

Children & Divorce

A divorce decree cannot and does not end your responsibility as a parent. Parents are forever. Both parents should make every attempt to play a vital part in the lives of their children, and allow one another to do so. Children need the ongoing affection, interest and concern of their parents. Children must feel that they have two parents who love them, even though they could not live happily with each other.

We hope that this information will help you to help your children cope with your marriage dissolution with a minimum of hurt. The practical guidelines that follow are based on the many years of experience of judges, divorce attorneys and the counseling professions. You should be working to minimize the damage to your children in a number of ways. Here's how:

Guidelines for Parents

1. If you think getting a divorce will mean you are fully and permanently rid of your spouse, think again! As long as you have minor children, you will always need to have a speaking relationship with their other parent. In that respect, the marriage will never be fully over, at least as long as the children are minors.
2. Remember the best parts of your marriage. Share them with your children and use them constructively.
3. Assure and re-assure your children that they are not to blame for the breakup and that they are not being rejected or abandoned. Children, especially young ones, often mistakenly feel that they have done something wrong and believe that the problems in the family are the result of their own misdeeds. Small children may feel that some action or secret wish of theirs has caused the trouble between their parents.
4. Continuing anger or bitterness toward your former partner can injure your children almost as much as the dissolution of the marriage. The feelings you show are as important as the words you use.
5. Refrain from voicing criticism of the other parent. It is difficult but absolutely necessary. For a child's healthy development, discipline, happiness and mental well being, it is necessary to respect both parents.
6. Children have a desperate, fundamental need to see both parents as sources of moral authority, capability, and reliable strength. Trying to destroy the child's belief in the other parent deprives that child of one of the essential elements of his or her well being.
7. Seeing a parent degraded and humiliated is deeply disturbing to a child. It inflicts long lasting damage in ways that a child — even an older one — does not fully understand.
8. Don't make your child choose between you and the other parent. Children who take sides in the battles between their separated parents invariably come to regret it. It may take years, and may happen only in the late teens or in young adulthood, but the child almost always endures agonies of guilt. Often the child turns bitterly against the parent who allowed this to happen.
9. Placing a child in the middle, and trying to make him or her feel guilt for being fair, decent or affectionate toward the other parent, seriously damages the child's

psychological well-being and character. It is a cruel way to take advantage of one's own child.

10. Giving a child the false belief that the child is the decision maker in matters of custody or visitation is not only unfair and cruel to the child, but a serious misrepresentation of the law. Judges, if they can get beyond the effects of parental coaching, will try to take the true wishes of an older child into account as one factor, but the only decision maker is the judge.
11. Try not to upset a child's routine too abruptly. Children need a sense of continuity. It is disturbing to them if they must cope with too many changes at once. Maintain consistent parenting. Separated parents who may be giving the same children mixed signals about rules of behavior should communicate frankly and directly with each other on disciplinary issues in order to provide consistent rules and limits for the children.
12. Dissolution of a marriage often leads to financial pressures on both parents. When there is a financial crisis, the parents' first impulse may be to keep the children from realizing it. Often, they would rather make sacrifices themselves than ask the children to do so. The atmosphere is healthier when there is frankness and when children are expected to help. Blaming the opposing party for this may be hard to resist, but it will probably land you back in court.
13. Marriage breakdown is always hard on the children. They may not always show their distress or realize at first what this will mean to them. Parents should be direct and simple in telling children what is happening and why, and in a way a child can understand and digest. This will vary with the circumstances and with each child's age and comprehension. It seldom works to try to hush things up and make children feel they must not talk or think about what they sense is going on. Unpleasant events need explanation, which should be brief, prompt, direct and honest.
14. The story of your marriage dissolution may have to be retold after the child gets older and considers life more maturely. Though it would be unwise to present either party as a martyr, it would also be wrong to pretend there are no regrets and that dissolution is so common it hardly matters.
15. The guilt parents feel about the marriage breakdown may interfere in their disciplining the children. A child needs consistent control and direction. Over-permissiveness, or indecisive parents who leave children at the mercy of every passing whim and impulse, interfere with the children's healthy development. Children need and want to know what is expected of them. Children feel more secure when limits are set. They are confused when grown-ups seem to permit behavior that they themselves know to be wrong and are trying to outgrow. Children need leadership and sometimes authority. Parents must be ready to say "No" when necessary.

