

FAMILY LAW BULLETIN

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Understanding the High Toll of Parental Conflict on Children

Protecting Children of Divorce

10 Common Mistakes of Divorcing Couples

The sooner and more completely a couple can separate their feelings about the split from what they both know is a fair result, the smoother and faster the path to settlement.

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Parental conflict is extremely damaging to children. Children can thrive after the dissolution of a marriage only if exes eliminate conflict. Parents need to show that they love their children more than they hate their spouse.

A 30-year long study indicates that children who are exposed to parental conflict

suffer severe developmental consequences. The detrimental

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consequences of parental conflict follow children into adulthood.

Four principles that when followed help children through divorce

Children can survive a divorce with a minimum of harm if parents follow these four basic principles:

exclusion, reassurance, example, and monitoring.

1. Exclusion

Children are not parties to the divorce. Consequently, they should not be part of the process. Fighting in front of children (even behind closed doors) should be curtailed as it involves them in the conflict.

Forming a friendship with a child not only confuses the child because of the role change but tends to remove the parent as an authority figure.

Confiding in children dumps emotional issues on them that they are simply not mature enough to deal with. Pumping children for information on the other spouse puts children in a position of betrayal. This betrayal damages the enduring bond that has formed between parent and child. And finally, children, under no circumstances, should be used as bargaining chips. It degrades parents and reduces the status of

children to simple property.

2. Reassurance

Most parents are capable of meeting the needs of children during a divorce despite their own emotional turmoil. The basic needs of children such as food, shelter, and clothing do not change in the course of a divorce. However, divorce causes other changes.

To weather the storm of change, children have to be reassured that they are loved and that they will be taken care of. They must be told repeatedly. Children are also reassured by information. However, the information must be structured to their age and, in any case, limited. For example, telling the children that you are divorcing is appropriate. Telling them why, is not. Children are also reassured by structure.



Regular schedules including bedtimes, meals, and time with each parent will do far more to supply reassurance than simple words.

3. Example

Children will handle the divorce process as well as the parents do. When parents succumb to the stresses of divorce and become dysfunctional, they will find that their children will as well. If, however, a parent appears to the children as a confident leader in spite of internal turmoil, the children will be reassured and likely join the parent in facing the changes.

4. Monitoring

Finally, the development of the children must be monitored closely during the divorce process. The divorce will normally delay development of the children

or actually cause regression. For example, children who have been successfully toilet trained may have a significant increase in the number of accidents.

Children normally recover from these delays or regressions as their situation becomes more stable and predictable. However, severe regression or destructive behavior needs immediate attention such as counseling. For example, violent behavior directed at siblings or other children should be addressed immediately.

Telling children about the divorce and helping them through the initial separation

Here are some suggestions for explaining the coming divorce and for helping your children cope with the changes that your separation will bring.

Agree on time, place, and approach.

Both parents should agree in advance on how, when, and where to discuss the divorce and what to tell the children. Professional help may be advisable if you and your spouse cannot agree.

Wait for an emotionally calm and controlled time.

Wait until both parents can discuss the divorce with the children calmly and rationally.

Parental conflict has been shown to have the following effects on minor children:

- » *Lower academic achievement.*
- » *More behavior problems.*
- » *Poorer psychological adjustment.*
- » *More negative self-concepts.*
- » *More social difficulties.*
- » *More problematic relationships with mothers and fathers.*

In adulthood, these individuals have:

- » *Lower psychological well-being.*
- » *More behavioral problems.*
- » *Less education.*
- » *Lower job status and lower standard of living.*

In addition, they are:

- » *More likely to never marry or have lower marital satisfaction.*
- » *More likely not to have children.*
- » *At a heightened risk for divorce.*

Both parents must behave maturely and not reveal any anger, disappointment, fear, frustration, hurt or blame. They

must watch body language and tone of voice, in addition to what is said.

Tell the children together.

As a general rule, both parents should tell the children together and all children should be told at the same time. Of course, there may be exceptions to this rule, such as situations involving domestic violence, when the children are widely separated in age, or when advised otherwise by a trusted therapist.

Offer clear, honest explanations.

