

Win - Win **Custody Agreements**

*A Complete Organizational Planner For
Custody and Divorce Dispute Resolution*



Step by Step Instruction and Materials to:

- ♦ Successfully Prepare Your Case
- ♦ Organize Important Data
- ♦ Generate Hard Evidence
- ♦ Plan Financially
- ♦ Enhance Parenting Skills
- ♦ Design a Unique Parenting Plan
- ♦ Prepare For a Child Custody Evaluation
- ♦ Know a Child's Rights in a Divorce
- ♦ Work With an Attorney
- ♦ Redirect Runaway Emotions
- ♦ Win Your Case Without Casualties

INCLUDES:

TEXT, INSTRUCTIONS AND WORKING PAGES

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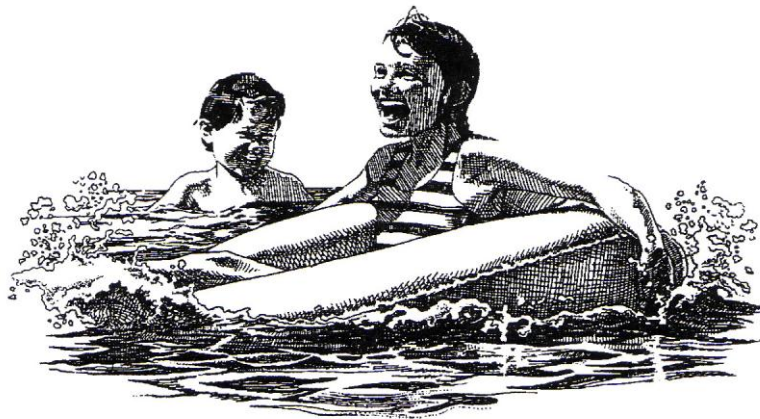
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DEDICATION

**To all of the children
who are the overlooked victims
of their parents battles.**





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A. Jayne Major, Ph.D., is appreciative of the mothers and fathers who became her clients and students, who participated in the break-through parenting classes at the Parent Connection, Inc. Their struggle helped her understand the need for a how-to book for parents with custody issues. Thank you to the many spotlight speakers in the custody classes including family law experts and the mental health professionals who generously shared their time and knowledge in the classes. Many of their ideas have been incorporated in to this work.

Ronald M. Supancic would like to thank the wives and husbands, mothers and fathers, and children of the clients he has had the privilege to serve since 1970.

In addition, we are indebted to all the researchers in the fields of parenting, divorce, custody, and psychology who have contributed to a large body of knowledge on the subject of custody from which we have derived much needed information.

DISCLAIMER:

The information in this planner is informative only.
It is not a substitute for legal advice. Family Law changes constantly.
New Statutes and case law decisions alter the rules on an almost daily basis.

It is important that you seek independent legal representation
in order to have your particular case analyzed and evaluated from the
standpoint of the latest changes in the law.

Do not consider this planner to be a substitute for you own personal attorney.



Almost 3000 years ago, King Solomon was presented with a situation in which two women claimed to be the mother of the same infant. Each woman had a very different story to explain that she was the mother of the child. King Solomon did not know who was telling the truth. As a solution, he called a swordsman and told him to cut the child in two. The first woman said, "Good! If I cannot have the child, then neither shall she have the child." The second woman cried out, "No! Give the child to the other woman." Then Solomon, in his wisdom, gave the child to the second woman, for he believed that she must be the real mother, as she did not want to see the child harmed.

This allegory illustrates the struggle that ensues when two parents claim that a child belongs to only one of them. In a custody dispute, people often think in black and white. Frequently, a parent will claim, "I'm clearly the better parent; therefore, my child ought to belong to me." To others, a 50/50 arrangement has the appearance of equality. Yet, children are not property. Children are complex, small people who are not divisible by two.

The purpose of this planner, *Win-Win Co-Parenting Agreements*, is to assist each divorcing parent to better understand the complexity of deciding child custody. Using this book, you may be empowered to insure a successful outcome of your custody case, one that is truly in the best interest of your child.

"Win-Win," means just that. Each parent wins when the needs of the child are met in a custody arrangement. Answering the needs of the child ensures the child's mental and emotional health and is in direct counter-point to a custody battle. Win-Win means a responsible division of custody and assets that can only occur when pain is minimized for all parties.

The best way to create a win-win arrangement is to use reason, and to be willing to give as well as take. It requires hard work and tolerance to "win" in this way. It takes compromise. When you don't agree with the other parent's plan for your child, exercising your patience and resolve will allow you to continue to focus on what is best for your child. Counselors and mediators do wonders to help parents resolve their differences. The worst way to decide an issue of custody is to give the decision over to a stranger. *This is what parents do when they put the matter before the court and let a judge decide.* To allow a judge to make decisions that will affect you and your children for the rest of your lives is improvident. However you choose to resolve custody, you will optimize your chances of creating a winning situation for your child by being prepared. This planner will help you address the many steps and issues related to designing a custody arrangement that will benefit your child. Your most important goal is to create an agreement in which everyone emerges a "winner," and no one, especially your child, becomes a casualty.

The central theme throughout this book is the development of a parenting plan consistent with the legal requirement of "the best interest of the child." The court looks for custody plans that are *reasonable and flexible*. The court will be prejudiced against divorcing parent who cannot see the situation from the other parent's perspective. For example, perhaps you wish to eliminate the other parent from your



life entirely. This would be an unfortunate choice, as every available study reveals that every child needs two parents. Therefore, your desire would not be compatible with the best interest of your child. *Research illustrates overwhelmingly that a child does better when there are two parents who are actively involved in his or her life.* Thus, your plan must demonstrate your willingness to provide care for your child according to what is best for your child. This planner will illustrate the most common policies and procedures.

A parent plan is a legal agreement with your child's other parent. This agreement, once signed by a judicial officer, becomes the law in your family. In order to change the agreement, you will probably have to draft another agreement. *Because of the legal sensitivity of designing a parenting plan, you will need to consult a legal advisor.* A family law attorney is an expert in the law and may be a valuable guide for you. You may, however, choose to represent yourself. This is known as representation "in propria persona." Although you may choose to represent yourself, you will still need to consult with a lawyer who will explain the legal implications of your case. Attorneys may be consulted on an hourly basis, and there are low fee attorneys that can be of assistance. You may find them by calling the local bar association. In any event, this planner is designed to save you considerable amounts of money, by assisting you to prepare your case. However, *the information in the planner cannot take the place of legal counsel.* There are numerous laws regarding the dissolution of a marriage and child custody, and these laws change continuously. The average person cannot know how the law affects the outcome of a case in a custody proceeding.

In Part One of this planner, you will learn how two parents may share responsibility for one child. You will develop a parenting plan that ensures a healthier, happier child. In Part Two, you will create a legal strategy that will insure proper preparation for each occasion that you appear in court. In Part Three of *Win-Win Co-Parenting Agreements*, you will address how to assemble the critical data in your case. Part Four contains the Appendix. Also included is an important section about Age Characteristics of Children, a Glossary of Definitions, and a suggested Reading List.

Begin the process now. Take charge of your case by completing the statistical information forms. Begin to assemble a team, build your support network, prepare your case and determine your strategy for acquiring legal counsel. Begin the exercises that are specifically designed with your child's best interest in mind. This planner is a step-by-step guide intended to help you to understand the process. Be sure to follow the instructions as carefully as possible. You will develop an extremely valuable tool to be used to arrange a *child-friendly* co-parenting arrangement, **without casualties.**



WARNING

WARNING!

A common problem in high conflict custody cases is the “clean-out.” This is when one party removes all of the property from the common dwelling, including all of the joint records. You may come home to four bare walls and find even the permanently installed appliances gone. Even if you have been keeping careful records as we recommend in this Planner, it may be impossible to recreate all of the exact detail it took so long to carefully accumulate.

In one case, a spouse was carrying important records locked in a briefcase, in the trunk of a car. The determined adversary stole the car, broke open the briefcase, and absconded with the essential documents. This single act effectively ended all hope for fairness for the unsuspecting spouse.

With the Northridge earthquake on January 17, 1994 at 4:31 am, every person in a San Fernando Valley divorce had an instant explanation for not producing requested documents in their case. Remember, in court, missing documents are the same as non-existent. It is not truth, but the appearance of truth” that determines the outcome in litigated proceedings. Without hard evidence you have no case. The effort to create and collect the evidence you plan on your own behalf must begin now.

Duplicate all information that you enter in this planner and save it in a safe place, preferably at another location.

Keep a complete file.

It is important to have the file with you when you need it. Always take your file with you to court, to your attorney's office, and to every important meeting involving your case. It is a common problem that people forget to bring critical information when it is needed.

Don't let that happen to you!



WARNING



PART ONE

PREPARING YOUR PARENT PLAN





OVERVIEW OF PARENTING SECTION

In this section you will organize all parenting data related to the co-parenting of your children. There is considerable information to help inform you about what is most beneficial for your family. **Your approach must always reflect what is in the best interest of the children, not what you want.** Of course, you are a normal person and probably think that what is in your best interest is also in the best interest of your children. However, what your child needs and what you need are likely to be very different. The information here will help you to conceptualize this difference with more accuracy.

HOW YOUR SPOUSAL RELATIONSHIP IS CHANGING: When people separate, their relationship changes from an intimate relationship to a business relationship. *The business you have together is your child.* This is where the focus must be. Here you will find tips on how to understand the changes in your relationship, and how to communicate effectively.

WIN-WIN STRATEGIES: Study these strategies carefully. They will make a positive difference in avoiding the potentially dangerous mine field of a conflicted child custody proceedings.

CHOICES THAT GUARANTEE FAILURE: Research has documented the worst pitfalls; plan to avoid these.

A CHILD'S RIGHTS IN A DIVORCE: Read about "A Child's Rights in a Divorce," and adjust your thinking and actions to respect those rights.

HOW CHILDREN EXPERIENCE DIVORCE: This important section describes research on the most common reactions of children to their parent's separation.

DEVELOPMENTAL GUIDELINES FOR CREATING PARENT PLANS: This material will help you understand why experts recommend certain arrangements for children at different ages.

PREPARING TO WRITE A PARENT PLAN: The most important document you will prepare is your parent plan.

CHILD CUSTODY ARRANGEMENTS: The four types of custody are described, with the advantages of each.

MOVE-AWAY GUIDELINES: Move-away is a very controversial issue. Here you will find the pros and cons of move-away.



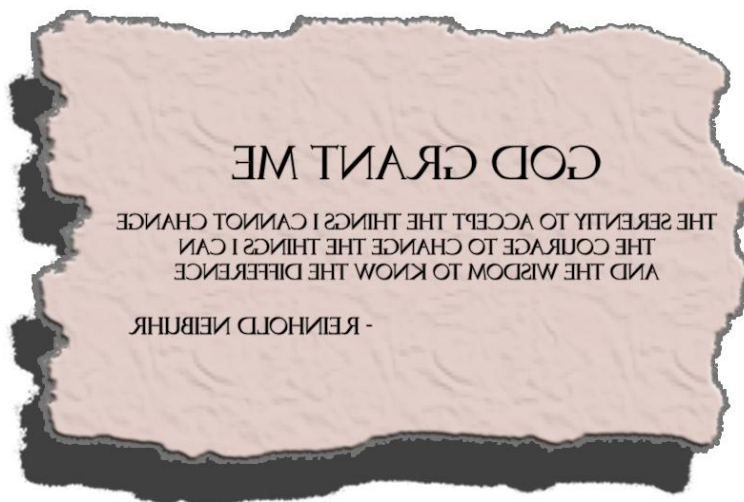
MONITORED VISITS: In some cases a monitor for visitation is put in place. This section will explain why this may be important and what a monitor's job entails.

DETERMINING TIME FOR YOUR CHILD: The Holiday Schedule will help you divide holidays evenly.

TIME ANALYSIS WORKSHEET: This worksheet will help you assess how much time you have available for your child. Realistically, you have many responsibilities besides those of parenting. Yet, a child needs care 24 hours a day. Who will care for your child when you aren't present?

THE PARENT PLAN: Ultimately, the judge must sign a document called a "parent plan." This section of the planner outlines the important issues that must be addressed within the plan. The SAMPLE PARENT PLAN is an example of how your plan may be written. Give your plan to the professionals involved in your case for review - especially your attorney or the custody evaluator.

PREPARE NOW FOR A CHILD CUSTODY EVALUATION: *If you and the child's other parent cannot agree on a parenting plan, you may both be required to undergo a custody or psychological evaluation.* Such evaluations are extremely expensive and time-consuming. The next few pages are designed specifically to prepare you for this situation. You will be asked to fill out a family questionnaire. In the section, "What the Evaluator Looks For," you may prepare by checking off your strong points, and make an action plan for needed improvements.





HOW YOUR SPOUSAL RELATIONSHIP IS CHANGING

Volumes have been written on the psychological aspects of separation and divorce. The books in the Suggested Reading List are worth reading. Much of how people experience divorce is captured in the work of Elizabeth Kubler Ross. *Her treatise on the stages of death and dying apply to any experience of separation and loss, including divorce.* As you learn about these stages as an inevitable part of the grieving process, you will know that the feelings you experience through this difficult time are normal and natural. Such knowledge may help you be patient with yourself and with the other parent. These stages occur as follows:

First Stage:	Denial and Isolation;
Second Stage:	Anger;
Third Stage:	Bargaining;
Fourth Stage:	Depression; and
Fifth Stage:	Acceptance.

Be aware that your children are also having these feelings. Because they are children, they are in the midst of change in all areas of their lives. Their bodies are changing and their intellects are continuing to form as they proceed through the stages of development. Add to all of that ordinary change the upheaval of divorce. Children need to be permitted to experience the stages of grief without shame or punishment. For assistance, please carefully read and apply the information provided in the section on Child Development.

Since divorcing parents go through the stages of grief, there is a direct effect on the ability of the spouses to communicate with one another. *However, communication is required to minimize the financial and emotional costs of litigation.* In deciding a positive parenting plan for a child, parents need to communicate more effectively than ever before, yet this may seem impossible. Here is why: a spouse in the stage of anger communicates with a spouse in the stage of acceptance as poorly as an English person communicates with a person who only understands Hungarian. It takes time for ex-spouses to work through the emotional turmoil of divorce before they arrive at a stage in which they can communicate clearly. Patience and good judgment are required. There is great need for cool, calm and logical communication at this time. Input from trusted advisors, preferably professionals rather than family or friends, is imperative. Check your thinking out with others. Rational thinking may avoid further heartbreak.

One of the reasons that people have such a tough time during a divorce or custody dispute is that their relationship is changing from intimacy to business. You will no longer have an **intimate relationship** with the other parent of your child. An intimate



relationship is informal; there are many unspoken and unwritten expectations in an intimate relationship. There is a high degree of personal involvement and emotional intensity in an intimate relationship. People share personal information and secrets, and do not expect a lot of privacy.

As you shift to a **business relationship** with your child's other parent, you must have *explicit agreements* in place. In this kind of relationship, there is an *expectation of privacy*. Expecting the other parent to disclose personal information about his or her life is not appropriate. You are moving to a place of less emotional intensity, with few assumptions made about the other person. When you meet or communicate with each other, you will need to be disciplined enough to be *formal and courteous*. In a business relationship, people don't call to "chat." Each interaction is structured, with a specific agenda. The only business you will have with your ex-spouse after the divorce is your child.

In the early stages of change from an intimate to a business relationship, there will be many learning experiences as a new balance is achieved. If communication becomes very difficult, and attempts to solve problems become too emotionally charged or frustrating, *learn to write business letters to the other parent*. Make your letters courteous and to the point.

The following sample correspondence demonstrates a healthy effort to communicate and keep the other parent informed. Such complete communication helps to eliminate confusion about agreements. It also has the effect of calming the other side, and helps to shift the relationship from an intimate to a business relationship. Letters like this leave a paper trail, which may become important if there is a custody dispute that leads to litigation.



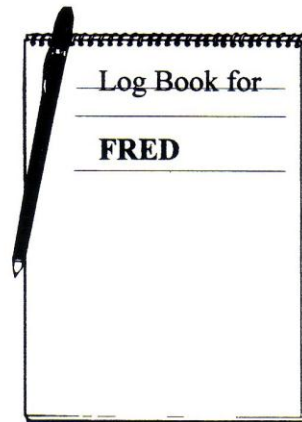
Date _____

Dear _____,

This letter is to let you know about my plans to take Fred to see his grandparents during my time on the spring break. We will be leaving at 8:30 a.m. on Saturday; _____ and plan to return on Monday, _____, by 9:00 p.m.

If you need to reach us, the telephone number there is _____. I will make sure that Fred calls you at the scheduled times. (State schedule) I would appreciate your helping him pack for this trip and remind him to include his swimming suit.

Regards,
You



Parents often exchange a logbook, used to record information about the child only. Issues that are related to health, medications, special events and emotional problems, about which the other parent needs to be aware, are written down in the logbook prior to each exchange. *The logbook should never be used to inform the other parent about your feelings or to mention your custody case.* To make such information available to your child is very inappropriate. The logbook demonstrates cooperation, courtesy and maturity. *Use the logbook appropriately, in the best interest of the child.*



Practise writing a business letter to the other parent here.

A large, empty rectangular box with a black border, intended for writing a business letter to the other parent.



WINNING STRATEGIES

The emotional roller coaster ride experienced during divorce may run from the high of newfound freedom to the lows of isolation, fear and depression. Common wisdom states that it takes two to have an argument, yet it is rare to find parents who are objective enough *not* to participate in the blame game, often the source of arguments. *Blaming* means that you take the role of a victim, which implicitly implies that you are innocent. Intelligent people put aside this natural temptation and seek objectivity. Others will unfortunately carry the blame game to its worst possible conclusion, and create serious casualties.

It is a given that you and your former spouse disagree; what needs to be sorted out is what you disagree about, and why. Enter lawyers, evaluators, and judges...and more money spent and time wasted than you ever thought reasonable.

The purpose of this book is to *minimize such emotional and financial casualties*. Ideally, sensibly, and economically, you will want to do this. One of the most important ways for you to achieve this focus is to keep the facts foremost. It is the nature of separation and divorce that at least two people disagree. When children are involved, the arena for disagreement is greatly expanded.

DIRECTIONS: Use the information below as a checklist to evaluate yourself. Place a check on the line if you are confident in this area and a circle if the area needs work. Don't be easy on yourself. (If you and your child's other parent disagree too extremely, you may have a psychological evaluator looking over your shoulder with a similar checklist.)

I HAVE FEWER CASUALTIES OF BEHAVIOR WHEN:

_____ 1. I have an objective third party listen to my feelings of loss and deprivation during this transition. Ideally, I will look for a counselor who has experience with the emotional turmoil of divorce, to steer me through the minefields of the blame game. (The rugged individualist, who guts it out alone, fairs less well than those who have a support team. Counseling does not have to be expensive. Remember that attorneys make expensive therapists, and they are not particularly good at it. Your children are likely to need support at this time as well, as they are on the same roller coaster ride.)



_____ 2. I am prepared to continually reassure my children that they are not at fault for the divorce, or for any anger between the adults. (It is an unfortunate fact that most children believe, "I caused the divorce," even as they reassure you to the contrary. Be prepared to continually reassure them that they are not at fault.)

_____ 3. I remember that my child needs two parents and that my feelings of possessiveness need to be controlled. (Parents who are unwilling to share their children are not thought to have the best interest of the child in mind. Know that the wish to eliminate the other parent from your child's life is understandable under some circumstances, yet *in almost all situations it is in the best interest of the child to maintain a*



continuous relationship with both parents, with parents jointly sharing the custody of their children.)

- _____ 4. I am prepared to parallel parent, rather than co-parent, if it becomes necessary. If I, with the other parent, agree on key issues without fighting, we will make decisions about our children that are for everyone's benefit. If not, we will parallel parent. This means that what I do at my house is not likely to be consistent with what is done at the other house. *(Children will readily adapt to different parenting styles, as well as to different values inevitably taught by each parent. This is true in intact marriages as well as divorced families. Healthy children will naturally test differences in separate households*

- _____ 5. I expect my child's other parent to form new friendships and that my child will participate in these relationships. I understand that children may love many people without losing love for either parent. *(When a parent becomes romantically involved with someone new, it may cause the other parent intense unhappiness. This is all the more reason to have a counselor with which to share feelings, rather than expect the child to share them.)*

- _____ 6. I understand that when parents separate, the behavior of children often regresses to an earlier stage. Children may become rebellious or have other behavior problems. Some children may become very quiet and isolate themselves. Children will act out feelings of abandonment, and need to be supported through the process. *(The temptation at this time is to blame the other parent, rather than to accept that this is a normal reaction of the child to the stress¹) caused by divorce.)*

- _____ 7. I am prepared to help my child with change. I tell my child before a change, and help them understand why the change is important. *(Children rarely make transitions easily. Children will often resist leaving one home for another, or resist going back home. This behavior does not mean that they don't love the other parent, or that they are being mistreated.)*

- _____ 8. I am willing to facilitate contact with the other parent. Children need frequent contact with both parents. *(Casualties are avoided by assurances that the parent who lives apart is okay. Otherwise, a child's fear over the issue may create problems. Open telephone contact with both parents help children stay in touch.)*

- _____ 9. I understand that it is normal for a child to want parents to reconcile. I understand the belief may be that life seemed happy and secure before. I explain that reconciliation is not going to happen, and I reassure my child that things will work out. *(Most children have reconciliation fantasies. They may use various ploys to get mommy and daddy back together again. Patiently explain that this is not going to happen, even if it comes up repeatedly.)*



- _____ 10. I realize that the parent who was not the primary caretaker of the child during the marriage will often become more attentive and attached after the breakup. (There is a saying that, "divorce makes good fathers." Traditional fathers are often absorbed with work and expect the mother to do most of the child rearing. If that has been the case, change may occur as father comes to understand the importance of his relationship with the child. *Bonding with both parents is very important for a child's development.* When possible, joint custody is the best choice. If there is a question about inexperience or lack of training, parent education classes are invaluable.)
- _____ 11. I know that most divorcing parents experience the problems of extra work, less money, and less emotional support than when the marriage was intact. (Find alternative ways to get the workload handled. Look for support persons to help out in time of need.)
- _____ 12. I rely on the SERENITY PRAYER to help me choose where to put my time and energy. (The Serenity Prayer is a tool you may use to help you sort out your thoughts. *Train yourself to focus on that which is within your power to change, rather than to spend time, energy and effort on things that you cannot change, but must accept as the truth of your situation.* Use the copy of this prayer that is included in your Planner, frame it, and leave it in an obvious place to refer to continuously.)
- _____ 13. I understand that my relationship with my child's other parent must change to a business relationship. (You may not like this individual at all, especially now, but you still have business together. Remember your manners. Nastiness and retaliation will cost you more than money. This is why being involved with a support system is important. Find a person to trust, preferably a professional, and express your feelings routinely. Start a private journal to record your feelings. This will speed the healing process. Writing formal business letters to state changes or verbal agreements, or your displeasure, is often more effective than speaking to each other directly, which may often end in an argument.
- _____ 14. I am working to become a positive role model for my child in handling conflict. (Learn that you can agree to disagree.)
- _____ 15. I go out of my way to CATCH MY CHILD AND MY CHILD'S OTHER PARENT BEING GOOD. I am supportive of my child and help him or her build positive self-esteem.
- _____ 16. I listen receptively when my children tell me their thoughts. I thank them for confiding in me. (If these confidences are used to gather evidence that the other side is a bad parent, the child will no longer feel safe to confide in you.)
- _____ 17. I promise to honor all commitments, to be on time, and to have the child ready for visits. I will call if I am going to be late.



- _____ 18. I have enough control to keep anger at the child's other parent away from the child. I have designed a safe, harmless method of getting rid of my anger.
- _____ 19. I will be careful that my children are not exposed to adult sexual behavior.
- _____ 20. I will reassure my child that *both* parents love him or her.
- _____ 21. I will help my child to not feel abandoned by me or by the other parent.
- _____ 22. I will tell my child only the facts he or she needs to know *without placing blame*.
- _____ 23. I maintain discipline; I teach my children right from wrong; I set limits, and I am masterful at following through with positive reinforcement; I realize that children need a lot of repetition.
- _____ 24. I make the effort to become an extraordinary parent. (You may think that you are a superior parent, and perhaps you are. We know that you love your child, but love is not enough. You will be surprised at the amount of information and relief you can acquire in a top notch parenting class.)
- _____ 25. I will do what I need to do to constructively resolve my emotions about my newly reorganized family. (Get **your emotional divorce**; expect that whatever you are going through will be sorted out in time, and that you and your former partner are free to move on with your lives. When the emotional divorce is in place, deciding custody of the children is simply a matter of filling in the blanks.)
- _____ 26. I will read about divorce, separation, and child development issues to learn all that I can about the changes that are occurring in my family. (You will find valuable resources listed in the Bibliography.)
- _____ 27. If at all possible, I will let the other parent go with me to my new home, to introduce the child to the new house. (Admire the house with your child. Children need to know where the other parent is living, and that they are okay. Show them familiar articles of furnishings, foods, and toys for them to enjoy when they visit.)
- _____ 28. I will learn how to discipline my child without using punishment. Punishment means intentionally causing another to feel pain. (There are two kinds of punishment, physical and psychological. Spanking or hitting is not acceptable. If "punishment" is a tradition in your family, you must learn the difference between positive discipline techniques and adding to the pain (punishment) the child is feeling.)
- _____ 29. I will not over indulge my child with material things, money, vacations, or food, in an attempt to buy the child's love.



