



# Parent's Handbook

PARENT EDUCATION FOR SEPARATING OR DIVORCING PARENTS



June 2011



**NEW YORK STATE**  
**PARENT EDUCATION AND**  
**AWARENESS PROGRAM**





*Chief Judge of the State of New York*



*Jonathan Lippman*

Dear Parents:

As divorcing or separating adults, you may be experiencing one of the more stressful and painful times of your life, with many personal changes and adjustments to make. But the breakup of your marriage can be even more stressful and painful for your children. You may stop being husband and wife, but you both always will remain parents of your children.

You will celebrate their successes and support them during times of disappointment. If your children have children, you will be grandparents together. As difficult as it may be, you have to continue to be responsible parents at what may be a very challenging time.

The Parent Education and Awareness Program was designed to help you gain a better understanding of what your children are experiencing and to give you the practical tools and guidelines that can help reduce the stress of your breakup on your children. By participating in the Program, you have taken an important step that we hope will help you assure the emotional and physical well-being of your children.

This Handbook was prepared to summarize the material presented in the classes, so that you can keep it with you and refer to it whenever you wish. I hope that the Program, and this Handbook, will prove to be beneficial to you and your children.

Sincerely,

A handwritten signature of Jonathan Lippman in black ink.

Jonathan Lippman

## **ACKNOWLEDGMENT**

The Parent Education and Awareness Program was established with the help of a Parent Education Advisory Board ("Advisory Board"). Honorable Evelyn Frazee served as Chair of the Advisory Board, which developed standards and guidelines for parent education programs that accept court referred cases in New York State. Judge Frazee also compiled this Parent's Handbook.

Much of the content of this Parent's Handbook comes from material written by JoAnne PedroCarroll, Ph.D., for the A.C.T. — For the Children (Assisting Children through Transition) program. We thank her for graciously and generously sharing her work in preventive interventions for children and parents. Valuable ideas and materials were also gleaned from Parents Apart® and P.E.A.C.E. We are grateful to these programs and to the people who have contributed to them for their support of parent education and this effort, most notably, Geri S. Fuhrmann, Psy.D., Joseph C. McGill, M.S.W., and Professor Andrew I. Schepard. Several members of the New York State Parent Education and Awareness Board have also contributed their expertise in the development of this Parent's Handbook, in particular, Francesca AdlerBaeder, Ph.D., Catherine J. Douglass, Esq., and Victoria L. Lutz, Esq.

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## A Message to Parents

**B**eing a parent has its joys and rewards, but it also requires work and patience and, at times, can be frustrating. When you separate from your spouse or partner or divorce you will face new challenges, both as an individual and as a parent. Your children will also be affected by your breakup and will need your understanding and help to adjust to the family changes. Even though your relationship with your spouse or partner is ending, you will still both be the parents of your children. For the sake of your children, you have to continue to be a responsible parent at what may be a difficult time in your own life.

The Parent Education and Awareness Program is offered to help you better understand the effects of your breakup on your children and to give you information and ideas about how you can make this new family situation easier and more livable for yourself and your children. Your children can come through the separation or divorce process and develop into healthy, well-adjusted individuals. There is a great deal over which you, as parents, have control. This *Parent's Handbook* is a summary of the material covered in parent education classes. As



you read through it, keep in mind that you, your children, and your situation are unique. Not everything in the parent education classes or contained in this *Parent's Handbook* will apply to you or your situation. You need to pick and choose the information that is useful and appropriate for you, your children, and your situation.

In particular, if you have been or continue to be either physically or mentally abused by your former spouse or partner, some of the ideas or concepts are not appropriate for you and should not be tried. For example, the use of anger management techniques will not stop abuse and may even be unsafe and make things more difficult. Also, cooperative parenting is not appropriate when there is domestic violence. Parallel parenting is the more appropriate way to parent when there is domestic violence.

What do we mean by domestic violence or abuse? Domestic violence is defined as a pattern of behavior in which one family member exerts power and control over the other(s). This behavior can include one or all of the following forms of abuse: physical, sexual, emotional/psychological, and economic. The first priority of parent education, as it should be for you, is your safety and that of your children.

You should also keep in mind that you cannot control how your children's other parent behaves or reacts. Remember that it is a help to your children if only one parent tries to follow the ideas and suggestions covered in parent education and in this *Parent's Handbook*. In other words, it is better to have one parent following the guidelines and suggestions covered in parent education than to have neither parent using healthy parenting practices.

The Parent Education and Awareness Program is offered to help you become more aware of the aspects of the divorce or separation process that are most harmful to your children and to give you information and ideas on how to better handle this new family situation — both for your sake and that of your children. It is hoped that you will refer to this *Parent's Handbook* often for support, guidance, and hope, especially when faced with challenges. Remember that while divorce or separation can be a painful experience, both for the adults and the children, there are things that you can do to improve your well-being and that of your children.

## Reactions of Adults and Children to Divorce or Separation

**H**ow would you describe your reaction to your divorce or separation? Do such words as sad, afraid, insecure, rejected, hurt, and angry come to mind? Or, you may welcome the breakup and feel free, hopeful, and relieved. Your children may be feeling many of these same emotions, but they may not be able to identify their feelings or to put them into words.

Your children may feel very vulnerable with no sense of control as they did not choose the separation or divorce, yet they are very much affected by it. They may be experiencing a loss of a sense of security and trust and feel as though they are abandoned or rejected. They may have internal conflicts of loyalty to you and their other parent. Your children may even blame themselves for your breakup.

Yet, the reaction of children who have been in households where their parents are in high conflict — yelling at each other, quarreling, or physically abusive — may be one of relief and escape from the hostility and turmoil. On the other hand, where a parent has been violent or coercive, children may be fearful of what that parent may do now that there has been a separation or divorce.

A divorce or separation can be a stressful process for both the adults and the children, but there are things that you can do to help yourself and your children make some of the family changes easier and the outcomes more positive. How your children will do after your separation or divorce depends a great deal on how you and their other parent deal with the end of your marriage or relationship and the kind of solid, nurturing foundation you create for your children to grow and develop in the reorganized family.

# What Parents Can Do To Help Their Children

**T**here are three important things for you, as a parent, to focus on to help your children through the separation or divorce and to provide ongoing support:

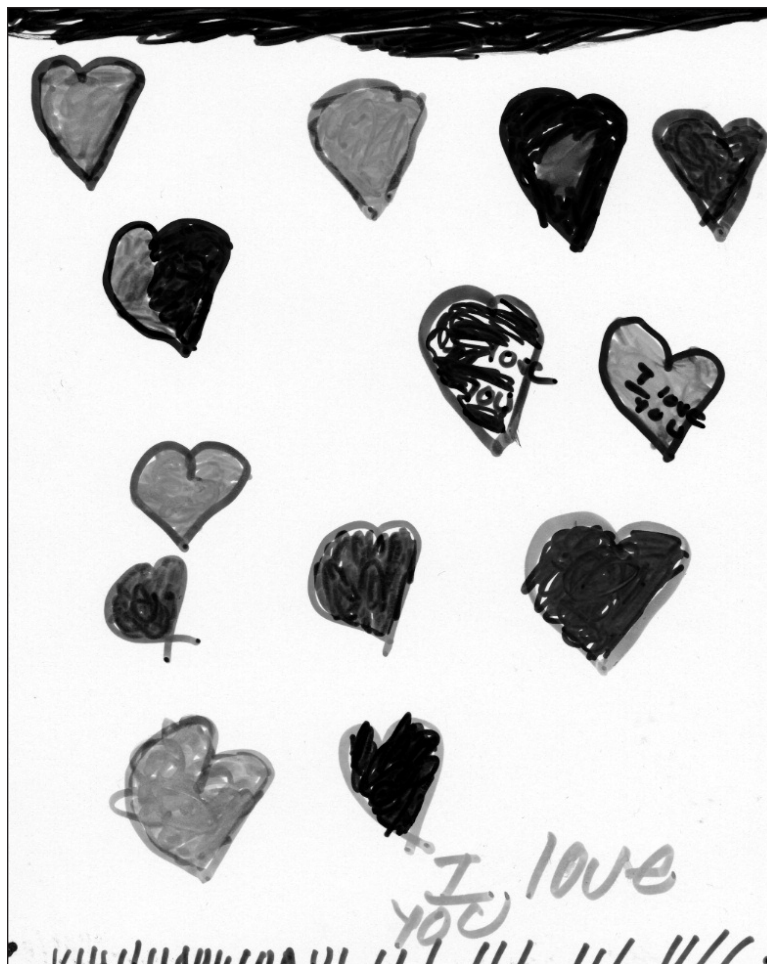
- #1 YOU** — you need to take care of yourself so you can parent effectively and be a role model for your children;
- #2 YOUR CHILDREN** — you need to have good relationships with your children and provide them with structure, stability, support, and appropriate care; and
- #3 YOUR CHILDREN'S OTHER PARENT** — you need to work out the best way to communicate with your children's other parent and to keep your children out of the middle of your conflicts and disagreements.

The following materials will address each of these relationships and what you can do to help reduce the possible risks to your children from the family changes.

## FOCUS #1: YOU

### Your Well-Being

A separation or divorce affects both you and your children. Parents who take care of their own emotional, physical, and social needs are generally better able to help their children. An adult traveling with a child on an airplane is instructed to first put on the oxygen mask and to then help the child, if there is an emergency. The adult must be safe and secure in order to be able to care for the child. The same principle applies in helping your children through the changes caused by your divorce or separation.



### Here are some things to keep in mind:

- It is important for you to take care of yourself emotionally and physically so you can take good care of your children and parent effectively.
- Avoid using drugs and alcohol to deal with stress. Healthier ways to reduce stress include exercise, rest, support from friends, family or support groups, and spiritual beliefs.
- Consider seeking professional help if you get “stuck” in anger or depression. Seeking help is a sign of strength, not weakness. Some examples of when you may need professional help are:
  - a problem behavior or negative mood becomes chronic instead of periodic, that is, symptoms remain the same over time and do not get better;
  - you feel unable to cope with the situation or helpless and hopeless; or
  - your ability to be effective at home or at work is decreased.

## Being a Role Model for Your Children

### Dating and Your Children

How you handle dating and a new relationship can greatly affect your children. You do not have to forego dating or establishing a new relationship for the sake of your children. However, it is important to keep several things in mind:

- **Make your children your top priority when they are with you.**

During and soon after the separation or divorce, your children will need more attention and reassurance. This is not a good time to ask them to share you with a new adult. Reassure your children of your love for them and their special place in your heart.

- **It is best to schedule time for adult companionship around your children's schedule.**

When the children are with their other parent is the best time to date or pursue new relationships or interests.

- **It is best not to introduce your new friend to your children until the relationship has become more stable and potentially serious.**

Children, especially young children, become attached to new adults in their lives and may desire to have a “regular” family again. It is unwise to expose them to repeated losses or separations should your new relationships end.

- **Being a role model for your children is important.**

Remember that the way you conduct yourself in a dating relationship shows your children what is acceptable dating behavior and lets them know the moral values you wish them to adopt.

- **Be aware that your children may react negatively to your dating or new relationship.**

Young children may resent having to share your attention with a new adult. Older children may attempt to sabotage your new relationship as a way to prove their loyalty to their other parent.

These common reactions to a parent dating can be minimized by handling a new relationship discreetly.

## Children Need Their Parents to Act Respectfully to Each Other

Effective and appropriate parenting involves *both* your relationship with your children *and* their other parent.

- Mistreating a partner or former partner, including any form of violence or abuse, is *not* responsible parenting.
- Exposing children to violence is harmful to them. Children need their parents to treat each other with respect and not to be verbally or physically abusive.
- Preventing violence is the responsibility of the parent who uses the violence and not of the victim.
- Children need to see their parents accept responsibility for their own actions and not blame their behavior on each other or others.
- Children need their parents to listen well to each other even when they are angry. Parents should not use anger as an excuse for insulting, demeaning, or intimidating the other parent.
- Children need their parents to take equal responsibility for their care and support.<sup>1</sup>

Remember that safety for you and your children comes first. If there has been violence in your family, tell your children that violence is never okay, reassure them that the violence is not their fault, and have a plan of action should the threat of violence re-occur.

## **FOCUS #2:**

### **YOUR CHILDREN**

#### **How to Tell Your Children that You Are Separating or Divorcing**

How to tell your children is a personal decision and will depend upon the circumstances of your situation, including the age and maturity of your children and your relationship with their other parent.

- If it is safe psychologically and physically, you should tell your children together about the separation or divorce. Remember, even though you are ending your relationship, you are still parents to your children. Your children may feel more secure if you tell them together. This way both of you can help the children adjust. You can show your children that you can cooperate to help them through this transition. It is important to understand that talking to your children about divorce is not a one time discussion. You should plan to talk with your children and repeat reassurances often. As children grow older, they may continue to have questions about the divorce or separation even if it occurred many years before. Be prepared to talk with them about this throughout their lives. If you and your former spouse or partner are not able to talk calmly and without anger or conflict to each other, or if you or your children are the victims of domestic violence or abuse, you may need to handle the situation differently. Under these circumstances, you should consult with an attorney, mental health worker or other professional to determine what is appropriate for you and your children.
- What to tell your children is also important. If it is safe to do so and you and the children's other parent are able to discuss issues, you should decide in advance what you are going to tell your children. Children need to know the general reasons for the separation or divorce. It is not a good idea to tell them all the details. Do not discuss with your children the specifics of the separation or divorce or legal process. Details of the reasons for the separation, the division of property or support payments are concerns of parents, not of children. Parents frequently make the mistake of telling their children too much when fewer words and details would be better.<sup>2</sup>



- It is important to remember that blaming the other parent is not only unnecessary, but it will also hurt your children. You can, and should, be honest and tell your children the truth without blaming or giving them unnecessary details. You can answer your children's questions with general rather than specific reasons as to why your relationship is changing. An example of a general explanation for your younger children is that you had "grown up" problems that could not be fixed. You may also tell your children that you tried your best to solve your problems but you could not. For older children you might explain that you are not able to communicate with each other and settle your disagreements, or that even though you once loved each other, you no longer do. Be sure to tell your children that you love them and the separation or divorce will not change that.<sup>3</sup>
- Frequently remind your children that the separation or divorce is the action of you and your former spouse or partner and is not, under any circumstances, caused by them. Your children need to hear that your divorcing or separating is not their fault.
- Recognize that, regardless of age, children usually want their parents to get back together. Parents should be honest with their children about the reality and permanency of the separation.
- Tell your children that even though your relationship with their other parent is ending, they will always be your children and that you will continue to love and care for them.
- When telling your children, it is okay to let them see that you are sad, if that is the case. Do not feel that you should hide your feelings. Expressing your emotions such as sadness, but not blaming, anger, or hate toward the other parent, gives your children permission to freely express their emotions. Children need to know that they can go to their parents with their questions and feelings about the divorce. Providing an environment in which everyone can openly discuss their feelings and concerns will help your children cope with these new changes.<sup>4</sup>



## Children's Responses to Their Parents' Separation or Divorce

Separation and divorce are not one-time events, but rather a series of family changes that have an effect on children. Changes that children commonly experience are:

- Loss or less availability of one or both parents.
- A decrease in standard of living.
- Changes in residence, schools, neighborhood, friends, and loss of pets.
- A parent's remarriage and adjustment to new family members.

