party who secretly created the tapes in legal hot water.

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ASK A LAWYER

Each newsletter, this article will address questions about the process of divorce and/or separation. Answers are prepared by family law attorneys of Bartholomew & Wasznicky LLP. If you are interested in providing a question for the column, visit www.Divorce-WithRespect.com to submit a question. While all questioners will remain anonymous, please include your contact information in case there is a need for clarification.

Common Law Marriages

What states recognize common law marriages?

Only some states recognize this relationship status and, those that do, require you to pass strict legal requirements in order to establish a common law marriage. A common law marriage can not be established in California. Currently, 16 states recognize this status and allow heterosexual couples to become legally married without a license or ceremony. These states are: Alabama, Colorado, District of Columbia, Georgia (*if created before 1/1/97*), Idaho (*if created before 1/1/96*), Iowa, Kansas, Montana, New Hampshire (*for inheritance purposes only*), Ohio (*if created before 10/10/90*), Oklahoma, Pennsylvania (*if created before 2004*), Rhode Island, South Carolina, Texas, Utah.

What requirements must be met in order for a relationship to qualify as a common law marriage?

It is a common misconception that living with the same partner for some set number of years will grant you a common law marriage. Although each state has specific statutory requirements that must be met in order to qualify for this status, there are some universal requirements. For example, couples need to live together, act like they are married, hold themselves out to society as being married, and intend to be married in order to be considered. Evidence of your intention can be strengthened by filing joint tax returns, referring to each other as husband and wife, and sharing the same last name.

Once you have established a common law marriage, how do you terminate your relationship?

Once your relationship qualifies as a common law marriage, it is just as legally binding as a traditional marriage in jurisdictions which recognize this status. Therefore, in order to “break up” or end the relationship, you must go through the divorce process.

What are the tax implications of a common law marriage?

You will be considered married for tax purposes if you are in a common law marriage that is recognized in your state.

What if I move from a state that recognizes common law marriages to a state that does not?

If you are living in a jurisdiction that recognizes your common law marriage and then move to a jurisdiction that does not, your marriage will be recognized by the new jurisdiction. Therefore, if you are moving to California from another state where you have a recognized common law marriage, California will recognize your marriage as well.

What is the difference between a Marvin agreement and a common law marriage?

Many people confuse common law marriages with Marvin agreements. California abolished common law marriages in 1895, but will recognize a contract for division of assets between cohabitating unmarried adults if the contract qualifies as a valid Marvin agreement. A Marvin agreement is a “non-marital relationship agreement.” Essentially, it is a contract, express or implied, that describes how the financial and property assets will be divided upon the termination of a live-in relationship where the parties are not legally married. Because the relationship is “non-marital,” the family courts do not have jurisdiction over these cases. Rather, Marvin agreements are determined in civil court as a contract matter. 💖

A Parent's Guide for Talking About Divorce and Separation

Bartholomew & Wasznicky LLP is offering copies of a booklet designed to help parents assist their children through the difficult family transition of separation and divorce. Produced by The American Academy of Matrimonial Lawyers, the guide helps parents prepare their children and adolescents for what is about to happen. Parents don't tend to plan ahead for this important discussion and even fewer do this planning together.

The goal of the guide is to make discussions with children about separation easier for parents and more helpful and meaningful for them. It will also increase childrens' and adolescents' ability to deal successfully with the stress and disruptions of separation.

If you are interested in a copy of the guide entitled *What Should We Tell The Children*, contact Hal Bartholomew, Bartholomew & Wasznicky LLP, (916) 455-5200 or email Hal@DivorceWithRespect.com.



Ways to Predict Divorce

How long will your marriage last? It depends on if you smoke, which church you go to and which state you live in. You can't guarantee the longevity of a marriage, but what you can do is play the odds. Researchers have studied marriage success rates from nearly every conceivable angle and what they've found is that everything from smoking habits to what state you live in can predict how likely it is that your union will survive. Here are some ways to gauge how your marriage will fare:

American marriages are between 40-50% more likely to end in divorce.