-
- _____ 30. I will not use the child as a confidant or therapist. (Harmful role-reversal occurs when a parent becomes dependant on the child to take the place of a missing intimate partner.)
- _____ 31. I will avoid using the child to satisfy my ego to make me seem better than the other parent.
- _____ 32. I will discourage secrets, and encourage my children to share their feelings of fear, guilt and anger. When I don't agree with their feelings, I will not try to "talk them out of their feelings." I will acknowledge their feelings as legitimate. (Use the skill of reflective listening by repeating back what is said with empathy and non-judgment, rather than telling the child he or she "shouldn't feel that way.")
- _____ 33. I will not attempt to cut off my child's relationship with the other parent, unless there are overwhelming reasons for doing so. (Being unable to see a mother or father creates *serious abandonment and loss issues* for children.)
- _____ 34. I will avoid introducing a new romantic partner as a parent surrogate. (New romantic partners and step parents present whole other issues. Few children will accept a parent's new spouse as a substitute for the other parent. Counseling will be invaluable. There are several books that will help you introduce this transition to your child. It pays to research this area ahead of time.)

CONCLUSION:

The most important judge you will have is yourself. Long after the fact, when your children are grown, you will be able to evaluate whether your behavior created casualties for your child, or if you took the high road to promote health and acceptance.

Considerable research has been completed on the effects of divorce and separation on children. While some children do well and are not adversely affected for life, others be-

CHOICES THAT GUARANTEE FAILURE

come casualties. A casualty is a person who lives an unhappy, dysfunctional life. These individuals are not able to form and sustain long-term relationships, nor do they mature as responsible adults. Thousands of divorced families have been studied, providing indicators as to which parental attitudes and conditions predict success or failure for children adjusting to the inevitable trauma of separation and divorce. Responsible parents will want to weigh their own behavior against these indicators, the "Choices that Guarantee Failure." If you are in the midst of similar challenges now or potentially, seek professional advice. You will learn how to overcome and handle the difficult feelings, poor choices and bad habits that ultimately lead to casualties that impact your child's well being. Parents, please carefully review this section. The following attitudes and decisions will guarantee failure.

A common rule of thumb in all custody cases is attempting to determine which parent has the **best interest of the child** in mind. The following guidelines are red flags that indicate that a parent is more involved with his or her own ego and problems, than with the best interest of the child.

I should avoid:

1. Alienating my child from the other parent. Parent alienation may be as simple as planning special events that the child will miss while with the other parent, or being obsessively concerned with the child's safety during the visit. Destructive behavior includes speaking in a derogatory manner about the other parent, painting the other parent as "bad" and uncaring, or using disapproval and rejection to make the children feel guilty about feeling love or interest in the other parent. Do not force your child to choose between parents. A child placed in this difficult position will become terribly wounded.

One of the most damaging methods of keeping a parent from a child is to make false allegations of child abuse; the very worst is false allegations of sexual molestation. The long-term effect of such allegations may be the child's permanent psychological damage, equivalent to that of failure to report sexual abuse.

Children have a right to a continuous relationship with both parents, even though one parent may be more committed or nurturing. Regardless of whether the other parent pays child support, children have a right to see this parent. Children will ultimately make their own decisions about each parent, and even have a right to believe that the other parent is terrific. People change--especially after a divorce. The love of a child may make a parent less self-ish or more responsible. The separated parent often doesn't see this growth and continues to assume that there has been no change, when there may be significant change for the better.

2. Exposing children to violence and parent conflict. **Words can hit as hard as a fist!** Especially when a young mind sees his or her parents insult, threaten and verbally or physically batter each other. A child **needs** to be kept out of the crossfire. Every child needs parents that fight or argue *when the child is not present*.



_____ 3. **Role reversal.** Role reversal will guarantee future relationship failures for a child. Role reversal takes place when the adult expects the child to take care of the adult. Consciously or unconsciously, the child is made responsible for the well-being and feelings of the parent. An example is a parent who expects the child to take over the duties of the absent parent, as in, "you are the little mother now." Such a parent unduly burdens the child with tasks or with emotional companionship that he or she ought to seek from another adult.

To tell a child continuously how much he or she will be missed while visiting the other parent causes the child to feel guilty for having a good time, as well as to worry if the other parent is okay.

_____ 4. **Discussing financial and legal disputes.** It is harmful to involve a child with money problems. This implies that the child do the worrying for you. Whether the support check was on time, or how the car payment will be made, are not subjects to discuss with children.

_____ 5. **Abuse of the designated time.** Some parents don't show up at the agreed upon time, make promises they do not keep, and are generally unreliable and inconsistent. They may disappear without letting anyone know their location. Emergency numbers are not in place. This behavior is sure to cause casualties. *Children thrive on predictability, routine and consistency.*

_____ 6. **Asking a child, "Where do you want to live?"** This is an adult decision that needs to be based on facts, not emotions. Parents who ask this question damage the child who will unwittingly try to please them regardless of what may be true.

_____ 7. **Overindulgence.** These parents do not teach right from wrong or set normal limits for the child. They may be overindulgent with gifts, activities or money. They attempt to manipulate the children through indulgence to win their affection.

_____ 8. **Being overprotective.** Children must be protected from harm. In divorce situations, however, there is a tendency to be over protective, and to make important decisions for the child so that the parent will "look good." Children may not be allowed to play normally for fear of scrapes or bruises that are a normal part of growing up. If the child suffers a bruise the other parent may use it as leverage to claim abuse.

_____ 9. **Unwillingness to stop litigation.** When parents do not properly process the **emotional divorce**, they will continue to fight. They make a career out of being a victim, and never stop blaming. In this way they continue to receive attention from the other parent. Countless people who chose this path have put their attorney's children through college and left their own children uneducated for lack of funds. Thousands of dollars may be wasted to needlessly draw out litigation. The money would be better spent on counseling to reorganize the family.

_____ 10. **Not taking time to listen to the child.** Children need parents who really listen to their fears and concerns. The mature parent will help the child understand the facts of a



situation *without blaming the other parent*. Keep explanations to a minimum. Don't go into excessive detail. Let the child make his or her own interpretation.

Review "A CHILD'S RIGHTS IN DIVORCE" below

A CHILD'S RIGHTS IN DIVORCE

CHILDS RIGHT	I have a right to love whom I choose, without guilt, pressure, or rejection.
CHILDS RIGHT	I have a right to love as many people as I want (step-parents, relatives, etc.) without guilt or being made to feel disloyal—for the more I love, the more I have to give and the more I receive.
CHILDS RIGHT	I have a right to have a regular daily and weekly routine, -one this not filled with alternating patterns and disruption.
CHILDS RIGHT	I have a right to visit both my parents, regardless of grown-ups wants and wishes regarding convenience, money, or their feelings. I OWN VISITATION, IT IS MY RIGHT NOT THE RIGHT OF MY PARENTS.
CHILDS RIGHT	I have a right to be angry, sad, or fearful, and I have a right to express my feelings.
CHILDS RIGHT	I have a right to not be exposed to the anger of my parents, to not be punished, or to see them punish each other.
CHILDS RIGHT	I have a right to like both of my parents, since they are both part of me, and to be reassured that this is OK.
CHILDS RIGHT	I have a right not to have to blame or choose sides.
CHILDS RIGHT	I have a right not to make adult decisions.
CHILDS RIGHT	I have a right to remain a child, and to not replace a parent in my duties or to be an adult companion, friend, or comforter to my parents.
CHILDS RIGHT	I have the right not to ever have to choose with whom I live. This is a decision for wise adults. Having to make such a choice will always hurt someone else and, therefore, myself. I have this right even when I'm a teenager and people wish I were able to. I CAN NEVER CHOOSE BETWEEN MY PARENTS.



HOW CHILDREN EXPERIENCE DIVORCE

Considerable research has taken place regarding how children experience divorce. One reoccurring theme is the common belief that a child's "natural resiliency" allows for easy adjustment to the separation, and that, consequently, a child will do just fine. That is similar to your being told that you will do "just fine," if your child dies. The reality is, *children cope, but with difficulty*. Your child feels pain over the divorce that is identical to that which you would feel if your child died. When parents recognize and address their children's feelings through open communication, and behave responsibly and sensitively, then children will ultimately overcome loss.

Using information from psychologist Sally Hackman's research, parents may be able to make predictable assumptions concerning a child's true feelings about the family reorganization. To some degree, all children experience the following responses.

DIRECTIONS: Place a circle on the line if you think that your child demonstrates the following feelings. *Attempt to get help for your child in these areas.* Place a check mark on the line if you think that this is not a problem at this time.

- _____ 1. Fear, increased sense of vulnerability, and worry about what will happen to them (present and future).
- _____ 2. Confusion and anxiety about the loss of a parent. A common belief is that, "if my parents can divorce each other, then my parents can divorce me."
- _____ 3. Sadness, loss, loneliness and yearning. Children are in a sustained state of loss. In order to be with one parent, they must leave the other.
- _____ 4. Worry about each parent's physical and emotional well-being. A child's dependence on one parent at a time creates anxiety, which is intensified by awareness of a parent's distress.
- _____ 5. Concern about the well-being of the parent who is not present.
- _____ 6. Anxiety about possible changes in home, school, friends and whether there will be enough money for his or her needs to be met.
- _____ 7. Fear of rejection by the parent who leaves the home.
- _____ 8. Divided loyalties, *even when the parents do nothing to create or encourage this.*
- _____ 9. Anger at the destruction of the family unit. Children are often angry because it may appear that the parents are putting their own needs before those of the children.
- _____ 10. Guilt and a mistaken sense of responsibility for having caused the divorce (*this always exists with children under age eight*). Concurrent is a sense of belief that the child has the power to undo the divorce by changing in some way.



_____ 11. Fantasies of a parental reconciliation. This may continue, despite the child's verbalized acceptance that the parents will not reconcile. Sometimes even a parent's remarriage does not convince a child that his or her own two parents will not eventually reunite.

The above responses are experienced to some degree by all children, although they vary in intensity according to age, the child's psychological health prior to the separation, and from one child to another. Quality of the parent-child relationship in the pre-divorce stage has been shown to have little effect on the child's reaction to the divorce. Sometimes feelings are not openly expressed, but appear more subtly. If you have checked less than three, go back and think again. Perhaps you've missed some important clues.

Psychological Tasks to be Mastered by the Children

Parents will be continually challenged to help children to psychologically come to terms with the divorce. In extensive research, Dr. Judith Wallerstein concluded that the major psychological tasks that children of divorce need to accomplish are the following:

- _____ 1. To acknowledge the reality of the marital rupture;
- _____ 2. To disengage from parental conflict and distress, and resume customary pursuits;
- _____ 3. Resolution of loss;
- _____ 4. Resolve anger and self-blame;
- _____ 5. Accept the permanence of the divorce;
- _____ 6. Achieve realistic hope regarding relationships;

Mastery of these psychological tasks is achieved very gradually. Listed in the bibliography are several books for children that may help them to master the above tasks. Find them in a bookstore or library.

Parents have substantial power to facilitate the coping and healing process for their children. Conversely, parents have equal power to interfere with healthy recovery. Therapy and support groups may make a positive difference. Your child's school is a good place to begin a search for available resources. Ask friends and relatives or look in the yellow pages for mental health centers. Those who seek outside help to resolve the emotional issues of divorce rarely regret it.

In your parent plan, demonstrate your sensitivity to your child's psychological adjustment to the separation, and include your own ideas on how to accommodate the problem.

There are predictable problem areas in which children may experience great difficulty during divorce. Parents who accommodate a child's developmental needs during this time



DEVELOPMENTAL GUIDELINES FOR CREATING A PARENT PLAN

often find that the separation does not create long-term wounds. The following guidelines will help to develop a winning parent plan for your reorganized family.

TRANSITIONS: Children function best with the familiar, but require preparation for any changes in routines, place of residence, activities or caretakers. It is very difficult for children to move from one home to another, or from one person's care to that of another. Protests and complaints that a child may make when leaving one parent to go with another parent *generally are not an indication that the child is unhappy with either parent*. It is the transition that causes the distress.

LETTING GO OF ONE PARENT: In order to have one parent, the child has to let go of the other parent. This is not easy for children. Children want to be with both parents simultaneously; the divorce puts them in *a continuous state of missing someone*.

DIRECTIONS: Place a circle in the space provided if this is an area that needs improvement. Place a check mark in the space provided if you believe that this area is adequately handled.

Parents must anticipate that, regardless of the child's age, the child will need:

- _____ 1. Predictability - tell your child *what will happen and when*.
- _____ 2. Stability - *keep schedules and activities regular*.
- _____ 3. Structure - minimize changes of routine.
- _____ 4. Consistency - be careful to keep verbal and non-verbal (tone of voice, body and facial language) messages consistent. Parental behavior, rules and schedules also need to be consistent.
- _____ 5. Clear Limits and Boundaries - be clear about limits and expectations. Make them age-appropriate and reasonable; which rules are chosen is less important than the need for *clear rules with consistent follow-through*.
- _____ 6. Permission to love both parents, and anyone else they choose to love.
- _____ 7. Both parents to be an integral, on-going part of their lives. Both parents are critical to the child's development, as mothers and fathers are not interchangeable. Both perform critical, similar, and different, functions for a child. Children need a continuous relationship with each parent.
- _____ 8. Acceptance of all of the child's feelings, and a safe environment for self-expression.



DEVELOPMENTAL GUIDELINES FOR CREATING A PARENT PLAN

- _____ 9. Coping tools for difficult feelings and life events. When adults over-protect children from painful feelings or try to "fix it" for them, children do not learn to handle emotions for themselves, nor do they learn that they can survive painful feelings and situations. Instead, they become afraid of the feelings, further interfering with development of coping skills.
- _____ 10. Permission to separate from you. You must provide for the development of an individual sense of self for the child (called the individuation process). Children need to figure themselves out, separate and apart from who or what the parent wants or thinks they ought to be.
- _____ 11. Both parents to cooperate in facilitating the child to make long-term friendships, and the opportunity to participate in social and extra-curricular activities without interruption. This is critical in order that each child may fulfill the potential for healthy socialization, as well as preparation for appropriate functioning in the community.

Overview: Primary Developmental Needs to Consider for Different Ages

Children under five years old and younger adolescents seem to be most impacted by divorce. Both of these stages are characterized by rapid developmental change during which a stable home situation may help the child to feel secure. One general guideline to use in arranging a parenting plan is to put yourself in your child's place. *If the amount of moving from house to house would be uncomfortable for you, it certainly will be uncomfortable for your child.* Everyone feels best when they can say "my home," referring to one place. Divorce often makes this impossible, but a plan with infrequent changes works best for the child's healthy development.

The parents' ability to resolve and/or put aside differences, and capacity to provide for their own well-being without relying on the children, are probably the two most critical factors in both the child's adjustment to the divorce and future development. A third key factor is each parent's ability to be flexible within the schedule (when it is in the child's interests), and to arrange their own and the child's activities to protect the child's time with the other parent.

When beginning a new adult relationship, it is best for a parent not to involve the child until there is commitment to a long-term relationship, and a substantial time period has passed since the marital separation. This is because: 1) children frequently reject new partners; 2) the new relationship may set the child up for further losses; 3) the child now has less time with each parent, so will have difficulty sharing that time with another adult outside the family. If the child lives primarily with one parent this reason is less significant. If possible, arrange your time with your adult friend when you are not with your child.



Birth to Age Three

Central Issues to Consider

Many parents assume that young children adjust easily. Since children in this age group do not verbalize easily, it is easy to overlook their stress at making changes. The foundation for a lifetime is built during this vital phase of life. It is important to attend to their special needs.

1. *Transitions and change are the most difficult at this age.* Minimize moving the child from one home to the other.
2. *Predictability and stability are critical needs.* Regularity of routine is important, and every effort should be made to keep to whatever schedule has been set for the child.
3. Generally, one home is in the best interest of a child who is under 18 months. Children need a "primary caretaker," for optimal psychological development. Both parents may care for and nurture equally well, but it is best for the child to allow the separation-individuation process from the primary caretaker to proceed at a normal pace and not be pushed prematurely. The child needs to develop a sense of self as a person distinct from the earliest primary caretaker. It is best if this separation process is gradual. Most often, the earliest primary caretaker has been the mother, especially if a baby has been breast-fed. Forcing too much separation too quickly may have detrimental effects later on.
4. It is best for the non-custodial parent to be a frequent, predictable part of the child's life during these years, for a solid attachment must take place. Even an hour daily or every other day is preferable to longer, but less frequent visits. The ongoing presence of the other parent is a critical factor in facilitating the child's separation-individuation from the primary caretaker.
5. Between age 2 years, 9 months and age three is the recommended age to begin preschool, for it is at this time that the separation process has been sufficiently mastered.

Implications For Parent Plans

Visits with the parent with whom the child does not primarily reside may be longer if they are frequent. If a parent sees a child this age only once a week, it is best to limit the visit to 3 or 4 hours. One week to a child this age is experienced as an adult might experience a month. A child will have more difficulty retaining a sense of attachment and familiarity with someone seen only once a week.



In general, it is best for the child not to sleep away from home before eighteen months. Some children are ready at eighteen months to two years of age, but many are not ready to do this regularly until the age of three.

From 18 months to age three, the child may gradually spend more time away from home. At two, if contact is frequent, one full day with an overnight is acceptable each week. By age three, this can be increased to two overnights in a row a couple of times a month.

Age Three to Five

Central Issues to Consider:

1. Predictability and stability remain in the forefront. Routines must be as regular as possible, but children may now tolerate some change of plans.
2. One home is still best, because home remains the basis of the child's life. He will occasionally venture into the world without a parent, other than to attend pre-school, but he still needs to return primarily to that one predictable place.
3. Frequency of time with the resident parent is now less important. The child may want, and can handle, longer periods of time with the other parent.
4. Two full weekends a month with the non-resident parent is desirable. No more than one week should pass without spending an evening, an overnight, or at least half a day with that parent.
5. Once a child begins pre-school, attendance should be regular (excluding illness). Consistent location of the school or day-care provides security, and allows the child to begin developing and maintaining friendships.
6. One week once or twice a year with the non-resident parent is acceptable. Each period should be no longer than a week, to be in the child's best interests. Children do not usually attend sleep-away camp until at least age seven or eight, and seven to ten days is usually a starter experience.

Common Reactions To Divorce

7. Fear interferes with the still fragile capacity to separate reality from fantasy. A child's imagination may run wild. Fear also creates difficulty with daily routines that involve separation, i.e. going to school, a parent leaving for work, staying with familiar caregivers and bedtime.



8. Bizarre fantasies about why one parent has left and the reasons for the separation may occur. Due to age-limited intellectual capacity to make sense of reality, beliefs are distorted. A child this age will think about why things happen in terms of him or herself. This is called egocentric thinking.
9. Belief that the parent who left did so to replace one family with another. It is impossible for children this age to truly comprehend that the departure is aimed at the other parent and not themselves.
10. Denial of the permanence of the situation and the creation of multiple fantasies of reunification of the parents. This will continue even after re-marriage by one or both parents.
11. Increased aggression or an intense suppression of aggression.
12. Guilt over causing the separation, despite being told otherwise. Sometimes a child may verbalize understanding that the divorce is not her fault, while still feeling responsible.
13. Regression to earlier modes of behavior.
14. Increased neediness.

Implications For Parent Plans

Parents may need to put aside job changes or desires to relocate. Minimal travel time between homes, and maintenance of continuity with school or day-care and friends is essential. This may necessitate considerable sacrifice on the part of one parent. It is true that once one becomes a parent, and until a child is old enough to be self-sufficient, the *child's needs must take priority.*

Parents need to keep their lives in balance, and organized around the custody arrangements, to minimize changes of plan. Parenting together after a divorce is more difficult than pre-divorce parenting. *Maximum efforts must be made to make it a smooth process, in the children's best interest.*

Separation anxiety often increases around age four or five. In a divorce situation the transitioning between homes may become more difficult for a while. Awareness of this possibility allows parents to make plans for easing the changes.



Age Six to Eleven

Central Issues To Consider:

1. Accessibility to friends and extra-curricular activities moves to the forefront. As the children move away from the home and into the world, peers become increasingly important.
2. Children will adapt to two homes much better, provided the parental relationship is cordial. However, research has shown that "ping-pong custody," the early practice of expecting children to live at alternate homes every other week, is not in the child's best interests. Children do better with blocks of time, spending the majority of the school week with one parent. If there is to be one school night with the other parent, Thursday works better than Wednesday. The main "school days" parent also needs some time with the child when there is no school, to allow for pleasurable free time together.
3. Children need both parents as an integral part of daily life and activities. Arrangements should be established so that neither parent is prevented from participating normally in the child's activities and with the child's friends.
4. It is important for parents to accommodate the child's need to be with school friends (activities or play dates), on weekends and school holidays.
5. Predictability and consistency are still important, but children of this age will tolerate more flexibility with plans, as long as there are not too many disappointments, as well as adequate preparation for changes.
6. *It is critical that parents function co-operatively.* Children may be acutely distressed if both parents cannot attend school events, extra-curricular activities, and birthdays, especially if the tension between the parents interferes with the child's experience. It is also important that the child's friends see both parents as a visible part of the child's life. Ideally, friends may be invited to each home.
7. Up to two weeks at a time with one parent several times a year is acceptable.

Most Common Reactions To Divorce

8. Increased capacity to understand the meaning of divorce and how it will affect the child himself (understanding of parent's needs is still minimal).
9. Increased fear of losing her developing sense of independence, as she has just begun transitioning from home to the world.
10. Enormous sadness beyond his coping resources. There is more crying and increased perception of the world as filled with all kinds of loss. Small losses, such as toys or items of clothing may be experienced in an exaggerated manner, seeming to concretely



represent the loss of the family unit. It is important that children have a safe outlet for these feelings in order to resolve the losses.

11. Fear can increase to panic with disorganized behavior and worries about not having enough food, toys or other things perceived as necessary to survival.
12. Intense longing for the parent who left the home.
13. Suppression of anger toward the father or toward others when the father is present. Anger may be directed at the mother who is perceived as having pushed the father out. Anger is also displaced onto others in the child's world.
14. Assumption of responsibility for the separation remains. Fantasies of reconciliation are still powerfully present.
15. Intense loyalty conflicts begin. Children are old enough to be pulled into the parental conflicts by one or both parents. However, despite pressure from a parent, a child this age is not able to fully align with one parent. She remains loyal to both. When the dual loyalty is kept secret, there is great emotional cost.
16. Negative reaction to a parent's new romantic interest, who may be seen as sabotaging efforts to reunite the parents. Conversely, there will be a need to see the potential step-parent as a friend; however, the child's friendship will not be easily won.
17. Clear perception of the family rupture and any parental hostility. Rather than being disorganized, many children this age are engaged in a massive struggle to calm themselves and master conflicts and fears.
18. Underneath the attempts at mastery are enormous feelings of helplessness, loneliness, rejection and loss.
19. Some children take direct, vigorous action to reunite their parents or do so indirectly by making life miserable for the parent with a new love interest. This can be conscious or unconscious and the purpose is to affect that parent's return to the original marriage.
20. Anger is very intense and completely conscious. Anger serves as a defense against more painful feelings of separation and loss.
21. Confusion and disruption of the individual sense of identity, as identity is still closely tied to the family structure.
22. Partial alignment with one parent is not uncommon. At this age, children are very vulnerable to being caught up in the anger of one parent against the other, and sometimes become an ally to this parent. A child may actually take on the feelings of one parent and engage in activities to hurt the other. However, the internal bond to the other parent is still strong and the child may be conscious of the conflict this creates within himself.



Implications For Parents:

If you have not yet resolved or put aside the issues between you and the other parent, it is essential that you master this NOW. The two of you must establish and maintain a business relationship in place of an emotional relationship.

Your choice of home location is extremely important. Children are developing a sense of community and need to function fully within that community. If living arrangements interfere, children will ultimately resent being at the home of the parent who removes them from their environment.

A predictable schedule remains important, yet flexibility is beneficial in order to allow a child spontaneous time with a parent, arising out of the child's need. Children need to feel some control over their lives. Sometimes a parent may have to give up time with a child, to allow the child to attend a party or event, or spend desired hours with the other parent. However, this flexibility must be honored as in the child's best interest, and advantage must not be taken. Schedules ought not continuously change based on whims of the moment. *Balance is the key word.* If parents live close together, such spontaneous arrangements may more easily be met.

Cooperative parenting means that there is *agreement on the important rules* for the child. Infringement of these rules must result in a consequence, determined by one or both parents and implemented in either home. This *consistency* of attitude on the part of both parents will prevent children from behaving unacceptably, and in a self-damaging manner. Such standardized rules involve *central values and behaviors*, not smaller issues that may understandably differ according to individual parenting styles.

Parents must request that the school and other organizations keep both parents apprised of school activities and schedules, and informed about any difficulty a child may be experiencing. It should not be up to one parent to inform the other, and it certainly should not be the child's responsibility.

Arrange your homes so that the only things children need to carry back and forth are homework, and equipment or clothing for extra-curricular activities.

Keep your children from moving from home to home more often than YOU would find tolerable!