Children commonly have a variety of reactions to parental breakup. Normal early symptoms and initial reactions can include sadness, anxiety, anger, resentment, confusion, loyalty conflicts, headaches, stomachaches or other physical complaints. Feeling rejected or replaced by a new spouse or family, and feeling guilty that they caused the breakup (particularly when they lose contact with one parent) are also frequent reactions. Your children's grades may also go down. It is normal for children to have these feelings in the initial stages when the separation is taking place and even for several months after. Children in families where domestic violence was present, or in which there was very high conflict which lessens after the separation or divorce, may feel relief and do better after the separation or divorce because their exposure to violence and/or conflict is reduced.

The divorce or separation can cause stress for parents, but it is important that you, as a parent, also understand that your children are experiencing stress and that you need to provide them with support, love, and appropriate guidance and parenting to help them through this change in their lives.

**The most important factor in how your children may react to your separation or divorce is the level of conflict between their parents.** When there is high conflict or abuse between the parents, especially when children are caught in the middle or are exposed to it, there is a high likelihood that the children will do poorly. Fortunately, conflict and the children's exposure to it, are something the parents can control. **Parental conflict, its negative effects on children, and how parents can minimize or avoid conflict and keep children out of the middle of their conflict, is discussed in more detail later in this *Parent's Handbook*.**

Some children may have long-term emotional and behavioral problems, however, these are not inevitable consequences for children whose parents separate or divorce. Indeed, about two-thirds of children whose parents separate or divorce do not have long-term problems. **Much of the outcome for children depends on how parents handle family changes and focus on taking care of themselves and their children.**

**Adjustment problems are more likely to develop and persist in children who are caught in the middle of their parents' conflict.**

Protecting children from intense conflict between parents can do much to benefit them. Research indicates that children in low conflict single-parent homes fare better than in homes where the parents remain together but in an atmosphere of high conflict.

As parents, you have a powerful influence on how your children will do over time. **The message of parent education is one of hope and empowerment — there are ways that you can help your children to not only survive, but thrive after a break up.**



## Ways To Help Your Children

You can help your children by providing support to them and promoting a relationship between your children and their other parent and with extended family, if it is safe to do so and abuse is not an issue. Here are some of the ways you can provide that help:

### Work On Your Relationship With Your Child

- Work to maintain the quality of your relationship with your children. Let your children know that you love them — they need to be told that they continue to be loved by both parents. Spend quality time with each child sharing, talking, reading or doing some enjoyable activity. Comment on your children's positive behaviors. Positive comments are far more effective than criticism in promoting healthy behaviors.
- Reassure your children that their feelings of loss or of missing the other parent are okay. Children should feel free to talk to their parents about these feelings of loss. Help your children learn safe and healthy ways to express anger. Children need to be taught that all feelings are okay but all behaviors are not okay.
- Listen to your children and what they are telling you about their feelings. When parents take time to listen and understand, children feel a closer connection. Steps for effective listening include:
  - Pay full attention by stopping what you are doing and showing your child that you are listening to what (s)he has to say.
  - Do not interject your own thoughts or feelings, but try to understand what your child is saying and his or her feelings.
  - Restate what your child has said to show, and to be sure, that you understand.
  - Work together to try to find a solution.

### Maintain A Stable And Structured Home Environment

- You are the parent — do not expect the children to become friends, confidantes, or “little men or women of the house.”
- Keep in mind that children want and need limits. Even if they are upset about changes in the family, they still need your help keeping their behavior under control.

- Keep home routines similar to the pre-separation or divorce schedule as much as is reasonably possible. When possible, have regular meal times together, early bedtimes, less “screen time” (TV & computer), and set appropriate rules and limits. Whatever changes need to be made in the daily routines are best made slowly. It is helpful to your children to let them know in advance what changes are to be made.
- Continue family routines and traditions, especially those the children enjoy.
- Keep the same health care providers, such as pediatrician and dentist, if possible.
- Provide a safe, private space for your children in your home if you have room to do so. This is particularly important for the noncustodial (nonresidential) parent. The children should feel that they have a place, not that they are “visiting.”
- Give your children appropriate opportunities to experience some sense of control and responsibility through structured choices. For example, “Math or spelling homework, which one would you like to do first?”

### **Give And Seek Support For Your Children**

- Support and seek support for your children. Your children may try to withdraw from social, academic, family, and/or athletic activities during the time of family change. They may need encouragement to continue participating in these activities and maintaining contact with friends. Help to ease your children’s interaction with the outside world by telling their teachers, coaches or parents of close friends of the separation or divorce and parenting arrangements. Important adult figures in your children’s lives can provide additional support and understanding.

### **Foster Your Children’s Relationship With Their Other Parent**

- Encourage your child to have a healthy, loving relationship with the other parent, if it is safe to do so and abuse is not an issue.
- Refrain from competing with the other parent for your child’s affection. Children should not be asked to take sides.
- Be respectful of the other parent’s time with the child. Do not schedule activities on the other parent’s time. Both parents need to be ready and on time for the pick up and drop off of the child.



- Avoid put-downs of the other parent. Any attack on the other parent can be perceived by your child as an attack on himself or herself since he or she identifies with both parents.

- Let your children know that it is okay to love and have contact with their other parent. Ways to do this include encouraging reasonable phone calls, as well as e-mails, greeting cards, letters, and time with their other parent, as long as it is safe and abuse is not an issue. Remind your children of special days such as the other parent's birthday, Mother's Day or Father's Day. By so doing, you are letting your children know that it is

okay to love and have a relationship with both parents.

- Encourage your children's positive relationship with both your family and their other parent's extended family, if it is safe and possible to do so. It is also important that your extended family and significant others support your children having a good relationship with both parents.



## FOCUS #3: YOUR CHILDREN'S OTHER PARENT

### Parents' Behavior — The Most Important Factor in How Children Adjust

How their parents behave is the most important factor in how children adjust to their parents' breakup. What aspect of parental behavior is most important? HOW PARENTS MANAGE CONFLICT. Your children will adjust best if they are protected from your conflict with their other parent and are kept out of the middle of your adult issues. Research shows that ongoing conflict between parents is clearly harmful to children, much more so than the divorce or separation itself. High levels of conflict between parents result in more emotional, behavioral, and physical problems for children. Parental conflict has been shown to lead to aggressive behavior among children by teaching them that this is the way to handle anger.

Children learn what they live. If they see fighting, they will want to fight. If they hear swearing and name-calling, that is what they learn. If they see the two people they love most be civil toward each other, they will feel more secure and will be more likely to handle their relationships in the same way. Anger or conflict is often a part of a separation or divorce, but there are certain aspects of conflict that are particularly bad for children:

- **Physical aggression.** Witnessing or being the object of physical aggression — pushing, shoving or hitting — is extremely harmful to children.
- **Frequent, unresolved and hostile conflict.** The more often parents are in intense, hostile conflict, the worse it is for children.
- **Child-related conflict.** If children overhear parents arguing about them, this can make them feel guilty and responsible for their parents' problems. This can make it more difficult for children to adjust to the ongoing changes.
- **Emotional abuse, psychological control, significant power imbalance.** It is not healthy for children to observe this behavior.

**The most important thing that you, as a parent, can do to help your children adjust better to your separation or divorce is to reduce or contain conflict with their other parent.**

## Conflict Affects Adults and Children

### Do You Want to be Trapped in Conflict?

Being in conflict with your former partner or spouse takes its toll on you as well as your children. Spouses or partners know each other's weak or vulnerable areas better than anyone else and can very effectively anger or hurt each other. By staying embroiled in conflict, you risk getting caught up in a cycle of being hurt by what your former partner says or does, then counterattacking to hurt him or her in return. This cycle creates ongoing conflict and stress. You should ask yourself if you really want to be fighting with your "ex" for the next 10 or 20 years. Will this ongoing hassle improve the quality of your life — or is it just keeping everyone focused on the past and on each other's failures? **Forgetting the past and focusing on the present and future will help you to move on with your life and heal past hurts. It will also help your children and make their lives much better.**

### Children Caught in the Middle of Their Parents' Conflict

Children's problems are most serious when parents continue to be hostile to one another — especially if the children repeatedly witness or hear it. For children to see or hear their parents angry, trading insults, and perhaps even physically fighting is extremely distressing and potentially harmful to their healthy development. While parents may feel that this conflict is unavoidable, or largely the fault of the other parent, it is critical that steps be taken to protect the children and keep them out of the middle.

There are many ways that children can be in the middle of their parents' conflict:

- Being used as messengers or as informants to tell a parent about the other parent's personal life and household.
- Hearing negative statements about a parent from the other parent or other family members.
- Being told too many details or inappropriate information about adult issues in a way that places blame on the other parent, as for example, that the reason for the breakup was a parent's extramarital affairs.
- Being used by one parent to carry the support check or to convey the message as to why the check is late.

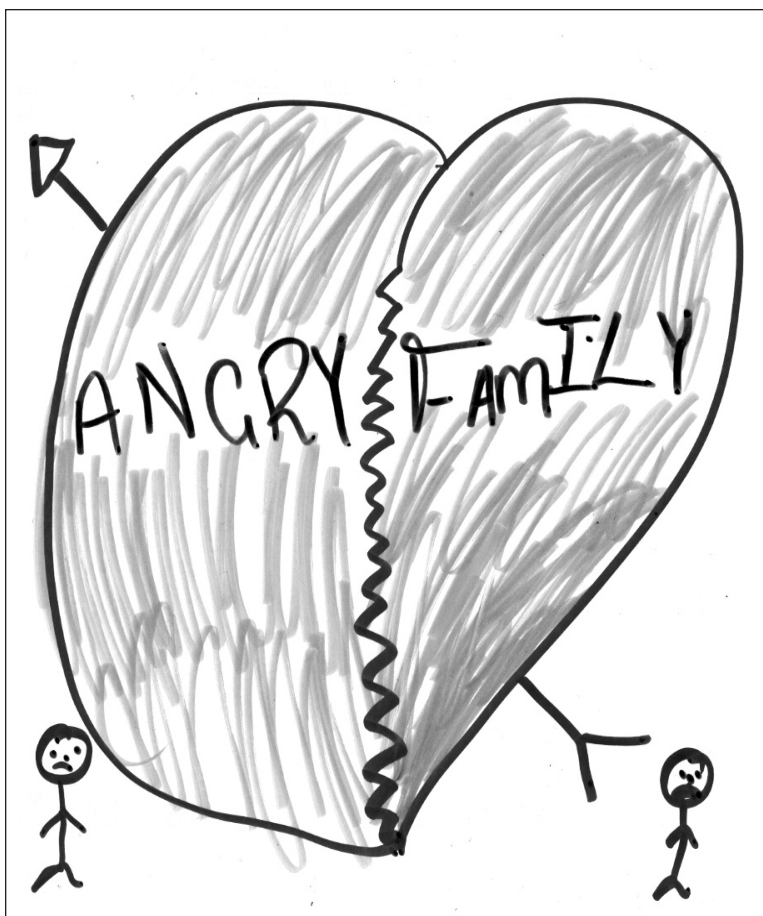
Think about how you would feel if you were a child being told by your parent:

- “Tell your mother that I am going to take you to see Santa this year.”
- “Tell your dad you are not going over there if his girlfriend is always around.”
- “Tell your mom to use the support check for you — not herself.”
- “Tell your father not to call here — it is my time with you.”

Children have expressed some of the following thoughts or feelings:

- “I just want to get along with both of them. I don’t want them mad at me.”
- “I get a stomachache every time they ask me to give a message.”
- “Sometimes I think their problems are all my fault because I hear my name over and over when they fight.”
- “If I just try harder, I can solve their problems.”

Children feel uncomfortable and burdened when a parent asks them to relay a negative message to the other parent or to answer questions about the other parent and what is going on in his or her household. When children are asked to relay a message between two warring parents who will not communicate, they are put in a terrible “no win” situation because they want the love and approval of both parents. Young children have an especially hard time and may handle the stress by “forgetting.” Parents should not punish a child for forgetting to relay messages, especially if the message is negative, or if they refuse to answer questions and “spy” on the other parent.





## Ways to Parent with Your Former Partner — The Parenting Continuum from Parallel to Cooperative Parenting

The level of conflict between you and your children's other parent is an indicator of which parenting style is best for you. If conflict is high and you are not able to cooperate or engage in calm, rational communication or if there has been domestic violence and you are concerned about your safety, parallel parenting is recommended. If conflict is low and you are able to civilly discuss issues relating to your children and cooperate with your children's other parent and there are no safety concerns, then cooperative parenting may work for you.