After peaking at 50% in the 1980's, the national divorce rate has dropped steadily, but in the public's mind, that outdated "half of all marriages" figure still sticks and scares. "Inflated divorce statistics create an ambivalence about marriage," says Tara Parker-Pope, author of *For Better: The Science of a Good Marriage*. "The bottom line is that modern marriages are getting more and more resilient. With each generation, we're getting a little better about picking mates. A different kind of marriage is emerging in this century."

If you argue with your spouse about finances once a week, your marriage is 30% more likely to end in divorce.

Money woes kill marriages. The same study also found that couples with no assets at the beginning of a three-year period are 70% more likely to divorce by the end of that period than couples with \$10,000 in assets. Most divorce risk factors—such as age and education level—correlate with poverty, says *Statistics in Plain English* author Timothy Urdan.

If your parents were divorced, you're at least 40% more likely to get divorced. If your parents married others after divorcing, your chances are 91%.

This could be because witnessing our parents' divorce reinforces our ambivalence about commitment in a "disposable society," says *Divorce Magazine* publisher Dan Couvrette. "In most people's minds, it's easier to get a new car than fix the one you've got."

If only one partner in your marriage is a smoker, you're 75% to 91% more likely to divorce than smokers who are married to fellow smokers.

"The more similar people are in their values, backgrounds and life goals, the more likely they are to have a successful marriage," notes Tara Parker-Pope. From age to ethnicity to unhealthy habits, dissimilarities between spouses increase divorce risks.

If you're in a male same-sex marriage, it's 50% more likely to end in divorce than a heterosexual marriage. If you're in a female same-sex marriage, this figure soars to 167%.

A research team led by Stockholm University demography professor Gunnar Anderson based their calculations on legal partnerships in Norway and Sweden, where five out of every 1,000 new couples are same-sex.

—Anneli Rufus

This article appeared in *The Daily Beast*, May 2010. Anneli Rufus is the author of many books, including *Party of One: The Loners' Manifesto* and the Nautilus Award-winning *Stuck: Why We Don't (or Won't) Move On*, among others. Her books have been translated into numerous languages. In 2006, she won a Society of Professional Journalists award for criticism.

Odds & Ends

“My divorce came to me as a complete surprise. That's what happens when you haven't been home in 18 years.”

—Lee Trevino

“For a while, we pondered whether to take a vacation or get a divorce. We decided a trip to Bermuda is over in two weeks, but a divorce is something you always have.”

—Woody Allen

“His happiness is a small price to pay for my freedom.”

—Alessandra Stanley

Snooping *Continued from page 1*

If a spouse discovers pornography and decides to print a copy, or transmit a copy to counsel, therapist or friend, that, too, can lead to legal troubles. Both possession and transmission of child pornography are prohibited under federal law, and someone accessing Internet porn has no means of verifying the age of the subject in the pornographic images.

Installing spy software involves murky legal issues, particularly where a computer is jointly owned property. Installing spyware on a computer belonging to someone else is illegal, but when it comes to family computers, the issue of ownership is often blurry. What one spouse considers private property may legally be marital property owned by the spouses in common and vice versa.

Understanding federal law and the laws in your state is essential to knowing your rights whether you are the spy or the spied-upon spouse. Before you start snooping for possible infidelities of your spouse, speak to an experienced attorney first. A lawyer can explain your rights and best options available to you under the law. ♥

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CALENDAR

THE DIVORCE COURSE

Tuesday, Jan. 11 • 6:30–9:00 PM

*Learning Exchange Course
taught by Hal Bartholomew*

4740 Folsom Blvd.
Registration: (916) 929-9200

COLLABORATIVE DIVORCE

Thursday, Jan. 20 • 6:30–8:30 PM

*Learning Exchange Course
taught by Hal Bartholomew*

4740 Folsom Blvd.
Registration: (916) 929-9200



For more information about the calendar of events, newsletter articles or Family Law, visit www.DivorceWithRespect.com or call (916) 455-5200.



Gray Divorce Aging Couples Leading a Trend

- The gray divorce phenomenon are couples going their separate ways after 20 or more years together.
- Boomers born between 1946–1964 have a divorce rate that is triple that of their parents.
- In 2008, the Census Bureau reported that one-fourth of new divorces took place in people married at least 20 years. The same year, almost 51 percent of all divorced people were in the baby boomer age group.

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& Wasznicky**
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