Ages Twelve to Eighteen

Central Issues To Consider

1. The central task of adolescence is to gradually separate from the parents in order to reach independent, responsible functioning. Both parents remain a critical part of an adolescent's life, yet the schedule may now be as flexible as possible. For younger adolescents, some structure regarding time with each parent is still recommended, but it is best to involve the adolescent in setting the schedule.
2. The world outside the home is now paramount. Adolescents do not need or want long periods of time with either parent. Parents now provide security and guidance, but are not seen as people with whom to socialize or "hang out." It is important, however, to insist on some time together to maintain the parent-child relationship. Such occasions give the child opportunity to talk things over and ask for help. However, while the child is out in the world creating a life, it is essential that both parents provide limits, a secure, predictable home base, involvement in school work, and interest in extra-curricular activities (sports, performances, etc.) when appropriate.
3. During this developmental stage, even adolescents living with biological parents in an intact marriage are pushing away. This challenging, yet inevitable time of letting go must be achieved by the teen for mental health and well-being. This period may be emotionally difficult for divorced parents, both of whom will see less of the adolescent. Be consistent with your love, interest and availability.
4. *If an adolescent is living with only one parent, it is that parent's responsibility to support and facilitate contact with the other parent.* Some weekly contact, (in addition to the telephone) however brief, is preferable.

Most Common Reactions to Divorce

5. Preoccupation with the survival of relationships in general.
6. Frantic efforts to restore the original family unit.
7. The developmental tasks of adolescence are interfered with, since the perception of and relationship with the parents has changed. Adolescents are really moving out into the world, but the ability to return to the safety of "the home" is essential. The loss of one home as a base for refueling may interfere with belief in a solid foundation from which to gradually gain independence.
8. Adolescent development toward independence may move too quickly or come to a halt.



9. The teen will experience above average anxiety and fear regarding sex, marriage, and relationships, as a result of the ending of the parent's marriage.
10. Mourning the loss of the imagined "perfect" childhood, as it existed prior to the separation. Mourning the loss of the family unit, as it was prior to divorce, is added to grieving the loss of childhood.
11. Despite ability to understand the reality of issues motivating the divorce, the teen is still very angry (often acting out through intensified hassles with parents, and tantrums). Adolescents also believe the parents to be selfish for getting a divorce while they are still needed by the children.
12. Loyalty conflicts and alignment with one parent over the other may continue to occur in older adolescents, and may be intense, provoking guilt and depression. However, at this age they are usually able to disengage from the battle more quickly.
13. Anxiety about financial issues primarily focused on their own future needs.
14. Equal numbers of older adolescents react by jumping into protective, helpful roles or by distancing themselves from the crisis through accelerated socializing, including an increase in sexual activity.

Implications for Parents:

If moving to one parent's home for even a weekend interferes with the teenager's ability to carry on with his normal life, this move is best made only occasionally. To do otherwise will interfere with the relationship with the parent who may be perceived as insisting on too much time away from friends and activities.

Some adolescents may want to live in only one home, either because it is simpler to carry on life that way, or because they may want an opportunity to live more continuously with the parent they have spent less time with, in order to solidify that relationship. A desire to live with father full-time is not uncommon with boys and some girls also want this option. With girls, it might be better to wait until mid-adolescence, after the need for a strong constant female role model lessens.

The adolescent's wishes should be taken into account unless he or she is trying to avoid appropriate limits in one house, or if there are alienation issues. Alienation of the adolescent from one parent may or may not be occurring consciously on the part of the other parent. Pre adolescents and adolescents are most vulnerable to being alienated from one parent by the other. If a parent is still angry and mistrusts the other parent, the adolescent may absorb such feelings. Often, the adolescent takes on the burden of "taking care" of this parent. To be with the other parent is unconsciously perceived by the adolescent as abandoning the angry or mistrustful parent.



PREPARING TO WRITE A PARENTAL PLAN

Refer to **Age Characteristics of Children** in the Appendix for further information on physical, social and mental developmental stages of children.

A well thought out parent plan will save countless hours of emotional frustration, and untold amounts of money. This plan should reflect the best interests of your child. Designing the plan will provide you an opportunity to look at the big picture of your child's life.

Each professional associated with your case will be interested in your thoughts about how your child ought to be parented. Particularly if custody is disputed, an attorney, or a child custody evaluator, will be expected to formalize the plan, and ultimately a judge must sign a court order that will become the law in your family.

You will be grateful that you have helped this process by researching an optimal parent plan as you reorganize your family. When you present an attorney, custody evaluator or judge with a well thought out parent plan, you have done much of the work for him or her. Your parent plan provides a baseline, or point of discussion. The expert need not reinvent the wheel. When you've done your homework and are clear about the issues, your plan will fall into place quickly.

The previous pages were important preparation for formulating an individualized parent plan. Make sure that you have studied the material thoroughly. Enroll in a parent education class. In Part Three of this book, you will find information on parenting classes, as well as a place for your notes; there is also a section to record key ideas from counseling sessions.

Next, read the section on different types of Child Custody Arrangements and the effects of each one. Keep in mind that the majority of conflicted couples settle down once parenting issues are resolved. Therefore, difficulties you may experience in the relationship with your children's other parent are likely to improve later.

Some parents must address the issue of a *Move-Away*; therefore a section has been included in this book to guide you. Other parents may find that *monitored visitation* is in order. If these subjects don't affect you, move to the next section, on Time Share.

Decide, realistically, how much time you are willing and able to make for your child. The worksheets are helpful.

Begin building your parent plan by writing down what you believe to be in the best interest of your child.

Last, write your findings in a simple, concise way so that your parent plan is easy to read. A sample of a parent plan is provided. Remember to keep the Serenity Prayer in mind. You will need to be flexible on many of the points addressed in the sample parent plan. *It is important that you demonstrate willingness to negotiate your ideal plan with the other parent.*



CHILD CUSTODY ARRANGEMENTS

Joint Custody

Joint custody, which the court favors, means that both parents retain and share the physical and legal responsibility and authority for the care and control of the child or children. This is feasible when parents are able to cooperate and agree in key decisions about the child's life. Joint custody assures minor children frequent and continuing contact with both parents after the parents have separated or dissolved the marriage. It requires parents to share the rights and responsibilities of child rearing.

There are many advantages of shared parenting. A child in joint custody has two psychological parents. Regular contact with both parents is maintained. The child receives a clear message that he or she is loved and wanted by both parents. This belief is necessary for the psychological health of every child.

Joint custody provides advantages for shared childcare and may serve as a buffer against the challenges associated with single parenthood. More equal physical custody provides joint custodians with an important safeguard against the "burn out" that single parents may experience due to the intense demands of solo parenting.

There are drawbacks to joint custody. Persistent and *very high* levels of conflict between parents will cause harm to children. In such cases, sole custody may be more appropriate *as long as high levels of conflict continue*. Joint custody will not work efficiently until each parent is willing to let go of the anger.

Joint custody may impose limitations on a parent's mobility, since it works best when parents live near one another.

Anxious and insecure children may be troubled by the transition between homes. In such a situation one parent may agree to have primary responsibility for the physical care of the children. The vast majority of children report that traveling between homes is not a problem, yet age considerations must be taken into account. Young children do better with one home base, with expanding nights away as they get older.

Sole Custody

Sole primary physical custody describes full physical and legal custody of the child as the responsibility of one parent. One parent thereafter makes all of the decisions about the child's life. Generally, the court will order frequent and continuing contact between the child and the non-custodial parent.

Sole Custody may seem attractive to some parents, who perceive it as less





complicated. It may be easier for the parent, but *the child will invariably suffer loss*. Unfortunately, some parents seek sole custody as a sign of victory over an ex-spouse.

Others desire the freedom (for example, to move to a new community or state). *The preference for sole custody may be interpreted by the court as an unreasonable effort to minimize contact with an ex-spouse, and to exercise singular control over all aspects of the child's upbringing.*

There are obvious situations in which sole custody is preferable or unavoidable. A parent may either disappear or choose not to be involved with parenting. A parent may be too emotionally or physically abusive of the children to be entrusted with any care whatsoever. Some parents are simply incapable of responsible childcare, for psychological or other reasons. However, in cases other than these, children, in their best interests and for reasons of health and well-being, should be actively involved with both parents. This is the preference of the court, based on long-term studies by the community of psychological professionals.

Sole custody has disadvantages. It creates an unequal power relationship between the two parents. All control over matters related to the children is invested in one person, whereas such power usually had been shared prior to the breakup. *The court is aware that this power may be abused and used arbitrarily, to further rather than reduce the level of conflict and discord between the parents.* Unfortunately, divorcing parents still caught in anger are subject to such inclinations. In addition, children become aware of the dramatic power imbalance, which then creates a harmful effect on the children's views of the perceived "weaker" parent. Such a perception affects the quality of relationship with that parent and limits effectiveness in a variety of parenting roles.

Divided or Alternating Custody

Divided or alternating custody permits each parent to have the child for part of a year or alternating portions of a year, or upon subsequent or alternating years. Reciprocal visitation rights are afforded the non-custodial parent. Each parent alternates to assume the responsibility and control accorded a sole custodian during the time period when a child is with that parent. Divided or alternating custody is not joint custody.

Split Custody

Split custody awards one or more children to one parent and the other child or remaining children to the other parent. This arrangement is not favored unless extraordinary conflict exists between siblings. Parents and the courts that consider the split custody alternative must carefully weigh the wisdom of such an arrangement, and necessarily must assure that the children have significant time together with their siblings.



THE ISSUE OF MOVE AWAY

The issue of "move away" in a custody case is very serious. A *move away* means that "frequent and continuing contact" with the child may only amount to a phone call once a week, or visits on some holidays and for a portion of summer vacation. Thus, in a *move away*, one parent loses opportunity to have quantity as well as quality time with a child. The most important question in considering such an arrangement is, "Is this move in the best interests of the child?"

It is required that the custodial parent notifies the non-custodial parent of any intent to change the child's residence. *A move by the custodial parent may be the significant change in circumstances that justifies transfer of custody to the non-custodial parent.*

Following are factors the court will consider regarding a request for a move-away. A move-away is likely to be denied or permitted according to these issues:

A. The nature, quality and duration of the child's personal relationships with:

1. The parent seeking to change the residence of the child, including whether the circumstances of the contemplated relocation will positively or negatively impact the availability of that parent personally to provide for the supervision and care of the child.
2. The other parent, including the extent of that parent's opportunities to establish a pattern of meaningful contact with the child prior to the request for a move away, and the diligence that the parent has shown in availing him or herself of opportunities to be involved in the child's life.
3. Will the move disrupt or sever sibling relationships?
 1. Will the move negatively alter the child's involvement with members of the extended family who have been regular caretakers of the child?
5. Will the child be negatively affected by removal from involved peers?
6. Will the child be negatively affected by the loss of contact with involved health care providers, teachers and coaches?

B. The age and temperament of the child, including factors related to chronological and developmental considerations, based on the amount of bonding with each parent, extended family and social relationships. Is the child easily adjustable, or dependent on keeping these relationships intact?

C. The child's ties to the community, including the child's grade level in school and academic performance before and after the separation of the parties, the child's participation in sports and other extracurricular activities, and ties to peer groups.



D. The relocating parent's reasons for the contemplated move and the extent to which less disruptive alternatives are available and were explored by that parent. It is presumed that the relocation of a child for other than substantial purposes, or for the purpose of disrupting the child's relationship with the other parent, shall be contrary to the best interest of the child. The judge will frown on the appearance of retaliatory and vindictive behavior meant to alienate the child from the other parent.

Questions that the judge will consider include:

1. Are financial considerations, such as loss of a job, or the transfer or promotion of the parent an important part of the request to move? Is the move necessary to maintain the standard of living of the household in which the child has been residing? Will the move significantly diminish the standard of living for the child? The court will also consider the impact of the move away and the amount of family support provided by the non-custodial parent.
 2. Is the relocation necessary for the parent to obtain emotional, financial and child care assistance from extended family members or other support persons? If so, are there alternatives such as counseling, restructure of the parent plan or use of alternative caretakers that can minimize the need to relocate?
 3. Does the move enable the parent to develop his or her educational and career goals? Are there alternatives that alleviate the need to relocate? Are the parent's plans and expectations realistic?
- E. The presence of a new personal relationship that has resulted in a remarriage that is significant and stable.
- F. The likelihood of future relocations. What is the past history of relocating?
- G. The child's desire, provided the child is old enough to form an intelligent opinion of the move away.
- H. The child's special needs that may best be met in a specific geographic location.
1. Are there health and psychological care providers who will diagnose needs as well as provide any care necessary to permit the child to adjust to the contemplated relocation?
 2. Are there providers and resources to meet educational and developmental needs, both remedial and enriching; and the child's special skills and talents?
 3. Can the impact of the move be reduced by rearranging each parent's custodial time periods, considering the financial and logistical circumstances, including:
 - a. The child's school schedule



- b. The extent that the child's ability to participate in sports and other extracurricular activities will be disrupted or eliminated in order to make significant contact with the other parent.
 - c. The availability of each parent to have meaningful contact with the child during the parent's custodial periods and the availability and quality of alternative caretakers for the child when the parent is not available for the child.
 - d. The availability of transportation and the financial resources of the parents to pay for the transportation necessary to maintain contact with both parents.
 - e. The availability of regular communication between the child and the other parent in order to maintain consistency of relationships important to the child.
- I. The court will take into consideration any established pattern of physically violent conduct by the other parent. A history of domestic violence can be a limitation on the ability of the court to award joint custody.

In conclusion, there are many factors to consider in contemplating a move. By weighing the pros and cons of the move, you may be able to more clearly articulate what is in the best interest of the child.



MONITORING CHILD VISITATION

PURPOSE:

The purpose of monitored visitations is to provide an opportunity for positive contact between child and parent in a safe environment. Monitoring is appropriate if there is an allegation of emotional, physical or sexual abuse of the child by one of the parents, or threats of abduction.

Monitoring may be in the best interest of the person being monitored, as it prevents further allegations of inappropriate behavior, and it will allow a visit with the child in a neutral, stress free environment.

Effective monitoring is done by an impartial, qualified person. A professional monitor is preferred. *Relatives, friends, baby sitters and domestics are not qualified to monitor because of lack of experience, guidelines and instruction.* Monitors document observed behaviors between parents and children but do not provide evaluations or recommendations. Court orders for monitoring should specify to whom the monitor reports. If necessary, attorney's orders should specify details of the visitation. In Dependency Court, the monitor is directly accountable to the child protective/social services worker as a representative of the court, rather than to either parent.

A monitor's primary responsibility is to provide for the safety of everyone involved in the visit, including a parent allegedly abused by the other parent and possibly endangered by the visitation contract.

LEVELS OF MONITORING:

- A. MONITORED TRANSFER of children for unmonitored visits requires the monitor's presence during the transfer from the custodial party or the visiting party. Sometimes the monitor executes the transfer. This may be appropriate when there are allegations of partner abuse but no allegations of child abuse.
- B. OPEN MONITORED VISITATION requires a monitor to be present within sight and sound of the children at all times. The location of the visit may be any reasonable locale.
- C. ON-SITE MONITORED VISITATION requires the visit to take place at a specified, limited location because of potential danger to the children or partner, or because of threats of abduction.

STANDARD ORDERS FOR MONITORING:

A. ORDERS FOR MONITORING SHOULD SPECIFY:

1. The level of monitoring required;
2. That the children always be within sight and sound of the monitor;



3. Conditions under which the monitor interrupts or terminates the visit to protect children or the custodial party;
4. To whom, how and when visitation or safety problems will be reported;
5. Who will pay for the service;
6. Days, times and length of visits;
7. Monitor qualifications and selection method;
8. Any restrictions (unless specified, there are no restrictions):
 - a. of the visit location;
 - b. of other persons accompanying the visiting party;
9. Prohibited parental behaviors;
 - a. Drug or alcohol use prior to or during the visit;
 - b. Inappropriate touching, or demands for physical contact or affection by the visiting party;
 - c. Discussion of the court case;
 - d. Fact-finding questions or comments about the custodial party;
 - e. Corporal punishment although the visiting party is responsible for the discipline of the children;
 - f. Use of a language not spoken by the monitor;
 - g. Whispered conversations with the children.

B. A MONITORING CONTRACT SHOULD INCLUDE:

1. The name of the monitor or monitoring service;
2. Names and ID information of parents and current legal/physical custody status of children;
3. Names, ages and date of birth of all children;
4. Current legal orders including a visitation termination plan;
5. Visitation sites and monitor's responsibility for transportation;
6. Emergency contact of custodial party;
7. Cost of monitoring service including admission fees;
8. Limits and consequences of lateness, cancellation and rescheduling;
9. Cost and time requirements for written reports or court appearances.



DETERMINING TIME FOR CHILD

In order to be realistic about the time-share you believe you desire, you must determine how much time you actually have available for your child. A child needs to be with a responsible person. If the child is not with you, where will the child be? What provisions for childcare do you have in place? Will the child be in school or day care? If so, for how long?

DIRECTIONS: On the 24 hour grid that follows, use a pencil to write in your schedule. When do you sleep and work? What are your predictable activities every week? What do you expect in terms of a social life? When will you exercise?

Next, prepare the same type of schedule for your child. Use a different colored highlighter for each person to fill in the blocks of time. Analyze how much time you and your child may realistically spend together. This information will help you create a fair and healthy time-share.

Use the formula below to determine the total hours of your potential involvement with the child. There are 168 hours in a week. Divide the number of hours you have available by 168 and multiply by 100. This will give you a percentage of time to determine the time you have available for your child.

For example: If you have 48 hours available to spend with your child each week, divide 48 by 168 and multiply by 100. This equals 29%.

There are other considerations influencing time-share that you should discuss with your legal counsel. For example, many parents prefer a 50/50 time-share. Yet, from the point of view of the best interest of the child, such division of his or her life may be seriously disruptive. One night here and another night there, or one week here and another week there - such disorder is not developmentally healthy for children. Would you like to live with such an unsettling schedule? Rather than moving from place to place, long periods of time in one home are healthier for a child.

Parents may want to consider progressive visitation schedules in which the non-custodial parent has more time with the child, as the child grows older. Consult with an expert to see how others have worked out such challenges.



TIME AVAILABLE FOR CHILD

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
6 am							
7							
8							
9							
10							
11							
12 noon							
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12 midnt							
1							
2							
3							
4							
5							
Total hrs							
Percent							

NOTES



HOLIDAY SCHEDULE

HOLIDAYS FOR MOTHER: EVERY MOTHERS DAY, EVERY MOTHER'S BIRTHDAY	F = FATHER M = MOTHER	
HOLIDAYS FOR FATHER: EVERY FATHERS DAY, EVERY FATHER'S BIRTHDAY		
HOLIDAY TIME	EVEN YEARS	ODD YEARS
NEW YEAR'S EVE		
NEW YEAR'S DAY		
MARTIN LUTHER KING		
PRESIDENT'S DAY		
PASSOVER		
EASTER SUNDAY		
MEMORIAL DAY		
JULY 4 TH		
LABOR DAY		
YOM KIPPUR		
ROSH HASHANAH		
THANKSGIVING		
HANNUKAH		
CHRISTMAS EVE		
CHRISTMAS DAY		
CHILD(RENS) BIRTHDAY(S)		
VACATION SCHEDULE		
WINTER VACATION – 1 ST HALF		
WINTER VACATION – 2 ND HALF		
SPRING VACATION – 1 ST HALF		
SPRING VACATION – 2 ND HALF		
SUMMER VACATION		
OTHER		



BUILDING YOUR CO-PARENTING PLAN

The most important document that you will prepare is your parenting plan. When you create an equitable and flexible version of the parent plan, the possibility of reaching the standard of the best interest of the child is greatly enhanced. This is how you may provide your child with a win-win custody arrangement.

In each custody case, the judge must sign a plan that indicates how the child will be cared for. You have a chance to influence this decision by writing your own plan. The more time you spend thinking through the following custody issues, the better your chances are of influencing the other parent, the evaluator or judge to decide in a way that is satisfactory to your child and you. Remember, eventually there will be a court ordered parent plan that becomes the law in your family. This plan will not be easily modified. How well prepared you are will make a big difference in the outcome.

Before beginning your parent plan, make sure that you have read all of the previous information in the parenting section. Also, read the specifics that apply to your child in Age Characteristics, found in the Appendix. Anticipate future changes that will be needed as your child goes through predictable development stages. This can cut down on future trips to Court.

1. _____ is the appropriate kind of custody. (See pages describing types of custody).

- A. Joint Custody
- B. Divided and Alternating Custody
- C. Split Custody
- D. Sole Custody

2. Division of the child's time between parents will be:

- A. Week days, including overnight

- B. Mid week visits

- C. Weekends - Every weekend or alternating ones

- D. 3 day weekends



E. Vacations

1). Christmas/Winter

2). Easter/Spring

3). Summer

F. Special Days

1). Child's Birthday

2). Parent's Birthday

3). Mother's Day/Father's Day

G. Realistically how much time do I have for the child (see chart):

H. The holiday schedule will be:

I. I will/will not have "right of refusal." In situations when the other parent leaves child in another's care for more than ___hours, I will be offered that time to be with the child first.

3. The arrangements that need to be made for financial support are:



A. The amount of money that will be paid in child support:

B. Support will be paid according to the following time schedule:

C. Will state and federal tax deduction alternate between parents? If so, how?

4. The child's educational requirements will be handled by:

A. The child will go to a private/public school.

B. _____ will attend parent-teacher conferences.

C. Parents will keep each other informed about school events by:

D. The special needs or talents that need to be addressed in order to supplement the child's education are: _____

E. The extra curricular activities that I think are important for my child are:

F. _____ will be allowed to attend and accompany child during organized activities such as: Little League, Boy Scouts, school activities, etc.

G. _____ will make decisions about changing the child's school.



H. The financial arrangements that will be made for child's future education after high school are:

5. The child's medical and dental insurance be taken care of by:

A. _____ will carry medical insurance for the child.

B. _____ will carry dental insurance for the child.

C. _____ will pay for medical costs not covered by the insurance.

D. _____ will take the child for check ups and treatment.

E. The child's health care providers will be:

1) physician _____

2) dentist _____

3) vision _____

4) mental health professional _____

F. Information about the child's medications will be exchanged by:

G. The arrangements that need to be made for emergency care are:

_____ \

H. _____ should be contacted in case of an emergency if the other parent is not available - for mother.

_____ should be contacted in case of an emergency if the other parent is not available - for father.

I. _____ will decide what mental health professional to go to.

_____ will determine how long the treatment will last.



6. Parents will communicate with each other by:

A. Parents will reach mutual decisions about child's care by:

B. If one parent makes independent decisions, the other parent will/won't be informed:

C. Each parent will/won't provide the other parent with the address and phone number of the child's residence, and notify the other parent within 48 hours of any changes of address and/or telephone number:

D. Parents will keep each other informed of the whereabouts of the child, such as vacations by:

E. Advance notification will/won't be provided by each parent to the other parent for proposed and forthcoming medical care, and will/won't notify the other parent immediately of illnesses requiring medical attention or any medical emergencies involving child:

F. A log that is shared between parents will/won't be transported by child from one parent to other to provide continuity in child care, citing important events, emotions, physical state of child and medications:

G. The other parent will/won't be kept informed about new people in child's life, day care, hired help, new friends:



H. Each parent will/will not promote respect and affection for the other parent by not talking in a demeaning way about the other parent in front of the child:

I. Parents will/won't assist child in remembering the other parent on special occasions; birthdays; when parent is ill:

J. Both parents agree/don't agree to never use the child to carry messages to the other parent:

K. Parents will/won't ask permission before scheduling events involving the child during the other parent's time:

L. The professional that we will use for post divorce/separation counseling will be

M. The choices that we will use to help me communicate if we reach an impasse are

- 1) Counseling
- 2) Mediation
- 3) Arbitration
- 4) Litigation

7. The child will maintain contact with the other parent by:

A. The child will/will not be entitled to telephone communication with other parent without interference with child's right to privacy, such as, listening on an extension phone or any type of telephonic listening device during such telephone calls:



B. The observed schedule for telephoning will be:

C. The child will/will not have a private phone:

D. _____ is the person responsible for paying the bill.

8. Transportation of the child will/will not be shared:

A. I will make transition easier by:

B. Pick up and drop off will be at school/public place such as a mall, a restaurant or park or at other parent's home:

C. Driving will be shared by:

9. Expectations regarding names and designations are:

A. The child's surname will be:

B. When a parent marries, will you or will you not allow child to call new person mom or dad?



10. I will handle the child's religious training by:

A. The religion the child will be raised to observe is:

B. The child will/won't be taught in two religions:

11. The expectations parents have on corporal punishment are:

A. Parents will/will not agree not to use corporal punishment:

B. If parents will use corporal punishment, the extent of the punishment will be:

C. Other people will/will not be allowed to use corporal punishment on child:

D. If a child complains about discipline in the other parent's home, the other parent will communicate this to the other parent by:

E. Both parents will/will not be required to finish a recognized parent education program:

12. Safety issues that need to be addressed are:



A. Parents agree/don't agree not to use alcohol or drugs while the child is in his/her care:

B. Firearms will be safely locked away or stored off the premises at:

C. Both parents will/will not get a CPR certificate:

13. If the other parent wants to move (See section on Move Away), I will:

A. Except for vacations or holidays, each parent will/won't be restrained from changing the child's residence to a distant location outside of the country without the written consent of the other party or further orders of the court:

B. The other parent will have a _____ day notice about a move away.

14. The child's' extended family and special friends will maintain contact with the child by:

A. The child will/won't maintain contact with grandparents and extended family on both sides:

B. Other special friends or individuals that the child has bonded with that ought to be included are:

15. _____ will sign for passport?



-
- A. Travel abroad is permissible under circumstances such as:
- _____
- B. The limitations on travel time (If there is fear of abduction, an attorney needs to be consulted) are:
- _____
- _____

16. The life insurance plans that will be put into effect are:

- A. Either parent will/won't carry life insurance on his or her own life to benefit the child:
- _____
- B. Child's life will/won't be insured on a policy that can later be converted to pay for higher education:
- _____

17. _____ will sign for child to have a license to drive a car or motorcycle.

