

This course has one purpose: to help parents effectively care for their children and themselves while co-parenting with someone from a previous relationship.

Single-parent families are part of our culture. You don't have to look far for it: movies, talk shows, books, and the Internet are overflowing with information about the causes and impact of raising children in a single-parent family. Most people hold preconceived ideas about what it means and how it affects their lives and the lives of their children. One goal of this book is to provide practical information and strategies for parents. Another aim is to debunk some limiting, stereotypical, and outdated beliefs about single-parent families and raising healthy children.

Most people know there will be changes in their lives. Few, however, recognize just how significant and unsettling these changes may be. The good news is that not all changes are bad, even if changes of any kind take some getting used to. The decision to end the relationship starts a chain of events that occur over time.

The choices you make during that time greatly affect how well your children adjust and whether they develop any significant or lasting difficulties. Taking the time to read and think about the ideas presented here should be helpful. Learning about the emotional, psychological, physical, and legal aspects of living separately will help you and your children deal with the inevitable changes associated with the new normal your family will have.

The number of single-parent families in America continues to increase, as it has for the last 25 years. Most experts agree that roughly one out of every two marriages end in divorce and overall, it's estimated that one million children per year experience the impact of divorce. More important than these statistics, most experts agree that continued conflict between parents is the most harmful aspect of parents separating and the most detrimental to children.

Effective co-parenting (and that term embodies a variety of concepts and behaviors) is critical. It can be the most powerful antidote to the stress on children. Depending on their age, it is not uncommon for children to feel rejected, abandoned, confused, and hurt. Parents may feel overwhelmed by their own stress and emotions. However, it is crucial for parents to recognize their children's age-appropriate needs and take the steps necessary to reassure children that their parental roles will continue.

Positive Co-Parenting can:

- Help your child feel safe and secure.
- Ensures your child will meet developmental milestones because they can focus on themselves.
- Teach them how to better regulate their emotions by your example.
- Aid in their development of healthy relationships in the future.

- Learn how to effectively manage conflict and how to overcome it.

The degree of stress that children experience during their parent's break-up usually increases with any additional turmoil in the family, which can easily result from parents' own distress. Problems begin to fade as parents regain their own emotional stability and can provide more nurturance and support. For this reason, parents must remember to be parents first and foremost with respect to their children before, during, and after the termination of marriage. Generally speaking, problem behavior in children can range from nonexistent to prolonged difficulty years after the divorce is final. There is no such thing as a typical breakup, however, and you must find out what works and is effective for your individual family.

Most research and experience tell us that children successfully adjust if parents create specific necessary conditions. For example, open, age-appropriate communications, clear boundaries and limits, and stable routines all help children develop the internal controls necessary for healthy adjustment. Problems appear in families who are chronically stressed with instability and continued open conflict. Current life circumstances can play a critical role in children's long-term problems.

Best interests of the child

The court's primary concern in addressing child-related issues is the best interests of the child. The needs of children will be placed ahead of the needs of the parents in the divorce settlement. It is best if both parents are comfortable with the arrangement they have worked out and can implement it with a high level of confidence. When parents are unable to accomplish this on their own, the best interests of children are left to the court. Courts tend to consider issues such as the following:

- The wishes of the parents, assuming they are determined to be fit
- The wishes of the child
- The interaction of the child with parents and siblings
- The child's current living situation and adjustment in the home, school, and community
- The mental and physical health and stability of the individuals involved
- The parent who is more actively fostering a healthy relationship with the other parent
- The parent who prioritizes the child's needs and minimizes personal agendas
- The perceived stability of a given residence and the ability of a parent to preserve existing family lifestyle and activities if such are deemed proper and healthy to the child/children.
- Whether either parent has failed to make all child-support payments, including any debts under a child-support order
- Whether either parent has established a residence, or is planning to establish a residence, outside the home state
- Each parent's ability to protect the child from the court case, including not sharing information about the case and not speaking negatively about the other parent
- Evidence of child abuse, domestic violence, sexual violence, child abandonment, or child neglect from either parent

- Evidence that either parent has knowingly provided false information to the court regarding child abuse, domestic violence, etc.

