



## Message from the President

I want to begin my last President’s message for 2013-14, as I began my first as President, thanking my Board members for their time and commitment over this past year and by welcoming our incoming President, Stacey E. Anderson. Stacey has been an invaluable friend and resource as Vice-President, and will be a great leader in 2014-15.

It has been another great year for collaborative practice in Maryland, with the continued growth of collaborative throughout the state including some truly wonderful milestones, most notably, the passage of the Maryland Uniform Collaborative Law Act. The passage of the MUCLA makes Maryland the ninth jurisdiction in the Country to pass the UCLA. The passage of this important legislation will serve to standardize elements of collaborative practice, and to put collaborative on equal footing with mediation by extending privilege to communications between parties and professionals in collaborative cases. I want to thank sponsors of the MUCLA in the House of Delegates and the Senate who sponsored and championed this important legislation through the process: Delegates Jeffrey D. Waldstreicher and Kathleen M. Dumais, and Senators Jamie B. Raskin and Brian E. Frosh – Thank you. And thank you to our committee members who gave so much of their time, as well as all of you who answered our many calls to reach out to your legislators in support of the passage of the MUCLA. The Collaborative Council of Western Maryland took our plea to heart, writing letters to their delegates and senators, as well as submitting an Op Ed letter in the local paper.



The 2013-14 term included a successful leadership summit attended by collaborative leaders throughout the state, as well as another AOC sponsored training in Annapolis. The most recent AOC training was organized and directed toward Legal Aid Bureau attorneys throughout the state as part of the continuing effort to bring collaborative dispute resolution to citizens of modest means. The Collaborative Project of Maryland (CPM) has welcomed a new Executive Director, who has recently begun a strategic planning initiative funded entirely by MCPC. In addition to casting a wider net by making collaborative available to families of modest means throughout the state, I expect that these efforts will be a boon to collaborative practice for years to come, enhancing its visibility and popularity.

The new practice group in Prince George’s County is going strong with more than 15 members, and we have the stirrings of a practice group in Harford County, compliments of the most recent AOC training. The Prince George’s County group received support from the Collaborative Practice Development Group in Montgomery County, who provided the fledgling practice group with a template for their first six educational meetings, which will culminate with their development of their own collaborative roadmap. We look forward to welcoming our next Board Member, a practice group representative from the Prince George’s County group.

The University of Maryland School of Law educated another group of young collaborative practitioners in the use of collaborative practice. I had an opportunity to speak at

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## Upcoming Events

### “The Collaborative Elevator Speech”

**June 5, 2014 // 4:30 PM**

Location TBD

**Speakers:** MCLA

The MCLA will be present to the Prince George’s County Chapter on “The Collaborative Elevator Speech: Giving Prospective Clients a Compelling, Persuasive Statement About the Collaborative Process in the Time it Takes to Ride an Elevator”. Members of other practice groups are welcomed to attend this marketing event.

For more information and to register, please contact Kathleen Wobber at [k.wobber@parlerwobber.com](mailto:k.wobber@parlerwobber.com) or (410) 832-1800.

### **Montgomery County CDRP/CDA Spring Institute** Dealing With Couples’ Money Issues in Divorce

**June 6, 2014**

Lakewood Country Club, Rockville, Maryland.

**Speakers:** MCLA

Olivia Mellan will be giving a presentation called “Finding Money Harmony In Collaborative Divorce”. Olivia is both a psychotherapist and financial professional who has written five books on money issues and couples and has appeared on Oprah, The Today Show, and 20/20. She is also a regular monthly contributor to many magazines geared to financial professionals. Having been divorced herself, she is very much interested in the collaborative divorce movement. Professionals in all disciplines have much to learn from Olivia about the psychology of money that will help assist our collaborative clients with the difficult conversations.

Deadline to register is May 27, 2014.

The registration flyer for this event can be found on page 11 of the newsletter.

For more information, please contact Judy D’Amico at [jdamico.cdrp@gmail.com](mailto:jdamico.cdrp@gmail.com).



**Maryland Collaborative Practice Council**

### **Mission Statement**

The purpose of the MCPC is to support collaborative practice groups, advocate state-wide on legislative, executive, and judicial initiatives, and to advance the use of the Collaborative Process as a method of dispute resolution.

### **Vision**

The vision for MCPC is to be the hub of the collaborative wheel that supports, connects, and unites practice groups, and is the foundation for advocacy and expanded use of the Collaborative Process in Maryland.