- A. The rules that need to be put in place about how these vehicles are to be used will be done by:
- _____

B. _____ will pay for insurance, gas, repairs and tickets.

18. _____ will sign for child to go into the military or engage in an under age marriage.

19. Other issues that need to be resolved are: _____



Outline the Time Share. You may want to make more than one plan as a point of discuss.

CALENDAR MONTH YEAR

SUN	MON	TUE	WED	THU	FRI	SAT

SPECIFIC COMMENTS:



SAMPLE CO-PARENTING PLAN

The following parent plan was submitted to a psychological evaluator. The parents in this example were reasonably able to communicate with each other. This plan was adopted with little modification, because it was well thought out and fit the needs of the family. Your parent plan must reflect your unique family setting and needs.

1. Mother and Father shall share and participate in the legal and joint physical custody of Sally.
2. In week one our 6 year old daughter shall reside with her Father from after school on Wednesday 3:30 p.m. until Monday at the beginning of school or at 9:00 a.m. Mother will pick her up from school on Monday at 3:30 p.m. and have her until Friday morning when she will deliver her to school. Father will then care for Sally from Friday when he picks her up from school at 3:30 p.m. until Monday when he will return Sally to school at 9:00 a.m. Father will then pick up Sally from school on Wednesday to repeat the two-week cycle.
3. This is the holiday schedule. Vacations shall not exceed a total of two weeks\ per parent\ per year. Each parent shall provide the other with at least 15 days advanced written notice of intent to take Sally on vacation. Each parent shall provide the other parent with the location and Sally's itinerary while on vacation, including telephone numbers in case of an emergency.
4. Each parent shall be restrained from changing Sally's residence to a location outside the city of Emeryville without the written consent of the other party or further orders of the court.
5. Sally shall continue to attend Pine Ridge Elementary School and the tuition shall be equally shared between the two parents. The parent with whom she is staying shall have responsibility for daily care and shall make necessary decisions regarding emergency medical or dental care. All other major decisions regarding her education, such as academic pursuits at school, signing of report cards, after school activities in which she participates, cultural and artistic training will be made jointly. Also, both parents shall approve of non-emergency health treatment, all major medical decisions, dental, psychiatric or cosmetic surgery. This includes issues of general welfare such as acquisition of a passport, change of name, signing of action on child's behalf or signing for a driver's license. All of the above shall be made by the written consent of both parents or further orders of the court.
6. It is expressly understood that the times that each parent shall be with Sally and responsible for her care is subject to modification by mutual agreement. Flexibility in child care responsibilities and involvement are to be encouraged and the terms of this agreement are to be liberally interpreted to allow Sally the maximum benefit to be derived from the love, concern and care of both Mother and Father. Each parent shall promote in Sally respect and affection for the other parent.



7. Each parent shall provide that the medical, surgical, dental and school records of Sally are available to each parent.
8. This agreement shall not be affected by the remarriage of either parent.
9. Each party shall keep each other informed of his or her current address and phone numbers.
10. Each parent shall welcome pictures of the other parent or mementos of times spent with the other parent into Sally's bedroom in each house.
11. Each parent shall be entitled to reasonable telephone communication with Sally. No more than one telephone call per day and all calls to be completed before 9:00 p.m. For Sally's benefit, each telephone call should be no longer than her present age in minutes. (When Sally is six years old, the call should last no longer than six minutes. When she reaches age ten, the call should be no longer than ten minutes.) This is a maximum time period in the best interests of the child. Each parent or live-in companion is restrained from unreasonably interfering with the right to privacy during such conversations, and from listening on an extension telephone, or other type of telephonic listening device.
12. Any expense or financial liability created by Sally accidentally, or through acts of negligence, vandalism or malicious mischief to other persons or property shall be shared equally by both parents.
13. Each parent shall permit and encourage communication by the other parent with doctors, clinics, and other health care providers regarding Sally's health and welfare. Each parent shall provide advance notice to the other parent of proposed and forthcoming medical care, and each shall notify the other as soon as possible regarding illnesses, and all medical attention.
14. Parents shall alternate years of claiming Sally as a Federal and State dependency tax deduction. Mother shall have odd years. Father shall have even years.
15. In the event that either parent intends to leave Sally for twelve (12) hours or longer with another caregiver, that parent shall first offer the other parent an opportunity for the additional time, before making other arrangements for temporary care.
16. Each party shall notify the other of the telephone number and address where Sally will be spending the night.
17. For the benefit and continuity of Sally's education and learning, each parent shall cooperate, follow through, and assist Sally with her educational programs when in his or her care.



18. Each parent shall keep the other parent up to date on all items of interest, including making copies of schedules, report cards, medical test results, etc., names and addresses of all friends, regular activities, etc.
19. Both parents shall maintain a single log or journal in which the parents can communicate with each other with regards to the needs of Sally. Questions, schedules, and positive statements can be written, but no complaints of the other party will be written down. The log is to be exchanged at visitation times to enhance communications. Only the parents shall write in the log.
20. Each parent will allow Sally to have liberal visitation with maternal and paternal grandparents.
21. Both parents shall complete a recognized parent education program.
22. Each parent shall assist Sally to remember and appropriately celebrate important dates like Mother's Day, Father's Day, birthdays of Mother and Father, Christmas, Valentine's Day, including special occasions and get well situations.
23. Mother shall maintain Sally on her medical insurance and Father shall maintain Sally on his dental insurance. Any expense incurred as the result of medical or dental treatment shall be shared equally by both parents. This includes deductibles and any other expense not covered by the insurance plans.
24. Neither parent shall use or make any disparaging or derogatory remarks about the other parent, and are restrained from allowing a live-in companion to make such remarks; Parent shall remove Sally from the presence of anyone making derogatory statements about the other parent.
25. Neither parent shall use Sally for communicating with the other parent. Nor shall either parent encourage Sally to deceive or be dishonest to the other parent.
26. Each parent shall have the right to attend and/or accompany Sally during organized activities, such as: parent teacher conferences, gymnastics, dance, recitals, Girl Scouts or other important school activities.
27. During a vacation or family function, neither parent is to remove Sally from the State of _____ without the written consent of the other parent, nor such consent shall not be unreasonably withheld.
28. Each parent shall not deny Sally visitation with the other parent for punishment, illness, or refusal to go to the scheduled visitation or parenting time.
29. No corporal punishment shall be administered by either parent, and both parties are restrained from allowing live-in companions or anyone else to administer corporal punishment.



30. Mother and Father are restrained and enjoined from harassing, annoying, striking, threatening, assaulting, or molesting the other in any manner whatsoever.
31. Each party, upon receipt of mail or packages addressed to Sally from the other parent, shall see that such mail or packages are immediately given to Sally (unopened).
32. Both parents shall attempt to work together to resolve disputes. Both parents wish to avoid unnecessary expense and shall use the services of a mediator to resolve disputes, before seeking further relief or modification from the court.
33. This parenting plan may be altered by mutual agreement of both parties in writing or by further court order.



PREPARE NOW FOR A CHILD CUSTODY EVALUATION

If there are serious concerns about one parent's ability to function within the guideline of the best interest of the child, a psychological evaluation may be needed. A stipulation or agreement by both parties may be filed through the Court. If one parent refuses to agree to the psychological evaluation, a court order must be issued. A specially trained psychologist or psychiatrist will interview both parents and the children. They will make a study of the family. Several tests are likely to be ordered. This type of evaluation is very expensive and very thorough. Generally, the Court will follow the recommendations of the evaluator to make a final decision about custody.

A lesser procedure is a child custody evaluation, usually done by a licensed clinical social worker that will interview all parties and write a recommendation to the court. Personality tests are not part of this exam. This kind of evaluation works if there are no allegations of serious dysfunction. Sometimes parents pay for this exam and then must pay for a second, more sophisticated exam later. Carefully decide which type of evaluation you need.

It is important to understand that the evaluator is not your therapist or your friend. Rather, the evaluator's role is that of investigator. The evaluator is expected to be neutral and to report accurately what is observed. Although you are paying for the service, you will not control the results. Therefore, it is best to be prepared. Furthermore, the observation will likely commence before you are aware of it, usually while you are waiting for the appointment to begin.

Parents who have prepared are more likely to positively impress the evaluator. Enroll in a parenting class to help prepare, or check out the bibliography for "how-to" parent books to read. The following check list will outline areas that will be part of the examination. Remember: You will never have a second chance to make a good first impression.



SAMPLE QUESTIONNAIRE

A child custody evaluation is probably one of the most important experiences in your life. This questionnaire is an example of the kind of document an evaluator may give you to fill out, before meeting with you and the other parent. It serves as a detailed biography of you as an individual and parent. The inquiry will explore your personal history with your family of origin, as well as your current relationships with your own children.

This is an opportunity to review your life. You are not expected to be perfect; everyone makes mistakes. People grow by learning better ways of thinking and behaving. Look on the questionnaire as a chance to face and deal with long-term problems in a positive way.

Although the Evaluator will meet with you in person, it is of vital importance that you complete the questionnaire thoroughly. You and the Evaluator are strangers. The questionnaire is an efficient way for the Evaluator to learn about your family quickly.

The evaluation will not start until each parent completes the questionnaire. You will find it helpful to prepare your concerns or questions prior to the interview session. Proper organization for the interview will take several hours of your time.

It is helpful if you are able to type your responses, but if this is not possible, print your responses in clear and legible script. Remember to use the subtitles on the questionnaire to identify the section that you are writing about. It is very important to number your pages. Make your own copy of your responses and keep it in your planner. NOTE: It is a good idea to prepare a timeline of events related to understanding the issues, i.e., 1992 - I met Joan, 1993 - we were married, etc.

Your responses will not be shown to your ex-spouse, but some of the information may be included in the final report. Remember that the exact same questionnaire is given to the other parent to answer. Even if your information is not quoted in the report, be aware that the evaluator will have read every page and the information will be used for the final recommendations regarding your case.

The questionnaire will ask you to address many of the areas that you have reviewed in the parent plan section.

CURRENT CUSTODY ARRANGEMENT

1. Describe your current custody arrangement. Who has primary physical custody of your children? Who has secondary physical custody? Do you have joint physical and/or legal custody of your children?
2. Which days are your children with you? With the other parent? With other caregivers, or childcare? What are the hours of mid-week visits, weekend visits and holidays? Are there provisions for summer, birthdays, and special days?
3. Have there been other custody arrangements? If so, what, how and why did the arrangement change?



4. Ideal Custody Arrangement: What do you believe to be the ideal custody arrangement in the best interest of your children? Please explain in detail why you believe this arrangement would be the best choice.
 - a. Describe what you believe is the ideal visitation schedule for your ex-spouse. If you believe that the schedule or arrangement should be different for each child, please explain.
 - b. Explain the need for any creativity in a custody arrangement, or the need for one parent to be involved in special ways in the children's lives.
 - c. Explain the use of childcare in your ideal arrangement and note the days and times that you would need to have assistance in providing care for your children.
 - d. Address transition time for your children, when you take to or pick up from your ex-spouse's home. Who drives? Who is responsible for transportation? Where is the drop-off and pick up? Home or elsewhere?
 - e. Address any other issues related to the ideal child custody arrangement that you believe pertinent to this case.

CURRENT CHILD CUSTODY ISSUES

1. Concerns about the other parent's ability to parent your children. Please address all concerns regarding the other parent's ability to provide a safe and nurturing environment for your children.
2. Address any concerns about the other parent's ability to promote a healthy relationship between you and your children.
3. If there are allegations of physical neglect or sexual abuse on the part of one or both parents, then you are asked to answer the following in careful detail:
 - a. If you are the accused, explain exactly what occurred, that led to the allegations against you? If you kept any journal or log of the events, please make a copy and provide it for the evaluator.
 - b. Be honest about the role you may have played in these events. If you believe some events have been misconstrued, clarify and differentiate between your actual involvement and what others are saying or believe.
 - c. List all community resources involved with your case, i.e., Police, Child Protective Services or investigators. Include names and addresses as well as phone numbers and dates of interviews.



- d. If you believe the allegations to be false, how have you handled the situation? Have you attempted to resolve the issues? What has been your part in contributing to the problem?
 - e. How do you believe your ex-spouse contributed to the false allegations? What may have influenced your ex-spouse to believe that you have been abusive to your children? What in your ex-spouse's background may have contributed to his or her belief that you abused/neglected children?
 - f. Have there been any physical examinations? Any interviews by other mental health professionals? Provide documentation.
4. If your ex-spouse is accused of physical neglect or sexual abuse:
- a. Write down the chain of events from the first time that you suspected something was wrong. Tell the evaluator the exact wording that your children used during their disclosures. What time of day? Where were you when your child disclosed the abuse? What had happened earlier that day? Try to be exact regarding dates and times.
 - b. If you have kept any type of log regarding these events, provide a copy of your records.
 - c. Describe in detail how and why you believe your child had been abused. If you believe there is another abuser in addition to, or rather than your ex-spouse, give details, relationships and the other parent's knowledge of these events.
 - d. Indicate all contacts you have had with law enforcement, child protective services, medical or psychological professionals; include dates and times of the interviews.
 - e. How do you think you contributed to this problem? Were you having personal problems of your own that may have contributed to this situation? Have there been similar allegations in the past, or concerns that were similar in nature?
 - f. What history is there in your own life and that of your ex-spouse that may have contributed to the neglect/abuse? Were either you and/or your ex-spouse the victims of the following: physical abuse; neglect; child endangerment; incest or sexual abuse by another, including rape; and/or emotional abuse? Explain in detail.
5. If your ex-spouse is a good parent, then explain why you want your specific arrangement?



6. Do you have concerns about your children's new stepparent, live-in companion or significant other? Please explain in detail. Are there any benefits for your children living with this new individual?
7. Do you have concerns about stepchildren residing with your children?
8. Finally, list any other concerns regarding your children and your ex-spouse that have not been listed before.

HISTORY OF MARRIAGE

Please write a detailed account of your courtship as well as your marriage.

1. Include dates of meeting, engagement, marriage, separation and divorce.
2. Please describe what first attracted you to your ex-spouse. List all of the positive attributes of your ex-spouse.
3. When did the marriage start to deteriorate? Why? Discuss the difficulties in the marriage. List all counselors and church counselors who have met with you to attempt to help the marriage.
4. What were the difficulties on both of your parts? How did you attempt to resolve these problems?
5. Were there issues of spousal battering? Emotional abuse? Neglect? Did you report these violent incidents to the authorities? When? Where? If not, why not?
6. Were drugs and/or alcohol use/abuse a part of the problems in the marriage? Describe the type of drugs and/or alcohol use and the quantities. How often? When? Was there any involvement with the law for your ex-spouse or you?
7. What was the last straw? When and why did you finally decide to leave the marriage/relationship?
8. What did you tell your children about the separation/divorce? What was their reaction? What did the other parent tell the children about the separation/divorce?
9. How long after the separation before the children started staying with both parents? Explain the original visitation schedule immediately after the separation.

PARENT/CHILD INFORMATION

Describe your style as a parent and your philosophy of raising your children. Compare this to the other parent's style of raising children. What are the similarities and what are the dif-



ferences. Discuss how you and the other parent shared parenting. Who was responsible for the care of the children? Who was responsible for what parenting duties? Describe fully.

1. SHARED PARENTING: Did both parents participate in the pregnancy? What were the feelings when the pregnancy was known? Did both parents participate in preparing for childbirth? Labor and delivery?
 - a. How well were the roles defined in the family regarding childcare? Once the child came home from the hospital, who cared for the infant? When did each of the parents return to work after the child care leave?
 - b. What percentage of time did each parent contribute to the care of each child? What care was provided for each child by each parent? Any differences as the children grew older in the amount and type of care provided by each parent?
2. MEDICAL AND DENTAL CARE: Which parent was responsible for taking the children to the physician and dentist? When your children were ill, which parent stayed home to care for them?
3. ACTIVITIES: In which activities has your child been involved during your marriage and since separating? Who has been responsible for enrolling the child? For paying for the classes, sports, lessons? Who takes the child to these lessons, practices and games? Do both parents attend? Do both parents agree on the type, amount and location of activities?
4. EDUCATION AND HOMEWORK: Who was responsible for assisting the child with homework? How is homework handled during visits and when at the other parent's home? Who attends the following: Back to School Night, Open House, School Programs, and Parent-Teacher Conferences? Is your philosophy regarding the importance of education similar? How do you handle the parent-teacher communication? Who handles school related issues? Do you help in the classroom, time permitted?
5. CLOTHING AND OTHER ESSENTIALS: Who has been responsible for the purchase of clothes? For other items needed for school, outside activities and personal use? Is clothing sent back and forth between two homes?
6. DISCIPLINE AND CONSEQUENCES: What types of punishment, consequences and discipline do you and the other parent use? Are there differences in your styles? Is your style reflected in the age of the child? Please give examples of types of misbehavior and how you handle the discipline. What is successful and what isn't?
 - a. Have there been any instances where you felt that your punishment or reaction to the child was over corrective? If so, please explain.
 - b. Describe how your child reacts to your discipline? Are there differences between the discipline of your children and their stepsiblings?



- c. Are there differences in the parenting/discipline style of the stepparents? Of your significant other? Of the other parent's significant other, i.e. spouse, fiancé'?
7. PARENTAL COMMUNICATION: Describe your ability to communicate as parents while married. Since the divorce? How do you get messages across? Phone, answering machine, letters via attorney or through the children? What works, what doesn't?
- a. Do you share school, medical and other vital information with the other parent? Does he/she do the same? Do you invite the other parent to your children's activities? How do you handle the other parent's presence at these events?
- b. Do the two of you agree to maintain contact for your children? Do you let your children approach the other parent during activities even if it is "your time with the child?" Vice versa?
- c. How do you handle a request from the other parent for a change of schedule? For a special event? How flexible are you with changes? How flexible is your ex regarding changes in the visitation schedule? If there is a special event, i.e. a sleep over, a birthday party, how flexible are each of you in allowing the child to attend?
- d. How much do you share with your child about the difficulties between the parents? What do you feel is appropriate to tell your child about the divorce, custody issues and conflict?
8. RELIGIOUS EDUCATION: Do both of the parents hold the same religions? If not, how has religious education been handled? Before the divorce, was attendance considered important and what was the involvement of the parents? Who takes the children to church or temple?
9. CULTURAL ISSUES: Are there differences in cultures and beliefs? How have these issues been handled? Do both parents encourage the continuation of the culture? Traditions?
10. BLENDED FAMILIES: How have you handled step-families? How long have the children been involved with the stepparents' and step-siblings' lives? What steps have been taken to help the process of blending two different families? What are the roles of the stepparents in discipline and childcare?
- a. What are the sleeping arrangements at each home? Who shares rooms? Describe the homes as to location, size, number of bedrooms and bathrooms and space to play.
- b. What is the visitation schedule of the stepsiblings with their parents?



11. **FAMILY ACTIVITIES:** What activities do you enjoy as a family? Both at home and outside of your home? When you were married, what activities did you do as a family? Who participated in these activities? Since your divorce, have these activities changed? Are the activities markedly different at the child's other home? Include a few photos of you and your children.
12. **PARENTING STRENGTHS:** What are your strengths as a parent? Do you work better with children of a particular age? Have you worked with other children?
 - a. What are the strengths of the other parent? What can he or she do better than you? What can you do better than the other parent?
 - b. What will your ex-spouse say about your parenting? List any positive attributes that you believe he or she will say about you as a parent. List any negative attributes that will be noted by your ex spouse. Even if you do not believe that you have any negative traits, list what you believe your ex-spouse will say about your parenting. Be sure to comment on whether you believe these attributes to be accurate from your point of view.
13. **THE PARENTAL SUPPORT SYSTEM:** With whom do you discuss issues regarding your children? Who is available to assist you emotionally and physically? Friends or relatives? Where? How often do you seek out support?
14. **FAMILIES OF ORIGIN:**
 - a. What things about your own parents would you want to copy in your role as parent?
 - b. What things about your parents would you not want to copy in your role as a parent?
 - c. Were there any experiences as a child in which you felt that you were neglected, or too harshly punished or even abused? How has this affected your ability to parent?
 - d. Were there any experiences of drug/alcohol abuse or spouse battering during your childhood that affected your parenting - positively or negatively?
15. **INVOLVEMENT OF EXTENDED FAMILY:** how involved are the grandparents from both sides with the children? Do they have a positive or negative impact? Other relatives? Describe the importance of the involvement of extended family in your child's life?
16. **FUTURE PARENTING:** What areas of parenting would you like to enhance or change? How do you plan to instigate these changes? Where do you see yourself in five years? How will your life have changed? Will it be better or worse?



PERSONAL BIOGRAPHY

Please write a biography of your life, starting with birth to the present time. It is important that you include all of the following:

1. **BIRTH INFORMATION:** Where you were born; date, names of your parents and siblings and their ages in comparison to you.
2. **SOCIOECONOMIC INFORMATION:** Include information regarding your parents' occupations, education and pertinent social activities. Include information regarding religious education during your childhood.
 - a. Comment on your parents' marital relationship and include any issues related to alcoholism, drug abuse or spousal battering. Note any significant health problems for your family. Note any severe financial problems, unemployment or emotional problems.
 - b. Discuss relationships between you and other family members. What was the involvement of extended family?
3. **EDUCATION:** Discuss all schooling from pre-school through graduate school. Include how you did academically as well as all interests in school, involvement in school activities and peer relationships.
 - a. Discuss any behavioral or academic problems in school. Did you have any learning disabilities? Any special assistance or resource classes?
 - b. Were your parents involved in your education?
 - c. Discuss all classes, sports and extracurricular activities, including community involvement and religion-related activities.
 - d. Discuss all education after high school; college, graduate school and technical training.
4. **EMPLOYMENT HISTORY:** Discuss your work history from part time jobs in school to the position you now hold. Describe the job and why you left the position.
5. **HISTORY OF INVOLVEMENT WITH THE LAW:** List any past history of involvement with the law, even if it was a misdemeanor. Describe the dates, times, offense and the court ruling.



6. HISTORY OF DRUG AND ALCOHOL USE/ABUSE: Please describe all past history and involvement with the use of drugs and alcohol even if deemed recreational. List the amount of alcohol consumed each day, the type and maximum used. Remember that you ex-spouse will be providing details regarding past use as well as present concerns. It is best to be honest.
 - a. Do you smoke cigarettes or cigars? How often and how many packs/day? Do you smoke in the house? Car? While in the presence of your children?
 - b. Describe how drugs/alcohol have affected your life and if you maintain that you are sober or clean, then tell how you have managed to do this and how you will maintain your sobriety?
7. PRIOR CHILD ABUSE ALLEGATIONS: Have there been any prior child abuse allegations against you? Be sure to note if there have been allegations in the past even if unfounded?
8. MILITARY EXPERIENCE:
9. CURRENT AND PAST RELATIONSHIPS: Discuss all previous serious romantic relationships. Tell of any previous marriages with information regarding that marriage and reason for the divorce. Discuss any children from these previous relationships and marriages. Tell about your current custody of your children from previous marriages and any issues regarding your relationships with your children.
 - a. Discuss your current serious relationship or marriage and include how you met, how long you dated and when you were married. How is this relationship different from the marriage that is being evaluated in the custody evaluation? What are the positive attributes of this spouse/relationship?
 - b. Discuss your communication with your current relationship. How does your current significant other relate to your ex-spouse? How does your current significant other relate to your children from this marriage? From a previous marriage?
 - c. Discuss how this relationship impacts on your previous relationship and vice versa. How will this current relationship affect your future as an individual, parent and spouse?
10. HEALTH AND MEDICAL PROBLEMS: Discuss past medical problems in childhood such as operations and chronic illnesses. How is your health today? List any medications, doses and times taken and the reason these drugs are prescribed.
11. THERAPY AND SUPPORT GROUPS: List all previous and current therapists and support groups. Be sure to discuss the reason you sought help/therapy and the dates and lengths of treatment.



- a. List any support groups, 12 step programs, i.e., AA, OA, ACA, or NA. Indicate the length of time that you have been attending and the reason for participation.
 - b. List any psychiatric hospitalization including dates and reason for the in-patient stay.
12. **STRENGTHS AND WEAKNESSES:** List all of your strengths and weaknesses as an individual.
 13. **CURRENT SUPPORT SYSTEMS AND ACTIVITIES:** Discuss your support system - those to whom you turn to in a time of need. Also discuss all activities that you are involved in at this time: coaching, sports, physical exercise, religious, volunteer or political.
 14. **CURRENT EMPLOYMENT SCHEDULE:** List your work hours, days off and vacation schedule.
 15. **FAVORITE ACTIVITIES:** List the kind of activities that you enjoy. Which of these reduce stress? How are you handling the stress from your divorce?

CHILD'S BIOGRAPHY

1. Write out an individual biography for each of your children from this marriage and any previous relationships/marriages. There should be a biography of any stepchildren, even if they do not reside with you full time.
2. Include the birth date, place of birth and physical condition from birth. Include information on the birth weight, height and condition. Discuss whether any difficulties from a prolonged labor or difficult delivery, vaginal or C-Section.
3. Discuss developmental milestones - when your child was able to sit alone, walk and talk. Tell about any developmental difficulties. Relate if there were any medical problems or chronic illness.
4. **EDUCATION:** Discuss all education from childcare through formal schooling. How has your child done socially, academically and behaviorally? (Remember to bring copies of report cards as well as any results from National Testing). Discuss your child's strengths and weaknesses in school.
5. **ACTIVITIES:** What activities is your child involved in? List sports, religious, academic, music, dance. Which are favored? How are activities chosen?
6. **PERSONALITY OF YOUR CHILD:** Describe the personality of your child. Who is he/she most like? Personality? Appearance? Temperament? More like the parents of the extended family?