Further, courts have no preference for or against the father or mother of the child when considering a parenting plan or time-sharing schedule.

General Terms and Concepts

Alternative dispute resolution. A common form of ADR is a judicial settlement conference, where the parties and lawyers meet with another judge and discuss the case, receiving an impartial opinion about the case.

Automatic Injunction. An “Automatic Injunction” (also called “Mandatory Injunction”) may be issued at the beginning of the case if one party pleads fault grounds and a certain document is filed with the Complaint or Counter-complaint.

Custody Evaluation. A psychologist will interview and assess all family members to determine the best interest of the children with regard to custody. The evaluation may either be court ordered and independent or one of the parties may hire a psychologist to perform the evaluation as part of the evidence to be provided at trial. A report will usually be issued detailing the findings, offer an expert opinion, or make recommendations.

Final Decree of Divorce. The Final Decree of Divorce is the pleading that grants the divorce and ends the case if there is no appeal. It is signed by the judge and is a court order restoring the parties to a non-marital legal status. Most often, the Final Decree of Divorce incorporates the provisions of the marital dissolution agreement.

Guardian Ad Litem. There are several methods a court can use to obtain information about parents and their dispute over which parent should assume the role of primary residential parent. One of the most common methods is the appointment of a guardian ad litem (“GAL”). The GAL will often be a lawyer but can also be a mental health professional or a social worker. The GAL can conduct interviews with the children’s parents, teachers, neighbors, and daycare providers, as well as with other persons who are regularly around the children. Usually, a report is written that contains recommendations which will be given to the judge.

Legal separation. A court judgment or written agreement directing or authorizing spouses to live separate and apart. A decree of separation does not dissolve the marriage or allow the parties to remarry, but may resolve financial claims. A legal separation may be as complicated and expensive as a divorce.

Marital Dissolution Agreement. Called the “MDA,” it is the document that records the terms of the settlement and is signed by both parties. The MDA becomes an order of the court when it is incorporated by reference into the Final Decree of Divorce.

Marital property. Marital property is subject to division by the court in a divorce. Marital property includes accumulated income and property acquired by spouses or commingled separate assets during the marriage. Determining what is and what is not marital property can be very complex.

Mediation. A process by which a neutral third-party facilitates negotiations between the parties. The mediator has no decision-making authority. Mediation may be ordered by the court upon motion by either party or upon the court's own decision.

Permanent Parenting Plan. A written plan for the parenting and best interests of the child, including the allocation of parenting responsibilities, establishment of a Residential Schedule, and details of child support. Courts issue the form that must be used.

Shared Parental Responsibility: An arrangement in which both parents have full and shared parental rights and responsibilities regarding their child/children. In addition, parents are strongly encouraged to reach agreement on the foreseeable major decisions that will affect their child's welfare. Shared parental responsibility is the way many divorced cases are settled.

Sole parental responsibility: The legal term for one parent being awarded and assuming complete care, custody, and decision-making for child rearing. Sole parental custody is usually awarded only if shared responsibility would be harmful to the child. The standards for awarding sole parental responsibility are based on the best interests of the child (explained below). It's important to recognize that an award of sole parental responsibility does not preclude the court from entering an order for child support or visitation.

In a settlement specifying shared parental responsibility, one parent is designated the *primary residential parent* and the other the *secondary residential parent*. These designations are separate from the issue of custody, and each parent has the right and responsibility for day-to-day decisions affecting the child's health, maintenance, and welfare while in that parent's care.

Primary residential parent: is ultimately responsible for co-coordinating the needs of the child and ensuring that the child is enrolled in school, has proper inoculations, medical treatment, clothing, food, etc. This parent's residence is the child's legal address for school-attendance purposes; in practice, the child generally spends more time at this residence, but the primary residential parent is not necessarily the custodial parent. After considering all relevant facts, the courts generally give each parent the same consideration in determining the primary residential parent.