## **MCPC Board Members**

### **Full Board Members**

Steven Weisbaum, President  
Stacy Anderson, Vice President  
Margie Hofberg, Past President  
Kathleen Wobber, Secretary  
Sue Soler, Treasurer  
Suzy Eckstein, At-Large Member  
Ron Bergman, At-Large Member

### **Practice Group Representatives**

Nancy Weller, AACP  
Kathleen Wobber, BCDP  
Jac Knust, CPB  
Dan Kennedy, ACP (Frederick)  
Colette Brunell, HCCP  
Debora May, CDRP (Montgomery)  
Stephanie Fink, CDA (Montgomery)  
Brian Kane, CCWM (Washington, Frederick)

# The Uniform Collaborative Law Act (MUCLA) Is Now the Law In Maryland

by Kathleen Wobber, Esq. and Steve Weisbaum, Esq

The MCPC Legislative Committee and their members have been working tirelessly to pass the Uniform Collaborative Law Act, through lobbying both the Maryland House and Senate, providing educational materials and testifying before various committees. The MUCLA was first introduced as a bill in 2012, but due to concerns raised by various groups, the bill was withdrawn. Specifically, the Maryland State Bar Association (MSBA) expressed concern that the MUCLA appeared to regulate attorneys, a function they felt was best left to the Courts, and instead suggested that the MUCLA be a rule rather than a statute.

As a result of feedback received in 2012, the MCPC Legislative Committee removed the disqualification provision (providing that an attorney representing a collaborative client could not be part of litigation), the informed consent provision (providing how attorneys must discuss the process with their clients) and removed the requirement that attorneys screen clients for potential domestic violence issues. These provisions were not discarded, rather the MSBA felt that they would better be addressed by the Rules Committee.

The revised MUCLA bill included provisions about when the Collaborative Process begins and ends, what needs to be included in the participation agreement and, most importantly, provides for confidentiality and privilege protections similar to those granted by the Maryland Mediators Confidentiality Act.

After an extensive lobbying effort, the MUCLA passed the Senate unanimously. Those present in the House chamber voted in favor of the bill, after intensive last-minute lobbying and with only four hours left in session! On Monday, May 5, 2014 the Maryland Uniform Collaborative Law Act was signed into law by Governor O'Malley as Subtitle 19 of the Courts and Judicial Proceedings Article. The law officially takes effect on October 1, 2014. However, the job of the MCPC Legislative Committee is still not over – there has already been one meeting with the Rules Committee about including collaborative provisions, with more to come.

## Practical Tips for Practitioners:

1. What Must Legally be Included in the Participation Agreement - (a) Be sure that your participation agreement includes the statement "It is the parties' intention to resolve a collaborative matter through a collaborative law process under Subtitle 19 of the Maryland Courts and Judicial Proceedings Article"; (b) your participation agreement must describe the "nature and scope of the matter"; (c) the participation agreement must identify the collaborative lawyer who represents each party and must "contain a statement by each collaborative lawyer confirming the lawyer's representation of a party in the Collaborative Process" (the would be appropriately place just before the attorney's signature line).
2. Scope of Disclosure - The MUCLA allows the parties to define the scope of disclosure (this should be done formally in your first set of minutes), requires that participants make "timely, full, candid and informal disclosure" of information without the need for discovery and includes the requirement that a participant "update promptly" information previously disclosed.
3. Documenting the End of the Collaborative Process - (a) No resolution of the case: Termination of the process must be documented via a formal notice if a party terminates the Process, if one party files with a court or upon discharge of the attorney or client (formally noted); (b) Full or partial resolution of the case: A resolution of the entire matter must be evidenced by "a signed record," and resolution of part of a matter must be evidenced by a signed record with an agreement specifically stating "that the remaining parts of the matter will not be resolved in the Collaborative Process."
4. Confidentiality – Confidentiality attaches only if it is "agreed by the parties in a signed record" or by state law (i.e. attorney/client privilege). It is required that practitioners include a specific statement regarding confidentiality in their participation agreement.

Watch the MCPC website for an updated Sample Participation Agreement and recommended first set of minutes.

*(continued on page 4)*

*(MUCLA continued from page 2)*

This article would not be complete without a heartfelt thanks to the MCPC Legislative Committee Chairs Ron Bergman, Craig Little and Suzy Eckstein, along with Committee Members Mary Pence, Bruce Avery, Steve Weisbaum, Jana Singer, Margie Hoffburg, Sogand Zamani, Paul Smoller, Jane Murphy, Elizabeth Stupp, Mary Ellen Flynn, Sheila Sachs Sue Soler, Amy Mazer, Carl Mitlehner, all of whom took many hours from their practices to educate, lobby and testify in favor of the MUCLA.