7. **RELATIONSHIPS WITH PEERS AND SIBLINGS:** Discuss how your child gets along with each of his/her siblings. Also discuss friends at school and home. Is your child liked by peers or tolerated? Any special social groups?
8. **STRENGTHS AND WEAKNESSES:** List all of your child's strengths and weaknesses. Is your child talented? How does your child deal with disappointments, frustrations and problems?
9. **EMOTIONAL WELL-BEING:** Discuss any concerns you may have about your child's mental health. Is your child having sleep problems, eating disorders, behavioral problems, crying spells, nightmares, anxiety or anger? How is your child dealing with the divorce, the custody conflict and your new relationships?
10. **PARENTAL RELATIONSHIPS:** What is special about your child's relationship with the other parent?
11. **COMMUNICATION WITH YOUR CHILD:** Describe how you communicate with your child. What works the best? What doesn't work when trying to get your child to talk? With whom does the child confide the most? How do you know when your child is upset, angry? How do you handle your child's emotions? His/her outbursts?
12. **COUNSELING AND PSYCHOTHERAPY:** List all previous experiences of therapy for your child and family. Include dates, the name of the therapist and the reasons for the sessions.
13. **PHOTO AND FINGERPRINTS:** Include these for thoroughness, and always keep copies for yourself. Update the child's photo on a yearly basis.



WHAT DOES THE EVALUATOR LOOK FOR?

Directions: Place a check mark on the line if you are on solid ground and a circle if you need work. Be honest.

CHILD DEVELOPMENT

- _____ 1. Does your knowledge of child development reflect the mental and physical age of the child? Do you speak and play with the child at that child's level of skill and understanding? Check the section on "Age Characteristics of Children: with Implications for their Parents." Memorize the key ideas.
- _____ 2. Are you knowledgeable about your child's education, and aware of your child's strengths and weakness, and special needs? What special plans have you made to assist your child's development, e.g. speech classes, tutoring, sports, music, dance?
- _____ 3. Have you adapted your life to accommodate the needs of the child? Are you physically available to your child? Do you have a history of ongoing attention to the physical and emotional needs of the child? If not, what can you do about the situation now?
- _____ 4. Have you realistically appraised your child's post-separation needs? Do you understand that in stressful situations that children will regress to an earlier state, that this is no one's fault, and that it is temporary?

QUALITY OF INTERACTION

- _____ 5. Do you have direct and friendly eye contact, physical closeness and do you speak and play appropriate to the child's age and development? Do you reciprocate affection?
- _____ 6. Do you encourage emotional expression? Are you tolerant and patient about crying, discouragement or anger?
- _____ 7. Do you permit disagreement without criticism?
- _____ 8. Do you accurately interpret your child's questions and statements?

PROTECTING THE CHILD'S SELF-ESTEEM

- _____ 9. Do you assist the child with self-satisfaction through modeling, play, humor and are you quick to catch your child being good?
- _____ 10. Are you proud of your child's accomplishments, yet willing to permit failure without criticism? Do you express pleasure and pride in your child?
- _____ 11. Do you promote emotional awareness by routinely identifying feelings in yourself and in others?



INDEPENDENCE

- ___ 12. Do you stimulate socialization and encourage interaction with others?
- ___ 13. Are you patient when your child asserts independence and control? Do you effectively handle power struggles?
- ___ 14. Do you avoid projecting your own feelings onto your child, and are you able to see him or her as a unique individual and to encourage autonomous development?
- ___ 15. Do you find ways to stimulate the child's natural curiosity?

COMMUNICATION

- ___ 16. Do you rely on statement sentences, rather than on commands and questions when you instruct your child? Are your sentences easy to understand and age appropriate?
- ___ 17. Do you avoid the **accusatory You**? The accusatory you is a way of blaming and shaming a child: "You know better; You messed up."
- ___ 18. When you are listening, do you take time to **receive** what is being said to you and provide the child with a reflective sentence to demonstrate that you understand the child's feelings about the situation. For example: "You are really frustrated by your brother bothering your things." Most parents don't take this step to let the child know that he has been understood; rather they immediately start correcting or telling the child what to do.
- ___ 19. Do you identify emotional content when you speak? Express how you are feeling, identify how your child is feeling?
- ___ 20. Do you tell your child the truth, using simple explanations, without blaming?
- ___ 21. Do you help the child anticipate what is happening next? When he or she will see the other parent? Do you explain where the parent is and how they can be contacted? Are you aware of the child's need to not feel abandoned as a result of the other parent not being there?

DISCIPLINE

- ___ 22. Do you teach the child to discern between appropriate and inappropriate behavior using statements? Do you aid the child in learning problem solving and logic? Do you engage in constructive fantasy? Do you explore with your child alternatives to inappropriate behaviors?



- ___23. Are you skillful in setting limits, boundaries, rules and routines? Do you state your expectations; facilitate self-control and help your child learn to delay gratification? Do you avoid invoking fear or giving in to child's demands?
- ___24. Can you creatively divert a child's attention away from inappropriate behavior toward imaginative play?
- ___25. Are your demands for mastery of tasks reasonable?

CONFLICT RESOLUTION

- ___26. Can you stick to the business at hand, rather than mix in emotional issues? Do you respond logically or emotionally when people disagree with you?
- ___27. Do you avoid generalizations like "all women (or men) are impossible to get along with?" Are you a literal, Black-and-White thinker; who thinks that all good is on one side and all bad is on the other? Do you see yourself as the innocent victim in the difficulty you are having? Or, are you willing to accept that your behavior and attitude contribute to your problems? Do you understand what is meant by "the opposing point of view has the greater value?"
- ___28. Are you primarily a positive, proactive thinker, or someone who chronically looks at the negative side of life?
- ___29. Do you go out of your way to protect your child from parental conflicts? Do you use your child as a messenger or as an informant?
- ___30. Are you avoiding using the child to fulfill your need to be cared for (role reversal)? Are they expected to make you feel or look good?
- ___31. Are you successful in controlling acting-out impulsively? Do you avoid retaliation?
- ___32. Do you model respect for boundaries, respect for the property and rights of others, including the other parent?
- ___33. Do you have a support network that you can use as a sounding board? Do you routinely write down what irritates you in your diary? Or, do you keep your feelings stuffed inside you?
- ___34. When the other parent makes an insulting remark, can you avoid reacting in front of your child? Do you avoid putting your child in the middle?

THE OTHER PARENT

- ___35. Do you recognize the importance of the other parent to your child? Do you cooperate in allowing physical access to this person?



- ____36. Are you keeping the relationship a business one? Do you use facts rather than emotions to determine the best interest of the child?
- ____37. Are you tolerant of the other parent's child-rearing practices?
- ____38. Are you accepting of the other parent's independence and new relationships that involve the child? Do you believe that your child has a wealth of love to give, and that when other people come into his or her life, it does not mean less love for you?

FINISHING NOTE:

If you put a check mark by every category, you are either in serious denial or you are truly exceptional! There is no perfect parent. **People who make no mistakes do not discover anything!** Your goal is to assess your own parenting skills before someone else does it. In the areas where you put circles, make a plan for how you can strengthen your skills and knowledge. A parent education class can do wonders.



PART TWO

LEGAL RESOLUTION OF YOUR CUSTODY CASE



OVERVIEW OF RESOLVING YOUR CUSTODY CASE LEGALLY

DO I NEED A LAWYER?: You might choose to be “in pro per,” or represent yourself. This section will help you decide this important issue.

ALTERNATIVES TO LITIGATION: *Litigation is the most dangerous, expensive, and least rewarding way to determine custody.* You will always be better off to try counseling, with collaborative divorce or mediation. You have another choice, that of arbitrating the decision. The benefits of each choice are spelled out in this section.

STEPS IN A DIVORCE AND CUSTODY DISPUTE: These four steps are the usual way that a custody case evolves.

COLLECTING AND GENERATING EVIDENCE: Learn the difference between hard and soft evidence. Decide which type of evidence is important to your case.

HOW TO FIND A LAWYER: If you decide that you need legal representation you will find valuable information here.

CONFIDENTIALITY: Make sure that you understand the importance of keeping what you share with your lawyers confidential.

RULES FOR EFFECTIVE CASE MANAGEMENT: These ten rules are a quick reminder of how to stay on top of your case.



DO I NEED A LAWYER?

Only you can decide if you need a lawyer. Many people successfully represent themselves in court. Increasingly, couples are able to resolve custody disputes using the collaborative divorce method, or with a mediator. A paralegal may draw up the necessary paperwork and guide you through the filing process. Paralegals are not allowed to practice law, but may be able to help you decide if you need a lawyer. Paralegals often can guide the "in pro per" or self-represented person, to lawyers who will consult with him or her and provide legal counsel for an hourly fee. Bottom line, you should do a serious investigation as to what is best for you.

Certified family law attorneys are specialists in a highly technical field that changes virtually everyday. Without advice from a certified specialist, you may unwittingly give away rights that you won't be able to get back. In cases where one parent refuses to cooperate, a situation may develop in which the only way to proceed is with a lawyer.

The following pages will serve as guideposts to follow to resolve your custody case by creating a win-win agreement. Notice that there is a glossary of legal terminology in the Appendix.



As a child, when you became very angry at a playmate, how did you resolve the conflict? Did a parent, teacher or mature adult sit down with the two of you and encourage you to tell how you felt? Were you helped to listen to the other child without interrupting? Did the adult then help you come to a positive resolution to the conflict? If you had this experience, you can be very grateful, for few people have. Most people have not been taught how to handle conflict in a direct way, feel safe to express feelings without attacking, address misinformation, and resolve conflict leaving both sides feeling whole.

Litigation is a formal adversarial process that is hostile, combative, time consuming and destructive. Unfortunately, many people think that it is the only way to resolve a legal dispute. Research, however, supports the fact that litigation's enormous expense, psychological as well as financial, should make it a last resort. In the end, most litigants do not end up with a final decision that they view as just or fair. If there is no possible way to decide the custody issues in your family, then litigation gives another person, a judge, the power to decide the custody of your children. In fact, most family law judges believe that, rather than litigate, *it is far better to exhaust all other resources in order to arrive at a responsible agreement with the other parent.* In view of that belief, listed below are some viable resources that may facilitate alternatives to litigation.

Counseling

The termination of a marriage or relationship results in an emotional response very similar to that experienced at the death of a loved one. The marriage bond creates an entity separate and distinct from the two individuals who comprise it. When this entity is dissolved, there has, indeed, been a "death." The tremendous emotional strain involved in a marital breakdown is often unmanageable without outside help. Thus, counseling at this time, whether individual, marital, or divorce counseling, is certain to be helpful. If you have children, it is also important to involve them in a counseling program. Often, children are so concerned about their parents that they do not show the outward signs of their own turmoil. In time a child's pent up feelings, hurts and questions may explode in irrational, damaging and seemingly inexplicable behavior if not dealt with adequately at the time of the divorce. Ideally, counseling will continue through the entire proceeding. Processing emotional issues in the safe environment of a therapist's office will save the family enormous sums of money.

There are also massive physical stresses involved in a divorce. It is advisable to consult your physician to make sure your health is not neglected. Self-sacrifice is not a virtue. Eat healthy food and exercise frequently. Learn techniques to help deal with stress.

Addressing the spiritual dimension as well as the emotional and physical aspects of the custody experience will also be valuable. Your spiritual counselor may be an important resource to comfort you.

Collaborative Law

Divorce professionals have long been aware that the traditional adversarial process is completely inadequate when addressing family issues. Litigation invariably inflames the already volatile and emotionally charged setting so typical of dissolution of marriage. For that reason, lawyers, family therapists, accountants and financial planners have come together to



create a new paradigm for divorce. This newest of divorce models is called Collaborative Divorce.

Mediation

Divorce mediation is another innovative alternative to litigation. It involves a cooperative effort between the couple and a professional mediator, who should be an attorney or mental health professional. The mediator has been trained to assist the parties to creatively restructure the family, and family finances, in the marital dissolution proceeding. However, the mediator must at all times remain neutral and cannot give either party legal advice.

To qualify for mediation, couples must agree to basic ground rules, which compel full and open disclosure of all financial matters. They must agree to jointly selected accountants, appraisers, actuaries, and other experts that are necessary to the evaluation. This requires a degree of honesty and trust that many couples seem unable to manage when caught in the trauma of divorce. Each party bears equally the costs of mediation. They must each be willing to accept that the process is final. By definition, mediation excludes the opportunity to “get even,” and requires the parties to look forward, rather than backward. Unless both parties are equally invested in the venture, it will generally prove unworkable. These are the same conditions that are required in Collaborative Divorce.

Mediation will prove inappropriate in situations where there is an extreme imbalance of power. If one party is able to effectively control and dominate the other, through force of personality, financial clout, or fear, mediation will be ineffective. Mediation is a cooperative joint venture that requires equal participation, emotional parity, and determination.

The advantages of mediation:

- 1) **Mediation saves time;**
- 2) **Mediation saves money;**
- 3) **Mediation saves emotional injury;**
- 4) **Mediation saves families.**

Mediation, like Collaborative Divorce, saves time because it is not dependent on the congested courts for hearing dates, trial dates, or decisions. Mediation saves money because time is money. The longer a case is dragged through the courts the more costly it becomes. The divorcing parties ultimately pay heavily for the delays and continuances that are standard for cases before the court. Mediation and Collaboration save emotions because it is basically a creative process. Unlike litigation, which tends to polarize parties by focusing on the past, the focus in mediation is toward the future, assisting families to rebuild their lives in ways that will be mutually beneficial. Where children are concerned, mediation may make a difference that cannot be calculated in dollars and cents. Mediation and Collaboration offer a win-win option. It is a far better psychological and economic choice for families than litigation.



Arbitration

Arbitration is very different from mediation, although the two are often confused. Mediation is a cooperative effort between individuals to reach a mutual agreement based on consensus and compromise. Arbitration shares the distinctions of litigation, because the parties present their respective positions, evidence, testimony and witnesses to a commissioner or judge, and give that party the power to decide their matter.

The arbitrator may be a retired judge, an experienced trial lawyer, or another legal professional selected from a panel, such as that of the American Arbitration Association. Most courts sponsor and encourage arbitration programs. Arbitration is desirable when the parties, although they cannot agree, still wish to save the excessive time and great expense of litigating through the courts.

In some locations you may be able to appoint an experienced former Family Law Bench Officer for private proceedings conducted outside of court. There are experienced, retired Superior Court judges who are available to sit as judges on a private basis. In the "Rent-A-Judge" program the case is heard in a conference room, just as it would be in a courtroom, but without the delays and interruptions typical of a courtroom with a heavy caseload. This procedure has the advantage of ensuring the full concentration of a judge who is not distracted by pressure to hear other cases. If your case has a lengthy trial estimate, renting a judge is more economical than traditional litigation.



STEPS IN A DIVORCE AND CUSTODY RESOLUTION

There are generally four steps involved in a divorce.

The First Step

The first step in preparing for a divorce is processing of the paperwork. This usually includes preparing the following pleadings:

1. Summons;
2. Petition;
3. Order to Show Cause Pleadings, for the purpose of requesting a decision be made at the first hearing;
4. Temporary Restraining Orders (if necessary);
5. Declarations;
6. Income and Expense Declarations;
7. Response, if appropriate; and
8. Responsive Declaration, or Order to Show Cause, if appropriate.

Necessary paperwork must be prepared in order to either initiate the processing of the divorce or to respond to your spouse's Petition for Dissolution. The pleadings are then served upon the other party. The service starts the clock ticking. Once the pleadings are served to the other party, the earliest that a divorce may be granted is six months from the date served. The reason for the six-month wait is to encourage reconciliation of the spouses. If reconciliation occurs, contact your attorney's office to make certain that your paperwork is stopped.

In an uncontested divorce, issues may be settled by the parties at the beginning of the case. When a settlement letter and the initial pleadings are drafted, each party is given the opportunity to address any differences, using a constructive approach aimed at achieving an early settlement. This has advantages for both parties, by offering the prospect of saving fees, costs and emotional distress. However, if you believe you have inadequate information with which to design a settlement offer, it is better to wait until after the discovery procedure before offering settlement.

The Second Step

After the pleadings have been drafted and served, the next step is the Order to Show Cause (OSC), the initial hearing. Generally, the following issues are addressed:

1. Spousal Support;
2. Child Support;
3. Child Custody and Visitation;
4. Restraining Orders;
5. Use of Residence;
6. Joinder of any Pension Plans;
7. Requests for Attorney's Fees and Costs; and
8. Any other miscellaneous relief which may be necessary in order to maintain stability for the benefit of the parties and children.



Usually, the first hearing will occur within 25 days of the date the pleadings were filed with the court. At this hearing the attorneys, or the parties if they are in *pro per*, will present arguments regarding how each believes the case ought to be resolved.

Conciliations Court Services. In some jurisdictions, the recommendation of the mediator will be submitted to the court for review, in others this information is kept private.

The purpose of the hearing is to ensure that the children and the supported spouse have sufficient financial resources to maintain the necessities of life.

The Third Step

The third step is usually the discovery phase. This includes the taking of depositions, generally conducted in an attorney's conference room. A court reporter is present. You and your spouse will be asked questions for the following purposes:

1. To secure information;
2. To solidify testimony so that it may not be changed at future hearings or trial;
3. To obtain necessary documentation to adequately present your case; and
4. To evaluate witnesses.

Often after depositions, subpoenas are sent out to verify the information obtained at the depositions.

By the time the first three steps are completed, the emotional involvement of the parties has generally subsided, so that many cases may be resolved by settlement. A settlement (stipulation) offer for resolving the case will then be completely formulated. If the settlement offer is accepted, a settlement agreement will be prepared. The settlement agreement essentially indicates assets to be allocated to each person. It will address the issues of custody, visitation and support. The settlement agreement will be filed with the Superior Court in the form of a binding Court Order.

The Fourth Step

If the matter cannot be resolved by stipulation, it will proceed to trial. If the trial is expected to be shorter than three hours, it will be placed on the *short-cause calendar*. Each case is usually assigned a trial date within four months from the date on which trial is requested.

If the case is expected to take longer than three hours, it is set on the *long-cause calendar*. Under this procedure, the Court will assign you a Mandatory Settlement Conference approximately six to eight months from the date on which trial is requested. At the Mandatory Settlement Conference, you will be required to meet with a judge, or a volunteer mediator who limit their practice to family law. These mediators or the judge will review the Settlement Conference briefs that have been prepared in advance. The positions of both sides will be reviewed with respect to all issues. A recommendation will be given to help the



parties resolve the case. If the parties choose not to adhere to the court recommendation, the case will proceed to trial within forty-five days of the Settlement Conference.

Substantive Rights and Liabilities in a Divorce are reflected in schedules prepared by your attorney or under his or her supervision. Those assets acquired by you before your marriage and after the date of separation are usually considered as your sole and separate property, and are thus clear of any claim by your spouse.

Assets acquired by you during the course of your marriage are characterized as community property. Community property assets are normally divided equally between the husband and wife. There are certain exceptions, as follows:

- a. Gifts;
- b. Inheritance; and
- c. Personal injury awards;
- d. Fraud, deceit and misappropriation.

There may be exceptions and changes to the general parameters mentioned above, that will be reviewed by the court in the case for dividing assets.

Restraining Orders. Once the Summons and Petition for Divorce have been filed with the Superior Court, restraining orders are in effect. These restraining orders are issued automatically and apply to every case. These orders restrain parties from:

- a. Removing minor children of the parties, if any, from the state without the prior written consent of the other party or an order of the court;
- b. Cashing, borrowing against, canceling, transferring, disposing of, or changing beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties and their minor children; and
- c. Transferring, encumbering, assuming, concealing, or in any way disposing of any property, real or personal, community, quasi-community, or separate without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life.

You each must notify the other party of any extraordinary expenditures at least five business days prior to incurring them. You must also account to the court for all extraordinary expenditures made after the restraining orders are effective. However, nothing in the restraining orders shall stop you from using community property to pay reasonable attorney fees in order to retain legal counsel in the action. If you have any questions about the meaning of the restraining orders, contact your attorney.

Estate Planning. It is critical that a divorcing party reconsider his or her estate planning. This would include assigning death benefits to existing policies, preparation of a new will or revoking any power of attorney or trust agreement.

You will also want to consider dividing any property held in joint tenancy between you and your spouse. The feature of joint tenancy is right of survivorship, which means if one



spouse dies, the other spouse, by law, succeeds to total ownership of the property, even if the descendant had a different will. For example, if you die, your spouse would become full owner of all property held in joint tenancy, regardless of the terms of your will. Of course, the same is true if your spouse dies.

Post-Separation Credits. You may be entitled to Post-Separation Credits. This is a credit for debts that exist as of the Date of Separation (DOS). They are generally community debts regardless of which party incurred them. Income earned by either party after the DOS is that person's separate property. If income earned after the DOS is used to pay community debts, then, with certain exceptions, you will be entitled to a reimbursement at the time of the division of community property. It is helpful to think of this reimbursement as separate property being used to pay community debts.

In order to prove these credits, you need to keep copies of the bills showing the amount owed close to the date of separation, with monthly statements thereafter, and the canceled checks that are used to make payments following the DOS.

An additional accounting problem arises when charges on a joint account are made after the DOS. The problem is the allocation of the interest assessed against the separate charges as distinguished from community charges. It is very difficult, if not impossible, to determine these charges. The same problem arises when charges and payments after the DOS occur. The judge will often allocate the interest between the parties, and separate the debt. To avoid this problem, it is best after the date of separation to make charges on accounts that have no community obligations.

TIP: *Close all existing accounts, and open new accounts in your name alone.*

Joint Credit Cards (community property v. contract law). Debt incurred after the date of separation is the separate obligation of the incurring spouse under the community property law. Complications arise under contract law when such a debt is incurred on a joint credit card.

Under such circumstances, both spouses are jointly liable for the obligation under the contract they signed at the time the joint credit card was issued. This means that under the community property law a debt incurred against a joint credit card by one of the spouses is the obligation of that spouse. *However, if the spouse incurring the debt does not pay, the creditor under the Contract Law may still charge the other spouse.* In short, consider carefully all advantages and disadvantages if you cancel joint credit cards and credit lines.



COLLECTING AND GENERATING EVIDENCE

If your family law matter is contested, one of the most important things you must do is to accumulate and document written evidence for your case. This step is crucial. A diary and a financial journal are two important items of evidence that you should produce. These documents may be introduced into evidence and are particularly valuable if you testify that they were prepared at the time the events occurred. They ought to be in your own handwriting and not edited or modified by anyone other than yourself.

The evidence of other witnesses is also important. Begin to prepare a detailed list of all individuals who will corroborate your side of the custody case. It is important that witnesses testify only to what they have seen or heard. They will not be able to testify to what other people have told them. This is called hearsay, and will not be allowed in court.

Hard evidence is *documentary evidence*-- driver's licenses, birth certificates, bank statements, deeds, telephone bills, insurance policies, doctor's records, photographs and your diary. There is an increasing willingness on the part of the courts to consider audio and video transcribed material, but these present unique and special problems. You will need to consult a lawyer regarding the admissibility of such material.

Never give original documents without keeping copies for yourself! In this section you are encouraged to keep a record of all of the important documents of evidence that represent the essential elements in your case.



HOW TO FIND A LAWYER

Lawyers are not hard to find. The difficulty is finding the right lawyer for you. Uncle Pete's personal injury attorney may be a nice guy, but would be a poor choice for your divorce. If you injure your shoulder you will not make an appointment with a podiatrist. You need a lawyer who is a specialist in family law. There are more decisions that have to be made in a custody case than in any other area of law. Children are involved! So, narrow down your list to attorneys that specialize in family conflict resolution.

Furthermore, if you can mediate settlement and collaboration through counseling--the ideal way--then look for an attorney that specializes in mediation. If you are expecting that this will be a no-holds-barred fight, then look for an experienced trial lawyer. Some attorneys pride themselves on their experience in both mediation and trial law.

You may call the local bar association, look up attorneys in the yellow pages, check the internet, or simply start asking around in your circle of friends. Start with a list of three lawyers.

When you call an attorney, let him or her know immediately that you are shopping. They are used to this. Inquire about skills, background and experience. Ask if there is a charge for the first visit. Plan for this visit carefully. Remember that an attorney is there for the purpose of counseling you on the law, not to help you organize your papers and sort through all of your feelings about your problem. Therefore, tell the attorney only as much of your story as is needed to have a picture of your situation. Write this down and outline the key points. Remember, your attorney can read six times faster than you can speak.

After the telephone conversation, decide if you would like to proceed with this person. If so, schedule an appointment. Remember that you are hiring an expert in family law to do involved and expensive work for you. Proceed slowly and thoroughly. It is very painful to have to switch lawyers mid-stream. It is better to do your research before you retain the lawyer's services.

Ask your attorney if he or she has presence on the internet, for literature about his or her practice and for a curriculum vita. Here you will learn about the attorney's background, education, professional qualifications and experience. Find out the attorney's policy about fees and office procedures. Make sure you understand the strategy for your case and the best estimate for time and costs to accomplish a positive resolution to your case.

One of the most important things to think about is the lawyer's attitude. Does he or she act domineering or like someone who wants to serve you? You do not want a dictator. You want someone who will treat you as a senior partner who needs his or her expertise and help; someone who will communicate with you, send you copies of documents and correspondence promptly--someone who will care about you. For example, does the attorney permit several interruptions, talk to office staff or stay on the telephone for long periods while you sit there? Does the person get to the point quickly and communicate in a way that you understand what is being said? Evaluate each lawyer on the basis of competence, skill, experience, and style.



