

CO-PARENTING DIVORCE GUIDE



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Caring and Aggressive Legal Representation



Anne E. Raduns, PA Divorce and Family Law Attorney

Your Skilled, Trusted and Compassionate Attorney

During divorce, you'll be faced with decisions that affect the rest of your life. And that's why during this stressful time, you need more than a capable family lawyer — you also need an experienced, caring and forward-looking attorney who will help you move ahead with your life. At the Ocala, Florida law firm of Anne E. Raduns, PA, experienced Family Lawyer Anne Raduns is both the skilled divorce lawyer and dedicated counselor of law you need. Having practiced exclusively in family law for many years, Anne will guide, motivate, advocate and zealously protect you and your family's interests.

Educating and Empowering You to Make Smart Choices

Anne takes the time to understand your unique family law matter — because no two situations are ever exactly the same. And once the details are fully understood, Anne uses her exceptional communication and interpersonal skills to educate you on the spectrum of options available, including their risks and rewards of each strategy. With Anne's guidance, you'll be able to separate the emotional issues from the legal ones, and be empowered to make wise decisions that are best for you, your family, and your future.

Using Technology and Teamwork to Serve You

Anne and her team of exceptional paralegals and administrators use the latest in mobile communication and Internet

technology tools. This ensures that they're accessible and promptly respond to your inquiries throughout the day. The entire team works as an efficient, co-operative group to ensure every detail of your unique matter is focused upon and attended to, and that you experience the personal attention you deserve.

Focused on a Fair Resolution — but Ready to Litigate

The ideal strategy to pursue during divorce is one that achieves a fair and equitable settlement — and avoids time consuming, stressful, and costly litigation. Anne strives to work with the other family lawyer to achieve an optimal settlement. However, when this approach is not in your best interest or not possible given the circumstances of your unique issues, be assured that Anne has the in-depth legal knowledge, confidence, and experience to aggressively represent you in court and protect your interests.

Offering you Mediation and Collaborative Divorce Options

Both mediation and collaborative divorce strive to achieve a fair settlement in an amicable, swift, and cost-effective way that minimizes stress — especially if children are involved. Should you choose one of these options, Anne will ensure that you and your family benefit fully.

Family Lawyer serving clients in
North and Central Florida,
including Marion County,
Alachua County, Citrus County,
Sumter County and Levy County.



*"Protecting
your interests and
helping you
make it
successfully through
your divorce
is not just
my profession —
it's my passion!"*

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WELCOME

In this Divorce Guide, you'll find a number of useful articles and resources designed to help you and your family through the divorce process. In addition to these articles, you may also choose to receive our FREE Divorce e-newsletter: an electronic newsletter that will be sent to you once a month via e-mail. Simply email us at famlaw@macdonaldpartners.com and we'll send you the e-newsletter.

You can also visit our website at www.macdonaldpartners.com, where you'll find answers to the most frequently asked questions about separation and divorce.

We understand that divorce is not only a legal process but also a time of great transition that affects all areas of your life. It is our hope that these resources help you and your family move forward as smoothly as possible.



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MacDonald & Partners LLP
FAMILY LAW PRACTITIONERS

Common Divorce Questions



The lawyers of MacDonald Partners provide answers to some frequently asked divorce questions.

My spouse and I are about to separate and I would like to get some sense of what legal issues are involved.

Generally, the issues relate to the parenting of children, child support, spousal support, property division, and their various sub-issues. In most cases where the separation is permanent, a further issue is divorce.

If we don't need temporary orders and can resolve all issues by agreement, do we need the court at any stage in the matter?

You don't need the court except to process a divorce after all other issues arising out of the marriage and separation are settled by agreement. The usual practice is to see the progress to divorce as a two-stage matter with the divorce in the second stage. The first stage is the negotiation of a separation agreement that takes care of all the other issues.

What are the tax advantages of a properly prepared separation agreement?

The main tax advantage is that where spousal support is paid under the agreement in a certain amount each month (or

each regular period — e.g., weekly, or quarterly) the amount is deductible from the payer's income for the purpose of calculating income tax and includible in the payee's income for tax purposes. This is a saving in tax for the family if, because of a difference in tax rates, the total tax paid by the two persons is less than the amount they would have paid had there been no support involved and thus no support deduction being available. (This deductible/includible rule applies only to spousal support, and not to child support.)

My spouse has always been secretive about financial matters, and I have no information about our finances except for what I see on the statements for our joint account. Can I find out about what my spouse earns and the state of his investments?

Complete financial disclosure must be made by both parties. No settlement by agreement or court order can be made without full disclosure by each side of all relevant financial information. This involves the production of copies of income tax returns, and the completion by each party of a comprehensive form of financial statement showing income, living expenses, all assets of every

description together with their value, and all liabilities. Documents verifying items in the financial statement may be required.

Your lawyer cannot give you intelligent advice, and you cannot give your lawyer intelligent instructions on the resolution of financial issues such as support unless the information exchange is comprehensive and complete. Financial disclosure is the most important step in any negotiation. A failure to make complete disclosure may result in a settlement whether by agreement or court order being set aside.

How is the issue of who gets the children decided?

The best interests of the children is the governing principle for determining all questions relating to their parenting. Many parents are able to put aside their differences on the adult level and by concentrating on the children's needs, work out the most suitable parenting plan in the circumstances. Sometimes they will need help from a family professional with a background in social work to better understand what their children are going through and to help them manage any emotional conflict that interferes with the discussion staying on track.