Parallel parenting and cooperative parenting are part of a continuum. That is, separating or divorcing parents may or may not be able to move to different points of the cooperative/parallel parenting continuum. Over time, they may be able to cooperatively parent as to some issues, but parallel parent on "hot button" issues between them. For parents for whom conflict remains high or when one parent has abused — physically, emotionally, or economically — the other parent, then parallel parenting may be the only way to parent and cooperative parenting is not a realistic, or safe, option. You must decide what parenting style is best for you, your children, and your situation. Children can be well-adjusted with any of these parenting styles, as long as they are protected from ongoing conflict and, wherever safe and possible, have a healthy relationship with both parents.

### What is Parallel Parenting and When is it Appropriate?

Parallel parenting is appropriate when there is high conflict or domestic violence. If you have been or are in a relationship where there is a significant imbalance of power, where one party is fearful of or intimidated by the other, where conflict is high, or where there is or has been a history of physical violence, cooperative parenting is **not** a goal. In these situations, only parallel parenting, which keeps parents separate, affords some degree of safety. Parallel parenting allows each parent to remain a part of the child's life while reducing opportunities for ongoing conflict by limiting or eliminating contact and communication between the parents. When parents parallel parent:

- Communication is via e-mail or a parenting notebook or a third party to keep each other informed about issues involving the children.

- There is no flexibility or negotiation regarding visitation or other issues because past experience suggests that conflict will result.
- When a residency schedule is agreed to or ordered, the parties follow it and do not discuss changes. Each parent assumes total responsibility for the children during the time that they are in his or her care.

### **Tips for Successful Parallel Parenting<sup>5</sup>**

- Do not interfere with your children's other parent. Neither of you has influence or say over the other parent's actions. Of course, this does not mean that you must ignore or put up with conduct by the other parent that can be harmful to your child. The best way to address these concerns, however, may be in court or through a neutral third party rather than by direct contact with the other parent.
- Adopt a businesslike attitude and use common courtesy (discussed later in this *Parent's Handbook*).
- Do not plan activities for the child during the other parent's time. It may be better for the child to miss an event than to witness conflict.
- Stay focused on the present — don't keep rehashing the past.
- Keep your children's best interests in mind.
- Remember that the goal is to keep conflict to a minimum.
- Follow up in writing all agreements and discussions regarding the children.
- When communication or negotiation is necessary, use a neutral third party to assist you.

Do not use your child as a messenger! Mail the check or pay support through the Child Support Collection Bureau. Any correspondence should be by mail, email, through a third party or by parenting notebook. Use the phone only for emergency communication, and be sure the children are not in hearing range!

### **What is Cooperative Parenting and When is it Appropriate?**

Cooperative parenting works best when there is a low level of conflict between the parents and parents are able to talk to each other directly, without arguing, and come to an agreement. With cooperative parenting, there can be flexibility with the residency schedule.

### **Tips for Successful Cooperative Parenting**

- Begin to think in terms of having a business relationship with your former partner. Courtesy, respect, and a relatively formal, low-key approach go a long way toward helping your child. Be polite, but do not react negatively if your former partner is not polite in return.
- When issues arise that need to be discussed, make an appointment to meet at a relatively stress-free time when the children are not around. Have a specific agenda (write it down, if necessary) and stick to it — don't get diverted!
- Be specific in communications with the other parent about plans, schedules, and requests.
- Do not expect appreciation, praise or emotional support from the other parent.
- Give the other parent the benefit of the doubt.
- Do not use your child as a messenger! Mail the check and any correspondence or use the telephone or e-mail. When using the telephone to discuss arrangements, be sure the children are not in hearing range!

Whether parallel parenting or cooperative parenting, it is important to pay child support on time. Studies show that children benefit in major ways from regular support payments — including higher academic achievement and better emotional adjustment.

## Overview of the Differences Between Parallel and Cooperative Parenting<sup>6</sup>

**Remember:** Neither form of parenting is better than the other — each can result in lower conflict and more positive parenting.

<b>Parallel Parenting</b>	<b>Cooperative Parenting</b>
Parents communicate over emergencies.	Parents communicate more frequently and even regularly.
Parents use e-mail, a third party, or a “parenting notebook” to communicate. Phone calls are not used except in an emergency.	Parents can communicate in person or over the phone.
Major decisions are reached through a third party or legal agreement and are communicated rather than discussed.	Major decisions about the child are jointly discussed.
Households are separate. Each makes decisions about the child when the child is in his or her household.	Parents work together, as needed, to resolve issues related to the child.
Parents work separately for the best interests of the child.	Parents work together in the best interests of the child.
Written parenting plan or court order/decreed is followed. Parents use an external authority in order to avoid conflict or negotiate changes in writing.	Allows for more informal schedule changes with direct communication between the parties.
Each parent is responsible for his or her own relationship with child. Example: “You must talk to your [mom/dad] about that.”	Parents may be able to discuss issues related to the child with each other.



## WAYS TO REDUCE CONFLICT

The next section looks at ways that parents can reduce conflict and keep the children out of the middle of their conflict. While many of these ideas sound good in theory, it can be difficult to get them to work in practice, especially if the other parent is uncooperative and hostile. **You need to remember that you cannot control the other parent's behavior and conduct. You can only control your own conduct.**

**The suggestions made here can help even if only one parent follows them.** The results may not

be seen for some time, but experience has shown that following these suggestions can make a difference for you and your children. By not “rising to the bait,” the other parent’s hostile conduct may very likely diminish and you may even become better able to communicate and cooperate over time. Further, it has been found that, eventually, children will gain a better understanding of each parent from their own experiences rather than from being told negative things about the other parent.

## Handling Anger

Anger needs to be dealt with carefully. Keeping your anger under control around your children and keeping the conflict away from your children are difficult but extremely important tasks.

### **You may feel angry for many reasons:**

- Anger can be a common way to deal with powerful feelings. For some people it is easier to feel angry than very sad.
- Anger can be a way to avoid looking at your own problems in the relationship. It is much easier to blame the other parent than to look at yourself.
- Anger can be a way to stay connected to the other parent. As long as you have strong feelings of anger, then you have not let go of the attachment to your former spouse or partner. This can keep you from moving on with your life.

### **Tips for Handling Anger**

- Assess whether there are other feelings behind your anger, like sadness or hurt or a need to still feel connected to your former spouse or partner.
- Agree to take “time out” and continue the conversation at a later time, after emotions have calmed.
- If it is safe to meet in person, hold any necessary meetings in a public place so there will be less chance of someone losing control in anger.
- Tell friends and relatives that you are trying to contain your anger for the children’s sake and ask for their support.
- Do not use your children as sounding boards to vent your anger with their other parent.
- Remember that venting anger in violent ways is dangerous, destructive, and always wrong.

### **Learn and Use “I” Messages and Effective Listening to Minimize Conflict**

Anger and conflict are natural reactions to the breakup of a relationship. Have you ever been so angry or felt so unjustly treated that your first reaction was to give the offending person a complete list of all his or her faults? Example: “You are always late, you are never on time, you are never there for me...” and on and on. Blaming the other parent can be very tempting, but it is not a healthy or constructive way to express your anger. Indeed, it creates or increases conflict by placing the other parent on the defensive and making him or her feel attacked, thus, inviting him or her to attack back.

“I” messages are a way of expressing your feelings by taking responsibility for them instead of blaming the other person. An “I” message has two parts:

- A simple statement about your feelings or concerns; and
- A simple request for change (a change which is actually possible to do).

The structure is as follows:

I feel \_\_\_\_\_ or I am concerned about \_\_\_\_\_.

Could we please \_\_\_\_\_.

For instance, instead of saying: “You’re always late bringing the kids back. You are so irresponsible. If you can’t bring them back on time you won’t get them next week,” try saying: “It’s 7:30. They were due back at 6:30. I feel worried and frustrated when they are late getting home. Can we agree that we will each try harder to be on time or to let each other know if we are going to be late?”

How a message is delivered is important. An “I” message is less likely to invite a nasty response and escalate into conflict than the more accusatory and judgmental “you” message. Yes, it will be difficult to do this and you may still get a nasty response, but with patience and repeated attempts, you may very likely see a change. Also, delivering an “I” message in a sarcastic or angry way is not as effective as using a calm and neutral tone of voice.

Where the message is delivered is just as important as how it is delivered. A message such as the one above should not be delivered with your children present or in hearing range, because to do so puts them in the middle of a disagreement or potential conflict between their parents.

## **Be a Good Listener**

Listening is more than hearing. It involves demonstrating to the other person that you understand what he or she is saying, even if you do not agree. One way to be a good listener and to reduce the tension is to paraphrase the other person’s statement, including both the content and the emotion. For example, “I know we have our issues with each other and that right now you are angry with me, but our children need both of us in their lives. Let’s set up a time to talk over the time that they spend with each of us when we are not so upset.” After demonstrating that you have heard the other person, you can then offer your opinion. Chances are greater that it will be heard, since



you have listened to the other person's point of view. Be sure to observe the Golden Rule of Communication: keep phrases like "you never" and "you always" out of the conversation.

## **Be Creative in Problem Solving**

Separated or divorced parents often have problems in decision-making because they continue with the same process or approach that was present in their former relationship. Rethink the way you approach a problem and make a decision by looking at the problem in terms of interests rather than positions. Be creative in trying to reach solutions. Also, do not make a decision and then announce it to the other parent. This will lead to disagreement and a power struggle because the other parent's need to feel respected and to have some influence and input has been ignored.

## **Relate to Each Other as Business Partners**

Parents need to re-think their relationship and to see themselves as "business partners" with their children's care, upbringing, and well-being as the focus of their "business."<sup>7</sup> Certainly, this is the most important "business or job" that any of us can have. You should begin to think of your children's other parent as a business partner with a common investment in your children. This is a process that takes time and effort and may mean managing strong emotions regarding your former partner and focusing on your children.

### **Helpful Ideas for Relating as Business Partners**

- Parents should make an appointment to meet with each other, if it is safe to do so, to discuss issues concerning the children. It may be best to schedule this meeting at a neutral site, such as a restaurant. The children should not be present or within earshot of the parents' conversation.
- There should be an agenda for the meeting. You may want to put the agenda in writing to keep on point and avoid getting sidetracked. Discuss the situation that needs to be addressed, the decision that needs to be made, and any time deadlines in arriving at a decision. Stick to the agenda — do not get "off track."
- Avoid arriving at a decision before the meeting — keep an open mind and listen. Discuss options and ideas openly. If a parent has arrived at a decision



before the meeting, this will invite conflict as it appears that one parent is trying to call the shots and control the situation. The result will be failure.

- Describe the problem using “I” messages — avoid “you” statements. For example, instead of saying “I am sick of your lack of responsibility,” try “I” messages and a problem solving approach, such as: “The last three times you brought the children here you were late. I feel frustrated because I never know when you will be late and when you will not, so I have trouble making plans. Let’s put our heads together and figure out a plan that works for both of us.”
- “Brainstorm” and discuss information needed to make an informed, sensible decision. Choose an option or solution and test it out to see how it works. Agree to review the solution and make changes, if necessary.

## **MORE TIPS AND REMINDERS FOR SUCCESSFUL POST-SEPARATION OR DIVORCE PARENTING<sup>8</sup>**

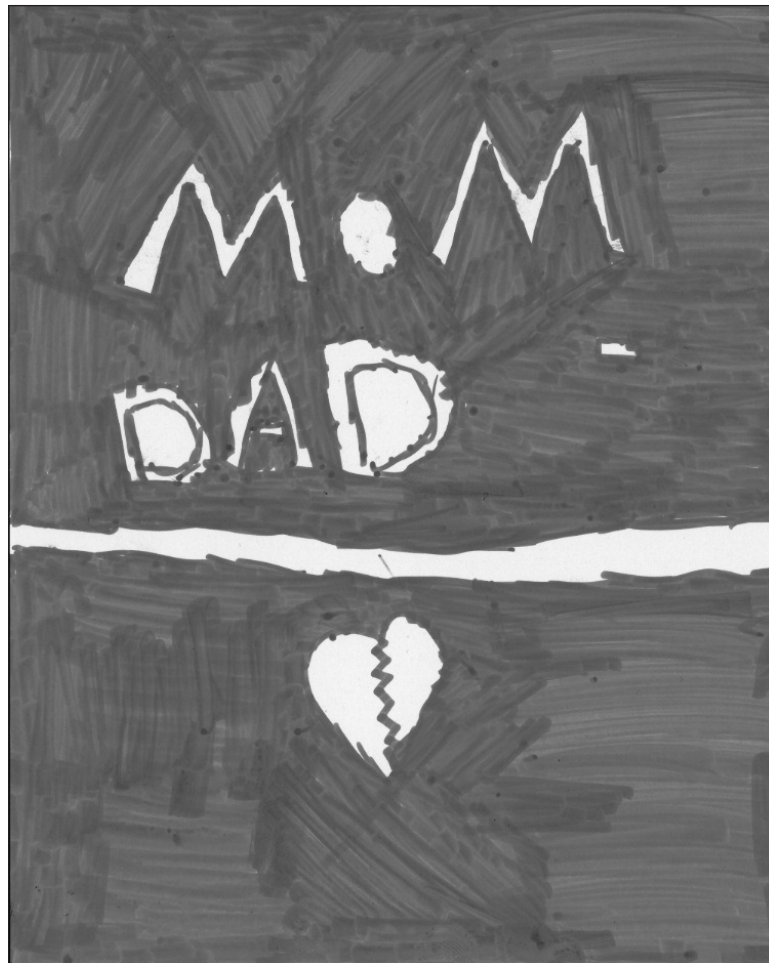
1. Use common courtesy and be businesslike in your dealings with the other parent.
2. Do not plan activities for children, such as accepting birthday party invitations or enrolling the children in extracurricular activities, during the other parent’s caretaking time.
3. If conflict occurs when you interact with the other parent, then minimize the amount of or opportunity for contact:
  - Pick up and drop off children at school, daycare, grandparents, relatives or neighbors.
  - Keep basic toys and clothes at each home to decrease the amount of exchange necessary.
  - Send notes, e-mail or leave messages in a respectful, businesslike way on answering machines or voice mail rather than speaking directly to the other parent.
4. When communication and negotiation are necessary, consider utilizing a third party (attorney, mental health professional or mediator) to be the go-between.
5. Do not jump to conclusions. Get all the information about a situation or problem before responding.