Pay attention to how this person makes you feel. If you get an uncomfortable feeling around him or her, then the fit is wrong. You don't have to have a good reason to not hire the person. Your intuition is looking out for you.

Ask the lawyer what strategy would be the best way to proceed. Ask about what time line can be expected. What does the lawyer think about the possibility of settling out of court? What is the philosophy and approach that the lawyer follows?

Ask about fees. An experienced lawyer will be the most expensive. Attorney charges can vary widely. If an attorney is not affordable, keep looking. Do not make a financial commitment you are unwilling or unable to keep.



ATTORNEY - CLIENT CONFIDENTIALITY

Communications with your attorney are privileged and confidential. Your attorney cannot be subpoenaed to testify about your conversations or discussions even if you only consult and never finalize a relationship. However, few parties to lawsuits fully understand the circumstances that can cause that precious relationship to evaporate.

If you insist that a third party attend a conference with your attorney, you waive the privilege of confidentiality, because the privilege does not extend to third parties. If you disclose the content of your discussions with your attorney to any other person, you waive the privilege. The person you talked to could be subpoenaed and required to testify against you. It is just as important for you to keep your communications confidential as it is for your attorney to so do. Never begin a sentence with the words, "My lawyer said..." or, "My lawyer told me..."

The major exception to this rule is the staff of the attorney. They are regarded as an extension of your attorney. Confidentiality to staff because they are generally given the responsibility to prepare and to file papers on your behalf under the direction and supervision of your attorney.

Other exceptions involve threats of violence to yourself and others. If you tell your lawyer you plan to kill yourself or someone else, the attorney may report this or he/she can face the loss of license. There is some controversy about whether or not child abuse must be reported. However, teachers, doctors, nurses and others in the helping professions all must report all instances of child abuse. Many attorneys believe they should do the same.

Another consideration is limitations on advocacy. Some lawyers represent their client regardless of the harm that may be done to the children. They practice ethically but legal ethics make an allowance for this. Other lawyers will not condone or pursue a course of representation that puts the safety of the children at risk. They must warn a client if they see the potential of harm and they will admonish the client if they see the behavior continues. Finally, if the client is unwilling to put the children's safety first, an attorney may withdraw from further representation.



A dissolution of marriage often comes at a time when a family is going through an emotional as well as a financial crisis. Sometimes the emotional crisis can make the financial crisis worse by increasing the attorney's fees. For example, if a spouse is vindictive, or just plain upset, he or she can refuse to negotiate in good faith, or act to provoke numerous court appearances, or otherwise delay the proceedings. When this happens it is usually beyond the control of the attorney. The mechanisms provided by the court to deal with such acting-out are costly and time-consuming. Such delays will be extremely expensive and frustrating.

However, you can help to keep your fees and costs to the minimum for your case by following these simple rules:

1. Remember that talking to your attorney on the phone is expensive. His or her expertise in the law is how he or she makes a living. The attorney must charge for the time spent on the telephone, in research, document drafting and court appearances. Therefore, you can save yourself a great deal of money by not always asking to talk directly to the attorney. As a general rule, discuss your needs first with the legal assistant, or paralegal. If legal advice or intervention is needed immediately, they are trained to recognize it and will bring it to the attorney's attention as soon as possible. Furthermore, if the attorney is in court or working on research, or otherwise unavailable at the time, a detailed message through the staff will get the attorney's attention a lot faster than asking the attorney to call you back. Better yet, the staff members can often handle the problem right then and there. If you wish information on a court date, the status of service, filing of papers, or other similar information, they can help you as well as the attorney can and at much less expense to you. Finally, if you merely wish to leave some information such as an address, telephone number or some figures that your attorney has requested, leave the message with the staff, or with the answering service, if the staff is unavailable.

2. Your attorney must understand the nature of your relationship with your spouse or the other parent of your child. For that reason, your attorney will spend time with you exploring this interaction, especially toward the beginning of the case. The attorney may be able to point out some of the games that are being played and how to avoid being a victim. A custody case or dissolution can be one of the most stressful times of a person's life, and it is in your best legal interest that you cope with the stresses. If you are not thinking clearly, you may be inclined to make decisions on whether or how to settle the case that will be very expensive in the long run. However, at some particular point, your attorney will have enough information to help, and will give you his or her best advice on how to cope with the legal and practical aspects of the case.

Attorneys make expensive therapists. Your attorney is not trained to handle the emotional upset you feel. Asking your attorney to listen to non-legal experiences with your spouse, your spouse's faults and other matters will usually fail to generate a return worth the added costs that will appear on your monthly statement. Ask your attorney to help you locate a trained counselor or therapist competent to help you. Divorce coaching is now widely recognized as an alternative to psychotherapy. It is short term, goal specific, and the emphasis is upon teaching new behaviors congruent with immediate goals. Divorce coaching focuses on communication skills, co-parenting strategies, and closure on emotional agendas.



3. Be a team player with your attorney. Your attorney's time is expensive. You are more familiar with the details of your case. Therefore, you will probably wish to obtain and organize as much of the information and documents for your case as possible. For example, in a case involving child or spousal support, the required income and expense forms are long and complex and require extensive background information and documentation. Experience shows that if you use your best efforts to complete these forms and provide the information and documents before the appointment at which you will discuss them, you will save up to two hours of billable attorney time.

If there is a delay in preparing and filing such documents, the other side could apply to the court for sanctions in the form of a money judgment against you, use the delay as an excuse to postpone court dates, request that the court prevent you from having your evidence submitted, or invoke other penalties. The sad truth is, many attorney's fees can be avoided by those who make the requirements of their divorce a priority.

TIP: The fax machine is an excellent tool. If you want your attorney to draft a letter to send to opposing counsel - draft a copy of the letter yourself and fax it to your attorney. It takes less time to edit a letter than it does to compose one from scratch. Email is also available to help cut down time and save money.

4. Organize your questions and concerns so that they may all be discussed at one time rather than on separate occasions. It is generally much less expensive to have one long discussion rather than several short ones.

5. Think about settling the case instead of going to trial. Under the best of situations, a trial's outcome is uncertain. It is very unusual for husband and wife to recall things in the same way, especially the circumstances and understandings regarding acquiring assets or incurring debts. Because of such factual disputes, you cannot accurately estimate the odds of any particular outcome. There are no guarantees. For these reasons, trial is generally not in a client's best interest, and it is almost always best to settle the case if it's possible to obtain a reasonably fair agreement. Therefore, as soon as your attorney has enough information to evaluate the issues, you may want to ask to negotiate a settlement.

Due to inherent delays in the litigation process, it is a typical office practice to file a request for a trial date fairly early in the proceedings. This has the effect of putting an externally imposed time limit on negotiations. Even if the case may not actually be tried on the first assigned trial date (usually because the court schedule is overcrowded), there is an incentive to negotiate before that date. In order to present your case to advantage and achieve the best settlement for you, your attorney will usually take the position that he or she is prepared to try the case unless they receive an acceptable offer. Just because the attorney's office has filed a request for trial date, do not assume that your case will go to trial, or give up on trying to think of constructive settlement possibilities.

6. Do not try to settle major issues directly with your spouse unless you have discussed your proposals with your attorney first. You have hired an attorney because of his or her knowledge of the technicalities and practicalities of Family Law. If you try to negotiate



major issues yourself, you may unwittingly waive substantial rights and damage your case. On the other hand, your attorney may advise you to attempt to settle directly with your spouse. Which of you will receive items of furniture? Furnishings? Appliances? And other personal and household items? "Trying the Tupperware," usually results in spending more money to divide these items than it costs to replace them.

7. Call your lawyer immediately if your address or telephone number changes, so that you can be reached. Sometimes it is important that your lawyer talk to you within a few hours, and it is most helpful for the office to have both an evening and a daytime number.

8. Call your lawyer if there are any important changes in the circumstances of your case. Some changes can drastically affect your case. Your strategy may need to be changed.

9. In all cases, tell the truth and provide complete and accurate documents, even if you feel embarrassed. Having to work without full and accurate information always leads to performing work

Similarly, while you can leave messages on your lawyer's answering machine evenings and weekends, and while most attorneys may usually be reached in a real emergency, there is almost no action they can take until normal business hours begin. Make sure you have copies all of existing court orders. With very few exceptions, new or different orders cannot be obtained outside of court hours. Be patient, and organized, and bear in mind which services can best be provided by your attorney, the staff, or by someone else. Many courts now allow electronic access. Obtain as much information as you can online.

10 RULES FOR EFFECTIVE CASE MANAGEMENT

- I** TAKE YOUR PLANNER WITH YOU WHENEVER YOU ARE WORKING ON YOUR CASE.
- II** ENTER EVERY SIGNIFICANT EVENT, CONVERSATION, DISCUSSION AND ACTION OF YOUR SPOUSE IN YOUR DIARY CLOSE TO THE TIME IT OCCURS.
- III** LEDGER ENTRY EVERY FINANCIAL ASPECT OF YOUR CASE TO ENSURE A COMPLETE, ACCURATE AND LEGIBLE RECORD OF ALL THE FINANCIAL ASPECTS OF YOUR CASE.
- IV** RECORD EVERY AGREEMENT WITH EVERY PERSON WHO IS INTERESTED AND INVOLVED IN YOUR CASE; KEEP OR SEND COPIES.
- V** MEET AND CONFIRM YOUR STRATEGY WITH YOUR LEGAL ADVISOR; EXPLORE ALTERNATIVE DISPUTE RESOLUTION; CONFIRM EVERYTHING IN WRITING.
- VI** KNOW YOUR STRATEGY; DO NOT DEVIATE WITHOUT CHECKING WITH YOUR LEGAL ADVISOR.
- VII** PARTICIPATE IN PREPARATION OF YOUR CASE; DRAFT, DOCUMENT, INVESTIGATE, GATHER INFORMATION AND PRE-INTERVIEW WITNESSES.
- VIII** IF YOU ARE WORKING WITH AN ATTORNEY, GIVE THIS PERSON REGULAR FEEDBACK.
- IX** DON'T LET RESENTMENTS ACCUMULATE
- X** KEEP YOUR ACCOUNTS CURRENT; YOU MAY OFFER SECURITY FOR AN UNPAID BALANCE.



PART THREE

ORGANIZING YOUR CASE



OVERVIEW OF ORGANIZING YOUR CASE

In this section, you will find valuable information and guides to help you organize and prepare your case. This planner is designed to become your best friend as you pursue your case. Take the time to read through the reference material often in order to strengthen your understanding of the process. Make a habit of continuously updating the information in the planner. Keep a list of questions in order to maximize your time with your legal advisor when you meet. Your planner should be organized so that you can turn quickly to any specific page to document a point. If you are organized and have done your homework, the better your case is likely to turn out. Your efforts here can save hundreds of dollars in legal costs. It can also help you achieve a custody decision that will benefit your child.

DATABASES: Begin by compiling your database. You will want to have all of this information handy whenever you need it. This includes your Support Network and Child's Resource Information.

CALENDAR PAGES: The calendar pages will be extremely valuable to you if you need to find the record of an event on a particular day. Keep track of all dates and specific times related to your case; for example, court appearances, child visitations, doctor's appointments and counseling sessions.

DIARY PAGES: In the next section are sample diary pages. Your diary will help you keep track of how your case is developing. You will write about who did what and when. When it is in your own handwriting, it can be used as hard evidence in court.

PARENTING CLASS NOTES: Look for parent education classes and enroll immediately. You will be amazed at the difference this will make. Such classes will greatly enhance the likelihood of a Win-Win Custody Agreement. Write your key insights and action items on the pages called "**Parenting Class.**" Be sure to place the letter or certificate of completion in this section as well.

COUNSELING SESSIONS: Keep track of your counseling sessions and the key ideas that come from them. This will further contribute to your understanding of how you can create a Win-Win Custody Agreement to benefit your children.

FINANCIAL PAGES: The financial pages are essential for keeping track of costs, and to help you prepare your income and expense declaration for court.

INDEXES: Keep a Correspondence Index of correspondence related to your case, in chronological order, with the most recent on top. Do the same in the Pleadings Index, where you will file all of the pleadings in your case. Organize any witness statements in alphabetical order in the Witness Index.

CUSTODY EVALUATION REPORTS: File any custody reports here with your analysis of the report.

COURT ORDERS: These court orders become the law, the process, and the protocol for your family.



DATABASE 1 OF _____

My Attorney

Attorney of Other Parent

NAME	_____	NAME	_____
PARALEGAL	_____	PARALEGAL	_____
ADDRESS	_____	ADDRESS	_____
TEL	_____	TEL	_____
FAX	_____	FAX	_____

Court

NAME	_____	JUDGE	_____
CASE NO	_____	CLERIC	_____
ADDRESS	_____	BAILIFF	_____
TELEPHONE	_____	REPORTER	_____
FAX	_____	COMMENTS	_____

My Therapist

Therapist of Other Parent

NAME	_____	NAME	_____
ADDRESS	_____	ADDRESS	_____
TELEPHONE	_____	TELEPHONE	_____
FAX	_____	FAX	_____

My Accountant

Accountant of Other Parent

NAME	_____	NAME	_____
ADDRESS	_____	ADDRESS	_____
TELEPHONE	_____	TELEPHONE	_____
FAX	_____	FAX	_____

My Appraiser

Appraiser of Other Parent

NAME	_____	NAME	_____
ADDRESS	_____	ADDRESS	_____
TELEPHONE	_____	TELEPHONE	_____
FAX	_____	FAX	_____



DATABASE OF

NAME	_____	NAME	_____
ADDRESS	_____	ADDRESS	_____
TELEPHONE	_____	TELEPHONE	_____
FAX	_____	FAX	_____

NAME	_____	NAME	_____
ADDRESS	_____	ADDRESS	_____
TELEPHONE	_____	TELEPHONE	_____
FAX	_____	FAX	_____

NAME	_____	NAME	_____
ADDRESS	_____	ADDRESS	_____
TELEPHONE	_____	TELEPHONE	_____
FAX	_____	FAX	_____

NAME	_____	NAME	_____
ADDRESS	_____	ADDRESS	_____
TELEPHONE	_____	TELEPHONE	_____
FAX	_____	FAX	_____

NAME	_____	NAME	_____
ADDRESS	_____	ADDRESS	_____
TELEPHONE	_____	TELEPHONE	_____
FAX	_____	FAX	_____

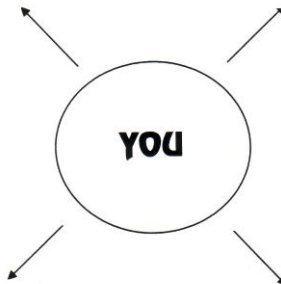


SUPPORT NETWORK

One of the most important things you can do from the start is to assemble and designate a personal support team. This can include friends, family members, professionals and organizations in your community. The greater number in your network, the easier it will be to find someone to talk with if you need to.

NAME _____
ADDRESS _____
TELEPHONE _____
FAX _____

NAME _____
ADDRESS _____
TELEPHONE _____
FAX _____



NAME _____
ADDRESS _____
TELEPHONE _____
FAX _____

NAME _____
ADDRESS _____
TELEPHONE _____
FAX _____



CHILD RESOURCE INFORMATION

BEST FRIEND

Name _____
Parents Names _____
Address _____
Phone Number _____

FRIEND

Name _____
Parents Names _____
Address _____
Phone Number _____

FRIEND

Name _____
Parents Names _____
Address _____
Phone Number _____

FRIEND

Name _____
Parents Names _____
Address _____
Phone Number _____

TEACHER

NAME _____
ADDRESS _____
Phone Number _____

PRINCIPAL

COACH

THERAPIST

COUNSELOR

DOCTOR

DENTIST

BABYSITTER

GRANDPARENT

OTHER RELATIVE

OTHER RELATIVE

OTHER RELATIVE

OTHER CONTACTS



CALENDAR

MONTH _____ YEAR _____

SUN	MON	TUE	WED	THU	FRI	SAT

SPECIFIC COMMENTS:



DIARY PAGE

The Strongest gift I can give myself is good recordkeeping.

For Week of _____ Date _____

Page _____ of _____

WHO

Is involved?

WHAT

Happened?

WHEN

Did it happen?

WHERE

Did it occur?

WHY

Did it occur?

What is in the best interests of my child(ren)?



PARENTING CLASSES

The determining factor in deciding who will have primary custody is how a parent proves that he or she is most able to provide what is in **the best interest of the child**. A decision has to be made about who is the most qualified parent. The most qualified parent is the one who can most provide the child with nurturing, loving attention. Often the decision comes down to which parent has better parenting skills? Notice that the "most qualified" parent is determined by proof. Without adequate proof, the parent plan that is best for the child may not be selected.

Since few parents have been formally trained to be parents, you will have a distinct advantage if you attend parenting classes. Optimal ways of parenting has changed radically in recent years. The way you were parented is likely to be out dated. In these classes you will learn modern methods for parenting. This will give you confidence. Furthermore, these classes often turn a good parent into a superior parent. Attending parenting classes may be one of the most cost effective steps you can take!

Ask for a letter at the end of the classes describing what you studied, how well you did, and remarks about you as a parent that can be submitted to evaluators, and to the judge. Some parent education teachers give certificates. If this is the case, ask the teacher to write you a letter as well. Remember that the judge is not likely to believe what you say, but will look for hard evidence to document what you have done. This is why you will want to document your determination to become a superior parent.

Consider taking a CPR class as well. Few people take the time to be trained in emergency care. It could save a life!

You may need to do some research to find parenting classes are available in your area. Call around for information. Try adult education, the Red Cross, or mental health centers. Magazines or newspapers that specialize in childcare are also good resources.

DIRECTIONS: Take notes on what you learn in your classes. Write down the key ideas and take action on them. Use the following pages to write down and organize your thoughts.



PARENTING CLASS

GROUP/EDUCATION PAGE

If I became an even better parent,
my children will benefit and grow
to be more loving people.

Class Title _____

Session for Week _____

Date _____

Instructor _____

Time _____

What is in the best interests of my child(ren)?



COUNSELING SESSION PAGE

For: ME
 CHILD
 GROUP

Counselor _____

Week _____ Date _____

Page ____ of ____

TO DO:

BY WHEN:

--	--



INTRODUCTION TO FINANCIAL PAGES

Financial records, properly maintained and organized, will serve as important evidence to support your claims if you should find it necessary to go to court. It is a good idea to keep a diary or journal of all conversations, discussions, and agreements regarding financial matters. It may become important for you to reconstruct all existing and prior financial arrangements for purposes of obtaining future court orders. This is especially true when it comes to support payments.

LEDGER: Keep a five-column ledger that is current and reflects all payments ordered and all payments made. In the first two columns, list the dates and the amount of the support that is ordered. In the next two columns, insert the dates you either pay or receive the payment and the amount. Maintain a running balance in the fifth column so that you can tell at a glance if support is current or not. If there are accumulated support arrears, this column will tell you the precise amount of the arrears. If you have to go to court to change or to enforce your order, this information is essential.

INCOME AND EXPENSE WORKSHEET: The income and expense worksheet will assist you in computing your regular monthly expenses. Do a careful and thorough job of this.

It is a crime not to support your children. So keep in mind that, in addition to civil remedies, you may always enlist the assistance of the local District Attorney to set and collect child support. The District Attorney has extraordinary means available to collect child support that are not available to the private sector.



SUPPORT PAYMENTS PAGE

When I keep good financial records I will not lose money mindlessly.

For Week of _____ **Date** _____
Page _____ **of** _____

DATE ORD	AMOUNT ORD	DATE RCVD	AMT RCVD	BALANCE

PRELIMINARY INCOME AND EXPENSE WORKSHEET

This form has been prepared to assist you in the computation of your regular monthly expenses. Be as accurate as possible. It is helpful to review your canceled checks and credit card statements in determining your regular expenses. Expenses should be on a monthly basis. If an expense is paid yearly or every two or three months, divide by the appropriate number of months for the monthly expense and indicate in parenthesis the amount of the expense and the number of months it covers. For example, if auto insurance is \$,1200.00 every 6 months, in category 8.1 after the word "automobile", indicate (\$1,200/6) and put \$200.00 in the expense column. Include expenses of yourself and all other members of your regular household, including children and servants. If there is not a suitable category provided for your expenses, please feel free to make up categories to suit your situation. **Be sure to use pencil to fill in the worksheet.**

REGULAR MONTHLY EXPENSES OF _____

AS OF _____

1 RENT AND HOUSEHOLD EXPENSES	\$\$\$
1.1 Trust and Deed/Rent	_____
1.2 Property Insurance	_____
1.3 Property Taxes	_____
1.4 Maintenance	_____
1.5 Gardener and Supplies	_____
1.6 Live-in Housekeeper	_____
1.7 Day/Housekeeper	_____
1.8 Supplies	_____
1.9 Reserve for Repairs	_____
1.10 _____	_____
1.11 _____	_____
 2 UTILITIES:	 \$\$\$
2.1 Telephone	_____
2.2 Answering Service	_____
2.3 Gas	_____
2.4 Electricity/Power	_____
2.5 Water	_____
2.6 Water/Drinking	_____
2.7 Garbage	_____
2.8 Cable Television	_____
2.9 Pool Service	_____
Security/Alarm Service	_____
2.11 Pest Service	_____
2.12 _____	_____



2.13 _____	_____
3 FOOD:	\$\$\$
3.1 Food at Home	_____
3.2 Food Eaten Out	_____
3.3 Dinner Parties	_____
3.4 Weekend Entertainment	_____
3.5 Liquor and Wine	_____
3.6 _____	_____
3.7 _____	_____
4 CLOTHING:	\$\$\$
4.1 Wardrobe	_____
4.2 Shoes	_____
4.3 Shoe Repair	_____
4.4 Alterations	_____
4.5 _____	_____
4.6 _____	_____
5 LAUNDRY	\$\$\$
5.1 Laundry	_____
5.2 Dry Cleaning	_____
5.3 _____	_____
5.4 _____	_____
6 AUTO EXPENSES	\$\$\$
6.1 Car Installment/Payment	_____
6.2 Car Lease Payment	_____
6.3 Gas and Oil	_____
6.4 Maintenance/Repairs	_____
6.5 License	_____
6.6 Car Wash	_____
6.7 Auto Club	_____
6.8 Parking	_____
6.9 _____	_____
6.10 _____	_____
7 MEDICAL:	\$\$\$
7.1 Physician	_____
7.2 Dentist	_____
7.3 Glasses	_____
7.4 Prescription Medication	_____
7.5 Non-Prescription Medication	_____
7.6 Psychiatrist/Psychologist	_____
7.7 Counseling	_____
7.8 Chiropractor	_____
7.9 _____	_____
7.10 _____	_____



8 SCHOOL	\$\$\$
8.1 Tuition	_____
8.2 Supplies	_____
8.3 Books	_____
8.4 _____	_____
8.5 _____	_____
9 INSURANCE:	\$\$\$
9.1 Automobile	_____
9.2 Medical and Hospital	_____
9.3 Life	_____
9.4 Disability Income	_____
9.5 Personal Property	_____
9.6 _____	_____
9.7 _____	_____
10 INCIDENTALS:	\$\$\$
10.1 Cigarettes	_____
10.2 Cosmetics	_____
10.3 Hair Care	_____
10.4 Facials	_____
10.5 Manicures	_____
10.6 Subscriptions	_____
10.7 Social and Business Dues	_____
10.8 Pets and Veterinarian	_____
10.9 Pocket Money	_____
10.10 Charity Donations	_____
10.11 Gifts	_____
10.12 Sundries	_____
10.13 Church/Temple Dues	_____
10.14 _____	_____
10.15 _____	_____
11 ENTERTAINMENT:	\$\$\$
11.1 Subscriptions	_____
11.2 Classes	_____
11.3 Movies/Theater	_____
11.4 Gym	_____
11.5 _____	_____
11.6 _____	_____
12 VACATIONS:	\$\$\$
12.1 Air Fare	_____
12.2 Lodging	_____
12.3 Food	_____
12.4 Ground Transportation	_____
12.5 _____	_____
12.6 _____	_____



13 MONTHLY INSTALLMENT PAYMENTS:	\$\$\$
13.1 Loans	_____
13.2 Furniture	_____
13.3 Home Improvement	_____
13.4 Loans - Personal	_____
_____	_____
_____	_____
13.5 Visa	_____
13.6 Master Card	_____
13.7 American Express	_____
13.8 Carte Blanche	_____
13.9 Department Stores	_____
_____	_____
_____	_____
_____	_____
13.10 _____	_____
13.11 _____	_____
14 ACCOUNTING FEES:	\$\$\$
14.1 Tax Returns	_____
14.2 _____	_____
14.3 _____	_____
15 INCOME TAXES:	\$\$\$
15.1 Federal	_____
15.2 State	_____
15.3 IRA Contributions	_____
15.4 _____	_____
15.5 _____	_____
16 CHILDREN:	\$\$\$
16.1 Wardrobe	_____
16.2 Shoes	_____
16.3 Physician	_____
16.4 Dentist	_____
16.5 Glasses	_____
16.6 Prescription Medication	_____
16.7 Non-Prescription Medication	_____
16.8 Child Care	_____
16.9 Nursery School	_____
16.10 Lessons	_____
16.11 Allowance	_____
16.12 School Tuition/Fees	_____
16.13 School Supplies	_____
16.14 School Books	_____
16.15 Sports/Equipment	_____
16.16 Entertainment	_____



16.17 Subscriptions	_____
16.18 Clubs	_____
16.19 Summer Camp	_____
16.20 Lunch/Milk Money	_____
16.21 Gifts	_____
16.22 Hair Cuts	_____
16.23 Vacations	_____
16.24 _____	_____
16.25 _____	_____
17 OTHER:	\$\$\$ _____
17.1 _____	_____
17.2 _____	_____
17.3 _____	_____
17.4 _____	_____
17.5 _____	_____

TOTAL:



CORRESPONDENCE INDEX

You are creating a paper trail of correspondence that you can use to track developments and create a word picture of what is happening. This serves as the foundation for the ultimate success of your case. Be careful that you don't throw away valuable evidence. It is better to save documentation if you are unsure of its ultimate purpose.