The MCPC also encourages practice group members to thank the legislators, without whom this bill would have never made it through the process. On page 5 of the newsletter is a flyer with further information on the legislatures who shepherded the MUCLA through the process. We encourage you to donate to these legislators by clicking on the links (when asked for your profession, be sure to start with the word “collaborative” so they will know the donation is from the collaborative community).

## What Do Israel and Maryland Have in Common?

by Suzy Eckstein

On Thursday, April 24, 2014, Idith Schaham from Ramat Gan, Israel came to the Administrative Office of Courts (“AOC”) three day collaborative law training to spend the afternoon sharing tips and stories from the low bono collaborative project that was begun in Ramat Gan, Israel several years ago. We first met Idith when she and others involved in the Israel project spoke at the 2011 IACP Forum in San Francisco, California. Idith came to visit CPM in Maryland last year, and has kept in touch since then.

The Israel project was an inspiration for the founding members of the Collaborative Project of Maryland (“CPM”). At the time of the San Francisco Forum, CPM was just forming. Just a few months later CPM received its first funding from AOC and the rest is history. CPM was modeled on many of the protocols utilized by the Israel project.

CPM used the AOC Training and Idith’s arrival as a learning and community building opportunity. Idith shared many helpful ideas and lessons learned from the Israel project. In particular, she provided guidelines for thinking about how a team should be developed in low bono cases. Idith spoke

to an audience of all of the trainees plus many volunteers from CPM, who came just for the afternoon session. The session was followed by a networking hour for everyone, which included delicious pastries provided by AOC.

Everyone enjoyed Idith’s portion of the training immensely and are looking forward to future opportunities to work together.

Trip to Israel anyone?

*(president’s message continued from page 1)*

their last class, and I discussed the remarkable strides and growth, not only in the popularity of collaborative, but in the maturation of collaborative practice in the state. New practitioners of collaborative have more resources and support than ever before, not only for their practice groups but also to help them make the transition from theory to practice. The Collaborative Roadmap is a great example of this. I have seen the use of the Roadmap, which was first introduced to practitioners around the state at MCPC’s Educational Forum in 2013, gain traction and use. The availability of it will prove to be an invaluable tool in helping newly trained collaborative practitioners make the transition from theory to practice.

In October, MCPC will presenting an exciting educational program, “Breaking Down Barriers to Support,” which will introduce a new method for addressing support issues in the collaborative setting. In short, I am seeing new connections and growth in collaborative practice everywhere I look throughout the state, with new practitioners and new practice groups reaching out, and experienced groups and individuals answering their calls for support and the collaborative movement continues to gain momentum.

In the coming year, look for the roll out of our new website as well as the announcement of next spring’s statewide educational forum. I look forward to continuing my work on the Board of MCPC as Past President, and to the accomplishments that await our new President and Board.

Have a great summer!

*Steven M. Weisbaum*

[sweisbaum@mac.com](mailto:sweisbaum@mac.com)



Maryland Collaborative Practice Council

Dear Collaborative Practitioners,

The UCLA passed on April 7 as the result of a lot of hard work from dedicated individuals who gave selflessly of their time over several years, particularly over these past six months - most notably the members of MCPC's UCLA Committee. ***I am reaching out to you on behalf of MCPC and all those individuals who gave so much, to ask you to support those Senators and Delegates who were so instrumental in shepherding the UCLA through the various committees and eventually to a full vote and passage only four hours before the end of the 2013-2014 legislative session.***

Our committee has identified the following individuals who played critical roles throughout the process to keep the UCLA alive and ensure its passage and I am writing to request that you consider supporting these "Champions of Collaborative Practice" by donating to their political campaigns, which are now in full swing.

**Delegate Jeffrey D. Waldstreicher**

**Delegate Kathleen M. Dumais**

**Senator Jamie B. Raskin**

**Senator Brian E. Frosh**

**NO CONTRIBUTION IS TOO SMALL!!**

While MCPC will be making contributions to each, because most practice groups are 501(c)(3) organizations, their ability to contribute is limited. That is why I am appealing to each of you to consider giving what you can, individually, to those who supported the collaborative movement in Maryland.

**IT'S EASY, JUST CLICK ON THEIR NAME AND DONATE.**

And don't forget to thank them for their support of the UCLA!