Your lawyer can make a referral for this purpose. A prime consideration in the planning will be to determine how you and the other parent can continue to be involved with the children and remain a significant part of their lives. In circumstances where the relationship between the parents is too damaged to co-operate on the planning, some variation of sole custody to one parent subject to access by the other parent is usually negotiated or ordered.

Are we “separated” if we are living apart from each other, but have not yet signed a separation agreement?

Yes. Your status as a separated spouse does not depend on whether or not you signed a separation agreement. You and your spouse are separated when you are living apart from each other, and one or both of you have made a permanent decision not to resume your life together. There is nothing in our law that requires you and your spouse to live together; therefore, there is nothing in the law that requires you to obtain permission from any authority or person to separate.

What is property division? What rights or obligations are involved?

Married spouses (but not unmarried spouses or common law spouses), upon their separation, are entitled to a division of the property acquired by them during cohabitation under the marriage. However, it is not the property, itself, which is divided; it is the value of the property. The process involves an accounting of the value in a procedure that creates a debt owed by one spouse to the other, not a right to a physical partition and transfer of actual property.

Subject to certain exclusionary rules, property of every kind acquired during the marriage comes into the accounting — the value of land and buildings, bank accounts, pensions, accounts receivable, and everything else the value of which can be expressed in dollars.

The property acquired during the marriage can be the increases (gains) in value of property that was owned at the time of the wedding, as well as the value of the several items of property purchased after

the wedding. The values used in the division process are net of debts and liabilities; that is, the debts and liabilities are deducted from the positive value of the property.

To calculate the payment owing by one spouse to the other, an accounting is made of the “net family property for each spouse”. Generally speaking, net family property is a spouse’s net worth (assets less liabilities) at time of separation less the spouse’s net worth at the time of the wedding (except for a matrimonial home that is owned at the time of the wedding). In the ordinary case, the debt created or the payment that is owing is one-half the difference between the greater net family property and the lesser net family property. The spouse with the greater net family property owes this amount to the other spouse. Because this payment balances the values of the property holdings of the spouses, the payment is called an “equalization payment.” Where an equalization payment would be “unconscionable” the division of the difference between the net family properties is adjusted to be more or less than one-half. See Table 1 for an example.

What about spousal support? How is it determined?

Married spouses (and, in certain circumstances, common-law spouses) have a duty to support each other. In determining the amount and duration of support the court applies a broad discretion within an area loosely defined by a number of criteria. This gives the

law of spousal support a sometimes vexing degree of unpredictability. To address this problem *Spousal Support Advisory Guideline* have been designed as a “check,” or “litmus test,” or “tool,” to assist the court and the parties to arrive at proper spousal support terms. The “advisory” nature of these guidelines must be emphasized. They are not “presumptive” like the *Child Support Guidelines*, and, therefore, do not have the same authority or certainty of application. The law for determining spousal support is shaped around certain factors and objectives set out in family legislation that your family lawyer at MacDonald & Partners can guide you through.

Should I change my will?

A will made during your marriage continues to be valid during the period of separation until revoked. The separation, by itself, does not revoke the will or affect its validity. On reviewing your will, you may find that its terms are no longer appropriate for the period you are separated. In this case, you should take steps to change it or make a new will. If you do not have a will and die during the period of your separation, your estate or a portion of it may be distributed to your spouse under the provisions of the *Succession Law Reform Act*. ■

Visit our firm web site for more questions and answers, www.macdonaldpartners.com/q_and_a.html.

Table 1: Calculation of an Equalization Payment

	Husband	Wife
Value of property, date of separation	\$200,000	\$350,000
Value of property, date of marriage	15,000	50,000
Net family property	\$185,000	\$300,000
Difference between nfp's \$115,000 (\$300,000 - \$185,000 = \$115,000)		
One-half the difference is \$57,500 (\$115,000 / 2 = \$57,500)		
Wife pays this amount to Husband	57,500	-57,500
Value of holdings after equalization payment	\$242,500	\$242,500

MacDonald & Partners LLP understands your divorce needs

At MacDonald & Partners LLP, we understand that resolving family law problems is often a slow, but determined process, whether we are negotiating an agreement with your spouse's lawyer or moving through the many phases of taking a case to trial. Part of our job is to analyse your problems and make recommendations with the broadest perspective. However, we take instructions from you, which means that you ultimately determine your own course of action.

Steps in a Family Law Matter

The team at MacDonald & Partners LLP is prepared to be both your advocate and ally. While all steps may not apply to your matter, most family law matters proceed as follows:

1. Negotiations leading to a Separation Agreement; if these are unsuccessful, then;
2. Consider alternatives such as mediation or arbitration; if these are unsuccessful, then;
3. Court proceedings are started;
4. Mandatory Case Conference;
5. Interim proceedings, including temporary support and temporary custody;
6. Questioning (if ordered or agreed to);
7. Settlement Conference;
8. Trial Management Conference;
9. Trial, if necessary; and
10. Subsequent attendances, such as assessing costs, working out the details of any sale or transfer of property, and so on;
11. Appeals.

The main areas of concern are outlined briefly below, although the issues may interface with various other areas of law, such as estates, business law, or bankruptcy law.