The children should not be burdened with elaborate details of the marital problems (i.e. affairs, sexual problems, money problems). No anger and disappointment at a spouse and fear about the future should be displayed. No blame your spouse should be assigned.

Reassure the children.

Parents must stress to each child that nothing they did or did not do caused the divorce, and that the children cannot do anything to change the decision. Parents need to reassure the children that the divorce will not weaken the parent-child bond, and to give their children permission to love each parent.



Frequently Asked Questions

Answers to Common Questions about Child Custody

How is custody of children determined in a divorce?

The best way to determine custody issues in a divorce is for the couple to work out their own parenting plan and custody arrangements. Either the couple can jointly agree to make decisions about the children or to give one parent the exclusive right to make decisions. The

couple can also agree on where the children will live and what time they will spend with each parent.

If the couple cannot agree, a judge will decide. Many factors can affect how the judge will determine custody, including history of each parent's involvement with the children,

background of the parents, work history, place of residence, desires and needs of the children, and the children's wishes if they are old enough to express them.

Custody battles can tax the parents' time and resources, and cause stress and anguish to the parents, and, more importantly, to the children. Litigating custody

should be done only after careful consideration of the costs and expected benefits.

In the absence of an agreement, can the court evaluate the homes and parties and decide which one is better?

Yes, court-ordered evaluations of the parties and their homes are called social studies or custody evaluations. These can be lengthy evaluations of each party, their homes, friends, family, and the children.

The evaluator will be heavily involved with the parties and the children for the duration of the study. The study can provide much-needed guidance to the court on who should be given primary custody of the children. The cost to the parties can be significant.

Can one parent be kept away from the children?

Unless a parent is putting the children in danger, the answer is probably no. Children need frequent and continuing contact with both parents if they are to grow up as healthy and well-adjusted as possible.

Behaving like a jerk to an

ex does not make him or her an unfit parent. Neither does having a different parenting style. Courts rarely get involved in situations in which they are required to assess the difference between what is good parenting and what is bad. A judge will not care that your spouse feeds the children fast food and lets them stay up past their bedtime.

Courts get involved only when the physical welfare of children is an issue. Supervised visitation may be the answer when a child is truly at risk.

What about alcohol or drug abuse?

If one parent has a history of substance abuse, the court hears about it so that appropriate orders can be made, including orders that the parent:

1. abstain from using these substances while in possession of the children.

2. receive limited visitation with the children.

The court can order alcohol assessments and drug testing to determine the extent of the substance abuse. Testing can also be ordered in the future to ensure the parent is not using while the children are with him or her.

What if mental instability exists?

The court can order psychological and psychiatric assessments if a parent is mentally unstable. Grounds must be established to obtain an order for these examinations. You can establish grounds with testimony from you, friends, and family; medical records showing prior diagnosis or treatment; or police reports showing incidents involving the other party.

The results of the mental examinations can affect the court's custody determination including the conditions under which the unstable parent is allowed to spend time with the children. ■



Here are some frequently-made mistakes that will lengthen and roughen the road traveled to that settlement.

1. Preparing secretly.

In preparation for a divorce, each spouse needs to gather financial records and take stock of the property. Some people will do so surreptitiously, thinking this will give them an advantage and help maintain control over the process. Instead, the secrecy will damage the trust that exists, for the advance preparation steps will eventually be revealed.