Sincerely,

Steven M. Weisbaum

**President, Maryland Collaborative Practice Council**

51 Monroe Place, Suite 1901

Rockville, MD 20850

(p) 301-279-0977

(f) 301-340-7956

sweisbaum@mac.com

# Your Collaborative Tool Belt - What to Serve Your Guests

by Kathleen Wobber, Esq.

*The Collaborative Tool Belt is a series of articles on tools for collaborative practice. If you have tools which you have found useful, please send an email to [k.wobber@parlerwobber.com](mailto:k.wobber@parlerwobber.com) and your information will be shared with the collaborative community.*

If you have seen collaborative practice training videos or taken a class, you will notice that food is always present in the background, but the use of food rarely discussed for more than a moment. While not officially highlighted in the collaborative practice texts, the “breaking of bread” is a vital part of the Collaborative Process.

In her web article on the meaning of food, psychologist Velleda Ceccoli writes that the preparation of food “is a way of sharing oneself and caring for others.” The food also becomes a non-controversial subject of discussion during breaks, inclusive to all because everyone eats! The Harvard Negotiation Law Review notes that “breaking bread” together is a ritual that has not only social significance but also biochemical benefits. Indeed, scientists have found that ingestion of food triggers the brain to release Oxytocin, a chemical which fosters trust.

When providing food for a collaborative meeting, it is important to ask participants if they have any food allergies or special dietary requirements. We would not want to serve sweets to a diabetic or chocolate to a participant with an allergy, because then we risk excluding one person from the group, which is not in the spirit of collaborative law.

We know, of course, that food won’t make or break progress in a collaborative case, but it clearly helps the participants relax. This brings us to the age-old problem: What do I serve my guests? We polled a number of collaborative practitioners around the state for snack ideas. Stephanie Fink, of Annapolis, recalls the days when collaborative food was more exotic, but sees a trend toward more modest snacks such as fruit and nuts. Stacey Anderson, whose Baltimore City conference room is also an upscale art gallery, serves homemade banana bread. Anna Marie Walsh, a collaborative attorney in Towson, serves an assortment of Pepperidge Farm cookies. Steve Weisbaum, who works in the Collaborative Practice Center of

Montgomery County, favors granola bars, hummus with pita and cheese sticks. Debbie May, a financial neutral in Bethesda, always has chocolate and popcorn on hand (because she feels these snacks have positive memories for people and smells great), together with fruit, nuts and a large picture of waters. For a lunch meeting she asks the participants what types of sandwiches they would like to have in advance, and Debbie suggests “I always have everything in place before the meeting so the clients don’t think we are wasting professional hours setting up food!”

Amy Mazer, a social worker practicing in Howard and Baltimore Counties, makes her own special treat – Gluten Free Oatmeal Cookies, which work equally well for either morning meeting (think oatmeal for breakfast) or an afternoon meeting (what is better than cookies?). The fact that the snack is gluten free will ensure that those on special diets are also able to partake. In the spirit of collaborative law, Amy has graciously agreed to share her secret recipe:

## Amy’s Oatmeal Pecan Cookies

1 1/2 cup	rolled oats
1/2 cup	dark brown sugar - packed
1 tsp	baking powder
1/8 tsp	table salt
1/3 cup	unsalted butter, melted
1 egg	(beaten)
1/2 tsp	vanilla
1/2 cup	finely chopped pecans (can substitute other nuts, if desired)

Preheat oven to 350. Line 2 cookie sheets with parchment paper. Mix first 5 ingredients, add last 3 ingredients.... mix well. Can refrigerate batter if desired.

Drop teaspoonfuls into parchment lined cookie sheets.

Bake for 8-12 minutes turning the cookie sheets as needed to bake evenly.

Remove from oven and let stand for few minutes before removing the cookies from the cookie sheets so they remain crisp.

Cookies will lift off the parchment easily when ready...let cool completely and ENJOY!

# Maryland Collaborative Practice Group Updates

## Baltimore Collaborative Divorce Professionals (BCDP)

The Baltimore Collaborative Divorce Professionals held a breakfast meeting on May 13th at Big Mattie's Diner in Locust Point (Baltimore City). The group participated in a presentation "The Collaborative 'Elevator Speech'" and development of its practice group core message. The group chose four core messages to convey, and then the members worked on their individual "elevator speeches", which is a ten second summary about collaborative law, designed to help market the group members' collaborative practices.

The next BCDP meeting will be held at 7:30 a.m. on June 10, 2014 at Big Mattie's Diner, 838 E. Fort Ave., Baltimore, featuring the topic "The Appraiser's Role in the Collaborative Process". New members are welcome. Please contact Mike Lay, [mLAY@motsayandlay.com](mailto:mLAY@motsayandlay.com) with any questions.