- 6.** Be specific in communications with the other parent about plans, schedules, and requests.
- 7.** Follow up all agreements about such items as vacations, medical appointments, school activities, and time sharing in writing to avoid confusion.
- 8.** When conflict-free interaction is possible, then more flexibility is possible. Changes should be negotiated with the best interests of the children in mind.
- 9.** Always remember the goal is to reduce conflict. Eventually, most parents are reasonably successful at their attempts to reduce conflict, but it takes time.
- 10.** In families where domestic violence has occurred, physical and emotional safety must be the first concern and cooperation should not be a goal.

## LEGAL PROCESS

It is important to have some basic understanding of the legal system so you can make informed decisions about issues that affect you and your children. The following material covers four topics:

1. Custody definitions.
2. Considerations in choosing how to resolve your dispute.
3. How courts make custody/visitation decisions.
4. Child support.



## BACKGROUND — CUSTODY DEFINITIONS

The terms “custody” and “visitation” can have a “win/lose” connotation and be emotionally charged. Therefore, you may hear other terms used, such as “parenting schedule” or “residency time” or “access time” to describe time-sharing arrangements and decisionmaking responsibilities for the children. To be sure that you, as a parent, understand basic terms that you may hear, some commonly used terms are defined below.

**Custody** means the right and responsibility to make the decisions for a minor child and does not necessarily reflect with whom the child lives or the amount of time spent with each parent. Custody can be with both parents (joint custody) or with only one parent (sole custody). New York courts can make determinations of custody and visitation until a child reaches the age of eighteen (18) years. Note, however, that a parent is financially responsible for a child until age 21.

**Sole Custody** refers to only one parent having the right and responsibility to make decisions for the child. This is usually also the person with whom the child principally resides.

**Joint Custody** means both parents are responsible for the major decisions (choice of school, religion, and medical care) in the child’s life. In order to have a successful joint custody arrangement, parents must be able to communicate, cooperate, and negotiate agreements about issues in the child’s life. Joint custody does not necessarily mean that the child spends equal time with both parents. The time that the child spends with each parent can be negotiated by the parents or decided by the court.

**Primary Physical Residence** refers to the parent with whom the child principally or primarily lives. The primary residential parent is responsible for day-to-day decisions, but both parents participate in major decisions.

**Shared Residence** refers to a situation in which the child lives a fairly equal amount of time with each parent. One parent may have to be designated as having primary physical residence for purposes of school registration.

**Split Residence** refers to one or more children primarily residing with one parent and one or more children primarily residing with the other parent. In other words, the siblings (brothers and sisters) are split between the two households.

This is not a preferred arrangement and, in general, special circumstances must exist for a court to approve such a living arrangement. The court prefers to see the children remain together in the same household so they can give each other support during and after their parents' breakup.

**Visitation** refers to time that a child lives with a particular parent. The terms partial residency, residency time or access time may also be used. The time each parent spends with the child can be set by the court or agreed to by the parents.

**Access** refers to information about and contact with a child. Unless there are special circumstances, parents can have access to a child's medical, dental, and other professionals and to school records. Additionally, children should be able to enjoy reasonable telephone or e-mail contact with the parent they are not residing with at the time.

**Supervised visitation** may be considered and ordered by the court when there is concern for the safety of the children while in the care of a parent. While it is generally recognized that children benefit from a relationship with both parents, the safety of the child is the first concern. When there are concerns about the child's safety and well-being, a court may order visitation to be supervised by a third party or to occur in a neutral or public place.

**Order of Protection** is a special order that prohibits offensive or dangerous conduct or contact between family members or former family members. Supervised visitation or exchange of the children at a neutral place may be part of the Order of Protection so that the children are able to maintain contact with both parents while the Order of Protection is in effect. Where there is high conflict or where domestic violence or child abuse is alleged to be present, contact between the child and parent may be suspended by the Order of Protection until the court can determine what precautions, if any, need to be taken to protect a parent or child. A violation of the terms of an Order of Protection may carry serious consequences, such as jail, a fine or other sanction.

## CONSIDERATIONS IN CHOOSING HOW TO RESOLVE YOUR DISPUTE

A custody dispute may be resolved through negotiation or by litigation.

### Negotiation

Negotiation is a process whereby the parents discuss their desires, options, and concerns and identify the needs and interests of their children in an effort to reach agreement without a trial. Negotiation may take place either before or after a legal action or proceeding starts. Negotiation is successful if both parents are willing and able to put aside their emotional differences and focus on settlement options that make the most sense under the circumstances and allow everyone to have their legitimate needs met, especially the children. Thus, the focus is on resolving present and future issues in a constructive and positive manner rather than revisiting past relationship problems.

There are several different ways in which negotiations can occur, depending upon the level of conflict and the ability of the parents to work together:

1. parents on their own;
2. parents with a mediator, known as mediation;
3. parents with a mediator where their attorneys and a law guardian are present and participating;
4. parents with collaborative lawyers and possibly also a child specialist/psychologist, if needed;
5. through the attorneys;
6. four-way conference — parents meet with their attorneys (the law guardian may be present also, which then makes it a five-way conference); and
7. attorneys (and law guardian, if one has been appointed) with the assistance and input of the judge assigned to the case.

The above options are listed with the first being most appropriate when conflict between the parents is low and the last reflecting the option used most when there is high conflict between the parents.

**PLEASE NOTE WELL: IF YOU REACH AN AGREEMENT WITH THE OTHER PARENT THROUGH SOME FORM OF NEGOTIATION, YOU SHOULD GET THE ADVICE OF A LAWYER BEFORE SIGNING ANY WRITTEN AGREEMENT.** An agreement is a contract and is a binding legal document. Once an agreement is signed, it is very difficult to get a court order to change it or set it aside. You should read it thoroughly and understand the terms of the agreement before signing it. It should also be reviewed by an attorney before you sign it to be sure that you are not losing legal rights and that it reflects what you agreed to and your understanding. An attorney can also explain the meaning and impact of the language in the agreement.

You should also keep in mind that your attorney should counsel you and give you advice but should not make decisions for you. You are the person who will be living with the agreement or decision, so it should be based on your judgment and not that of your attorney. You have the right to direct how your case is handled. Any non-attorney professional may advise you of options and help your discussions with the other parent, but he or she cannot give you legal advice or counsel or substitute his or her judgment for your judgment.

## **Mediation**

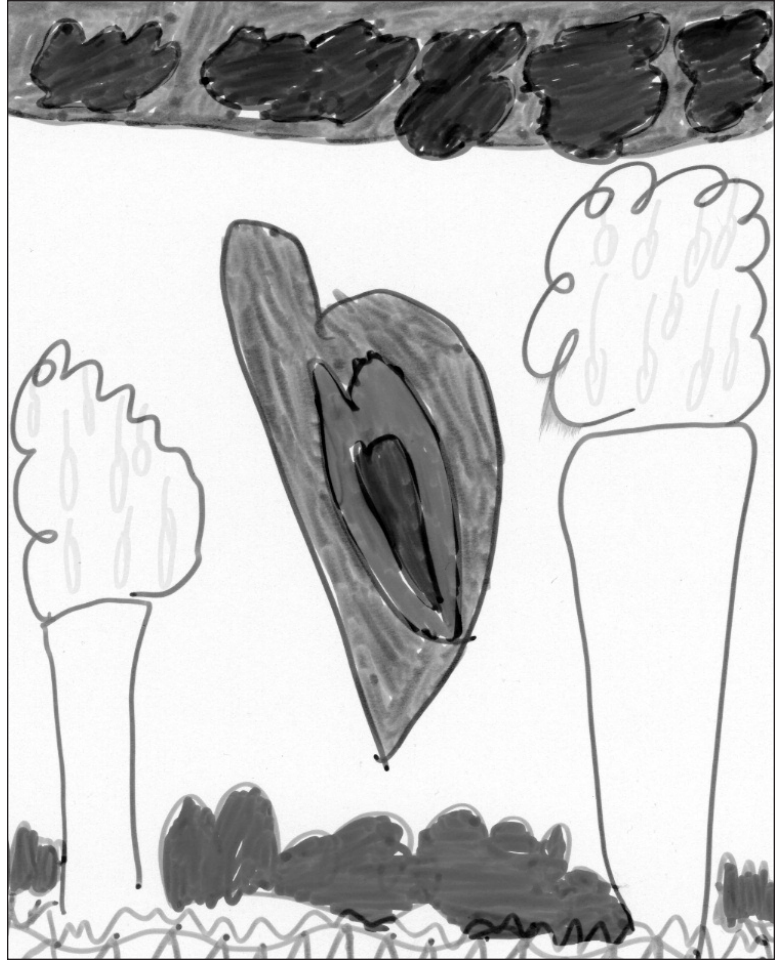
Mediation is a form of negotiation in which the parents work with a specially trained neutral person, known as a mediator, to reach an agreement about the children's future living arrangements. Mediation can work with and supplement the legal system. Both parents may wish to consult a lawyer before entering mediation or to have an attorney present during mediation to be sure that they understand their legal rights and responsibilities. Further, there may need to be discovery, which is available through the court process, in order to ensure that both parents are fully informed before entering mediation and any agreements. Mediation is not counseling. Mediators do not make decisions for parents, but help the parents to make their own decisions and reach agreement.

## **Collaborative Law**

Collaborative law is another form of negotiation and is a voluntary process in which parents each have a lawyer trained in collaborative law who helps them to work out the terms of their children's future living arrangements. All negotiations take place in four-way conferences between the parents and their attorneys and sometimes with a child specialist or psychologist also assisting.



Both parents have built-in legal advice and advocacy during negotiations and both attorneys are committed to guiding their clients toward reasonable resolutions, based upon the needs and interests of the children and the parents, as identified by the parents. Collaborative attorneys cannot go to court or threaten to go to court. The courts are not involved except to obtain the divorce or legal separation. If the parents cannot reach agreement in the collaborative process and decide that they need to go to court, the collaborative attorneys cannot represent the parents in court and the parents must hire new attorneys. Collaborative law is not counseling, nor is it media-



tion. Collaborative lawyers do not make decisions for parents, but help the parents make their own decisions in reaching agreement. The attorneys can prepare the documents that set forth the parents' agreement and the court papers for the divorce, legal separation or court order.

### **Why negotiate, mediate or work with collaborative lawyers?**

- The stress of resolving issues of a family breakup can be intense. Negotiation, mediation, and collaborative law give parents the opportunity to talk and discuss their options and positions, rather than proceed in an adversarial and accusatory manner.
- Solutions which are more creative, detailed, and flexible can be reached through negotiation, mediation, and collaborative law than may be possible through litigation.
- By engaging in these processes, parents learn how to communicate and to work cooperatively with each other so that they have the tools for resolv-



ing future conflicts and differences rather than resorting to the courts. Agreements reached by the parents regarding residency time with the children must be approved by the court.

- Negotiation, mediation, and collaborative law can also be more efficient and economical than litigation.

**Negotiation or mediation or collaborative law may not be appropriate when:**

- Parents do not have equal negotiation skills or bargaining position. However, in these cases the presence of the attorneys in the negotiation process may help to overcome the inequality.
- Parents are not fully informed of their legal rights.
- Parents are in high conflict or one is impaired by mental illness, personality disorder or persistent drug or alcohol abuse.
- Domestic violence or child abuse are present.

## **Litigation**

Litigation means using the courts to resolve issues involving you and your children. This is an adversarial process designed to allow each parent to prove his or her position and expose the weaknesses of the other parent's case by presenting evidence in a trial before a judge.

**Litigation may be necessary and appropriate when:**

- Parents cannot reach agreement.
- Parents do not have equal negotiation skills or bargaining positions.
- Parents are in high conflict or one is impaired by mental illness, personality disorder or persistent drug or alcohol abuse.
- Domestic violence or child abuse are present.

The court has limits on what it can do and achieve and the process can be expensive, lengthy, and difficult.

## **Limitations of the Court**

- The court has limits on its decisionmaking. For instance, case law states that joint custody is not appropriate if the parents are "warring," that is, in

conflict and unable to work together. Therefore, the most common result of a custody trial will be sole custody in one parent rather than joint custody.

- The court can never know the details of your life and what works for you as well as you do. As a result, certain flexibility and creativity that you and the other parent may be able to work out in a custody and residency agreement or parenting plan will not or cannot be created and imposed by a judge after trial.

### **Emotional/Financial Costs**

- Litigation often fuels the anger and high emotions already present in the fight over the children. It can take a long time and the costs, both emotional and financial, can grow.
- Positions can become polarized which makes it more difficult for parents to communicate and cooperate after the litigation is over.
- The court process may also make your children feel as though they are caught in the middle.

Because of these problems, litigation should be started only after a rational evaluation of the facts and circumstances and after consideration of alternatives, never out of hostility or a desire to injure. Before engaging in litigation, you should assess and be aware of the emotional and financial costs. Keep in mind, however, that while litigation may be costly and difficult, you should not enter into an agreement that is not appropriate for you and your children in order to avoid litigation.



## HOW COURTS MAKE CUSTODY DECISIONS

### Best Interests of the Child

This is the only standard for determining custody. The law states that the court must look at the facts of each case. Neither parent is presumed to have an advantage by virtue of gender or finances or age of children.

### Factors Considered

These are some of the factors that a court considers in deter-

mining what is in the child's best interests. This is not an exhaustive list, just an example of some of the factors. Also, the weight given to any factor, and even the factors that are considered, vary from case to case.

- Who has been the primary caretaker of the child?
- Who does the child look to for nurturing? With whom is the child most closely bonded?
- Is there domestic violence or child abuse in the household?
- What length of time has the child lived in a stable, satisfactory environment?
- What is the mental and physical health of everyone involved?
- What are the parenting skills of each parent?
- How inclined is a parent to allow, and not interfere with, the child's relationship with the other parent and to allow him or her to spend time with the child?