Secondary residential parent: The parent who maintains full rights and responsibilities, but whose residence is not listed as the legal address of the child. The child will spend time in this residence during periods mutually agreed upon by the parents or ordered by the court. Secondary residential parents have the right to:

- Visitation and communication with the child (unless a court orders otherwise)
- The right to participate in providing the child with a sound moral, social, economic, and educational environment
- The right to access to school, medical, and other records
- The right to authorize emergency medical treatment
- Other rights that may vary from state to state or from case to case

The secondary residential parent's responsibilities are roughly the same as those of the primary residential parent:

- Providing a sound moral, social, economic, and educational environment
- Consulting with the primary residential parent on questions related to religious upbringing, discipline, financial matters, moral training, social and recreational activities, and non-emergency medical and dental care
- Notifying the other parent promptly of any serious illness or accident
- Making all reasonable efforts to communicate with the other parent and encourage and facilitate communication between the child and the other parent

Residential Schedule. A portion of the parenting plan listing when a child is to be in a particular parent's physical care. The residential schedule designates in which parent's home each minor child shall reside on given days of the year, including provisions for holidays, birthdays of family members, vacations and other special occasions.

Temporary Restraining Order. Also called "Protective Order." An order of the court prohibiting a party from acting or not acting. Examples of prohibited acts include threatening, harassing, or beating the other spouse or the children, selling personal property, or withdrawing and spending money from accounts.

Alternatives to Divorce and Separation

Many parents taking this course may not be married and going through a divorce, but for those that are, below are some alternative options to consider.

Structured Separation

One alternative to divorce is for a couple to transition away from their relationship through a structured separation. Such a separation simply involves living in separate physical locations. In general, separation typically does not impact family finances or the distribution of material property. Often times people think that a separation is just the beginning of the end. That is not necessarily the case. Sometimes time apart can be the best thing. It also gives couples the opportunity to see if they can financially and emotionally support a more long-term or permanent separation.

Couples can put together a structured separation agreement that outlines the terms of spending time with children, handling finances as well as any other issues that may arise. With such a separation, your marriage stays intact however you are not permitted to remarry until you are legally separated or divorced.

Conscious Uncoupling

Conscious uncoupling is a relatively new term used in those instances where couples are focused on avoiding conflict and transitioning away from one another in the most peaceful way possible. The process, which may or may not take place with the help of a trained professional therapist, involves working through the transition with a spirit of collaboration, cooperation and a mutual respect and appreciation for the needs of one another.

Conscious uncoupling is an attempt to provide a new narrative for couples in transition, away from the traditions of divorce that tend to focus on separation, conflict and disconnection. Ultimately, it aims to minimize emotional fallout for the partners and their children, setting all involved on the path to future success.

Discernment Counseling

If one spouse is not sure they want to stay married AND doubts that couple's therapy can help, then Discernment Counseling is exactly where the couple belongs. The leaning-out partner is supported where they are emotionally, and the leaning-in spouse is equally supported in their own emotional state, Discernment counseling avoids starting half-hearted couple's therapy with these mixed-agenda couples. It accepts ambivalence rather than trying to work around it or overcome it.

Intensive Couples Therapy

Many couples attend couple's therapy with little or no success. They can be several factors contributing to this. Additionally, many couples reach out for help when things have become so dire that traditional hourly couple's therapy is ineffective. However, there are places where you can do an intensive couple's retreat either remotely or in person. Couples retreats are affective because you immerse yourself into the process of repairing your relationship without interruption. Couples therapy retreats are typically 3-4 days long and can be extremely helpful in rescuing a distressed relationship from ending. Even if a couple ends up transitioning out of the relationship, if they participated in an intensive process, they usually do this in a much more loving and collaborative way.