## Collaborative Council of Western Maryland, (CCWM)

Hagerstown's Collaborative Council of Western Maryland, Inc., held its biennial joint meeting with Frederick's Association of Collaborative Professionals on May 1 at the historic South Mountain Inn at Boonsboro, appropriately once a favorite haunt of famed advocates Daniel Webster and Henry Clay. Honored guests included Steve Weisbaum and Stacey Anderson, president and president-elect of MCPC respectively; Judge Dana Moylan Wright of the Circuit Court for Washington County; and Jason Mallott, the Washington County Register of Wills. After an update from Steve and Stacey about the Uniform Collaborative Law Act and ongoing initiatives regarding proposed court rules related to collaborative practice, gratitude being expressed for the support of the Act by Washington County representatives Del. Neil Parrott, member of the Judiciary Committee, and Sen. Christopher Shank, member of the Judicial Proceedings Committee, an exciting report was given from Karen Robbins about the progress and possible expansion of the collaborative divorce course at University of Maryland's school of law. Attendees then participated in a lively roundtable discussion of implementation of collaborative practice in wide-ranging areas, including estate administration disputes, and integration with the Circuit Court's ADR initiatives.

Many thanks to Teri Heger, president of ACP, and Ron Sulchek, president of CCWM, and Elizabeth Stup for organizing the event, and to the guests for their interest in collaborative practice.

## Collaborative Dispute Resolution Professionals (CDRP)

CDRP continues to focus on public and professional awareness. It has a monthly advertisement for collaborative divorce in the *Washingtonian*, along with the three other metro area practice groups. The ad runs for the balance of this year.

Debbie May will be presenting an educational program, panel format, on collaborative divorce to certified financial planners at their June 20th symposium.

Attended by over 150 local CFP's. CDRP will host an end of the year happy hour party on June 9th at Caddie's second floor private room, in Bethesda. Other practice group members are welcome.

CDRP AND CDA are sponsoring an all day training on June 6, 2014 at LakeWood Country Club titled "Dealing With Couples Money Issues in Divorce" with Olivia Mellan. Even though this is sponsored by the Montgomery County Collaborative Law practice groups, this is a very relevant program for all divorce related matters. If you have any cases in which money is an issue, don't miss this program! Deadline for registration is May 27, 2014. See the event flyer on page 11 of the newsletter.

### What Does the Judiciary Know About Collaborative Law?

While collaborative practitioners are working to get the word out to the public, it is also important to let the Judiciary know that the Collaborative Process is an effective tool to resolving disputes.

The MCLA is leading the charge to educate the Judiciary. All the Masters are meeting together state-wide, and the MCLA has taken this opportunity to arrange a presentation on collaborative law. Suzy Eckstein and Stacey Anderson will be representing the MCLA, and we will look forward to hearing the Masters' comments and questions!

# “Breaking Down Barriers to Support: How a Cohesive Collaborative Team Can Inspire New Thinking”

## Participants will learn:

A new approach to helping clients in the Collaborative process resolve the hardest financial issues, including alimony, budgeting and payment for child expenses

## Including:

How and when to talk to clients about their thoughts and feelings about money

Marital dynamics and roles pertaining to money and the impact on the Collaborative process

How to frame financial issues so they are about solving issues vs. blame

How to maximize the use of coaches and financial neutrals in financial conversations and process

**Date: Friday, October 10, 2014**

**Time: 8:30am -3:30pm**

**Montgomery County Maryland Bar Foundation  
27 West Jefferson Street • Rockville, MD 20850**

**Cost: \$95**

PRESENTED BY COLLABORATIVE PRACTICE TRAINING INSTITUTE:

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For Questions contact:

**Margie Hofberg at [margie@rmcenter.com](mailto:margie@rmcenter.com) or Sue Soler at [suesoler@yahoo.com](mailto:suesoler@yahoo.com)**

# The Role of the Mortgage Broker in the Collaborative Process

by Joseph Shagena

Having a mortgage broker who understands the Collaborative Process is beneficial when it comes time to engage in a discussion regarding marital real property. Often both spouses wish to retain the same piece of real property. Before engaging in a discussion of which spouse keeps real property, it is important to preliminarily analyze whether a spouse is able to qualify to retain the property, versus qualification to obtain another, perhaps less expensive, residence.