Visitation Guidelines

Parental behavior has a great influence on the emotional adjustment of their children. This is equally true after the dissolution of a marriage. The following visitation guidelines have been found to be helpful to children in managing visitation:

1. Visitation should be pleasant not only for the children, but for both parents. Visitation should help your children maintain a good relationship with their other parent.

2. The visits should not be limited to the children's home. Unless otherwise decreed in unusual cases, visitation means the visiting parent has the children visit in his or her home overnight. It may include trips and outings elsewhere.
3. The question is often asked, "Should the noncustodial parent take the children to the girl/boy friend's house?" Visitation is a time for the parent and the children to be with each other; to maintain strong relationships. Having other people participate may dilute the parent-child experience during visitation. Also, it may appear to the children that the visiting parent does not have time for them, and does not care enough to give them undivided attention during a visitation.
4. Keep your visitation schedule and inform the other parent when you cannot keep an appointment. Missing a visit without notifying the other parent may be construed by the child as rejection. Dependability and punctuality in visitation are duties owed to the child and the custodial parent, and part of the rights that the custodial parent should expect to have respected. Furthermore, last-minute schedule changes for emergencies should be cheerfully agreed to and facilitated. Schedule adjustments that are agreed to by both parents well in advance for their convenience or the children's surely make sense. But too many missed visits and schedule changes, for one parent's convenience or unpredictable whims, will lead to bitterness and conflict that neither parent needs and that will ultimately hurt the children.
5. Both parents may need to adjust the visitation schedule from time to time according to the children's ages, health and interests.
6. Frequently noncustodial or visiting parents ask, "Why should I visit?" thinking that continued exposure to the "losing" parent inconveniences or saddens the children. "I'm no longer needed; the custodial parent has the home and the children." This is understandable, but wrong. The visit is one of the few times that the visiting parent has personal contact with the children, and for that reason, it should be a meaningful one for both the visiting parent and the children. Even though the parents have not been able to get along, the children still need both parents if they are to grow up in a normal way.
7. Often parents question where they should take the children on the visits and what should be planned for them in the way of amusement, particularly if they are young children. Activities may add to the pleasure of a visit, but most important of all is the visiting parent's involvement with the children. Giving of yourself is more important than whatever material things you may give to your children. A dizzying round of too many fun activities will probably not be appreciated by the child. A massive assault of special treats and gift-giving will probably be resented by the other parent. Also, it will surely give the children the wrong idea about life and what parents are for.
8. The visit should not be used to check on the other parent. The children should not be pumped for this kind of information. They should not be used as little spies. In such a climate, the children's perception is that the parents hate each other and these children will suffer. In their minds, if they do anything to please one parent, they may invite outright rejection by their other parent. They have already lost one parent in their minds and are fearful of losing the other. For this reason, parents should always show respect for each other.
9. Children may be left with many problems following visits, but most of them are the natural result of a highly unnatural and uncomfortable situation. Both parents should make every effort to discuss and to agree on ways to deal with these problems.

10. Both parents should strive to agree on matters pertaining to the children, especially discipline, so that one parent is not undermining the other parent's efforts.

If You Need Help

If you decide that dissolution of the marriage is the only answer to your marital differences and that help to restore the marriage is no longer what you want or need, you may still need professional help to get on the right road. Advice from well-meaning friends and relatives, in many cases, further aggravates the situation. Friends or relatives can seldom be objective.

Professional counseling can assist you in dealing with your problems and your children's problems at the same time. A psychologist or other counselor, with professional academic training, can offer insights drawn from the experience of counseling hundreds of parents with problems much like yours who have gone through this process before you.

If communicating with your spouse is desirable for your child's sake, but difficult because of your marital differences, then mediation may provide the opportunity for parents to talk constructively. A certified mediator is trained to facilitate communication and assist parents to design their own co-parenting arrangements.

If you feel you need the assistance of an attorney but are concerned it will lead to litigation in Court, then Collaborative Family Law may provide the environment to negotiate your differences without the threat of litigation. In Collaborative Family Law each client retains a lawyer trained in Collaborative Law. The parties agree to work toward settlement without threatening to go to court, to share all needed information, and that neither lawyer can be involved if the parties fail to settle and go to court.

Help is available. Seek your attorney's assistance in locating the proper professional to help you with your parenting issues.

This information has been revised and reprinted by the Family Law Section of the Virginia State Bar from a handout obtained many years ago from Judge Jack T. Ryburn of the Los Angeles, California, Supreme Court. It has evolved in several versions over succeeding years.