Custody/Access

It is trite law to say that custody and access issues are determined according to the "best interests of the children". The

Divorce Act and the *Children's Law Reform Act* list multiple factors in considering the best interests of the children. Of particular importance is continuity of child care (or minimum disruption to the child's lifestyle).

Child and Spousal Support

The *Child Support Guidelines (CSG)* provide tables based on the support payor's gross yearly income and the number of children. There is also increased support for "extraordinary" child expenses such as child care and post-secondary education costs. Financial disclosure under the *CSG* is mandatory. Together with the introduction of the *CSG* in May 1997, the *Income Tax Act* was amended so that child support payments are no longer tax deductible.

There are special considerations in cases of split custody (where each parent has one or more children living with them), shared custody (where each parent has the children for at least 40% of the time), where child support would create undue hardship on the paying spouse, where the payor is a stepparent or other person standing in place of a biological parent, and for adult children who are still entitled to child support.

Unlike the *CSG*, the *Spousal Support Advisory Guidelines (SSAG)* are not mandatory. However, in 2008 the Ontario Court of Appeal strongly endorsed their use by holding that, if either party relies on the *SSAG* and a trial judge decides not to apply them, the trial judge must distinguish and explain why they do not apply. If spousal support is an issue, we will prepare *SSAG* calculations with the assistance of a specialized computer program to assist you in considering and determining your position. Spousal support paid on a regular basis is tax deductible for the payor spouse and must be added to the recipient's income for income tax purposes. The spouse's ability to pay spousal support will be assessed after the amount of child support has been determined and deducted from income.

Property Division

The *Family Law Act* sets out how

property is to be divided among spouses upon marriage breakdown. Part I contains a deferred community property regime, whereby all property acquired during the course of the marriage, with certain exceptions, is considered family property. Each spouse is entitled to half the value of the accrued property on marriage breakdown. This does not mean that the actual property is divided, but that an equalization payment is made from one spouse to the other so that each spouse has half the value of the accrued property.

For unmarried partners, there is case law on how property may be divided upon relationship breakdown.

The Matrimonial Home

The matrimonial home applies only to married spouses. It is defined in the *Family Law Act* as "every property in which a person has an interest and that is or, if the spouses have separated, was at the time of separation ordinarily occupied as their family residence."

The matrimonial home has special status in property division and there are restrictions against disposing of (i.e., transferring) or encumbering (e.g., mortgaging) an interest in a matrimonial home without the consent of the non-owner. Also, unless the court orders otherwise, each spouse has an equal right of possession of a matrimonial home regardless of title (registered ownership).

Our Commitment to Our Clients

At MacDonald & Partners LLP, our clients come first. As specialists in family law with a broad range of experience in negotiation, mediation, arbitration, combined mediation/arbitration, collaborative family law, and at all levels of court in Ontario and at the Supreme Court of Canada, we have the tools available to suit each client's unique circumstances and needs. No matter what the route chosen, proper legal advice is needed. MacDonald & Partners provides clients with legal advice in an informative, timely, and professional manner to help find the best solution for you and your family. ■



For most people, divorce is much more than a major legal process. It's also a challenging time of transition that can negatively impact virtually every area of life: emotional, psychological, domestic, parental, financial, physical health, social, vocational and more.

This special **Co-Parenting Divorce Guide** contains hand-picked articles, book excerpts, advice and more to help you recover from the inevitable stresses and pressures of divorce. And just as importantly, the Guide empowers you to build the satisfying, strong relationship with your children and ex-spouse.



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The Co-parenting Relationship

Your marriage may be over, but your relationship with the other parent will continue as long as both you and your children are alive. Healthy co-parenting is a way to carry your children through the crisis of divorce to a safe and happy future.

By Darlene Weyburne, BCD, CSW, AGSW

Imagine waking up in the middle of the night to the sound of your smoke alarm blaring. Your first instinct would be to run to your children's room, scoop them up, and carry them to safety. You'd probably walk through smoke and fire, or any crisis, risking your own life to save your children. Divorce is a crisis for your children, and they need you to work together with the other parent to help them through it. Your marriage may not have survived the fire, but your relationship with the other parent will continue as long as your children are alive.

Whether you spend one day a month or every day with your children, you and your former partner continue to be co-parents. Co-parenting involves working cooperatively to assist your children in developing into socially and

emotionally healthy adults. It involves communicating with one another concerning the needs of the children. Cooperative co-parenting means considering your children's need to love both parents instead of focusing on your feelings toward your ex-spouse. You do this because you understand that your children's need to see the other parent is more important than your need to punish him or her. Healthy co-parenting is a way to carry your children through the crisis of divorce to safety.

Picture your child on her wedding or graduation day as she looks out at the family and friends who have gathered to witness the event. Will she be focusing on how happy she feels or will she be worrying about whether her parents are going to fight? Throughout the rest of

your life, you and your former partner will be parents and grandparents — and maybe even great-grandparents — together. You can struggle and fight your way through each developmental milestone in your children's lives or you can learn to celebrate them together.

Developing Respect

Developing mutual respect for each other will help make you effective co-parents. Follow the golden rule of co-parenting: treat the other parent like you want to be treated. This can be difficult if he or she doesn't treat you with respect, but keep in mind that you're doing this for your children's survival and happiness — not for the other parent's benefit. Don't snicker or sneer at something your ex says or something your child relays to you, and don't attempt to convey to your children that you're the better parent. If you're worried that showing mutual respect will confuse your children into thinking that their parents will get back together, avoid talking to your children about your feelings towards your ex: focus instead on his or her positive qualities as a parent.