The structure of the financial settlement between the parties could also have an effect on a participant's ability to refinance or obtain a new residence. Advance preparation is vital before a participant applies for a mortgage loan. A mortgage broker can assist a participant who has limited credit, income and/or asset, particularly where the participant's credit was historically otherwise good, but has been impaired due to the divorce process. Mortgage brokers can counsel participants on ways to help lift credit scores, remove old delinquent accounts and take advantage of rules that may allow some delinquent accounts to not be counted towards mortgage qualification.

## A Mortgage Buyout Case Study

A man going through a divorce called a mortgage broker, frantic that his credit union had declined a revised loan which they were currently servicing, due to a valuation issue (appraisal below 80% LTV). He had placed his estranged wife on title of the home less than 3 years before and had agreed to buy her out for \$19,000, which caused an administrative issue within the credit union. His credit was good and his income sufficient, but this property value was further complicated because there was another home deeded on the same lot, which created difficulty for the appraiser in finding comparable homes. Unfortunately the client had not retained a mortgage broker early in the divorce process and he had less than three weeks to accomplish the mortgage buyout, in order to meet the deadlines in his Separation Agreement. Thankfully the mortgage broker was able to coordinate with the appraiser, the credit union and the title company, in order to close the loan with another lender, within the requisite time frame.

This example (which actually happened) illustrates the benefit to participants of early involvement by a mortgage broker. Even if a participant appears on paper to have sufficient assets to refinance, peculiarities in the mortgage process and with language in the separation agreement may hamper a participant's ability to timely complete the refinancing process. It is better for participants to know up front, during the negotiation process, whether they can clear obstacles to refinancing, rather than creating an agreement which cannot be fulfilled.

A collaboratively trained mortgage broker understands the Collaborative Process and can help guide the participants and their attorneys to craft a successful agreement vis-à-vis the real property. Best of all for the participants, the mortgage broker is compensated by the client after closing; he takes no fees up front for his work, which can be a relief to participants who are concerned about legal fees.

*Joseph Shagena is a licensed mortgage originator with the Nationwide Mortgage Licensing System & Registry ([nmlsconsumeraccess.org](http://nmlsconsumeraccess.org)) NMLS # 135022. He trained in the Collaborative Process, has assisted divorcing clients in navigating the loan process and has over 23 years experience in the origination of residential mortgages. Joe is a principal in the Destiny Mortgage Group, Inc. is a licensed Mortgage Broker in the states of MD, VA, PA, DE, DC and FL. Joe is happy to answer questions, he can be reached at 410-584-2274 or [jshagena@destinygrp.net](mailto:jshagena@destinygrp.net)*

## Divorce and 529 College Savings Plans

by Aleksandr (Alex) Seleznev, MBA and Debbie May, CPA, CFP®, CDFA™

Divorce may result in substantial disruption in family matters and particularly financial aspects. College savings plans, or 529 plans, are some of the most commonly misunderstood assets when it comes to divorce. Question: If carryover state deductions, who gets in divorce if not in agreement? The most common assumption is that these are the children's assets and will inevitably be used for their benefit. This is not always the case. Understanding some of the basic principles of how the 529 plan accounts work may be important to properly structuring divorce agreements to ensure your children are the ultimate benefactors of these assets.

(continued on page 10)

(divorce and 529 continued from page 9)

A 529 college savings account can have only one owner. Joint ownership is not allowed. The owner of the account can change the beneficiary at any time. If something happens to the account owner, the successor owner will replace the original owner. The owner can change the successor owner. For most 529 college savings plans, the account owner has substantial or even full discretion on how the contributions are invested. Funds in 529 college savings plans can be used to pay for qualified higher education expenses including tuition and fees, room and board, required books and required supplies.

Contrary to popular belief, the account owner is under no obligation to use the funds for the beneficiary's college related expenses. In fact, your ex-spouse's 529 account has an option of withdrawing all funds from the 529 college savings accounts and using them for personal use, including their own qualified continuing education. Such withdrawal may be subject to a 10% penalty and tax on the growth portion of the account. For example, if your total contribution is \$10,000 and the total withdrawal amount is \$12,000, the penalty and tax will be assessed on only the \$2,000 growth portion.

The account owner can change the beneficiary at any time. The choice of a new beneficiary is not limited to your other children. The allowed beneficiaries include parents, grandparents, grandchildren, first cousins, aunts and uncles.

Specifying the successor owner may also be important to prevent potential misunderstandings in the future. Assume your ex-spouse follows the agreement and you are satisfied with the decisions that are being made. What happens if he or she dies or is incapacitated? Will the successor owner on the account be able to properly manage the funds and other details? In most cases, naming the other parent as the successor owner may be the best option compared to some other relatives. It is more likely that parents will take steps that will be in best interest of their children.