Correspondence Index: Keep all notes, memos, letters and other types of correspondence and written communications together in chronological order. Tab the key pieces so that you can find them quickly. With a comprehensive, complete chronological file of all communications, you will be able to document conversations, agreements, issues and strategic developments on a moment's notice and provide invaluable assistance to you and anyone interested in your case.

Keep a complete file.

It is important to have the file with you when you need it. Always take your file with you to court, to your attorney's office, and to every important meeting involving your case. It is a common problem that people forget to bring critical information when it is needed.

Don't let that happen to you!

Remember to keep a backup copy of all your documentation in a safe and separate location from your planner. If your planner is lost or stolen, you will not have lost crucial evidence.



CHRONOLOGICAL CORRESPONDENCE **INDEX**

DATE	SENDER	RECIPIENT	SUBJECT	RESULT



PLEADINGS INDEX

All documents filed with the court are considered to be pleadings. You must have a duplicate copy of all of the original documents that appear in the court file. If your case is already an existing one, then it is a good idea to go to the clerk's office where your case is filed and spend an hour or so indexing your case file. Make sure you keep every document in your planner that the judge will be looking at. Even attorneys make mistakes. Documents have a way of being misplaced at critical moments. If you have the court file in front of you, there is a smaller margin for error.

The index should be on the top. Give your attorney a copy of your index so he or she can verify that all the necessary documents in the court file are there. Use tabs so you can go quickly to any document you want. This could be invaluable when you are in court.

Simple cases should not require more than a few index pages. Complex cases may require multiple volumes. If your file grows in size, break out sub-files by such categories as Notices, Minute Orders, Interrogatories, Request for Admissions, Subpoenas, Deposition Notices and other discovery documents. The important point to remember is to organize your file so that you can find what you need. You must be able to find anything at a moment's notice.

Orders are by far the most important papers in your file. They are the "law." They state all the terms with which you must comply in order to not be found in contempt by the court. They should be in chronological order and indexed for quick reference.

Ex parte orders are generally followed by temporary orders that bind the parties pending the litigation. In Latin they are called "orders pendente lite." Orders from the final judgment replace the temporary orders. Orders can continue to be made by the court as long as the court has jurisdiction. If minor children are affected, this will last until they reach age eighteen or majority.



WITNESS STATEMENTS INDEX

Affidavits or witness statements are important to help build your case. Talk to friends, neighbors and those professionals who are familiar with family law and can contribute information that will enlighten and educate the court. Ask them to write down important observations in declarations that are dated and signed. Make certain their statements include only what they themselves have seen and heard.

Make a list in your planner of all the people you think might make good witnesses. Write down their names, addresses, telephone numbers and what you think they might say that would help your case. Call them individually and interview them in advance. Determine for yourself the scope and content of their testimony. Summarize their statements and provide the information to your legal counsel.

Use this part of the planner to collect affidavits that may advance your position. Write the information for each statement on the following "Index of Witness Statements Page."



CUSTODY EVALUATION REPORTS

This section is designed as a place for you to keep all reports that affect your case. Keep the reports in chronological order and index them for rapid access. Summarize the contents of each report using the blocks in the form for that purpose. Highlight any unique circumstances that may influence the outcome.

Give your own analysis of the facts listed in the report, independent of the analysis of the court appointed evaluator. Comment on the analysis in the evaluation. Is it supported by the facts? Is it logical? Does it make sense? Are the facts accurately reported? Do you have evidence to refute the facts relied upon in the report?

Write down your feelings and concerns regarding the report to discuss with your attorney.



CHILD CUSTODY EVALUATIONS/ PSYCHOLOGICAL REPORTS

DIRECTIONS: Use this sheet to summarize conclusions about your evaluations and reports. You can make an action item of any shortcomings that were pointed out. For example, if your parenting skills were found lacking, by all means enroll in a parenting class. If counseling was recommended, get a counselor. An unfavorable evaluation often can be turned around at a later date.

DATE	ORIGINATOR	WHO IT FAVORS

RECOMMENDATIONS

CIRCUMSTANCES

ANALYSIS

FEELINGS

CONCERNS



COURT ORDERS

In this section you will maintain copies of all orders entered by the court. Court orders may be entered by formal agreement of two parties, which is called a stipulation. A stipulation is drafted and submitted to the court for the signature of a judge. A stipulation is made in advance of going to court. By entering into an agreement, and executing a stipulation, you will avoid court appearances. See the section on Steps in a Divorce for further information.

Ex Parte Orders: Orders may be granted to one party on an ex parte application. In this case, an attorney or the person who is in pro per appears and alleges that there is a need for immediate, extraordinary orders. Ordinarily, notice is given to the other side when an application is made for ex parte orders. In some cases, the situation is urgent and there is no notice given to the other party until after the orders are completed. Ex parte orders are generally only granted in extreme emergency cases, such as when children are likely to be abducted, property is being dissipated, or there is an existing condition of violence or drug abuse in the residence. An ex parte order is usually followed by a calendared court proceeding, called an Order to Show Cause. The court allows the party against whom the orders have been entered to present any reason why the ex parte orders should be vacated, modified or limited.

Order to Show Cause: After the Order To Show Cause Hearing, or the OSC, temporary orders are usually issued. The OSC is a short cause proceeding that occurs before a trial for the purpose of entering temporary orders. The orders that result from an OSC are valid and last until the final "permanent orders" of the court are made. The trial judge will often adopt many of the interim orders and make them permanent.

Dissolution: The Judgment of Dissolution or Paternity is the ultimate order of the court. This order is entered after a full hearing on merits, after all witnesses testify, and all evidence is submitted. The judgment contains all of the various orders of the court, and may incorporate many of the prior, temporary orders.



PART FOUR

APPENDIX



In the section "Age Characteristics of Children," you will find a sketch of the physical, mental and social development of children at specific developmental stages. Use this reference to understand where your child is now and to anticipate future developments.

Although the following characteristics are generalizations, they can provide guidelines for understanding age-level expectancies. Not all children will show all the characteristics, especially not at the exact chronological age. However, knowing some predictable information about the growth and development of children can help you. Children in stressful situations such as a divorce or going to a foster home often can be expected to be on a slower timetable, especially in social and emotional growth. However, with tender loving care, they will catch up again.

BIRTH TO SIX MONTHS

Physical Characteristics

Develops own rhythm in feeding, elimination, sleeping.

Grows rapidly, from the head down and from the center of the body to the extremities. Develops motor control in orderly sequence: balances head, rolls over, pulls self to sitting position, and sits alone momentarily.

Gains early control of eye movements.

Begins to grasp objects.

Mental Characteristics

Learns through senses. Discriminates primary caretaker from others; is more responsive to this person than any other.

Language: Coos and vocalizes spontaneously. Babbles in two word syllables.

Social Characteristics

Imitates movements. Gazes at faces. Smiles to be friendly. Begins important bonding and attachment phase.

Likes to be played with, tickled, and jostled.

Smiles at self in mirror. Plays with hands and toes.

Emotional Characteristics



Shows excitement through waving arms, kicking, wiggling. Shows pleasure as anticipates bottle or being picked up.

Cries in different ways when cold, wet, or hungry.

Fears loud or unexpected noise, strange objects, situations or persons, sudden movements, pain.

Implications for Parents

Adapt schedule to baby's rhythm as much as possible. From the baby's point of view, consistency is important. It is best to wake up in the same bed every morning. If parents are going to share the baby in different homes, strive for the least disruption of routine. Longer periods of time at one place work better. Seeing the other parent for two hours a day allows continuity and bonding to occur with both parents.

Supply adequate nutritious food (avoid salt, sugar, high fats). Change baby's position frequently. Exercise baby's arms and legs as you bathe and change him/her.

Supply visual stimuli, such as colorful mobiles, pictures, and toy animals. Let baby grasp finger as you pull baby up.

Provide bright objects to see, hear, grasp.

Talk pleasantly to baby frequently; use statement sentences to describe what is going on. "We are changing your diaper now," "It is time for your bottle." Play patty cake and peek-a-boo. Bounce baby on your knees.

Provide a mirror. Allow freedom for hands and legs.

Show facial expressions of smiling or frowning. Mirror babies expressions. From birth on describe emotions: "You are happy, sad, upset, pleased, frustrated, scared, etc." New babies will already initiate contact. Be responsive to baby's gaze, and other communications.

Baby proof your house: put plastic plugs in electrical sockets, cupboard latches in place, all cleaning material and poisons stored up high and locked. Eliminate sharp edges and breakables.

Learn to read cries. Don't be afraid of spoiling a baby. A cry is the main way of communicating needs. Avoid saying the baby is BAD.

Cause of concern: Failure to respond to sounds or to visual stimuli.



SIX MONTHS TO ONE YEAR

Physical Characteristics

Large muscle: 8 months on--crawls. 9 months on--may begin to walk.

Small muscle: Learns to let go with hands

Begins to have teeth come in. Cannot control bowels.

Mental Characteristics

Learns through senses; especially the mouth. Likes to do things over and over.

Language: begins to understand such words as "eat, mama, dada, bye bye, doggie;" may not speak until age one or later. Likes to hear you name objects.

Implications for Parents

Check again that dangerous objects are out of reach. Provide experiences that involve arm and leg exercise.

Child will play "dropping things" game; this behavior is not meant to annoy, rather, it helps the child to understand the world.

Child may be cranky. Needs special patience and things to chew on. It is too early to potty train.

Provide toys and games that involve hearing, seeing, smelling, tasting, and touching. Be sure there are no toys with small or loose parts.

Repeat words and familiar phrases. Say the names of objects that the child sees or uses. Begin to look at very simple picture books with the child. Young children learn quickly. Even though their attention span is short, they are continually soaking up information. They find parental conflict frightening.

Social Characteristics

With adults: finds primary caretaker extremely important. Will try to talk using babbling sounds. Will start to imitate. Eating is major source of social interactions.

With peers: Will not play with other infants--will poke, pull and push instead.

Emotional Characteristics

Needs to be held and cuddled with warmth and love. Needs to feel secure.



Personality traits: becomes unhappy when parent leaves, draws away from strangers, has same fears as before.

Implications for Parents

One person should be in charge of most of the child's care. Talk to the baby. Do the things you want the child to do. Identify feelings without criticism: e.g., "You are pretty upset with me right now." Use receptive listening to understand changes in child's moods.

Don't expect child to play with others.

A special person should provide physical and emotional comfort. Needs of hunger, cleanliness, warmth, holding, sensory stimulation, and interaction with an adult should always be met. If primary caretaker must leave, a special consistent person should provide care. Proceed slowly in introducing the child to new people.

Cause of concern: Failure to respond to you. Too much crying or fretting. Even worse is a sad expression and failure to cry.

ONE TO TWO YEARS

Physical Characteristics

Large muscle: Begins to walk, creep up and down stairs and climb on the furniture; enjoys pushing and pulling toys. Small muscle: begins to feed self with a spoon and can hold a cup, can stack two or three blocks, likes to put in and take out things, takes off pull-on clothing.

Cannot control bowels.

Mental Characteristics

Learns through senses. Is curious--likes to explore--pokes fingers into holes.

Language: can say the names of common objects. Uses one word sentences--"no", "go", "down", "bye-bye". Will point to common body parts and familiar objects. Will understand simple directions such as "get your coat."

Social Characteristics

With adults: finds primary care-giving parent still very important. Enjoys interaction with familiar adults. Imitates by copying behavior. Demanding, assertive and independent. Waves "bye bye."



With peers: plays alone but does not play well with others the same age, possessive of own things.

Emotional Characteristics

Needs the love, warmth, and attention of a special adult to develop trust; the feelings that someone will take good care of him/her.

Personality traits: often reaches a peak of thumb sucking at 18 months; may throw temper tantrums. General emotion is "happy".

Anger is chiefly aroused by interference with physical activity. Cries because can't put wishes into words. Thinks: I want what I want when I want it.

Moral Characteristics

Is conscious of adult approval and disapproval. Is good in order to avoid pain. Has no understanding of how to please others.

Implications for Parents

Provide large, safe space for exercising arms and legs. Push-or pull-toys help child keep balance when walking.

Child will be messy, but allow the child to feed self sometimes. Fix food that can be eaten easily. Provide plenty of fresh vegetables and raw fruit. Provide toys or games that may be taken apart, stacked, squeezed, pulled, etc. Let the child try to dress self.

It is still too early to potty train.

Have available toys or games that make sounds that involve color and shapes. Be sure area is safe so that child may explore. Child will need variety of toys to play with at once because of short attention span. Do not expect a tidy house.

Talk to child often. Say the names of objects the child uses. Talk as you do daily activities such as bathing and dressing. Teach names of body parts. Give the child a chance to follow simple directions.

One parent needs to provide most of the care. Be sure you do the things you want the child to do.

Although child likes to observe others, child may want an adult close by.

A special, caring adult should look after the child. Ignore thumb sucking. Calling attention to it will only make it worse. Do not give in to demands, but do not punish--



the child is expressing self the only way known to the child. Be sure you are not demanding too much of the child.

TWO TO THREE YEARS

Physical Characteristics

Large muscle: runs, jumps, kicks, climbs, throws a ball, pulls, pushes, and enjoys rough-and-tumble play.

Small muscle: can turn some doorknobs, scribbles, eats easily with a spoon, helps dress and undress self, can build a tower of six to seven blocks.

May begin to control bowels, bladder control comes slightly later.

Mental Characteristics

Continues to learn through senses. Still is very curious. Has short attention span.

Language: Uses three to four word sentences; begins to enjoy simple songs and rhymes.

Social Characteristics

With adults: considers primary caregiver very important, does not like strangers. Imitates, dawdles, helpful with adults.

With peers: enjoys playing by self, enjoys having other children near but does not play with them much. Pinches, kicks, bites and pushes when angry--usually because of interference with physical activity or possessions.

Emotional Characteristics

Needs: to begin to develop a sense of self, to do some things for self, praise.

Personality traits: tests power by saying "no" often; shows lots of emotions--laughs, squeals, throws temper tantrums, cries violently.

Fears: loud noises, moving quickly or high places, large animals, primary caregiver's departure.

Moral Characteristics

Child usually appears self-reliant and wants to be good, but is not yet mature enough to be able to carry out most promises.



Implications for Parent

Provide lots of room and many experiences in which the child may use arms and legs.

Provide activities that use fingers: clay, objects to pick up and stack, large crayons for scribbling. Let child help you in dressing activities.

Gradually start toilet training; consult an authority (the child's pediatrician) if unsure of methods. Treat lapses calmly and with nonchalance; be very excited when the child is successful.

Provide sensory experiences. Allow the child to explore; have as few "no-no's" as possible. Don't make child do one thing for more than a few minutes.

Talk often with the child. Explain things simply. Songs need to have repetition, be low key, and have short range. Children enjoy and need more repetition than most parents can tolerate.

Allow child time to do things for self and to explore. Provide the child chances for uninterrupted play.

Don't force children to play together. Do not allow children to hurt each other.

Provide simple experiences in which the child can successfully do things for self. Praise often.

Avoid sudden situations that would stimulate child to be fearful. Do not use physical force or ridicule the child.

THREE TO FOUR YEARS

Physical Characteristics

Large muscle: runs easily, jumps, begins to climb ladders, will start to ride tricycles, tries anything, and is very active.

Small muscle: dresses self fairly well, cannot tie shoes, can feed self with a spoon or fork, scribbles in circles, and likes to play with mud, sand and finger paints. The child can begin to put together simple puzzles and construction toys. Takes care of toilet needs more independently, may stay dry all day, but may not stay dry all night.

Sex: becomes very interested in own body and how it works.

Mental Characteristics



Continues to learn through senses, uses imagination; starts dramatic role-playing, begins to see cause and effect relationships.

Language: likes to learn simple songs and rhymes, likes to play around with sounds, knows more words than may speak, and is curious and inquisitive.

Social Characteristics

With adults: can leave primary caregiver for short periods of time. Begins to notice differences in the way men and women act, imitates adults.

With peers: starts to be more interested in others; begins group play - enjoys company, yet is not ready for games or competition; has loosely organized group.

Emotional Characteristics

Is anxious to please adults and is dependent on other's approval, love and praise. May strike out emotionally at situations or persons when having troublesome feelings, fears or anxieties. May cry easily. Is sensitive to the feelings of other people toward self. Is developing some independence and self-reliance. May fear unusual people, the dark, and animals.

Implications for Parents

Carefully supervise opportunities for large muscle activity. Set limits for distances. Child tends to wander too far. Provide many opportunities for child to practice small muscle skills, e.g. large puzzles, crayons, small toys to assemble.

All body parts should be named without judgment and questions about body functions answered simply and honestly.

Provide many sensory experiences. Provide props for dramatic play. Send child to a good preschool for part of the day. Many activities, toys and social relationships are available there.

Point out and explain natural consequences of activities, and common cause and effect relationships; how rain helps flowers grow, how dropping a glass will make it break, how hitting makes a person hurt.

Explain things to the child. Answer questions honestly. Help put child's feelings and ideas into words. Provide daily opportunities to develop vocabulary.

At the start of sex-role development, child will act in ways child sees you act. Behave in ways that you want your child to model.



Provide enough materials at play-dates so that the children may use them together. Help the child find out socially acceptable ways of dealing with others.

Give your approval through facial expressions, gestures, and verbal responses. Avoid negative remarks about the child. Do not label the child as bad, dumb, lazy, a liar, etc. Instead, "catch them being good." Emphasize unconditional love. Help child understand own emotions. Develop a warm relationship with the child and have confidence in the child.

FOUR TO FIVE YEARS

Physical Characteristics

Is very active, constantly on the go. Is sometimes physically aggressive. Has rapid muscle growth. Would rather talk or play than eat. Average height is 40.5 inches. Average weight is 36 pounds.

Mental Characteristics

Has large vocabulary (1,500 to 2,000 words) and strong interest in language. Fascinated by words and silly sounds. Likes to shock adults with bathroom language. Has insatiable curiosity, asks innumerable questions, is an incessant talker. Can reason a little, but still has many misconceptions.

Emotional Characteristics

Is often demanding, threatening, bossy or belligerent. Indulges in name-calling. May go to extremes, bossy then shy. Frequently whines, cries, complains, tests for control. Is boastful, especially about self and family. While there is growing confidence in self and world, the child begins to develop some feelings of insecurity. Demonstrate to children that you are pleased with the good things they do to help you.

Moral Characteristics

Is becoming aware of right and wrong. Usually has desire to do right. May blame others for own wrongdoing. Gently guide child to understand the cause and effect of child's behavior and other people's responses.

Implications for Parents

Provide plenty of play space both indoors and out. Provide for rest; children will fatigue easily. Nutrition is important. Child needs ample protein in diet. Make sure your child eats fresh fruit and raw or lightly steamed vegetables every day. You are establishing life-long patterns now. Develop healthy eating habits by limiting high fat, sugar and salty foods.



Send child to a good nursery school or playgroup, if possible. Provide props for dramatic play. Help child learn positive social behavior without punishing or scolding; expect child to take simple responsibilities and follow simple rules such as taking turns.

Keep a sense of humor. Provide outlets for emotional expression through talking, physical activity, or creative media. Establish limits and adhere to them. Provide opportunities for talking about self and family. Strengthen positive self-concept by pointing out things that they can do for themselves. Assure children they are loved.

Help child learn to be responsible for own actions and behavior, and teach the importance of making good choices and accepting the consequences of poor choices.

FIVE TO SIX YEARS

Physical Characteristics

Can dress and undress self. Has tendency to be farsighted which may cause hand-to-eye coordination problems. Prefers use of one hand or other. Is able to care for own toilet needs independently.

Sex: knows difference in sexes, more modest, less bathroom play. Is interested in babies and where they come from. Have books about reproduction available for reference to help children understand "where babies come from." Consult with children's librarian for titles. Family pets that reproduce will naturally help to explain reproduction.

Health: has bigger appetite; may have stomach aches or vomiting when forced to eat foods that are disliked; prefers plain cooking but becomes more accepting of a wider choice of foods. Has general good health.

Mental Characteristics

Language: may stutter if tired or nervous. Tries only what s/he can accomplish. Will follow instructions and accepts supervision. Knows colors, numbers; can identify penny, nickel, and dime. May be able to print a few letters. Encourage reading by sharing storybooks. Consult with children's librarian for titles of books for your child's age, and borrow or buy them.

Social Characteristics

With adults: may fear primary care-giving parent won't return for him/her; thinks care-giver is the center of the world. Copies adults. Likes praise. Give child plenty of approval.



With peers: plays with both boys and girls, is calm and friendly, is not too demanding in relations with others, may play with one child or group of children, likes conversation during meals.

If child doesn't like school, may develop nausea and vomiting. Experiences the desire for conformity, and is critical of those who do not conform.

Emotional Characteristics

In general, is reliable, stable, and well adjusted. Though not at a fearful age, may have some fear of dark, falling, dogs, or bodily harm. If tired, nervous or upset, may bite nails as a way to relieve tension.

Implications for Parents

Don't try to teach a child skills that require continued eye coordination such as reading. Do not force child to change hands.

Offer simple, accurate explanations.

Offer appealing variety in food, without force. Children are more sensitive to spicy foods than adults. Do not let children self select an unbalanced diet. Insist that they take *small* tastes of new foods.

Do not emphasize stuttering; most often it is only temporary. Continue to expose child to different group experiences.

Avoid leaving until child is prepared; the child needs reassurance that caregiver will return.

Help child learn the value of individual differences.

Encourage child to find school activities that are enjoyed; offer comfort and provide a secure, non-critical environment.

Increases in temporary nervous habits are normal. Try not to appear overly concerned. Deal with cause of tension rather than the habit it creates.

SIX TO SEVEN YEARS

Physical Characteristics

Is vigorous, full of energy, generally restless, clumsy. Has poor coordination. Is in an ugly duckling stage. Toilet: rarely has accidents but they may occur when emotionally upset or overexcited; may need reminders.



Sex: has marked awareness of sexual differences. May investigate each other, engage in sex play and show; play doctor and hospital. Begins to suppress masturbation.

Health: unpredictable eating preferences and strong refusals; often develops a passion for peanut butter. Uses fingers and talks with mouth full. Contracts more colds, sore throats and other diseases. Make certain child has been inoculated for chicken pox, measles, whooping cough, diphtheria, German measles, mumps.

Mental Characteristics

Language: may stutter when under stress. Wants all of everything and finds it difficult to make choices. Begins to have organized continuous memories. Can read and write.

Social Characteristics

With adults: blames mother for anything that goes wrong, identifies more strongly with father, doesn't like being kissed in public, expands outside the family; considers teacher important.

With peers: often responds negatively, friendships are unstable. Is sometimes unkind to peers and will tattle. Seeks negative attention; changes rules to fit own needs. Has no group loyalty in school. Child may develop problems if placed above ability to achieve successfully; can't keep mind on work. Fools around, whispers, bothers other children when eating, and makes meals difficult because of perpetual activity.

Feels pressure. Breakfast may be the most difficult meal. May not usually finish a meal.

Emotional Characteristics

Feels insecure as result of wish for independence, and, conversely, fears losing needed caretaker.

Child is the center of own world and is child's main concern. Is boastful. Generally is rigid, negative, demanding, not adaptive, and slow to respond. Will exhibit violent emotional extremes and tantrums. If child does not win a game or contest, may make accusations or threats.

Moral Characteristics

Is very concerned with good and bad behavior, particularly with friends and family. Sometimes blames others for own wrong doings.



Implications for Parents

Accept accidents calmly; the child is apt to be embarrassed. *Do not shame.*

The child will accept the idea that baby grows in the area under mother's stomach. Answer curiosity with honest and simple answers to questions. Use reference books to teach concepts the child is interested in.

You are a model for good (and bad!) habits. Be aware of disease symptoms. Ill health may result in crankiness. Child needs plenty of rest and balanced meals - avoid excess sugar, salt and fats.

Remember that stuttering is likely temporary and may disappear if not fussed over.

Do not offer excessive choices, but provide opportunities for making decisions. For example, "Do you want ___ or ___?"

Help the child to know that adults care about him/her. Do not attempt to replace a parent with a stepparent or another adult. Blended families will benefit from family counseling.

The child will need patient guidance in making and keeping friends, and help in learning to be good loser. Allow time for peer interaction.

Allow extra time for meals.

May need time, leeway, more chances to accomplish tasks.

Child requires patience and understanding. As the child attempts self-identity, support the drive for independence by providing opportunities to do things for self. Set reasonable limits, offer explanation of limits, and help the child keep within the limits. Be consistent. Avoid games that designate a winner.

Teach the child to be concerned and responsible for own behavior and how to perfect it. Assure child that everyone makes mistakes. Teach simple repentance, apologizing.

SEVEN TO EIGHT YEARS

Physical Characteristics

Large muscle: drives self until exhausted.

Small muscle: may have permanent pout on face, has minor accidents, loves pencil instead of crayons.



Sex: is less interested in sex play and experimentation. May be very excited about new babies in family.

Health: has less appetite. In general, is ill less often but may have colds of a long duration. May develop nervous habits or assume awkward positions.