To help you develop respect for the other parent, take a notebook and write down three instances in which he or she did well in the parental role. (For example: showing up on time for parenting time, praising your daughter for a good score on a test, attending your son's concert, or agreeing to pay for half of the cost of school pictures.)

Supporting Your Children's Relationship with Your Ex

"It was hard for me to hear Crystal tell Mark what a good daddy he was," says Sue, the mother of a five-year-old girl. "I felt that if he was such a good dad he would have tried harder to make the marriage work. Despite how I felt, I didn't tell my daughter what a lousy father I thought he was for leaving us. I knew that she would adjust better to the divorce if I encouraged her to have a good relationship with him."

Support your children in loving and building a relationship with the other parent. Never start a sentence with "If your father/mother really loved you..." Don't allow your feelings of being betrayed to interfere with your support of your children's need to love and be loved by your former partner. Just as you're able to love a new baby without loving your other children less, your children can love more than one parent. If your child phones you while he or she is with the other parent, don't ask, "Do you miss me?" or, "Do you want to come home?" As painful as it may be for you, remember that your children are home when they're with your ex. They'll develop healthier relationships if they don't have to choose between loving you and loving their other parent. "Exercise 1: How Do We Show Love?" (right) will help you communicate to your children that it is okay to love both parents.

Encourage other family members to support your children in having a relationship with the other parent. After a divorce, some extended families demand that the children remain loyal to one parent, and they say hostile things about the other parent in front of the children. This can only hurt your children.

Your children also need to continue to have a relationship with both sets of

grandparents, aunts, uncles, and cousins. Allow them to spend time with extended family and encourage them to phone and write letters. Make a list of names, addresses, and phone numbers of family and friends who love your children. Give your children a copy of this list and encourage them to call, write letters, or e-mail these people whenever they wish.

One grandmother, after her grandchildren moved out of state, made a mini-photo album of their time together each time her grandchildren came to visit. She kept one copy and mailed another copy to each of her grandchildren.

Don't criticize your ex's family, friends, or new spouse in front of your children. If you think your ex's family members are badmouthing you, speak directly to them about it. Demonstrate to your children, through your behaviour, that the negative things they say about you aren't true.

Communicating About Important Issues

Major decisions should be made jointly. This includes major medical, dental, and psychological treatment; grade and special-education placement; or change of schools. Both parents should have access to physicians, therapists, educators, law-enforcement personnel, or other professionals that are involved with your children. Inform the other parent, in advance, of any scheduled meetings with these professionals.

Create a school folder that travels back and forth with each of your children between visits. The folder should include notes from teachers, homework, schoolwork, report cards, sport schedules, flyers about upcoming events, and information concerning school pictures, open houses, or parent-teacher conferences.

Communicate to your children's teachers and school counsellors that you have set up this system, and encourage them to place items directly in the folder. The cooperative effort between you, the other parent, and the school can enhance your children's academic achievement and emotional adjustment.

Don't include any notes to the other parent from you. If your children are having problems at school, communicate this to the other parent by phone, through the mail, or in person.

Whenever possible, you should consider helping out in the classroom. Sharing your skills and knowledge with your children's class helps your children feel special, and it can facilitate communication between you and the school. For example, my children's father does chemistry experiments one day each year in each of our children's classrooms. Our children take great pride in these demonstrations.

If possible, both parents should go to school and sporting events. School open houses, concerts, plays, recitals, and sports allow children an opportunity to be the center of attention, which builds their self-esteem. Your children already feel different from children whose parents are still together; try not to make their lives more difficult by refusing to attend any event if your ex will be there.

"When my teacher said, 'Make sure your parents come to the open house,' it was easy for the other kids," says Bonita, aged 15. "They just had to remember to tell their parents about it. I had to decide which parent to invite and what excuse I was going to make up to explain why the other parent wasn't there." Knowing that both parents will attend school functions will help your children feel more normal. (If you live in a distant city, of course, your children won't expect you to turn up at every event. But make sure to attend the big ones: graduation, wedding, etc.) Don't use these events to discuss problems with the other parent. It's humiliating for your children to see you argue in public. If avoiding an argument with the other parent is too difficult or if it's too painful to sit together, sit in another area of the auditorium or classroom. Remember that these events are celebrations of your children's achievements. Your children deserve the privilege of having both parents involved.

Jenny, eight, was hit by a car while riding her bike. Her dad called her mom right away and told her what hospital

“Every time Dad was late sending the check, Mom wouldn’t let us go see him. It was so unfair. Why should we be punished because she was mad at him?”

they were going to. “I almost didn’t call Catherine (Jenny’s mom) because I knew she would blame me for the accident. The look on Jenny’s face when she saw her mom come into the emergency room, however, told me I had done the right thing by calling. Jenny was in a lot of pain and very scared. She needed both of us to hold her hands as the doctor put on the cast.” Every parent is aware that accidents happen and crises occur. In an emergency, your children need both parents more than ever. They need you to put your energy into helping them heal rather than blaming the other parent for the injury or illness. If your children get hurt and need medical attention, call the other parent immediately. Tell the other parent about major events that occur while your children are with you. This information can assist the other parent in helping your children through life’s tragedies.