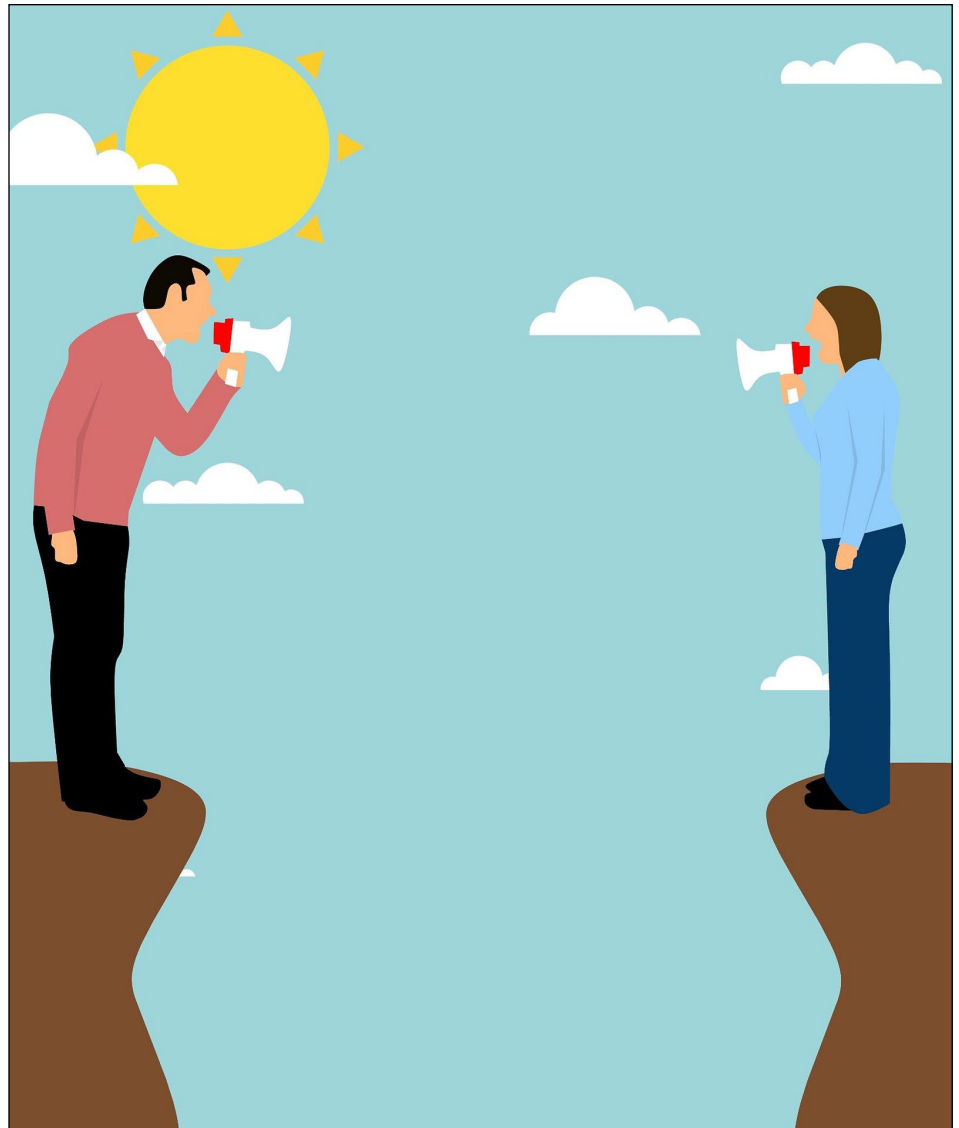
2. Failing to Discuss the Coming

Divorce. The initiator of the divorce should be direct and

honest about plans unless domestic violence is a concern. Instead, some people wait for their negative feelings or actions to be found out. This passive approach usually increases the cost of the divorce, for the non-initiator then feels the need to have all actions and documents examined by an attorney.

3. Making nasty comments.

If children exist, the relationship between the couple will continue after the divorce. It will only take a different form, and cooperation will remain important. Avoiding the adversarial path will pay dividends later.



4. Confessing past sins.

Confessing past sins. Revealing prior mistakes and betrayals like an affair may ease feelings of guilt but will fuel a spouse's rage.

5. Mishandling bank accounts and

credit cards. Some spouses take advantage by withdrawing more than their share from a joint bank account and by running up credit card expenses. The better route is to discuss in advance how to separate accounts and

handle credit cards. If a joint approach is deemed unwise, then withdrawing half of the money from the joint account and opening a separate account is a good backup strategy.

6. Not freely sharing financial information. Lawyers can obtain financial documents using a variety of methods, but the more hours attorneys use to obtain and provide basic financial information the more time



consuming and expensive the divorce legal bills will be.

7. Hiding income and assets.

Most income and assets leave a paper trail, or other evidence of their existence. Private investigators have many methods for uncovering this evidence, and judges will frequently punish the concealer.