Mental Characteristics

Is eager for learning. Uses reflective, serious thinking. Thoughts beginning to be based on logic; will solve more complex problems. Attention span lengthens. Enjoys hobbies and skills. Likes to collect things and tell about things s/he has accomplished, such as projects, writings, and drawings.

Likes to be challenged, to work hard, and to take time in completing a task.

Social Characteristics

With adults: will avoid and withdraw, has strong emotional responses to teacher, may complain teacher is unfair or mean, enjoys more responsibility and independence, is often concerned that s/he will not do well.

With peers: participates in loosely organized group play, concerned with self and how other people treat him/her, may fight to battle out problems, starts division of the sexes (girls with girls, boys with boys).

School: may fear being late, may have trouble on playground: "kids are cheating" or "teacher picks on me." Begins to understand the concept of fairness. Experiments with making up new rules and new games.

Emotional Characteristics

Complains a lot: "nobody likes me," "I'm going to run away". May not respond promptly or hear directions, may forget. Is easily distracted.

May stay on edge of the scene in an attempt to build a sense of self through observation of others. As child attempts to control nervous habits blinking, scowling, headaches and dizziness may appear. May have fears of night, scary places and unusual people. Is less domineering and less determined to have own way.

Dislikes criticism, is eager for peer approval, wants to please peers and be like own age group, is more sensitive to own and other's feelings. Is often self-critical and a perfectionist; is often dreamy, absorbed and withdrawn. More inhibited and cautious, less impulsive and self-centered.

Moral Characteristics



Is aware of right and wrong, good and bad. Is inclined to negotiate a deal. Begins to manipulate people more directly.

Implications for Parents

Distract before child gets to the point of complete exhaustion.

Child now has well-established hand-eye coordination.

Be patient with annoyances and do not draw attention to awkwardness.

Ask thought-provoking questions. Stimulate child's thinking with games and discussions.

Give many opportunities for decision-making and choices of what to do in particular situations. Encourage interests in the pursuit of hobbies. Give opportunities to read.

Most stories and situations should deal with reality. Give challenges appropriate for child's level of ability. Allow plenty of time to accomplish a task. Show understanding and concern by receptive listening to the child's needs and problems.

Assign responsibilities and tasks that child can carry out, and then praise child for efforts and accomplishments. Help child assume responsibility for wrongdoing. Provide peace and quiet.

Attempt to prevent conflicts before the children want to fight. Help them process interactions realistically.

Child needs reasonable sympathy. May need reminding and checking. Needs personal support and reassurance. Point out the child's successes.

Continue to help the child develop social skills. Give praise for positive behavior such as taking turns, sharing, and giving other children a chance to express their ideas. Build confidence; instead of criticizing, look for opportunities to give approval and affection. Accept the child's need for approval and need to belong. Offer love, patience and empathy.

Let the child know s/he has progressed, and continue encouragement. Accept moods and aloofness. Encourage child to express self and to be interested in others. Catch child being good!

Give the child responsibility for making decisions, and provide opportunities to practice making right choices.



EIGHT TO TEN YEARS

Physical Characteristics

Is busy, active, speedy, has frequent accidents; makes faces.

Toilet Training: may need to urinate in connection with disagreeable tasks.

Sex: may handle genitals if worried; tells "dirty" jokes; laughs, giggles; may peep at each other and parents; wants more exact information about pregnancy and birth; may question father's role.

Health: has good appetite, wolfs down food, belches spontaneously, and may accept new foods with less fuss. In general has improved health with a few short illnesses.

Mental Characteristics

Demands to know the reason for things. Often overestimates own ability. Often cries at failure. May say, "I never get anything right."

Social Characteristics

With adults: demands understanding with parent.

With peers: makes new friends easily; works at establishing good two-way relationships; enjoys school, doesn't like to miss school, and tends to talk more about school; develops close friends of own sex (separation of sexes). Considers clubs and groups important.

Eating: is not as interested in family table conversation; will want to finish meal so s/he can go about own business; may become sensitive to killing of animals for food.

Emotional Characteristics

Has more "secrets"; may be excessive in self-criticism and tend to dramatize everything; has fewer and more reasonable fears, e.g. fear of heights, water, a dog that may bite, rather than monsters under the bed.

May have some tension patterns, but less persistently. May argue and resist requests and instructions but will obey eventually. May demand immediate cash reward. Is usually affectionate, helpful, cheerful, outgoing and curious, but may also be rude, selfish, bossy and demanding. Is sometimes giggly and silly. Teach rules for board games and sports and how to play fair.

Moral Characteristics



May experience guilt and shame. Inclined toward negotiating. Numerous debates about "what is fair."

Implications for Parents

Do not compare one child to another. Praise and build self-confidence.

Direct child toward tasks that are reasonable to accomplish, but will still provide challenge. Stress the learning experience, but not the end product.

Provide the opportunity for peer interaction not only on a personal level but also on a group and club basis.

Offer simple explanation for the killing of animals for food and remain understanding of child's feelings. Provide more information about situations the child fears.

TEN TO ELEVEN YEARS

Physical Characteristics

Girls are concerned with style; may begin rapid increase in weight. Boys are more active and rough; have motor skills well in hand. Have 14-26 permanent teeth.

Mental Characteristics

Alert, poised, argues logically, begins to use fractions, likes to read, has rather short attention span, and may begin to show talents, concerned with facts.

Social Characteristics

May develop hero worship, is affectionate with parents, finds mother all important, is highly selective in friendship, may have one best friend, has great pride in father, important to be "in with the group."

Emotional Characteristics

Is casual and relaxed; likes privacy. Girls mature faster than boys. Seldom cries but may cry in anger. This is not usually an angry age, yet anger, when it comes, is violent and immediate. Main worries concern school and peer relationships.

Implications for Parents

Provide a locked cupboard or box for "treasures," and a "keep out" sign for door.



Needs a locked box or drawer. Praise; do not criticize. Avoid global praise, such as: "You are beautiful, a genius, perfect." Instead, describe the behavior that the child does well: "You really understand math." "You cleaned up the table for me. It looks good." Use I statements: "I like the way you helped me clean up the yard." Encourage and appreciate the child's efforts.

Help with nutrition. Teach how to choose good foods over unhealthful ones. Explain how different foods make the body strong.

Use reasoning; provide books geared to interests; provide lessons for music, art or other interests. This is a good time to discuss drug abuse.

Spend time with your child.

Moral Characteristics

Has a strong sense of justice and a strict moral code; is more concerned with what's wrong than with what's right.

ELEVEN TO TWELVE YEARS

Physical Characteristics

Girls begin to show secondary sex characteristics. Boys are ahead of girls in endurance. Child is increasingly aware of own body and has increase in muscle growth. May show self-consciousness about learning new skills.

Mental Characteristics

Challenges adult knowledge. Has increased ability to use logic. May have interest in earning money.

Is critical of own artistic products. Is interested in the world and the community.

Social Characteristics

Is critical of adults and perhaps obnoxious to live with. May be quiet around strange adults. Will strive for unreasonable independence and may have intense interest in teams and organized competitive games. Considers membership in clubs important.

Emotional Characteristics



Anger is very common, as is resentment at being told what to do. Rebels at routines and is often moody; dramatizes and exaggerates expressions ("worst mother in the world"). Many fears, many worries, and many tears.

Implications for Parents

Let child help set the rules and help decide on own responsibilities. Be understanding.

Explain menstruation. Let child take initiative. Rapid growth may mean large appetite but less energy. Discuss puberty and what it means for boys and for girls. Have abundant reading material on the subject available.

This may be good time for a paper route or other job. The child may like to participate in community drives. Arrange to have the child volunteer to help worthy causes.

Provide for organized activities in sports or clubs.

Moral Characteristics

Has strong urge to conform to group morals. Idea of what is fair has expanded to learning the importance of laws that help maintain order and justice.

TWELVE TO FIFTEEN YEARS

Physical Characteristics

Onset of adolescence is usually accompanied by sudden and rapid increases in height, weight and size. Girl has gradually reached physical and sexual maturity. Development is rapid. Acne. Physical strength increases greatly. Concerned with appearance.

Mental Characteristics

Thrives on arguments and discussions. Ability to memorize usually increased, as does ability to think logically about verbal propositions. Develops introspection, and is able to plan realistically for the future. Idealistic. Reads a great deal. Fantasizes about driving a car.

Social Characteristics

Withdraws from parents who are seen as "old fashioned." Boys are usually resistant to show of affection. May feel parents are too restraining and needs less family companionship and interaction. Rebels against authority and has less intense friend-



ships with those of the same sex. Usually has a whole gang of friends. Girls show more interest in opposite sex than do boys. Annoyed by younger siblings.

Emotional Characteristics

Sulking is common. Fewer angry responses but main ones are verbal retort and leaving the room. More worried than fearful about grades, appearance, popularity. Some may be withdrawn.

Moral Characteristics

Knows right and wrong; tries to weigh alternatives and arrive at decisions; concerned about fair treatment of minorities; is usually reasonable or thoughtful; is unlikely to lie, but doesn't always tell the whole truth. Understands the importance of laws and their relationship to social order.

Implications for Parents

Give opportunities to be independent.

Explain to child changes common in adolescents. Tell child not to worry about differences. There is a tendency to worry if not conforming to peer group. May need special diet, medication, and treatment for acne.

Don't let discussions become arguments. Don't put down child's ideas; help the child to think realistically. Help child plan. Needs to feel important in world, to know s/he has something to believe in, a cause to fight for.

Children will naturally want to disengage from parents. May be critical of parents. Avoid feeling hurt or taking it personally. Remember you are still important, but not in the same way as when they were children. They are striving to be independent. Give more space, but insist on basic rules of house being observed.

SIXTEEN TO NINETEEN YEARS

Physical Characteristics

Has essentially completed physical maturity. Physical features are shaped and refined.

Mental Characteristics



May need some special testing to help determine future educational plans. If reads, tends to read exhaustively; prefers books and magazines of adults. Thinks deeply about social issues. Highly opinionated; but changes mind quickly.

Social Characteristics

Can maintain friendly relations with parents; sometimes feels that parents are too interested in child's affairs; often feels that parents don't understand. Social life is most important. Dating varies greatly with maturity. Some are uncomfortable with opposite sex; others talk about marriage. Enjoys activities with friends of the opposite sex. Usually has many friends and few confidants. May have a job.

Emotional Characteristics

Knows what is right and wrong, but does not always do right. Thinks more like parents. Takes blame well and is not likely to blame others without just cause. Wants to find the meaning of life and feel secure in it.

Implications for Parents

Be available to talk and listen. Help teen prepare for responsible adulthood, money management, drivers training and future education.

Needs less food.

Help arrange testing at school. Encourage talking about the future.

Allow for more independence; avoid prying.

Evaluate if it is safe for child to get a driver's license; a high degree of responsibility is required; this can vary widely among children.



Abandonment - The voluntary forfeiture of parental rights based on a twelve (12) month period of no visitation and no support where support could be paid and visitation could be exercised.

Affidavit - A written declaration stating the facts of a particular circumstance or event and signed by the cognizant person under penalty of perjury setting forth the date, city, and state where the declaration was made.

Alimony - See Spousal Support. In 1970 when no-fault laws were passed, the term for support payments made to a spouse was changed to eliminate gender bias.

Ante Nuptial Agreement – See **Premarital Agreement**.

Arbitration - a privately ordered alternative dispute resolution process in which evidence is presented to a trier of fact mutually selected by the parties. The result can be binding or non-binding, depending on the decision of the participants. It is usually quicker and less expensive than litigation.

ATROs – Automatic Temporary Restraining Orders imposed by law upon filing and serving the initial Petition of Dissolution.

Bifurcation - The procedure whereby the dissolution of the marriage is ordered at one time with the ruling on all other issues set over to a future date for a Further Judgment on Reserved Issues. In this manner the marriage can be terminated even though other issues remain unresolved.

Certified Divorce Financial Analyst – A financial specialist trained in addressing and resolving financial issues in divorce.

Child Support - The money that is paid by one parent to help cover the costs of raising the children.

Collaborative Divorce – The process of conflict resolution in which both parties are represented by Collaborative Lawyers trained in principled negotiation strategies who sign a stipulated disqualification in their client retainer agreement that precludes court as an alternative.

Collaborative Lawyer – A lawyer trained in Collaborative Law

Cohabitation - Domestic living together arrangements between parties in lieu of marriage. California Family Code Section creates a presumption at law which requires treatment of cohabitation as a marriage for purposes of terminating a spousal support obligation unless the presumption is met and successfully rebutted.

Common Law Marriage - There is no common law marriage in California. Marriage is only recognized when it meets the statutory requirements. However, a common law marriage contracted elsewhere will be recognized in California if it was a valid marriage where it was contracted.

Conciliation Court - This is not really a court, but rather a panel of licensed mental health professionals available through the court to assist families, and particularly the children, to deal with conflict. It was originally intended to help people reconcile their marriages. Today it primarily functions to mediate child custody and visitation disputes.

Consulting Attorney – A lawyer hired under a limited scope of representation contract to assist in various stages of the dissolution process.



Contempt of Court - A quasi-criminal proceeding, which can be brought against a party or witness for the disobedience of a specific court order. When the court has ordered a party or witness to do or not to do certain things and one or the other person is found in deliberate disobedience of the court orders. Conviction can result in a fine, imprisonment, or both.

Custodial Parent - The person who has physical custody of the minor children of the parties.

Custody, Divided - Alternating physical custody on a yearly basis, or some portion of the year. Implies equal division; e.g., three and a half days with mother, three and a half days with father, and so forth.

Custody, Joint Legal - Usually ordered by the court to give parents equal rights regarding important decisions to be made on behalf of children. Inability or unwillingness of the parties to work together on a co-parenting basis may be grounds for denying joint legal custody.

Custody, Joint Physical - Each parent enjoys "significant periods" of physical custody bordering on, if not actually resulting in, 50/50 time with each parent.

Custody, Sole Legal - One (1) parent is awarded exclusive decision-making power with regard to the minor children.

Custody, Sole Physical - One (1) parent is awarded exclusive physical possession of the minor children.

Custody, Split - One (1) or more children with one (1) parent, one (1) or more children with the other parent, each parent awarded reciprocal periods of secondary physical custody with the other.

Default Proceeding - Appearance at court by one (1) party to prove the elements of an uncontested Marital Settlement Agreement and proposed Judgment of Dissolution after all issues have been settled without a contested hearing. Either party may appear to prove-up the agreement but an appearance is no longer necessary since the courts have been permitted to accept an affidavit in lieu of the traditional personal appearance. See Affidavit Dissolution of Marriage for more detail.

Deposition - An oral discovery proceeding taken under oath, and recorded by a Certified Shorthand Reporter. The transcript may be used in any subsequent judicial hearing.

Discovery Proceedings - Various procedures available to lawyers to facilitate the accumulations of evidence needed by the lawyer to prepare the case. Disclosure of relevant facts is now mandatory in many states.

Dissolution of Marriage – See divorce.

Divorce – The process of ending marriage, dividing property, and planning the future of children.

Divorce Coach – A person especially trained to aid, assist, and support parties to a dissolution.

Executory Provisions - Those provisions in the Judgment of Dissolution that are not executed (that is, finalized) immediately upon entry of the judgment over which the court retains jurisdiction to make future orders such as visitation, support, restraining orders, and further orders for future disposition of property.



Ex Parte Hearing - An emergency hearing in judge's chambers presented in affidavits to the court which permits the court to make immediate orders pending a more formal hearing in open court where there is fear of immediate physical danger or loss of property.

In Pro Per - In Propria Persona: The abbreviated form of a Latin expression which means "as a private person" to indicate someone representing themselves in court without an attorney.

Interrogatories - Written questions which you must research and answer in writing, under penalty of perjury. Failure to respond will cause you to lose the opportunity to present evidence on your own behalf in regards to the areas under inquiry. The court has the power to dismiss your pleadings if you refuse to answer interrogatories, and may impose sanctions as well.

Interlocutory Judgment - The permanent orders of court made at the conclusion of the case setting forth property, custody, support, and financial obligations of the parties. Effective July 1984, the legislature discontinued the use of the Interlocutory Judgments. All judgments are now called Judgment of Dissolution of Marriage.

Judge Pro Tem - A judicial officer hired by the County or appointed by the court to make up for the lack of judicial appointments. They are usually selected by examination and must satisfy stringent qualification requirements. Their correct title is "Commissioner," but they are addressed as "Your Honor."

Judgment - The orders of the court made at the conclusion of the case which resolves all of the issues pending before the court.

Legal Document Assistant – A person licensed by the state to assist in document preparation and filing. They are not lawyers and cannot give legal advice or provide representation.

Legal Separation - A legal process whereby all issues are decided exactly as if you were dissolving the marriage, except that you do not obtain a Judgment of Dissolution of Marriage. Instead, you are granted a Judgment of Legal Separation. During a Legal Separation you are still married. This can present problems of future potential legal liability in subsequent employment. If you ever wish to remarry you must still go through with a Dissolution of Marriage. A Legal Separation is generally not advisable.

Litigation - The process of conflict resolution in which the parties present their respective positions regarding the disputed issues to a judicial officer for ultimate determination in accordance with existing case law and current statutes.

Marital Settlement Agreement - The civil contract that is drawn up between the parties to the dissolution of marriage, wherein all of the legal issues are resolved and written into a final agreement. This agreement is then submitted to the court with a Judgment of Dissolution of Marriage containing all the executory provisions of the agreement which constitute the permanent orders.

Mediation - The process of conflict resolution in which the parties work together to resolve the disputed issues and reconstruct the familial relationships with the assistance of both lawyers and mental health professionals trained in mediation techniques.

Minor Child - Any child who is under the age of 18 years who is not emancipated. No minor child may become emancipated under sixteen years of age.



Notice - A court document advising the parties of the time, place, and reason for court proceedings that will be heard in the court. It can also be used to inform parties of other events, conditions, or requirements imposed by the judicial process.

Orders Pendente Lite - The temporary orders entered by the court describing the rights and responsibilities of the parties until permanent orders are made by the court.

OSC (Order to Show Cause) - The legal proceeding prior to trial in which either party may request the court to make temporary restraining orders (TROs) and orders for custody, visitation, support, and fees.

Parent Coordinator – A Child Development Expert selected by the parties or appointed by the court to aid, assist, and support the parents in their Co-Parenting effort.

Petitioner - The spouse who begins the action by filing the initial pleadings with the court and having papers served on the other party. There are strategic advantages to being the Petitioner in the action which have to do with forum selection, presentation of evidence, and timing of the action.

Pleadings - All of the legal documents that are filed with the court in a lawsuit. Always remember to take these with you when you go to court or see your attorney.

Post-Dissolution Proceedings - Any family law matters brought after the entry Judgment of Dissolution to reopen any of the executory provisions contained therein.

Premarital Agreement - A binding legal contract between parties contemplating marriage intended to define the rights and responsibilities of each party, articulate their respective expectations, and provide for the disposition of property in the event of divorce.

Prose – Same as **In Pro Per**.

Rent-A-Judge – The process of dispute resolution which uses retired Bench Officers appointed by the Supervising Judge to sit as Judge Pro-Tempore in proceedings conducted privately in libraries, offices, and conference rooms. These proceedings are privately ordered litigation.

ReSolution – The opposite approach to dissolution that is client friendly, family focused, and designed to protect children.

Request for Admissions - An infrequently used discovery tool which requires the person served to answer certain written questions under penalty of perjury. Failure to respond will be deemed by the court to be an admission of the facts in question. Sometimes used in conjunction with Interrogatories.

Respondent - The spouse who responds to the papers which the Petitioner has caused to be filed and served. There is a disadvantage to being the Respondent in the action which has to do with trial strategy, the presentation of evidence, and the order of Final Argument.

Restraining Orders - Any order of the court requiring a person, either to do , or to refrain from doing, certain defined acts. (See Contempt of Court.)

Service of Process - The act of having a process server or sheriff deliver any of the court papers to another party or some potential witness. Any person over 18 years of age not a party to the action may



serve process. Either party may accept service by signing an Acknowledgment of Service and thereby avoid the costs of service of process.

Special Master – Expert appointed by the court to provide neutral financial information or child custody supervision.

Spousal Support - Alimony. This is the money that is paid by one spouse for the support of the other. These payments may be reportable income to the payee and deducted for tax purposes by the payer. To be deductible for tax purposes, the payments must meet the requirements of the Internal Revenue Code. A tax expert should be consulted in this regard.

Spouse - Your marriage partner; refers to either husband or wife. Former spouse is preferred to ex-wife or ex-husband.

Stipulation - An agreement between the parties that is arrived at without the necessity of going through a court hearing. The agreement is drafted into a legal document and submitted to the court for its review, approval and enforcement as a court order.

Subpoena - Written order to compel the appearance of a person in court. Must be personally served on the person whose appearance is requested.

SDT - Subpoena Duces Tecum is a subpoena which requires, in addition to the appearance of the person, certain documents described in the subpoenas which are in the possession of the person served and which must be produced at the time and place indicated in the subpoena.

Trial - The court proceeding at which a final determination is made on all remaining issues by the assigned judicial officer after a full hearing on the merits. Each party is afforded the opportunity to testify, call witnesses, and present all relevant evidence essential to informing the court of the facts to be weighed in its determination of the issues presented for disposition and resolution.

Unbundling – The offering of cafeteria-style legal services in which the client decides which areas of responsibility the lawyer will and will not assume.

Vacate - To have a previous order dismissed, such as a restraining order, thereby allowing the person to do the act or acts previously forbidden by the court.

Visitation - An agreed upon, or court ordered, period of time during which the noncustodial parent will have the same right of access to the minor children as does the custodial parent.



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- Leonard, Robin. *Family Law*. Berkeley, California: Nolo Press, 1994.
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- Blau, Melinda. *Families Apart - Ten Keys To Successful Co-Parenting*. Putnam, 1993.
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- Wallerstein, Judith S. and Sandra Blakeslee. *Second Chances: Men, Women, and Children a Decade After Divorce*. New York: Ticknor & Fields, 1990.
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- Warshak, Richard A., Ph.D. *The Custody Revolution*. Poseiden Press, 1992.
- Woodhouse, Violet and Victoria Collins. *Divorce And Money - How To Make The Best Financial Decisions During Divorce*. Berkeley, California: Nolo Press, 1995

Helping Children with Divorce

- Andrew, J. *Divorce and the American Family*. 1978. Grade 7-12.
This book presents a history of the family and divorce. It discusses divorce laws and recent reforms. It reviews the topics of remarriage, alternate lifestyles and the future of the family.
- Bienenfeld, Florence. *My Mom and Dad Are Getting A Divorce*. 1984. Preschool- Grade 3.
Examines a young girl's feelings about her parents' divorce and how she and her parents cope with these emotions. Includes a counseling guide for parents, teachers and counselors.
- Blume, Judy. *It's Not the End of The World*. New York: Dell Publishing, 1972. Grade 6-12.
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Dinosaurs in comic book form accompany a text which explains divorce to young children. Explores emotions, as well as adjustments that must be made.
- Coleman, Hila. *Nobody Has to be a Kid Forever*. 1977. Grade 7-12.



A thirteen year old girl encounters a number of sobering experiences when her mother decides to move out, which leaves her father in a state of depression. She works at trying to reconcile her parents.

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A young girl is resentful of her parents' divorce and tries to accommodate herself in their new lives.

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A young girl lives with her mother in New York and spends summer vacations with her father in a Colorado cabin. She ponders the differences between life in each place and realizes how much each parent loves her.

Gardner, Richard A., M.D. *The Boy's and Girl's Book About Divorce*. New York: Bantam Books, 1979.

Grade 3 and up. A book written openly and honestly about different feelings and reactions a child may experience when her/his parents are getting divorced. Gardner gives advice about how children can help.

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Improving Your Skills As A Parent



How to Listen so Children Will Talk and Talk so Children Will Listen.

Major, A. Jayne, Ph.D. *Breakthrough Parenting: Unlock the Secrets to a Great Relationship With Your Children.* Minneapolis: Fairview Press, 1993.

Fathers and Custody

Bonkowski, Sara. *Kids Are Non-Divorceable: A Workbook For Divorced Parents And Their Children Ages 6-11.* Buckley Publications, 1987.

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Cohen, Miriam. *Long Distance Parenting.* New American Library, 1989.

Einstein, Elizabeth and Linda Albert. *Strengthening Your Step Family.* American Guidance Service, 1986.

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Twilley, Dwight. *Questions From Dad: A Very Cool Way To Communicate With Kids.* Charles Tuttle, 1994.

Wymard, Ellie. *Men On Divorce.* Hay House, 1994.

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Interstate Custody

Guralnick, Mark S. *Interstate Child Custody Litigation.* American Bar Association, 1993.

Abduction

Family Abduction, "How to Prevent an Abduction and What to Do If Your Child Is Abducted." American Bar Association Center on Children and the Law, January 1994.



How to Handle Interstate and International Child Custody and Abduction Cases. American Bar Association Center on Children and the Law, May 1994.

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Ph.D., and Patricia M. Hoff, Esq., U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, March 1994.

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Pederson, Loren, E. *Dark Hearts: The Unconscious Forces That Shape Men's Lives.* Boston, Massachusetts: Shambala Publications, 1991.

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AFTERWARD

One can survive anything these days, except death, and live down anything except a good reputation.

-Oscar Wilde

The palest ink lasts a thousand years after the spoken word.

-Chinese Proverb

Take a stand for the transformation of the process of resolving family conflict. Make your commitment to family strength. Choose to invest your energy in reorganizing your family so that relationships are healed, communication skills are mastered, parenting strategies are in harmony and conflict is recognized as the doorway through which you must pass on your journey toward consciousness, compassion and unconditional love.

-R.M. Supancic