For most 529 college savings plans, the account owner has substantial or even full discretion on how the funds will be invested. Any monies that have already been contributed to the plan have to be invested. Keeping the contributions in a money market fund or equivalent may not maximize the growth potential. Some of the 529 college savings plans by default would invest your contributions in Target Date funds. These funds invest in a mix of equity and fixed

income investments and adjust this mix as your children get closer to college years. One of the potential issues may be that by the time your child turns 14-15 years old and has 3-4 years until college, the plan investment mix becomes very conservative. The District of Columbia College Savings 14-16 Age-based portfolio, for example, invests approximately 66% of its assets in fixed income securities. Depending on your personal circumstances, you may want to chance this mix to a more growth oriented option.

You or your soon to be ex-spouse may have parents that told you they have substantial amounts saved up for your children's education. Keep in mind that as account owners, they have full discretion on how and when their funds will be used. The verbal promises that were made to you may not transpire, especially in a divorce scenario. Even if there are no issues, you may still want to discuss as part of the divorce settlement how the funds will be utilized for your children's education.

In summary, it is important to make sure that your separation agreement includes provisions to administer and distribute funds in 529 college savings accounts, unless you jointly agree otherwise. The agreement should specify how and for whose benefit each of the 529 accounts will be used. An annual disclosure to the other spouse may be advisable in order to review the pertinent information and value of the account. In most cases, the other parent should be the successor owner.

In terms of the investment management, you may want to make sure that the account owner is capable of managing the funds and making adjustments to the portfolio mix, if necessary. More information can be found at [www.collegesavingsplans.com](http://www.collegesavingsplans.com).

*Aleksandr (Alex) Seleznev, MBA is an Associate in the Financial Planning and Litigation Support division of May & Barnhard, PC in Bethesda, MD. Alex recently received his MBA, with a concentration in Financial Analysis/Valuation from Old Dominion University. In March 2013 he passed the Certified Financial Planner exam and is awaiting certification.*

*Debbie May, CPA, CFP®, CDFATM, is the Managing Partner at May & Barnhard, PC in Bethesda, MD. For the past 25 years May & Barnhard has been providing tax, financial planning and divorce financial consulting. Debbie is the recent past President of the Collaborative Dispute Resolution Professionals, and has participated in over 80 collaborative divorce cases. Please feel free to contact Alex or Debbie at [www.may-barnhard.com](http://www.may-barnhard.com).*



# THE COLLABORATIVE INSTITUTE 2014

## FINDING MONEY HARMONY IN COLLABORATIVE DIVORCE

sponsored by



### FEATURED SPEAKER

**Olivia Mellan** • Author, Money Coach and Psychotherapist

Olivia is both a psychotherapist and money coach who has written 5 books on money issues and couples and has appeared on Oprah, The Today Show, and 20/20. She is also a regular monthly contributor to *Investment Advisor*, a magazine geared to financial professionals. Having been divorced herself, she is very much interested in the collaborative divorce movement.

*Olivia Mellan is a unique voice helping individuals and couples master their moneylife with humor and compassion.*

- Jean Chatzky • Financial Editor for NBC's TODAY Show

### WHAT YOU WILL LEARN

Olivia will present on the following topics related to money within a collaborative divorce: The healthy stages of a couple relationship, what is "money harmony" work, the power of "practicing the non-habitual", couples polarization patterns about money, polarization around retirement issues, how to depolarize, good couples communication skills, gender differences around money, stress management around divorce and how to create money dialogues to help divorcing couples through impasses. There will be empathetic communications exercises and you will learn about your own money harmony profile.

### CONTINUING EDUCATION CREDITS

This course is approved by the Maryland Board of Social Work Examiners (Maryland-NASW) for six (6) continuing education credits, sponsored by the National Family Resiliency Center, Inc., an approved sponsor of the Maryland Board of Social Worker Examiners for continuing education credit for licensed social workers in the Maryland. Psychologists, licensed professional counselors, and marriage and family therapists will be awarded a Certificate of Attendance. Continuing education credits will also be awarded to Virginia lawyers and Maryland and Virginia CPAs.

### DATE

Friday, June 6, 2014

Registration 8:00 am – 9:00 am  
Program 9:00 am – 4:00 pm  
Book Signing 4:00 pm – 4:30 pm

### LOCATION

Lakewood Country Club  
13901 Glen Mill Road  
Rockville, Maryland 20850

### COST

\$225 before March 31, 2014  
\$275 after March 31, 2014  
Includes breakfast, lunch,  
and valet parking.