Annulment

In an annulment, the marriage is treated as if it never happened and generally can't claim for spousal support. There are two forms; a civil annulment and a religious annulment and

both are hard to get granted. The civil annulment is usually granted for spouses who failed to disclose a prior felony or concealed a cognitive impairment. A religious annulment is used to enable one or both partners to be remarried within their faith.

Resources

<https://www.ourchildinfo.com/how-it-works-101>

<https://www.ourfamilywizard.com/>

<https://www.psychologytoday.com/us>

Reference Books for Parents

Surviving the Breakup *by Wallerstein, Judith S. & Kelly, Joan Berlin*

The Divorced Parent: Success Strategies for Raising Your Children After Separation, *by Marston, Stephanie*

Mom's House, Dad's House: Making Shared Custody Work *by Ricci, Isolina*

Case Study

Our first case study concerns Mark (51), a successful financial analyst, and his wife Kathy (48). When they had their first child, James (now 9), both agreed that Kathy would give up her part-time job as a bookkeeper. This arrangement worked out well and allowed the couple to raise James in a loving and comfortable environment.

Mark's job meant that financial matters were never a major issue and the couple were able to move into an area they had always wanted to live. Over time however, cracks began to appear in their relationship and ten years into their marriage, Mark admitted that he had been unfaithful.

Kathy's response was to file for divorce and this was soon granted. Although both found the situation particularly stressful, their ultimate fear concerned how James would be affected in the long-term. That is why they came to me.

James is now 11 and, as we have discussed, the crucial response required here was that both parents assert their parental roles such that James did not equate his parent's divorce

with a separation that involved him. He needed to know that both parents intended to continue *being* parents. This may seem pretty obvious, but I find that parents need to be reminded to make this explicit to their children of this age.

There were, as always, complications. Mark had traditionally been the bread-winner in the family up until the divorce, and this left Kathy in a precarious position. Kathy had to decide whether to seek out independent employment, or have faith that Mark would remain committed to their agreement concerning child support.

This is a classic scenario that one encounters post-divorce, but it need not be a constant source of angst for either party. Ex-partners that respect one another are more than capable of reaching basic financial agreements concerning their children, and fortunately, Mark is an example of a father aware of his duties. This is not always true, and there are times when single-parents find themselves fending for their children alone. This worst-case scenario presents a different set of difficulties, and we will deal with them later.

In this case study, the solution was linked to ironing out the precise and exact responsibilities of each parent, and this involved communication between both sides. So I knew to place the emphasis on reassurance and avoid placing blame on either party in order for the most important person in the process to be addressed: namely James.

In turn, I helped them to develop ways to get this message across to James in a language that was appropriate for his age, and to this particular end, they were successful. I suggested they speak in terms that were appropriate for an eleven-year old. It was not necessary for them to share every detail of their marital struggles and subsequent divorce with James. It was, however, most important for them to share how the divorce was in no way his fault. They needed to reassure him that they will always love him and be part of his life. I also reminded them that James, like all kids, will have different feelings and understandings about the divorce as he gets older. It was not necessary for him to have an adult understanding when he was only eleven years old.

Through our counseling sessions, Kathy and Mark developed a positive parenting plan that allowed them to clearly delineate boundaries, responsibilities and duties. They decided to equally share tasks, and on this basis, allow each parent quality-time to spend with James. They agreed that the best solution was to set out what they expected from each other, and to make clear to one another than any problems that might arise would be openly discussed. They even made a contingency plan for (inevitable but normal) disagreements that would provide ways for them to make compromises. We also predicted areas of potential conflict and strategized about some possible outcomes. Such areas included, future dating and dealing with unexpected expenses, among others.

In opening up this space for effective communication, Kathy and Mark ironed out a monthly planner, but also made sure there was a degree of flexibility in their plan. These days they remain divorced, but James is well-looked after, and is growing into a healthy young teenager due to the foresight and level-headedness of his parents.

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