Child Support

Child support is another important issue that requires open communication between the parents. Pay your child support! You may not want to give money to your former partner, but your children could feel unwanted if you don’t pay your child support. Of course, you should never discuss child support with your children. If you don’t have enough money to buy them something, tell them you don’t have it. You don’t have to explain why. Use this opportunity to teach money management skills.

“Every time Dad was late sending the check, Mom wouldn’t let us go see him. It was so unfair. Why should we be punished because she was mad at him?” asks Pamela, aged 12. Don’t refuse to allow your children to see the other parent for non-payment of child support. Even though you may depend on this money, threatening to withhold parenting time hurts your children. It helps to remember that spending time with both

parents is a basic need for your children rather than a privilege that the other parent must earn. Telling your children that they can’t see the other parent until the child support is paid is like refusing to feed your daughter until her brother cleans his room. Your children cannot control their parents’ actions. They have done nothing wrong and need to be with both parents.

If you’re unsuccessful in talking to the other parent about overdue child support, consult with a family therapist or an attorney. However, be extremely cautious about taking your ex to court. Legal battles are often drawn out and emotionally and financially costly for parents and their children.

“When my mom remarried, we moved onto David’s farm,” says Callia, aged 14. “My dad was really mad because it meant I was going to go to a different school. He thought my going to some ‘hick’ school was going to hurt my chances of getting into college. He took my mom to court and got the judge to stop her from switching schools until the court date in December. For the first half of the year, my mom had to drive me to my old school. The judge finally decided that the school near David’s house was just as good as my old one so I had to switch schools in the middle of the year. What a pain! I think Dad was just jealous that Mom finally found someone she could be happy with.”

Legal battles between parents are usually emotionally damaging to the children. Clearly evaluate your reasons for initiating a court proceeding. Is it really your only option? People sometimes use these battles as a way of maintaining their severed relationship to avoid the pain and unhappiness that may come with the realization that the relationship is really over. Accept that the marriage has ended and move on. If you drag the other parent through court, you will drag and possibly scar your children, too.

Mediation and Co-parenting

A mediator can guide the parents through the divorce process and help them reach a mutually satisfactory

agreement. The mediator then usually writes up a summary of this agreement for the parents to review with their attorneys. Mediation is a good option for parents who are planning on co-parenting for the following reasons:

- It facilitates compromise and cooperation rather than competition between parents.
- It gives the parents — who know their children best — rather than the judge the power to make decisions about their children.
- It helps avoid court battles that often have negative emotional consequences for you and your children.
- It saves time and money.
- It assists parents in making decisions based on what is in the children’s best interest rather than on emotions.
- It helps clarify issues and reduce anger and bitterness.

The mediator can also help you work out a tentative parenting plan that will outline when your children will be with each parent. Try this plan out for a month or two before putting it in your settlement agreement. At the end of the trial period, discuss with the other parent any changes either of you feel are needed, and revise your plan. If your children have concerns about the parenting time schedule, let them know that you’ll listen and consider their thoughts and feelings. In your notebook, write down any questions you can think of that you’d like to ask a mediator.

A final tip: at the mediation session, put a photograph of your children on the table. This will help you focus on their needs rather than on your feelings about the other parent. ■

This article has been edited and excerpted from What To Tell the Kids about Your Divorce by Darlene Weyburne, BCD, CSW, ACSW. Offering creative exercises and common-sense advice, this comprehensive guide will assist you to move beyond your own anger so you can help your kids cope with your divorce.

For more articles on children and divorce, visit www.divorcemag.com/articles/Children_and_Divorce.

Mom's House, Dad's House

If you ask their opinion, children will almost always choose a two-parent, two-home alternative over a one-home arrangement with the other parent as a visitor or — worse yet — gone from the scene entirely. Here's how to meet the challenges of setting up two happy homes for your children.

By Isolina Ricci, Ph. D.

Parents who set up two homes for their children often make comments like “It made me feel I was a real parent again” or “I knew what I was doing and the children could feel it.” When necessary steps are taken to reclaim certain responsibilities for our children, normal parenting is resumed. We can break through some of these sex-typed barriers that have said that men cannot be nurturing and responsive or that mothers who set up another home have “given up their children” and have something intrinsically wrong with them.

When parents establish a working relationship, their children can feel that Mom and Dad are on top of this life crisis and that things are going to be okay. Then even perhaps, “Uh-oh, I guess that also means they are each going to get my report card!”

A Sense of Belonging: My Own Things

The common grumble of parents when children return from being with their other parent is that some item — a favourite toy or a jacket — has been left behind. The first, knee-jerk reaction becomes: the other parent or the child has been inconsiderate, thoughtless, or deliberately provoking. Actually, this forgetfulness probably stems from the child's need to stake a claim to some territory to create a sense of belonging in his or her newer home.

Children will know they belong in two homes when they no longer need a large suitcase to go from one home to another. This holds true no matter how much or how little time they spend in one home. The time spent doesn't matter, the sense of belonging does.

Children need their own space and are entitled to privacy. Even a drawer they share at the bottom of their parent's dresser can help. They need their own non-transferable toilet articles and two or three changes of clothes. They need their own place for toys and personal effects and a place to sleep. Some personal things belong in each home and stay there. Sleeping bags rolled up in a closet can be good beds if these are their own sleeping bags. A house, a yard, and an extra bedroom are just trimmings. The sense of “my own things, here” matters. So does a trust that their things will remain protected in their absence.