- What are each parent's childcare and work schedule plans?
- What are the interactions of the child with brothers and sisters and members of the extended family?
- What does the child wish, depending on age and maturity?

## **Others Who May Give the Court Assistance**

### **Attorney for the Child (Previously known as a Law Guardian)**

The attorney for the child is an attorney appointed by the court to represent the child. Depending on the circumstances, the attorney for the child may interview the parents, the child, and other individuals who may have relevant information, such as teachers, pediatricians, and therapists. The attorney for the child is the child's attorney. Communications between the child and the attorney for the child are confidential, as are parents' communications with their attorneys. The court may allow the parents' attorneys to make suggestions, but the selection of the attorney for the child will be made by the court. The attorney for the child will not be replaced because either parent is unhappy with his or her position.

The attorney for the child is allowed to call witnesses and participate in the trial. The attorney for the child is not an arm of the court, and his/her job is to advocate for the child's position, not for the child's best interests, unless the child is unable to make a knowing, voluntary and considered judgment, or the child's position would likely result in physical or emotional harm to the child.

### **Psychological Evaluator**

If it appears that the custody issue will go to trial, the court may appoint a psychologist to do an evaluation. The fee of the evaluator is usually paid by the parents. Due to the expense, the court may wait to order a psychological evaluation until it is clear that the parents cannot resolve the issue of custody on their own and that a trial will be necessary.

What is a psychological evaluation? A mental health professional will interview and test both parents and the children, if they are old enough to be tested. Stepparents and significant others may also be interviewed. The evaluator's report should be a neutral, objective assessment of the needs of the child and each parent's ability to meet those needs. The evaluation will not determine

fault or blame for the family breakup or take one parent's side against the other. Rather, the evaluator is concerned with the strengths and weaknesses of each parent and the relationship of the parents to each other and to the children. The report is confidential.

### **Substance Abuse Evaluator**

When there are allegations of substance abuse (drugs or alcohol), the court may order an evaluation by a professional evaluator.

### **Interview of the Children**

Some judges may ask to interview the child. The judge's interview of the child will be done when the child's attorney (law guardian) is present. It will also be done "on the record," that is, with a court reporter recording word for word what is said. This written record is sealed and cannot be seen by anyone other than the judge.

## CHILD SUPPORT

Children are already experiencing emotional adjustments to the breakup of their parents. A lower standard of living, which often happens with a divorce or separation, may add to the pressures that the children are feeling. The children should not be penalized for any conflict between the parents over the payment of child support in full and on time. Research has shown that timely payment of full child support and actively involved parents help children to have better academic, social, and emotional outcomes after their parents divorce or separate.

- By law, parents must provide their children with the necessities of life until they reach age 21 years. This legal requirement can end sooner, however, if a child marries, enters the armed services or works full time.
- By law, child support ordered by the court must be paid on time and in full.
- Visitation rights are generally not related to whether a parent is paying full child support on time.
- The parent who receives child support does not generally have to explain how the money is spent.
- The legal requirement to pay child support does not automatically end if the children go to live with the other parent. This can only be changed by a court order.
- It is very important to obey court orders or agreements. A parent who chooses to disobey a court order or agreement does so at his or her own peril. If a court order no longer makes sense, it is better to ask the court to change the order than to resort to self-help.

## CONCLUSION

Additional material to help you deal with the changes created by your separation or divorce and your children's reactions and adjustment to the new family arrangement can be found in the Appendices. It is hoped that your experience in parent education and this Parent's Handbook will help to make your life and that of your children easier and the outcomes positive for all. When parents focus on creating a loving, nurturing, low-conflict environment for their children after separation or divorce, children can grow into healthy, well-adjusted individuals.



# Appendices



## **APPENDIX A**

### **Bill of Rights for Children Whose Parents Are Separated or Divorced**

- 1.** The right not to be asked to “choose sides” between their parents.
- 2.** The right not to be told the details of the legal proceedings going on between their parents.
- 3.** The right not to be told “bad things” about the other parent’s personality or character.
- 4.** The right to privacy when talking to either parent on the telephone.
- 5.** The right not to be “cross-examined” by one parent after spending time with the other parent.
- 6.** The right not to be asked to be a messenger from one parent to the other.
- 7.** The right not to be asked by one parent to tell the other parent untruths.
- 8.** The right not to be used as a confidant regarding adult matters.
- 9.** The right to express feelings, whatever those feelings may be.
- 10.** The right to choose not to express certain feelings.
- 11.** The right to be protected from parental “warfare.”
- 12.** The right not to be made to feel guilty for loving both parents.

## APPENDIX B

## Children Learn What They Live

*If children live with criticism...  
they learn to condemn.*

*If children live with hostility...  
they learn to fight.*

*If children live with ridicule...  
they learn to be shy.*

*If children live with shame...  
they learn to feel guilty.*

*If children live with tolerance...  
they learn to be patient.*

*If children live with encouragement...  
they learn confidence.*

*If children live with praise...  
they learn to appreciate.*

*If children live with fairness...  
they learn justice.*

*If children live with security...  
they learn to have faith.*

*If children live with approval...  
they learn to like themselves.*

*If children live with acceptance and friendship...  
they learn to find love in the world.*

— Adapted from Dorothy Law Nolte

## APPENDIX C

### Suggestions For Parents<sup>9</sup>

These suggestions are offered to help you assist your children through the family changes. While your former spouse or partner may make it difficult to follow these suggestions, **remember that even one parent acting and parenting appropriately can make a difference in your children's lives.**

#### Do:

1. Answer your children's questions and concerns honestly and avoid including unnecessary details about the other parent.
2. Reassure your children that they are not to blame for your breakup with their other parent.
3. Keep the other parent informed about medical issues, school activities, and important events in your children's life.
4. Reassure your children that they will be taken care of and loved by you.
5. Be consistent and be on time when picking up your children for your time with them. Avoid cancelling or postponing the children's visits unless absolutely necessary. When parents frequently miss time with their children, it is hurtful to their children. If your plans do change, give the other parent as much notice as possible.
6. Be responsible and prompt with child support payments. Research has shown that timely payment of child support relates to children's school success, healthy adjustment, and emotional well-being.
7. Establish two homes for the children where they will feel comfortable and secure.
8. Develop a workable parenting plan that gives your child access to both of you, if it is safe to do so.
9. Give your child permission to have a loving, satisfying relationship with the other parent, if it is safe to do so.
10. Comfort your children if they miss the other parent.

**Don't:**

1. Argue in front of your children.
2. Pump your children for information about the other parent or use them to “spy” on the other parent.
3. Say bad things about the other parent or allow others to do so in the children's presence.
4. Discourage your children's communication with the other parent.
5. Put your children in the middle or ask them to take sides against one of you.
6. Discuss child support issues with your children.
7. Use the children as weapons against the other parent.
8. Withhold child support or access to “get back” at the other parent. This will only hurt your children and you.
9. Force your children to convey messages regarding such issues as pick up times and child support. These matters are best handled by you and the other parent.
10. Compete with the other parent by becoming overly generous with gifts.

**If You Are a Residential Parent**

1. Make sure your children have the other parent's address and telephone number.
2. Encourage your children to telephone, e-mail or write letters to their other parent.
3. Remind your children to invite their other parent to special events, if safety is not an issue.
4. Post a calendar so your children know the access schedule. Remind your children to get ready 30 – 45 minutes before the other parent arrives so they will not be late.

**If You Are a Nonresidential Parent**

1. Be on time when picking up your children. Avoid canceling time with your children. Call ahead if you are going to be late or unable to exercise your residency time with them.

- 2.** Make your home your children's home by keeping familiar pictures and other items around and by displaying their art work. Make a place for their belongings. Give them their own room, if possible.
- 3.** Avoid using friends or relatives as primary caretakers during your children's time with you. It is you they want to be with.
- 4.** Discuss household rules and expectations that may be different from the other parent's home.
- 5.** Introduce them to your neighborhood by taking walks and looking for other children their age.
- 6.** Be involved with your children's school and extracurricular activities. Try to attend activities that your children participate in.
- 7.** Avoid buying the children's affections by playing "weekend Santa." Most nonresidential parents do mainly recreational activities with their children, such as visiting parks or playgrounds. Encourage your children to bring schoolwork with them and become involved in helping them.
- 8.** Maintain regular contact with your children. Telephone, e-mail, and write letters as often as you can.
- 9.** Be aware that as your children get older, they may want to spend more time with their friends. Be prepared by starting to create other ways to continue your relationship with them that respect their needs, as for instance, offering to drive them to and from a friend's house or to their destinations and communicating with them more regularly by e-mail or phone.
- 10.** Pay your child support on time. Adequate finances are an extremely important factor in a child's adjustment to family reorganization. The residential parent will avoid feeling frustrated by having to call and ask for the money, the tension level will not escalate, and your child's environment will be more stable.

## APPENDIX D

### Factors That Reduce Stress For Children When They Go Between Parents

1. Keeping down the geographic distance and travel time between parents' homes can lead to less stress for your children.
2. The less the tension and conflict between parents, the less the stress.
3. If there is tension and conflict, having the transition at a familiar, neutral place will reduce the stress. Spending some time together, if it is safe to do so, may ease the transition.
4. A child traveling with his or her brothers and sisters will have less stress.
5. When a child knows what will happen at the other home there will be less stress. A telephone call before the transition to plan or inform the child of activities will go a long way.
6. Similarities between the two homes in routines, rules, chores, discipline styles, and emotional atmospheres will reduce stress.
7. Support for the children's own life will reduce stress. For example, allowing your children to see their friends or to participate in their usual activities will reduce stress.
8. Free access to the other parent by telephone or e-mail will reduce stress.
9. Free flow of clothing and toys will reduce stress. Having to pack to go back and forth between homes is stressful. What works best is if the children have basic clothing and toys in each home, but can also freely elect to take special clothing and toys back and forth without creating tensions or restrictions.
10. Not conducting parental business when picking up or dropping off the children will help smooth transition time and reduce stress.



## APPENDIX E

### Typical Age-Specific Responses of Children To Their Parents' Separation or Divorce<sup>10</sup>

Below are listed fairly typical reactions that can occur depending on a child's age. Your child may not experience any of these changes or may only have some of these reactions. Many of these reactions are very normal. What is of concern and what you should watch for is when any of these "typical" reactions lasts for more than six months or is very severe and your child is "stuck" and cannot adapt and move on and regain pre-separation or divorce habits, conduct, and abilities. If that occurs, you should consider seeking professional help for your child.

#### Birth to 2 years: Infants and Toddlers

Very young children cannot usually label feelings with words, but they can still be affected by family changes.

- Withdrawal or listlessness, if not due to a physical cause (e.g., illness) is probably a signal that a child is in distress. It is a basic and developmentally primitive way of shutting off things that are painful or overwhelming.
- Continued parental conflict is very upsetting to young children. Parental rage and depression have powerful effects on infants and toddlers. Young children cannot understand or distance themselves from parental conflict or distress and may experience it as a personal rejection.
- The three central causes of psychological distress in the infant/toddler age group are:
  - Unpredictable daily routines.
  - Hostilities between parent.
  - Emotional distress of a parent (especially the one primarily responsible for the care of the child).

Regression or backsliding, which is the loss of previously mastered developmental skills or tasks, may indicate that a young child is having difficulty coping with events in his or her life. Here are some of the developmental tasks that young children (approximately birth to two years) are working on, with examples of how they might backslide under stress:

#### **Eating**

- Refusing foods that have been enjoyed.

- Returning to using a bottle or wanting to breast feed after having been weaned.

**Emotional Regulation**

- Crying more intensely than usual over something small or for no apparent reason.
- Being more easily frustrated. For example, screaming if building a block tower and it falls down.

**Independence**

- Reverting to crying or clinging when a parent leaves the room to go to another part of the house or leaves the child with a caregiver.
- Becoming anxious and shy with a caregiver, instead of comfortable and at ease.

**Language**

- Reverting to crying or pointing instead of trying to name an object.
- Sounding babyish by giving up clear words for earlier versions, such as going back to using “ba” for “ball.”

**Sleeping**

- Refusing to go to sleep.
- Delaying going to sleep or having nightmares.

**Toilet Training**

- Reverting to wetting or soiling instead of using the toilet.

**How Parents Can Help**

- Establish consistent daily routines that include a regular predictable daily schedule of where the child will be and who will be taking care of him or her.
- Do everything within your power to minimize open hostility between you and the other parent, especially when your children are present or within hearing range. Behave respectfully or in a businesslike way toward each other in front of the children and avoid potential blowups.
- Take care of yourself physically and emotionally so that you can provide as much stability and support as possible, particularly if you are the parent primarily responsible for your children's care. Be proactive about getting the help you need to work through anger, depression, and other painful emotions. This is as much for your children's sake as for yours.

### **3 – 5 years**

- Fear of abandonment is a common concern for children in this age group. Routine separations that have not been a problem before may become difficult. Children may awaken at night crying and begging to be taken into the parent's bed. They may fear that if Mommy and Daddy stop loving each other, they may stop loving their child, too. It is important to recognize that children of this age rely heavily on their parents for physical and emotional security.
- Preschool children may experience some confusion and misconceptions regarding the breakup. Young children may feel guilty that their behavior caused the separation as, for example, because they were too noisy or naughty. They may be preoccupied with being "good," believing that their "badness" caused the separation and being "good" will bring their parents together again. The belief that they were bad and caused the separation may not change overnight, but it is important, nonetheless, to continue to stress to your children that the separation was not their fault.
- Regression or backsliding may occur at this age and is a response to anxiety or sadness. Children may return to security blankets or outgrown toys, and there may be lapses in toilet training.
- There may be an increase in aggressive behavior in the child's play and relationships, both at home and at school, particularly if they witness their parents' conflict and aggression. This can take place with friends, siblings, and adults. Sometimes the opposite occurs and there is a decrease in aggressive behavior as the child becomes more fearful.
- Parents may notice that their children may need more reassuring. Crying, whining, seeking physical contact or to be nurtured, or seeking to be protected from everyone, including strangers, may be some signs of this neediness.
- Children this age have a limited ability to understand the confusing events in their lives. They may have disturbing fears or fantasies. They may worry about a parent being destroyed, especially if the parents have fought. They may also have fantasies of going hungry that are associated with a fear of being abandoned. Children this age may feel that they are replaceable and worry that a parent involved in a new relationship may love the new person more than them.

