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The “Co-Worker Rule” Helps Spouses Set Boundaries During A Divorce

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Divorce Mediator Kimberley Keyes discusses how the Co-Worker Rule helps former spouses communicate after separating.



In a recent [divorce mediation](#) blog post, we discussed the [Co-Worker Rule](#), which provides a practical approach for separated spouses setting boundaries and communicating during and after the divorce process. A recent Massachusetts divorce case highlights the importance of the Co-Worker Rule, and how it can minimize the stress and uncertainty that you and your spouse face during and after the end of your marriage. In today’s blog, we will discuss how this recent case, [Intoni v. Intoni \(2017\)](#) illustrates the importance of the Co-Worker Rule, by showing what happens when

spouses are unable to set appropriate boundaries during the divorce process.

The Co-Worker Rule: A Simple Approach for Divorcing Spouses

In essence, the Co-Worker Rule is a rule of thumb for spouses to follow to help make the divorce process smooth and easy for spouses and their families. I described the rule this way in my previous blog:

The [Co-Worker Rule] is simple: treat your ex-spouse, or soon-to-be-ex-spouse, the same way you would treat a co-worker in a professional setting. What does this mean in practice? Use common sense. You shouldn't vent unfiltered anger at your co-worker, or needlessly make a co-worker angry. You shouldn't share intimate details about yourself or engage in proactive or reaction-seeking behavior around co-workers. Avoid oversharing about your personal life in the work place. Maintain a steady, composed demeanor. Be a professional.

The Co-Worker Rule offers a simple bottom line: Stop communicating with your spouse as if you were still married and start communicating with him or her as you would with a co-worker. In the workplace, one frequently needs to work with difficult individuals whose attitudes, habits or history mean you are unlikely to fast friends. The key to working with such people is maintaining a professional demeanor. Most of us would not allow personal drama with a co-worker derail our career. A divorce is similar. Divorcing spouses need to look past their baggage in order to get a job done. Divorced and separated spouses frequently need to continue interacting with each other after a breakup, especially if there are children involved. The Co-Worker Rule helps keep [negative emotion levels](#) at a minimum, while still ensuring that necessary work get done.

The Intonti Divorce: Bad Post-Divorce Communications Cost Money

A recent unpublished opinion of the Massachusetts Appeals Court, [Intoni v. Intoni \(2017\)](#), reveals some of the dangers that can arise for

couples who cannot set boundaries or learn to communicate in their post-separation life. The parties were [divorced in 2014](#). The parties executed a Separation Agreement, which was incorporated in a divorce judgment, setting out provisions for their post-divorce life. The Agreement acknowledged that the parties had set aside funds for their children's college, and provided that neither party would be obliged to pay for the children's college education until "all those available funds are exhausted." The agreement further provided that the mother would send copies of college-related bills to the father, presumably so both parties could track how the college funds were being spent. The Agreement also provided the mother would return certain personal belongings to the father following the divorce. The father filed a Complaint for Contempt, claiming that the mother violated the Separation Agreement for failing to provide copies of college bills and failing to return the father's personal property. Under the law, in order to prevail on his complaint, the father had to prove by clear and convincing evidence that the mother had disobeyed a clear order of the court. The contempt was heard by [Hon. Randy J. Kaplan](#) of the Essex Probate and Family Court. At the trial, the mother offered evidence that the college fund still had money in it. The judge found the agreement was ambiguous about whether the mother needed to send copies of all college bills to the father, or only begin sending bills once the college fund was exhausted. Further, the judge found (and the husband admitted at trial) that the agreement did not specifically list the allegedly missing personal property sought by the father, again making a finding of contempt impossible due to the agreement's ambiguity. The court therefore decided that the mother was not in contempt, and entered an order requiring the father to pay the mother's attorney's fees. When the father appealed, the Appeals Court upheld the lower court decision.

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How the Co-Worker Rule Could Have Helped

The [Intoni](#) case is a class example of how adopting the Co-Worker Rule can help divorced and divorcing spouses avoid costly communication failures. In any case where co-workers have to act on a controlling document from their boss, they need to make a collective decision about what the document means. Any ambiguities in the document need to be ironed out, or else the co-workers could find themselves acting on it in conflicting or even contradicting ways. In the [Intoni](#) case, such collaboration would likely have eliminated the need for a complaint for contempt, and this would have saved the father from having to pay for his ex-wife's attorney's fees to defend the case. If he had adopted the Co-Worker Rule and asked in a professional manner why the college bills had not been sent – and worked out a system for exchanging documents in the future – it is possible that they could have the college billing question without the need for costly contempt proceedings. Similarly, had the missing personal property been handled in an organized fashion, with each spouse exchanging lists of any remaining property for the father to recover, that issue may have also been avoidable. Instead of entering the winner-take-all realm of litigation, a mutually beneficial solution may have been possible. Of course, the decision does not provide enough background information for us to understand the personal dynamics between the parties in the [Intoni](#) case. For all we know, communication was simply impossible due to the parties' history or personalities. In most cases, however, the Co-Worker Rule allows divorced parties to get past the history of animosity and work towards a common goal, even if that goal is simply avoiding a costly and stressful post-divorce trial and appeal.

Kim is a divorce mediator for South Shore Divorce Mediation, located in Hingham, Massachusetts and East Sandwich, Massachusetts. She is also a Senior Associate Attorney for Lynch & Owens, P.C., where she specializes in divorce and family law issues. Kim is a statutory mediator under M.G.L. Ch. 233, s. 23C and a proud member of the Massachusetts Council on Family Mediation. To read more from Kim Keyes, check out [her author page on the Lynch & Owens Blog](#). **Disclaimer: The information you obtain at this site is not, nor is it intended to be, legal advice. You should meet with an attorney for advice regarding your individual situation. You are invited to contact our office. Contacting the office does not create an attorney-client or mediator-client relationship. Please do not send any confidential information to the office until such time as an attorney-client or mediator-client relationship has been established. This blog is considered an advertisement for the Law Office of Lynch & Owens, P.C. d/b/a South Shore Divorce Mediation. The Massachusetts Rules of Professional Conduct broadly govern all advertisements and communications made by attorneys and law firms in the Commonwealth. Generally, legal websites and any other content published on the internet by lawyers are considered a type of communication and an advertisement, according to the Comments to Rule 7.2.**

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