Many dual-home parents simply take their offspring shopping for new clothing, sleeping bags, and toilet articles. These purchases offer a way to participate in the organization of their new, other home. When money is very tight,

perhaps parents can agree on which of the child's articles of clothing and personal belongings can be transferred permanently from one home to the other. Whenever possible, honour the children's preferences. If they want to carry their favourite pajamas back and forth, let them. They may change their minds after a week or two and make a switch. This maneuver usually tests out Mom's and Dad's reactions, a trial-and-error way to learn what will feel best but also what the parents will accept. Allow reasonable time to try out different schemes; observe what is easy and comfortable for the children and then agree on rules. "Usually one or two things transfer," said one parent. "Our eldest wears the same hat back and forth. Our youngest carries his blanket and teddy bear." Remember, when your children have their clothes and things in two homes you also get rid of the "suitcase conversation" with the other parent.

Ground Work

Groundwork designates the time parent and child take walking together around the new home(s), exploring, familiarizing themselves with landmarks, meeting neighbours and potential playmates, discovering busy streets, and — most important — determining boundaries for roaming without an adult. Groundwork is the most basic settling-in work that the parent and child must do in a new neighbourhood, but it is often the most ignored task of parenting. It takes no more than an hour and should be done by each parent at each home. Benefits are widespread and long-lasting.

Lecturing the child as you march over the ground won't do the job. Nor is this an activity

to be delegated to nannies or sitters. Parent and child do it together. As with other shared activities, your child has an opportunity to tell you what he or she thinks. Groundwork promotes a sense of security and can also show the neighbours that you are a caring parent.

One parent admitted her shame at living in the same place for four years and never walking the neighbourhood with her daughters. "I realized I had been a four-wheel parent; if I didn't see it from the car coming into our driveway or going out of it, it didn't exist. I didn't know the names of my neighbour's two houses down!" When the parent walks these routes with the children, he or she can exchange phone numbers with parents of potential playmates and friendly local merchants. When Dad sends Eric to the store or neighbourhood market for bread and Eric has not returned after a reasonable time, Dad — because he took a minute to get the market's number and to introduce Eric to the manager — can phone and ask if Eric has been there.

Such groundwork establishes an automatic neighbourhood watch for your children. Children gain a sense of security and of belonging; their parents gain peace of mind and real information about the neighbourhood. Groundwork may take a few hours, but it pays off again and again in security and continuity for you and your children.

Healthy Parenting Patterns

1. Parents frequently share information about their child. Written notes, voice mail, and e-mail often substitute for one-on-one talks.
2. Parents' communications are respectful, usually businesslike and direct. No verbal messages are sent through the children.
3. Parents keep the child out of the middle of their problems with one another, and there is no neighbourhood "soap opera."
4. Each parent supports the other parent's relationship with the child and helps the child feel free to love both of them.
5. Parents provide the child the environment, support, and love to develop normally — physically, emotionally, and spiritually.

Order in the House

A predictable, orderly structure for at least some things is especially important when people are in crisis or having a difficult time. Parents feeling anxious, sad, remorseful, or angry can let daily routines and household organization go downhill rapidly during their own times of crisis. A little occupational therapy is in order. Pick yourself up and recover a bare minimum working order in your house. Establish a routine everyone follows for getting ready in the morning, preparing



and eating meals, doing homework, buying groceries and gas, transporting kids to school or to Little League, for rest and play, and for going to bed. Everyone needs to know what to expect.

Paying attention to household management may sound like a dull remedy for the aches and pains of separation or depression, but both common sense and research support this approach as fundamental to calming fears and to the development of a new stability. A sensible routine, with regular meals and regular times for shared recreation, translates into “home,” being cared about, and a sense of security. “Knowing my kids needed that routine forced me to be orderly for at least part of my week,” said John. “Even when I didn’t think I could make dinner or read that bedtime story, I did it. It actually did make things easier — not only for them, but for me, too.”

This family and others who ordered their lives early on — despite their difficulties — seem to have an easier time of readjusting overall. A sensible routine not only feels safe, it also allows our minds and bodies to calm down and heal.

House Rules and Your Parenting Style

Parenting apart means setting up your own House Rules and settling into your own style. This can be liberating, especially if you felt the other parent used to look over your shoulder too much. More than one parent, often the father, has reported that he is enjoying his children more and feeling a rapport and depth of feeling for them that had escaped him earlier.

You can start with House Rules that reflect your expectations as well as those of the children. “If I want to take the phone off the hook during dinner, I can.” “If I want to have a quiet period for reading or headphone stereo listening after nine p.m., I can write it into the blueprint.” Some advice: if your natural inclination is to be a relaxed and permissive parent, consider tightening up with a routine at least during your first year. Many children interpret limits as a reflection of their parents’ personal stability and as a caring for their well-being.

You can provide the leadership for a set of House Rules reached in a family powwow that promotes safety, health, and privacy for everyone. These House Rules can be revised anytime you think is wise.