## How Parents Can Help

- Parents can help their children by providing them with guidance and structure, thus creating a more stable and healthier environment. Children's fears should be respected and not ridiculed. It is helpful to reassure children that they are loved and will always be cared for and that they are not responsible for the parents' breakup.
- Children in this age group may need extra help and reassurance around separations. For example, explain clearly who will be taking care of them and your expected return time when you go to work or go out.
- Children often benefit from spending quality time with each parent when it is safe to do so. A parent's special attention and focus on the child will often help to reaffirm the child's sense of security and safety.
- It is very helpful to children in this age group if their parents can develop consistency between the two houses with rules and routines. Access to both parents is critical and much needed for children in this age group, as long as a parent is not abusive to either the children or to the other parent or extremely unstable.

## 6 – 8 years

- Grief and pervasive sadness may be experienced by children in this age group. Crying is not uncommon. Children may be intensely conscious of their sorrow and find difficulty in obtaining relief. One seven-year-old said he felt "very, very sad about the split" but said he couldn't cry because "I have to hold it in, 'cause I'd be crying all the time." This sums up the feelings often expressed by children in this age group.
- Yearning for the departed parent may be felt quite strongly. Many children feel abandoned and rejected by a parent who has not been in contact. The intensity of missing the departed parent may be very notable, with children expressing feelings such as, "Nothing feels right because Mommy/Daddy isn't home."
- Children may suppress aggression toward the noncustodial parent. Children may act subdued in the presence of a parent they see less often, afraid that the expression of anger will drive that parent even further away. Increased aggression may also be shown toward peers, siblings, and the custodial parent.

- Children may also be angry with the custodial parent because they perceive that the noncustodial parent was made to leave the home.
- Fantasies that their parents may get back together are quite common in this age group. Some children hold on very hard to this hope, even after a parent remarries.
- Loyalty conflicts can be particularly difficult for children in this age group. When parents put pressure on children to reject the other parent, children do not know how to cope with feeling pulled in two directions by love and loyalty. When there are parental pressures to take sides, the children are often unable to do so. They continue to try to be loyal to both parents, frequently in secret, and often at considerable psychological cost and suffering.
- The children may have physical symptoms — trouble sleeping or complaints of stomachaches or headaches.

### **How Parents Can Help**

- One of the most important things parents can do for a child in this age group is to encourage the child to have a positive relationship with the other parent, if it is safe to do so, and not force the child to take sides. Keeping the child out of custody conflicts is important.
- Children of all ages, but especially of this age group, need to be protected from the parents' disappointments and anger. Children should not be pressured to take sides. Avoid at all costs criticizing the other parent in front of the children. What they need most at this time is the reassurance from both parents that although their parents do not get along well enough to continue living together, they both still love their children and will take care of them. It is critical that the children be assured that even though one parent has moved to a new home, they will still be able to be with that parent, and that it is important to have a healthy relationship with both parents, if it is safe to do so. Children also need clear and consistent affection and support from both parents, since they often doubt their parents' love during this period.
- Children this age do not do well with large blocks of time away from a parent and need to see both parents frequently, if it is safe to do so. Concrete answers should be given to questions the child might have about the separation, such as who will take care of them.

## 9 – 12 years

- Children in this age group may sometimes appear to be indifferent to the breakup, which is a way of coping with their strong feelings.
- Anger may be conscious and intense, and serves the purpose of temporarily relieving more painful feelings like sadness and helplessness.
- A shaken sense of identity is sometimes experienced by children in this age group who have depended on the presence of both parents for a sense of identity. They may feel “different” from other children whose parents are together.
- Physical symptoms such as headaches, stomachaches, leg cramps or intensified asthma attacks may be present and are often linked to periods of heightened stress.
- Taking sides and aligning with one parent can be a real problem for children in this age group, who are particularly vulnerable to being swept up into the anger of one parent against the other. A parent who feels used and betrayed by the other parent tends to initiate these alignments. Children who are emotionally needy find it hard to resist a parent’s message that if they are on that parent’s side he or she will be close to the child, as it makes the child feel important and needed. However, children who are placed in such a position tend to be less stable emotionally than their brothers and sisters who refuse to take sides and to be more depressed at the time of the separation. Pushing children to take sides or to reject a parent places a burden and can have an emotional toll on them.
- Attempts to cope by distancing themselves are sometimes used. The child may become more involved with a peer group, school, sports or other activities. This is often a good sign and should be encouraged.

### How Parents Can Help

- Allow your child to be involved in school, sports, and peer group activities.
- Do not shift too much of the decisionmaking, care of younger children, household work or companionship responsibilities from the absent parent to the child.
- Allow your child to have a relationship with the other parent, if it is safe, and do not pressure him or her to take sides. Remember, the right to love both parents is the greatest gift you can give your child at any age.

- Establish consistent rules and expectations between the two households, if it is safe and possible to do so. It will be easier to maintain these during adolescence if they are established now.
- Again, as with younger children, children need to be protected from parents' rage toward each other by minimizing conflict in their presence, especially if that conflict is not resolved and becomes destructive. While children learn positive social skills by watching conflict get resolved through negotiation and compromise, this is not a reason or justification for exposing children to parents' conflicts.
- Parents can lessen the impact of the conflict by frequently showing the children that they have permission to love both parents. This can be done by encouraging the children to call or write e-mails or letters, and by helping them to give gifts and/or cards to the other parent for special occasions, such as birthdays, holidays, and Mother's or Father's Day.
- It is also helpful to occasionally say good things about the other parent in front of the children, to comment on the parent's love for the child, and to praise that person's good qualities. At one time you saw enough of these good qualities to want to marry or establish a relationship with this person. Surely some of those qualities are still there and should not be forgotten or overshadowed by your anger and disappointment about the end of the relationship. It is helpful for children to feel proud of both of their parents.

### **13 – 18 years**

- Adolescents tend to worry about their future, especially about future intimate relationships. Because their parents' breakup occurred at an age when the adolescent is preoccupied with being loved and accepted, uncertainty about the future makes them anxious. Adolescents may worry that they are doomed to conflicting relationships that will not last.
- Sometimes sexual acting out may occur, particularly if children see their parents' sexual behavior in new relationships. It may happen if their parents set fewer limits or if parents pay less attention to an adolescent's behavior. If adolescents feel that the moral rules they have been taught have gone by the wayside, this can also lead to increased sexual behavior. When the adolescent is not emotionally ready for such relationships and is becoming involved as a reaction to family events, this can be a problem.



- Mourning and a profound sense of loss are often felt by children in this age group, along with feelings of emptiness and fatigue. Adolescents may mourn the family of their childhood. They feel the loss in two ways: as a loss of the family that will no longer be available to them because of one parent's leaving and as a loss of the family they were leaving because they were growing up.
- Anger is a common feature. Some anger is age-related and some serves to cover up feelings of vulnerability and powerlessness. Adolescents are often angry at their parents for being selfish and inconsiderate in choosing to separate at this point in the adolescent's life.
- Changed perceptions of parents are not uncommon. A parent might be newly perceived as vulnerable and dependent or as strong and invulnerable. Adolescents often attach moral judgements to these perceptions, believing, for example, that vulnerability is bad. Adolescents who have perceived a flaw or weakness in one parent may exaggerate those perceived flaws and see the other parent as mistreated or martyred.
- Loyalty conflicts occur when one or both parents turn to their adolescent child for support while they are in the midst of changing their relationship. This often causes profound conflict for the adolescent over issues of allegiance and loyalty. When parents demand that their children choose sides, their children may feel guilt, despair, and depression.
- Greater maturity and moral growth can be a consequence of separation. Adolescents tend to think about their parents' experiences and to draw conclusions for their own futures. Many try to learn from their parents' failures how to become better, more mature adults and seek standards to guide their own behavior.
- Money concerns are often present in separating families and are a common battleground between separating parents. Adolescents can become prematurely "money-wise" and anxious about whether there will be enough money for their future needs, such as college expenses.
- Many adolescents experience a changed role in the family. Some move into protective and helpful roles, taking on the sharing of household responsibility and care of young children with competence and pride. Parents are sometimes able to depend on their adolescent children for very real added help, which can be a positive experience for the adolescent, as well.

It is important, however, that the adolescent have time and permission to live his or her own life apart from family responsibilities.

- Other adolescents respond to the family breakup by increasing distance from their parents. For instance, they may become very active and stay away from home. As part of the growth process, it is natural for adolescents to begin to pull away from their families and become more ready for independence. However, for some adolescents withdrawal may be a way for them to get away from their parents' crisis and fighting in order to save themselves from being overwhelmed emotionally. This withdrawal from family can be an adaptive way of coping and not getting involved in parental struggles.

### **How Parents Can Help**

- It is important for teenagers to have both of their parents involved in their lives and attending important events, if it is safe to do so. Frequent contact between households may be difficult if the teenager has many competing interests, so, if possible, a flexible schedule is important.
- Parents need to monitor their teenagers' activities and behavior. This age group very much needs limits and guidance on behavior. Parents can become lax about the structure and limits that teens need. Often a parent who was not working or who was working part time prior to the breakup will begin full-time work and may leave their older children unsupervised much of the time. This has the effect of making the teenager anxious and more likely to misbehave. Teens are more likely to get into trouble between 3:00 p.m. and 6:00 p.m. (after school hours) than any other time of day. Ideally, parents should work together and support each other, when it is safe and possible to do so.
- Since sexuality is a focus for adolescents, they need to be protected from being too aware of their parents' sexuality. When parents begin new relationships too quickly, and particularly if they become consumed by them or talk about the details to their teens, the teenagers often become confused.
- As with the other age groups, continuing to protect the child from awareness of parental conflict is important. Children of this age group may seem mature enough to be involved in the parental struggle. However, they are actually extremely vulnerable to blaming and rejecting a previously loved parent. Although this may be gratifying to the parent whose side the teen is on, it is not good for the teen's healthy development.

## APPENDIX F

### When To Get Professional Help<sup>11</sup>

Mental health consultation and intervention can be very helpful for children and parents struggling with separation or divorce. Use these “warning signs” as a guideline in deciding if a mental health professional should be consulted. Primary care physicians and school counselors are often good resources for referrals to competent therapists.

#### Warning Signs for Children

- Prolonged periods of sadness or anger.
- Prolonged difficulty sleeping.
- Frequent nightmares.
- Persistent regressed behavior.
- Expressions of desire to hurt him or herself. Seek help immediately!
- Significant change in school performance.
- Lack of desire to engage in usual social, athletic, school or family activities.
- Refusal to spend time with a parent.
- Significant, prolonged behavior change.
- An increase in physical complaints such as headaches or stomachaches.

#### Warning Signs for Parents

- Prolonged sadness.
- Prolonged feelings of anger or resentment.
- Feelings of helplessness or hopelessness that last for several months.
- Prolonged withdrawal from usual social activities.
- Significant, unplanned weight loss or gain.
- Frequent canceling or rescheduling of parenting schedules.
- Excessive use or abuse of alcohol or other mood altering substances.
- Frequent use of the court system, which may be a symptom of unresolved anger.

- An increase in physical complaints such as headaches, abdominal pain or backache.
- Inability to parent as effectively as you once did.
- Loss of interest in being with loved ones.

## APPENDIX G

### Reading List For Parents

- Ackerman, Marc J. (1997). *Does Wednesday Mean Mom's House or Dad's?: Parenting Together While Living Apart*. New York: John Wiley & Sons.
- Adler, Robert E. (1988). *Sharing the Children*. Maryland: Adler & Adler.
- Ahrons, Constance R. (1995). *The Good Divorce: Keeping Your Family Together When the Marriage Comes Apart*. Harper Perennial.
- Benedek, Elissa & Brown, Catherine (1995). *How to Help Your Child Overcome Your Divorce*. American Psychiatric Press. Emphasis on what parents can do to help their children; helpful chapter on legal process.
- Bienenfeld, Florence (1995). *Helping Your Child Through Your Divorce*. Hunter House. Focuses on how children see divorce, true-to-life stories, practical (legal information, emotional information, reference tools).
- Blackstone-Ford, J. & Jupe, S. (2004). *Ex-Etiquette for Parents: Good Behavior After a Divorce or Separation*. Chicago Review Press. Written by a remarried woman and her husband's ex-wife. The two describe how they overcame obstacles and forged a cooperative working relationship on behalf of their children.
- Emery, Robert E. (2004). *The Truth About Children and Divorce: Dealing With the Emotions So You and Your Child Can Thrive*. Penguin Books. Details the ways that separating couples can manage the painful, intense emotions associated with divorce in order to help children thrive after a breakup. Describes the results of a long-term study on mediation and the benefits of containing conflict to foster children's best interests.
- Engel, Margorie L. (1994). *Divorce Help Sourcebook*. Visible Ink Press. Provides hundreds of references for support (emotional, legal reference); highest rating as reference tool.
- Engel, Margorie L. & Gould, Diana D. (1992). *The Divorce Decisions Workbook: A Planning and Action Guide*. New York: McGraw-Hill, Inc.
- Everett, Craig & Everett, Sandra V. (1994). *Healthy Divorce*. Jossey-Bass. Easy to read, down-to-earth.