### REGISTRATION DEADLINE

Tuesday, May 27, 2014

Registration will be confirmed  
electronically. Refunds provided  
30 days prior to conference.

### REGISTRATION

Name \_\_\_\_\_

Degree/License No. \_\_\_\_\_

Company \_\_\_\_\_

Street Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone (with area code) \_\_\_\_\_

E-mail \_\_\_\_\_

Make check payable to *CDRP, Inc.*

Detach form and mail with check to:

**Judy D'Amico**  
**May & Barnhard, PC**  
**4840 Cordell Ave**  
**Bethesda, MD 20814**  
**301-656-5794 x14**  
**Jdamico.cdrp@gmail.com**

## Olivia Mellan: Professional Speaker, Author, Money Coach, Psychotherapist and Business Consultant

Since 1982, Olivia Mellan has been a groundbreaker in the field of money psychology, couples communication, and money conflict resolution. Co-author with Sherry Christie of five critically acclaimed books, *Money Harmony* (a/k/a *Your Money Style*), *Overcoming Overspending*, *Money Shy to Money Sure* (for women), *The Advisor's Guide to Money Psychology* and *The Client Connection* (for financial advisors), Mellan gives talks to business and professional groups, to women's organizations, to therapists, and to the general public, on topics such as:



- Gender Differences and Money
- Money Harmony
- Stress Management
- Couples Communication Skills:
- Money Psychology Tools for Financial Advisors and CPAs
- Combatting Burnout In Your Worklife
- Women, Money and Empowerment
- Kids and Money
- Conflict Resolution
- Couples and Money
- Women's Seven Money Myths
- Talking to your Parents about their Money

### What people say about Olivia Mellan:

"I love Olivia Mellan's groundbreaking work with money personality types and gender differences. Everyone can benefit from her powerful work." T. Harv Eker, author of the #1 NY Times bestseller, "Secrets of the Millionaire Mind."

"Olivia Mellan is a unique voice helping individuals and couples master their moneylife with humor and compassion." Jean Chatzky, Financial Editor for NBC's TODAY Show.

"Thank you again for speaking at our Women's Conference. The feedback about your lecture was tremendous!" Madeline B. Cohen, M.S.W., Staff Coordinator, Women's Conference.

"Olivia Mellan is the best speaker today on the psychological dynamics that lead to client dysfunction around money."

Bob Veres, publisher, *Inside Information*

Mellan has produced an audio-CD set, *The Secret Language of Money*, based on her moneytalks. She has often been featured on the TODAY Show, ABC's 20-20, The Oprah Winfrey Show, Fox Morning News, on nationwide radio and in the print media. Her monthly column, "The Psychology of Advice" appears in *Investment Advisor* magazine. Mellan was named one of Investment Advisor's Top 25 in 2006 and 2013- those most influential in shaping the financial planning industry.

### Clients include:

HSBC of North America  
SIFE Financial Literacy Forum  
The Washington Post  
The MONY Group  
LPL Financial Services  
The Million Dollar Round Table (MDRT)  
American Association of Retired Persons (AARP)  
National Endowment for Financial Education  
Harris Bank, Hancock Bank, People's Bank  
The Financial Planning Association (FPA)  
National Association of Personal Financial Advisors  
The Association of Independent Trust Companies  
Financial Service Corporation  
Psychotherapy Networker Symposium  
Investment Management Consultants Association

Barnard College Alumni Assn.  
First Trust Co. of Illinois  
YWCA's of Tucson and St. Joseph, Mo.  
National Football League  
The Friends' Conference on Religion and Psychology  
The D.C. Estate Tax Planning Council  
Investment Advisor's Wealth Advisor Summit  
American Express Financial Advisors  
Jewish Family Services  
Montgomery County Commission for Women  
The Women's Fund of New Hampshire  
Washington, D.C. and St. Louis Ethical Societies  
Sacred Circles Conference - Wash National Cathedral  
AICPA National - Va. Society of CPAs, Ohio Society of CPAs  
Financial Advisors' Client Appreciation Events  
Wells Fargo Financial Services

**To contact Olivia Mellan:** E-mail: [moneyharmony@cs.com](mailto:moneyharmony@cs.com), Phone: 202 483-2660 Ext. 4;  
Olivia Mellan & Associates, Inc., 2607 Connecticut Avenue, N.W., Washington, D.C. 20008-1522.

**Website:** [www.moneyharmony.com](http://www.moneyharmony.com)