House Rules at the Other Home

Common sense tells you that the more House Rules you have in common with the other parent, the better. It’s less confusing to the children and more supportive for the parents. But it would be rare for both parents to have exactly the same House Rules. Try to have the same or close to the same rules for the main organization of the child’s day — for example, bedtime periods, when to do homework, TV watching, and curfews.

Eating Meals Together

Do it. Families that eat together usually do better, especially the children. This is a time to ask about how the day went, to share jokes, ideas, hardships, hopes. To be acknowledged, listened to, and listen to others is to feel like a family. Turn off the TV. This is the time to talk together, even if the kids aren’t all that interested. They will be, eventually.

Safety Rules

Each home, regardless of how the children’s time is divided, has basic safety needs. You need a clearly legible list of important numbers: the doctor’s, friends’, and neighbours’, as well as numbers for emergency, fire, and police. Parents should familiarize children with fire escapes, routes in case of earthquakes, tornadoes, hurricanes, floods, fire, or other disasters. Set up meeting places for the family if separated. Please do not overlook these essential routines. There’s no need to alarm very young children with details of such information. But they should memorize their own addresses and last names, phone numbers, and the names of other family or friends to call in an emergency.

Family Work

No home can function without somebody doing the work. Besides being necessary, this work can help build security

and solidity for the new family’s self-image — especially when the parent and children work together. When the parent scrubs the sink, the eight-year-old daughter puts away the dishes, and the ten-year-old vacuums, the burden of housework is lightened by teamwork and the growth of a new family feeling.

Participation builds solidarity, as all athletes who play team sports know well. Children of any age need the satisfaction of doing a job in cooperation with Mom or Dad. Children’s family work is not a form of cheap labour for unpleasant tasks, but a preparation for an independent life as an adult. Completed tasks remind children that they belong; that they are functioning family members, trusted, appreciated, and most of all, needed to keep the household running. “I feel guilty having the children do work,” said a parent. His misplaced guilt won’t make them feel at home, but simple tasks and the resumption of a more realistic parenting pattern will.

Children in divorced families often grow more realistic about the relationship between caring and sharing, about how things get done in the grownup world. When children help cook meals, do the laundry, clean the house, shop, and eat the meal they helped prepare, they know what their work accomplished. A sense of mastery and increased self-confidence can grow. Children such as these seem to be more independent at an earlier age than are children from families that have never faced adversity or reorganization.

How decisions are made about family work and family rules is different in each family. Some parents prefer to make all the decisions, others allow their children to decide. A good midpoint leaves certain areas open to discussion, but the parent reserves the right to make the final decisions, while the other areas are discussed openly by all with each child’s preference given as much priority as possible. ■

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WHAT TO INCLUDE IN YOUR PARENTING PLAN

By Jill Burrett and Michael Green

A well-constructed and principled parenting plan can help you through tough times.

A parenting plan might contain some or all of the following elements:

- The parents' philosophy and attitudes regarding their care of the children
- An acknowledgment of responsibilities for the welfare of the children
- Daily decisions and more major ones that require consultation
- Where everyone will live
- What time or times the children will spend with each parent, grandparents, and so on
- The importance of maintaining relationships with parents and others
- How the travel between homes will occur
- The schools, school activities, and extra-curricular programs
- Arrangements for vacations, holidays, and other special days
- Special needs regarding medication, education, clothes, or equipment
- Financial arrangements, including extra expenses

For parents who find it impossible to get along, parallel parenting can work. That means each household has its own set of rules, and the parents have a minimum of contact and communication.

- Communication between the two parents and sharing information about the children
- Communication between the parents and the children via telephone, email, and so on
- Appointment of a mediator/coordinator to deal with disputes
- A specified time for a review of the plan
- Additional agreements, for example, not to discuss money in the presence of children, and so on

Collaborative Parenting Plans

This type of plan will work for separated parents who can treat one another with decency and sensitivity, who acknowledge the importance of both parents to the children, and who work hard to foster all the relationships that are important for their children. They talk to one another regularly about the children. Their children's friends are welcome in either home. In some cases they come together for Christmas, birthday parties, and the like. Many separated parents are doing this!

No matter how well you are getting on with your ex-partner, a written parenting plan is still a valuable asset. Even in the most amicable of separated households, misunderstandings arise. People (and

children) are different and sometimes difficult. Circumstances change; unexpected things happen. The separated family is a special family and calls for special effort. At times it's easy for the best of parents to lose heart, to feel exhausted, to wonder if their efforts are worthwhile.

A well-constructed and principled parenting plan can help you through tough times. You can take it out and read it again. You can discuss it with your ex-partner or your children. It will help you renew your commitment and maybe your enthusiasm. A key feature of a collaborative parenting plan is the commitment of both parents to consult one another on issues that affect the children, their welfare and development.

Q: I'm finding what to do about the children's arrangements incredibly difficult. I feel so upset for them. I don't trust their father to do the right thing by them. I don't want to have anything to do with him. I don't want them staying overnight with his girlfriend there, and I want him to feed them properly and stick to sensible bedtimes. Can I have this in a parenting plan?

A: You can have very specific details in your plan, and so can he. There's no

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Conflict & Parenting:

Customize Your Post-Separation Parenting Relationship

By Janice Shaw



When you go to the library or browse through a book store, there are many books for divorcing parents, most of which have some version of the following message: “You must communicate with the other parent for the children’s sake, no matter how you feel about him/her.” In this context, communication usually means talking directly to the other parent.