- Fassler, David, Lash, Michele & Ives, Sally B. (1988). *Changing Families: A Guide for Kids and Grown-Ups*. Waterfront Books. For young children to use alone and/or with adults.
- Garrity, Carla (1989). *Caught in the Middle: Protecting Children of High-Conflict Divorce*. New York: Lexington Books.
- Gold, Lois (1992). *Between Love and Hate: A Guide to Civilized Divorce*. Plenum Press.
- Grollman, Earl A. (1975). *Talking About Divorce and Separation: A Dialogue Between Parent and Child*. Beacon Press. Includes child part (for younger kids) followed by adult guide (explains each sentence of the child section in detail). Gives very real depiction for the children. Explains emotions of parents and children.
- Ives, Sally B., Fassler, David & Lash, Michele (1985). *The Divorce Workbook: A Guide for Kids and Families*. Waterfront Books.
- Jones, Anne & Schechter, Susan (1992). *When Love Goes Wrong*. Harper Collins. Provides guidance in understanding abusive and violent intimate relationships.
- Kalter, Neil (1990). *Growing Up With Divorce: Helping Your Child Avoid Immediate and Later Emotional Problems*. Free Press. Goes into detail about reactions of children of different ages.
- Lansky, Vicki (1989). *Divorce Book for Parents*. Canada: Penguin Books.
- Leving, Jeffrey M. (1997). *Father's Rights*. Basic Books. New York.
- Ricci, Isolina (1981). *Mom's House, Dad's House*. New York.
- Schneider, Meg F. & Zuckerberg, Joan (1996). *Difficult Questions Kids Ask and Are Afraid to Ask About Divorce*. New York: Simon & Schuster.
- Teyber, Edward (1992). *Helping Children Cope With Divorce*. Jossey-Bass.
- Walther, Anne N. (1991). *Divorce Hangover*. Pocket Books.
- Warshak, Richard (2001). *Divorce Poison: Protecting the Parent-Child Bond From a Vindictive Ex*. Harper Collins Publishers. This book addresses the extremely difficult situation of a child becoming so aligned with one parent that his/her relationship with the other parent is seriously damaged. Dr. Warshak describes ways to combat this outcome and how to protect children from being caught in loyalty conflicts

## APPENDIX H

### Reading List For Children of Various Ages

- Agle, N.H. (1973). *Susan's Magic*. New York: Seabury Press.
- Ancona, G. (1977). *I Feel: A Picture Book of Emotions*. New York: E.P. Dutton.
- Arundel, H. (1972). *A Family Failing*. New York: Thomas Nelson.
- Berger, T. (1971). *I Have Feelings*. New York: Human Sciences Press.
- Berger, T. (1974). *A Friend Can Help*. Chicago: Children's Press.
- Berger, T. (1977). *How Does It Feel When Your Parents Get Divorced?* New York: Messner.
- Berger, Terry (1979). *I Have Feelings, Too*. New York: Human Sciences Press.
- Berman, Claire (1982). *What Am I Doing In A Stepfamily?* Syracuse, NY: Lyle Stuart, Inc.
- Blume, J. (1972). *It's Not the End of the World*. New York: Bradbury Press.
- Boddie, C.F. (1988). *The Feelings Book: Expressing Emotions Creatively. A Guide for Children and Grown-ups*. Evergreen, CO: Cordillera Press, Inc.
- Brogan, J.P. & Maiden, U. (1986). *The Kid's Guide to Divorce*. New York: Fawcett Crest.
- Brooks, J. (1973). *Uncle Mike's Boy*. New York: Harper & Row.
- Brown, L. & Brown, N. (1986). *Dinosaurs Divorce: A Guide for Changing Families*. Joy Street/Little, Brown. Covers, with completeness and good-humored matter-of-factness, children's feelings as they react to divorce in their families. Marked by a reassuring warmth, the text and illustrations bring information about stepparents, special occasions, telling friends, having two homes, and other areas of concern to the large number of children affected by divorce.
- Cain, B.S. & Benedek, E.P. (1976). *What Would You Do?* Youth Publications.
- Chorao, K. (1973). *A Magic Eye for Ida*. New York: Seabury Press.
- Cocoran, B. (1971). *This is a Recording*. New York: Atheneum.



- Eichler, M. (1971). *Martin's Father*. Chapel Hill, NC: Lollipop Power
- Eyerly, J. H. (1964). *The World of Ellen March*. New York: Harper & Row.
- Fassler, David, Lash, Michele & Ives, Sally (1988). *Changing Families: A Guide for Kids and Grown-Ups*. Waterfront Books. For young children to use alone and/or with adults.
- Fintushel, N. & Hillard, N. (1991). *A Grief Out of Season: When Your Parents Divorce in Your Adult Years*. Boston: Little Brown & Co. This is one of the few books that describes the reactions and challenges that adults experience when their parents divorce. This book is a compassionate and helpful portrayal of the complex emotions that parental divorce poses — even for grown children.
- Grollman, Earl A. (1975). *Talking About Divorce and Separation: A Dialogue Between Parent and Child*. Beacon Press. Includes child part (for younger kids) followed by adult guide (explains each sentence of the child section in detail). Gives very real depiction for the children. Explains emotions of parents and children.
- Hazen, B. (1978). *Two Homes to Live In: A Child's-Eye View of Divorce*. New York: Human Services Press.
- Ives, Sally B., Fassler, David & Lash, Michele (1985). *The Divorce Workbook: A Guide for Kids and Families*.
- Jasinek, D. & Ryan, P.B. (1988). *A Family Is A Circle of People Who Love You*. Minneapolis, MN: CompCare Publishers.
- Jong, E. (1984). *Meagan's Book of Divorce*. New American Library.
- Kindred, W. (1973). *Lucky Wilma*. New York: Dial Press.
- Klein, N. (1974). *Taking Sides*. Panthem Books.
- Lansky, Vicki (1998). *It's Not Your Fault, Koko Bear: A Read Together Book*. Book Peddlers. Minnetonka, MN.
- Mann, P. (1973). *My Dad Lives in a Downtown Motel*. Garden City: Doubleday.

- Marquardt, E. (2005). *Between Two Worlds: The Inner Lives of Children of Divorce*. New York: Random House. Based on a national survey of young adults, this book weaves the findings of the research with powerful stories of the childhoods of young people from divorced families and their lives as young adults. Compelling and very well-written, this book provides a sensitive look at the realities of divorce for children.
- Mayle, P. (1980). *Divorce Can Happen to the Nicest People*. New York: MacMillan.
- Phillips, C.E. (1979). *Our Family Got a Divorce*. Ventura, CA: Regal Books.
- Pursell, M.S. (1976). *A Look at Divorce*. Minneapolis, MN: Lerner.
- Rofes, Eric (1982). *The Kids' Book of Divorce: By, For and About Kids*. First Vintage Books. Compiled by 11- to 14-year-old children. Explains emotional, legal aspects in a way that older children can appreciate and understand.
- Rogers, Fred. (1996). *Let's Talk About Divorce*. G.P. Putnam. Good book for children ages 3 – 6.
- Simon, N. (1976). *All Kinds of Families*. Chicago: Albert Whitman & Co.
- Spilke, F. (1979). *The Family That Changed*. New York: Crown.
- Spilke, F. (1979). *What About Me?* New York: Crown.
- Stenson, J.S. (1979). *Now I Have a Stepparent and It's Kind of Confusing*. New York: Avon Books.
- Stolz, M.S. (1972). *Leap Before You Look*. New York: Harper & Row.

## APPENDIX I

### Reading List For Children By Age

#### Kindergarten – Grade 1

Boegehold, B. (1985). *Daddy Doesn't Live Here Anymore: A Book About Divorce*. Western Publishing. This story opens the lines of communication between parent and child about divorce.

Caines, J. (1977). *Daddy*. New York: Harper & Row. A warm story about the time a young African-American girl spends with her father when he visits on Saturdays.

Dragonwagon, C. (1984). *Always, Always*. MacMillan. A little girl discovers that although her parents are divorced, it in no way changes their love for her.

Girard, L.W. (1987). *At Daddy's on Saturdays*. Whitman. Although her parent's divorce causes her to feel anger, concern, and sadness, Katie discovers that she can keep a loving relationship with her father even though he lives apart from her.

Graeber, C. (1984). *Thing In Kat's Attic*. New York: Dutton. Three sisters get the "thing" out of their attic all by themselves, taking an important step toward learning to live without Dad.

Hurwitz, Jr. (1984). *DeDe Takes Charge!* New York: Morrow. A year after her father has left home for good, 5th grader DeDe helps her mother cope with the realities of life after divorce.

Lindsay, J. (1982). *Do I Have A Daddy? A Story About a Single-Parent Child*. CA: Morning Glory. Erik responds to taunting about his fatherless state with anger and then by questioning his mother.

Lisker, S. & Dean, L. (1976). *Two Special Cards*. Harcourt. Hazel was frightened when her parents were divorced but she became accustomed to having two homes.

Osborn, L. (1983). *My Dad is Really Something*. Chicago, IL: Whitman. Harry finds that his father just doesn't stack up against his friend Ron's father, until he finds out that Ron is describing a fantasy.

- Park, B. (1981). *Don't Make Me Smile*. New York: Knopf. A young boy seeks professional counseling when he feels life will never be the same again after his parents' divorce.
- Rogers, H. (1975). *Morris and His Brave Lion*. McGraw-Hill Book Co.
- Schuchman, J. (1979). *Two Places to Sleep*. Carolrhoda. David describes living with his father and visiting his mother on weekends after his parents' divorce.
- Simon, N. (1976). *All Kinds of Families*. Chicago: Whitman. A variety of families and lifestyles are depicted to broaden children's concepts and help them accept their own situations.
- Sinberg, J. (1978). *Divorce Is A Grown-Up Problem*. New York: Avon. Story-form presentation of the anxiety and confusion young children may experience at the time of parents' divorce.
- Stanek, M. (1972). *I Won't Go Without A Father*. Chicago: Whitman. Steve dreads Open House at school, believing himself to be the only student without a father.
- Stein, S.B. (1979). *On Divorce: An Open Family Book for Parents and Children Together*. New York: Walker. Separate texts for parents and children to explore various emotions aroused by divorce.
- Stinson, K. (1984). *Mom and Dad Don't Live Together Anymore*. Canada: Annick. Comparing life with Mommy and her brother in a city apartment and life on weekends at Daddy's house in the country, a little girl loves her mother and father and knows they both love her, but just not together.
- Tax, M. (1981). *Families*. Little Brown. Six-year-old Angie, who lives with her mother and enjoys visiting her father and his new family, comments on the family situations of other children — and those of a few animals as well. What Angie tells readers is that there is enormous variation in families but that love is the core, whether it's a two-parent, single-parent, multi-generation, childless, or adoptive family.
- Thomas, I. (1976). *Eliza's Daddy*. Harcourt. Eliza's parents were divorced and she wondered what her daddy's new daughter was like.

Vigna, J. (1984). *Grandma Without Me*. Whitman. A young boy finds a way to keep in touch with his beloved grandmother despite his parents' divorce.

Zindel, P. (1975). *I Love My Mother*. New York: Harper & Row. Depicts a single parent who not only cooks but teaches her son to kick a football.

Zolotow, C. (1971). *A Father Like That*. New York: Harper & Row. Depicts the day-dreams of a little boy who never knew his father.

### **Readings For Children Living In Homes Where There Has Been Domestic Violence**

Agassi, Martine (2000). *Hands Are Not For Hitting*. Minneapolis, Minnesota: Free Spirit Publishing.

Patterson, Susan (1987). *I Wish The Hitting Would Stop*. Red Flag Green Flag Resources. A workbook for parents to use with their children.

Trottier, Maxine (1997). *A Safe Place*. Morton Grove, Illinois: Albert Whitman & Co.

Verdick, Elizabeth (2003). *Teeth Are Not For Biting*. Minneapolis, Minnesota: Free Spirit Publishing.

Verdick, Elizabeth (2004). *Words Are Not For Hurting*. Minneapolis, Minnesota: Free Spirit Publishing.

### **Grades 2 – 3**

Adams, F. (1973). *Mushy Eggs*. New York: Putnam. The adjustment to inevitable loss and the lesson that people are not interchangeable are warmly explored.

Goff, B. (1969). *Where is Daddy?* Boston: Beacon Press. Addresses the problems of anger and resentment resulting from divorce.

Hazen, B.S. (1978). *Two homes to Live In: A Child's Eye View of Divorce*. New York: Human Services Press. Excellent for children who share time in two homes.

Lexau, J.M. (1972): *Emily and the Klunky Baby and the Next-Door Dog*. New York: Dial Press. Story of a young girl confused by her mother's lack of attention.

Newfield, M. (1975). *A Book for Jordan*. New York: Athenium. When her parents decide to get a divorce, Jordan moves with her mother to California and her father remains in Massachusetts. Jordan desperately misses her father

and their living together as a family. At Easter Jordan visits her father. When, all too soon, it is time for Jordan to go back to California, her father presents her with a surprise. It is a scrapbook full of pictures, souvenirs, bits of advice, and above all, it helps Jordan realize that although she is separated from her father, she is still deeply important to him.

Paris, L. (1980). *Mom is Single*. Children's Press. Describes how a boy who lives with his sister and single working mom feels about many things and how his life is different since his parents were divorced.

Pomerantz, B. (1985). *Who Will Lead Kiddush?* Union of American Hebrew Congregations. After leading the Kiddush, Debby remembers when, before the divorce, her father always led the traditional chant and used the heavy silver cup that had belonged to his grandfather. Although the story tells of a child concerned with problems in family celebrations of Jewish customs in a divided family, it could be a story of divorce, parental concern and love of a child of any faith.

## Grades 4 – 6

Blue, R. (1972). *A Month of Sundays*. Franklin Watts. Ten-year-old Jeff returns from summer camp to find that his parents are getting a divorce. The timing prompts him to wonder whether it would have occurred if he had remained at home.

Blume, J. (1972). *It's Not the End of the World*. New York: Bradbury Press. An elementary school age girl is experiencing the breakup of her family.

Byars, B. (1980). *Night Swimmers*. New York: Delacorte Press. A near-tragic accident helps the single father of three children to recognize their needs.

Carrick, C. (1983). *What a Wimp!* Clarion Books. After his parents were divorced, Barney and his brother Russ moved to the small town where his mother had spent her childhood summers. Barney finds now that coping with a bully in his class makes him unhappy about everything else. He knows he can't expect his mother or brother to fight his battles, but their sympathy does help. In the end it is Barney himself who decides that if he stops running, he can't be chased, and who learns that a bully will often back down when confronted.