8. Beginning a new relationship too early.

Many spouses are surprised by the jealousy their spouses exhibit when a new relationship begins before the divorce is finalized. The surest way to increase the difficulty of a divorce is for one spouse to get serious with someone else while still in negotiations.

9. Making the process harder than it needs to be.

Being overly aggressive, stonewalling, acting

dishonestly, and failing to trust will delay settlement. If conflict is increasing when it should be decreasing, both spouses need to examine their words and actions.

10. Continuing to fight. If children exist, exes can fight while they are minors over support or parenting plans. Continuing to battle after the divorce is final can be devastating financially and emotionally, as well as harmful to the children.

Parents need to give the children an established place in each parent's home (i.e. their own room, place for toys, toiletries), assure their children they will hear about all major developments and changes, and invite them to make suggestions for the parents to consider. ■

Explain what to expect.

Parents should give their children a time frame for the dissolution and the expected changes. Parents need to explain what will happen to each child, covering basic changes (i.e. living arrangements, financial changes, time with the other parent).

Parents need to give the children an established place in each parent's home (i.e. their own room, place for toys, toiletries), assure their children they will hear about all major developments and changes, and invite them to make suggestions for the parents to consider.

Offer professional help.

Lastly, parents should tell children there are counselors with whom the child can consult confidentially with questions and help in addition to the parents, and if true, that the parents are also getting counseling to help. Parents must convey that it is okay to need help and get help. ■

Anger Management Techniques

Opportunities to fight arise frequently during divorces. When anger during a divorce is a problem, the best response is often no response. Most people find that, while it may be incredibly difficult not to defend themselves or respond in kind, this approach works.

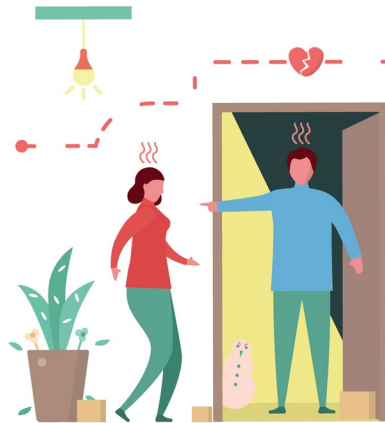
A couple can engage and turn their divorce into a series of major battles, or they can try some of the following techniques to disengage, reduce the anger, and thereby reduce the length and expense of divorce:

1. Resolve to change the way you communicate with your spouse.

The old methods have obviously not worked well.

2. Think beforehand about what you want to accomplish and what you want to say to reach your goal. Maybe even write down the key phrases you want to use in discussing the issue. Use neutral words that are solution-oriented.

3. Employ calming techniques before speaking. Use whatever works best for you: 3 deep breaths, count to 5, uncross your arms, ask yourself if this is a big enough issue to get angry over, try to see the issue from your spouse's perspective, or question whether two years from now you will care about this.



4. Fight fair. Focus on the issue and its solutions, not the person.

5. Listen. Before you jump to conclusions, ask questions to make sure you are hearing correctly.

6. Do not interrupt. Allow your spouse to completely finish a thought before you begin to speak.

7. Empathize before responding. "I can see why that would upset you."

8. Admit your share of the problem and tell your spouse you'd rather be part of the solution. "I am certainly guilty of making this matter worse and want to correct that."

9. Restate your spouse's complaint in your own words so your spouse knows you listened and heard. "So what you want is...."

10. Sandwich your response between two positive statements.

Begin by acknowledging some assistance your spouse has provided, state your request, and finish with a thank you. "First I want to say that I really appreciate you...."

11. Hedge. Use softening introductory phrases like "Perhaps you could..." or "Maybe if we tried...."

12. Reverse. If your spouse starts speaking louder and quicker, instead of matching the volume and speed, you should speak more quietly and slowly.

13. Apologize. This works wonders. Even if you are not at fault, say you are sorry. Much can be accomplished if one spouse is big enough to apologize first.

14. Offer to compromise. Trade one favor for another. "Yes, I can do that if you can...."

15. Suggest multiple solutions. "An alternate possibility might be to _____."

16. Set the issue aside. "That's a big one. Can we take 24 hours to come up with some possible solutions and then select one?"