Cleary, B. (1953). *Otis Spofford*. New York: Morrow. Otis' single, working mother hasn't enough time for him, so Otis seeks attention by misbehaving in school.

Cleary, B. (1983). *Dear Mr. Henshaw*. New York: Morrow. Leigh Botts started writing letters to his favorite author, Boyd Henshaw, in the second grade. Now, Leigh is in the sixth grade, in a new school, and his parents are recently divorced. This year he writes many letters to Mr. Henshaw, and also keeps a journal. Through these the reader learns how Leigh adjusts to new situations, and of his triumphs.

Fisher, L. (1984). *Rachel Vellars, How Could You?* Dodd, Mead. Eleven-year-old Cory changes schools when she goes to live with her father after her parents' divorce, and has some adjustments to make in choosing and holding friendships.

Fisher, L. (1985). *Radio Robert*. Dodd, Mead. Reluctantly propelled into celebrity status by his ad libs on a local radio show, Robert must come to terms with his ambivalent feelings about friends and parents. Very good at capturing feelings kids may have about change in their lives.

Gardner, R.A. (1979). *The Boys' and Girls' Book About Divorce*. New York: Bantam Books.

Gardner, R.A. (1982). *The Boys' and Girls' Book About Stepfamilies*. New York: Bantam Books.

Gilbert, S. (1982). *How to Live with a Single Parent*. New York: Lothrop. Follows a single-parent family from the early difficult times towards adjustment.

Greene, C. (1969). *Girl Called Al*. New York: Viking. Left to her own devices, a lonely and intense seventh grader tries to adjust to living with one parent.

Greene, C. (1983). *Ask Anybody*. Viking. This is Schuyler Sweet's story about Nell, an unusual girl who comes with her family to a quiet town in Maine. In a parallel story, Schuyler's divorced artist parents live at opposite ends of the same rambling house, but Schuyler is worried about the future as it looks as if her mother is falling in love.

Krementz, J. (1984). *How It Feels When Parents Divorce*. Knopf. This is a compilation of taped interviews with nineteen girls and boys whose ages range from seven to sixteen. Their backgrounds and life styles are diverse, and they



show a range of reactions to stepparents or half-siblings, and they don't always agree about the success of joint custody or other arrangements for seeing both parents, but there's one noticeable area of agreement: almost all the children think that if their parents were not happy together, it's better that they be divorced.

LeShan, E. (1978). *What's Going to Happen to Me?* Bristol, FL: Four Winds. Discusses children's concerns when parents separate or divorce.

Merian, J. (1980). *Someone Slightly Different*. New York: Dial Press. A young girl gradually gives up her dream of her missing father reappearing.

Moore, E. (1980). *Something to Count On*. Dutton. Ten-year-old Lorraine is an African-American girl living in the Bronx. High-strung and argumentative, she is in constant trouble at school. At home she takes out her frustrations on her divorced mother and vainly wishes her father would be less indifferent to the weekends he is supposed to spend with Lorraine and her brother. An understanding teacher at school, and a realization of her mother's gentle strength, help her to grow. A good choice for reluctant readers.

Naylor, R. (1983). *The Solomon System*. Atheneum. Ted and Nory Solomon have always worked as a team so much so that a neighbor dubbed the two brothers the "Solomon System." But, as their parents' divorce seems inevitable, the boys' attitudes diverge.

Park, B. (1981). *Don't Make Me Smile*. Canada: Knopf. Eleven-year-old Charles has been told by his parents that they are divorcing and he runs the gamut of emotions from sniffling self-pity to open rebellion. All the familiar ingredients are here — the response of a child to a threatening situation, parents who care enough to get him professional help — but the author's sense of humor makes this a very readable book.

## APPENDIX J

### FREQUENTLY ASKED LEGAL QUESTIONS

#### **Why does he or she get to visit with the kids when he or she isn't paying child support?**

Visitation rights and child support are not legally connected to each other and the failure of a parent to pay child support, even in violation of an existing support order, does not authorize the withholding of visitation.

#### **Why do I have to pay child support when he or she is not letting me see the children?**

As noted above, visitation and child support are not legally connected. The remedy for a wrongful withholding of visitation is to seek enforcement of the order through appropriate application, such as contempt, to the court.

#### **If the children do not want to go with their other parent, do I have to make them go?**

It is important that the children have a relationship with both parents, if it is safe to do so. Many studies have shown that children who have a good post-separation relationship with both parents do better in all areas of life than those who lose a relationship with one of their parents. You should, therefore, do everything in your power to encourage the children to visit with the other parent. At a minimum, you should tell the children that it is okay with you for them to visit and that you want them to have a good time with the other parent. Assure them that you will not be angry with them for having a good time with the other parent.

**Note:** This does not apply to situations in which the child's reluctance to go with the other parent may be caused by that parent's abuse or neglect of the child while in his or her care. In that situation, supervised or no visitation may be appropriate.

#### **Isn't there someone who can supervise the visits?**

Unless there are child protective concerns that warrant the intervention of the Department of Social Services, there is no readily available supply of supervi-

sors for visitation. If supervision is truly necessary, try to find a third party [relative, friend] who is known to and trusted by the children [and by you] who will insure their safety during visits with the other parent. A court may order supervision or a neutral place of exchange when there are serious concerns about a parent's interaction with the child or domestic violence.

### **I do not like some of the things that the other parent does with the children, what can I do to stop them?**

Unless the activity presents a genuine issue of safety for the child, you really have no control over the activities that the children engage in with the other parent during the periods of time that they are with him or her, just as the other parent has no control over the activities that you engage in with the children while they are with you. Try to avoid efforts at controlling their activities with the other parent — such efforts will usually only increase the resentment between you and the other parent and, ultimately, place the children in the difficult or impossible position of choosing between the two of you. However, setting proper standards in your own home and sticking to them will benefit your children in the long run.

### **Do the children have to visit with his girlfriend or her boyfriend?**

Again, what happens during the periods of time that the children spend with the other parent is largely beyond your control. Absent a genuine safety concern, it is highly unlikely courts will restrict the ability of parents to have new significant others present during periods of time that the children are visiting with them. It is appropriate, however, in certain instances, to place limits on overnight visits which, given the children's ages, and maturity level, could be confusing for them. Remember, however, that the same may hold true with respect to your new significant other.

### **How can I make the other parent visit with the children?**

As the saying goes, you can lead a horse to water.... There is no mechanism available to compel a parent to visit with his or her children; however, you can encourage visitation by having the children contact the other parent to express a desire to see him or her, facilitating a schedule of visitation that will be convenient for contact between the other parent and the children, and telling the other parent that the children would like to see him or her and are disappointed by the lack of contact.

**How can I stop the other parent from having anything to do with the children?**

Unless there are genuine safety issues, it is highly unlikely that a court would terminate all visitation between a parent and a child. Whatever your relationship with the other parent may be, you must recognize that he/she is still the child's parent and, as such, the children's relationship with him/her is probably quite different than yours. You must accept this fact and, as indicated above, for the sake of the children, try to set aside your animosity towards him/her in considering issues of visitation and other issues.

**How can I force the parent receiving child support to spend the money for the children?**

A parent who receives child support has no duty to account for the disposition of such payments and cannot be compelled to justify expenditure of the funds received. Remember that, as a general rule, the parent providing the day-to-day care for a child generally incurs significant, often unrecognized, expenditures which may actually be more than his or her "share" of the basic support obligation. If the children's needs are not being met, despite the payment of child support, consideration might be given to filing a modification proceeding. An application to reduce the level of support being paid can also be made.

**Why do we always have to do things the other parent's way?**

It is not a question of doing things one way or another, it is a question of doing what is best for the children. If one parent insists that something be done a certain way, rather than create a problem for the children, do it that way and then enjoy the time that you have with your children instead of focusing on who is "winning." Pick your battles wisely and only wage the ones that are truly important.

**My four-year-old son refuses to see his other parent and I wind up carrying him screaming to the car. The other parent tells me he is okay for the rest of the visitation, but I worry the whole weekend. What should I do?**

Your son more than likely feels torn between the two of you. He may feel like he wants to go with his other parent, but may feel guilty about leaving you. Reassure

him of your love, encourage him to go with his other parent, and plan something special for his return.

**Note:** This does not apply to situations in which the child's reluctance to go with the other parent may be caused by that parent's abuse or neglect of the child while in his or her care. In that situation, supervised or no visitation may be appropriate.

**My little girl has been toilet-trained for years, but now has started to have occasional accidents. Is she being abused?**

Generally this is not due to abuse. Many children suffer anxiety as a result of separation or divorce. Some show this by becoming more baby-like. They may begin sucking their thumb again, crying for a bottle or looking for their favorite teddy bear. This baby-like behavior is called regression. If this happens, try to be patient, understanding, and reassuring to your child. Do not scold your child; it will only make matters worse by increasing the child's anxiety. Once the child feels more secure, the baby-like behavior usually stops. If it doesn't, therapy may be appropriate.

**When my son comes home from visiting his other parent, he is often very angry. He is grouchy and uncooperative, and he hits the other children in his kindergarten class the next day in school. What is his other parent doing to him?**

Probably nothing. Your child's reaction is a common one in children whose parents are divorcing or separating. It may signify that he's frustrated about leaving you during visitation. He may harbor resentments about his parent's breakup and is showing them in this way. Encourage him to talk about his feelings. In this way, he will not have to resort to nonverbal means of expressing emotion.

**What happens if I am not granted custody?**

In almost all cases, the courts will award visitation time to the noncustodial parent. Another term for visitation is residency or access time.

**Are both parents required to pay child support?**

Yes. The noncustodial (nonresidential) parent, regardless of gender, will normally have a cash obligation. The custodial (residential) parent is expected to

provide for the expenses of running a household plus clothing, transportation, and other expenses. These obligations are set by a formula required by law, known as the Child Support Standards Act (CSSA).

**Can child support be given directly to the children?**

No, except in very limited circumstances as determined by the court.

**Does child support have to be spent directly on the children?**

No. Household expenses such as rent, mortgage, and utilities are considered part of the cost of raising children.

**Are child support payments deductible for tax purposes?**

No.

**What happens if a parent does not pay court-ordered child support?**

In New York, the court can impose a jail sentence of up to six months for a willful refusal to pay child support, plus grant a judgment for the amount of support in arrears. Attorneys fees to the parent seeking enforcement may also be awarded. Other means of enforcement include deposits of funds to guarantee payment and suspension of the license (driver's, business, professional, etc.) of the payor parent.

**What happens if a custodial parent violates a visitation order?**

Traditionally, courts have been reluctant to impose a jail sentence when a parent withholds visitation, although it has been done. More common penalties for the persistent withholding of, or interference with, visitation are the suspension of maintenance, transfer of custody, providing make-up time, and/or requiring the payment of counsel fees.

## APPENDIX K

### STATEMENT OF CLIENT'S RIGHTS

1. You are entitled to be treated with courtesy and consideration at all times by your lawyer and the other lawyers and personnel in your lawyer's office.
2. You are entitled to an attorney capable of handling your legal matter competently and diligently, in accordance with the highest standards of the profession. If you are not satisfied with how your matter is being handled, you have the right to withdraw from the attorney-client relationship at any time (court approval may be required in some matters and your attorney may have a claim against you for the value of services rendered to you up to the point of discharge).
3. You are entitled to your lawyer's independent professional judgment and undivided loyalty uncompromised by conflicts of interest.
4. You are entitled to be charged a reasonable fee and to have your lawyer explain at the outset how the fee will be computed and the manner and frequency of billing. You are entitled to request and receive a written itemized bill from your attorney at reasonable intervals. You may refuse to enter into any fee arrangement that you find unsatisfactory.
5. You are entitled to have your questions and concerns addressed in a prompt manner and to have your telephone calls returned promptly.
6. You are entitled to be kept informed as to the status of your matter and to request and receive copies of papers. You are entitled to sufficient information to allow you to participate meaningfully in the development of your matter.
7. You are entitled to have your legitimate objectives respected by your attorney, including whether or not to settle your matter (court approval of a settlement is required in some matters).
8. You have the right to privacy in your dealings with your lawyer and to have your secrets and confidences preserved to the extent permitted by law.
9. You are entitled to have your attorney conduct himself or herself ethically in accordance with the Code of Professional Responsibility.
10. You may not be refused representation on the basis of race, creed, color, age, religion, sex, sexual orientation, national origin or disability.



## References

1. Bancroft, L., & Silverman, J.G. (2002). *The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics*. Thousand Oaks, CA: Sage, 208.
2. Hofstra University (1998), *P.E.A.C.E. Handbook for Parents*, 8.
3. *Ibid.*
4. *Ibid.*
5. Fuhrmann, G., & McGill, J.C. (1999). *Parents Apart®: Parents' Handbook*. University of Massachusetts Medical School, 12 & 13; Abstract by Wilson, E. of McBride, J. (2000, November). *Programs for High Conflict Separated/Divorced Parents: Lessons from the Front*. Paper presented at the Pre-Institute, Addressing the Needs of High Conflict Families, Fourth International Congress on Parent Education Programs. AFCC, Kiawah, SC (<http://www.fcs.okstate.edu/publications/resource-update/12-00/fr7-22.htm>).
6. Adapted from Wilson, E. Abstract of McBride, J. (Further adapted by the PEAP for this *Handbook*.)
7. Adapted from Ricci, I. (1997). *Mom's House/Dad's House*. NY: Simon & Schuster.
8. Fuhrmann, G. & McGill, J.C., 12 & 13.
9. Adapted from Victor/Harder Productions, Inc., Family Law Section State Bar of Michigan. *Listen to the Children*, video.
10. Adapted from Kalter, N. (1990) *Growing up with Divorce: Helping your Child Avoid Immediate and Later Problems*. Free Press.
11. Fuhrmann, G. & McGill, J.C., 21.



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