This is a useful, in fact helpful, message if parents are able to do so and if talking together does not place the listener or their children at risk. In high-conflict families, however, the message often remains the same without regard to the realities of these families. In high-conflict or abusive relationships, alternative interaction models between parents are essential.

Lower-conflict families need information and skill-building aimed at a more “direct contact” mode of communication. In these families, parents can often engage in frequent and direct dialogue; they can “co-parent”. Higher conflict families need information about a “low- to no-contact” approach between

parents; they need to “parallel-parent”. Parallel parenting can be compared to train tracks. The rails of a train track run consistently side by side, never touching, yet still effectively helping to move the train from one place to another. Similarly, parents can parent in a parallel fashion, never communicating directly yet still successfully raising their mutual child.

Studies consistently indicate that divorce itself does not cause emotional and behavioural problems in children. It is the degree of conflict that determines the child’s adjustment. Parents must find some way to cooperate to minimize conflict for the sake of the children.

Parents often wonder how they can possibly cooperate during periods of high conflict. But cooperation doesn’t have to mean being “best friends” or even talking directly. Using distancing techniques such as respectful e-mail, voicemail, or fax assists parents in maintaining the distance they require from each other while still parenting effectively. Separated couples do not necessarily maintain a constant degree of

conflict throughout the duration of the separation/divorce process.

Some families are engaged in high conflict in the early stages of separation, especially when one partner did not want the separation. Initial anger can be very intense. With time, some parents can move to a lower-conflict relationship with more direct communication. Conversely, some separations begin with little animosity, but conflict may increase when difficult issues, such as the division of assets or new partners, must be tackled. During times of stress and higher conflict, families should revert to parallel-parenting techniques with lower or no direct contact.

One parent may experience more conflict and anger than the other. Even when only one parent is in high-conflict mode, low- to no-contact techniques are preferable to direct contact methods until the conflict/anger subsides. When people communicate directly before they are emotionally ready to do so, they will likely experience failure. Conflict may

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When I first became a separated parent and realized that life would become much different than I imagined, I had a difficult time embracing the fact that I would have to parent by a specific and rigid schedule. The ongoing difficulties associated with having a child in common with someone you have great trouble dealing with can seem overwhelming at times. You may feel like you will be stuck in such a situation for years on end. In that situation, I have found it really helps if you adhere to a schedule and limit your requests to deviate from that schedule.

I think I can already hear your objections. You may feel the way I did — it shouldn't be this way. Perhaps. But it is this way. Trust me when I say that living by the schedule is better than not living by it. I definitely felt that my parenting time shouldn't have to be only on certain days of the week and certainly not only on every other weekend. What if there was something special and it didn't fall on "my weekend"? I thought that my baby's mamma and I should be able to adjust times, schedules, and events around our schedules. Surely, one would surmise, two reasonable adults can make schedule adjustments concerning their child's life, as needed, at any given time. Wow! Wouldn't that be nice?

The Benefits of Sticking to a Fixed Schedule

I quickly found that many people experience the same frustrations and that they, too, are disappointed when schedule adjustments don't work out. Unfortunately, it's common for newly separated parents to resist a set schedule. In the immediate aftermath of a breakup, especially if emotions are running high,



By Mike Mastracci

You may resist having to keep to a set co-parenting schedule, but it is best to keep your schedule changes to a minimum.

scheduling issues can be a real disaster. In short, my personal and professional experience has demonstrated that the sooner you can get to a fair and reasonable schedule and stick to it, the less you will argue and fight over all child-related issues.

It really is best to limit the opportunities for disagreements. Following a set schedule will help immensely. If there is no agreed upon child access arrangement or no court-ordered schedule in place, parenting (and life in general) may become significantly more difficult.

Resist the Urge to Change the Schedule

Even when there is a schedule in place, frequent requests to modify the child access arrangements, especially early on, can lead to problems. So, fight the urge to make lots of scheduling adjustments. Parents will of ten keep score when it comes to deviating from the schedule; they will base their decision to honor a scheduling adjustment request on the way they have been treated when making similar requests. When that happens, the focus strays from benefiting the children to fixating on "tit for tat" discussions.

If a simple scheduling matter like taking your child to the circus causes problems, then it may not be worth the aggravation to suggest the changes. It is best to stick to the schedule and adjust yourself accordingly. These life adjustments are far better than constant arguing and fighting. Having to miss out on things is just another sacrifice to be made when parents decide not to stay together. If you do decide to request a change or a switch in the schedule, you should give as much notice as possible and state why you're

suggesting the change. When you do so, state why the schedule change will benefit the children. It is not about accommodating you. That will generally not be persuasive.

To get out of keeping score, teach by example. If you can be big enough to "give in" to a schedule adjustment request, don't ask for make-up time. Try to get out of that habit. But, if scheduling accommodations are a virtual "one-way street," it may occasionally be necessary to hold your ground and not give in to make a point. However, keep in mind

that one of your noblest child friendly goals should be to do all that you can to promote a give-and-take parenting relationship. Someone has to get it started. Remember the line from an old hymn, “Let peace begin with me”?

When there is a permanent schedule in place (keeping in mind that when it comes to child custody and visitation, everything is subject to future modification by the courts) and when the schedule is followed, life is significantly easier for everyone. It is often best to conduct yourself by acting as if you will only have your children on the days and times that are spelled out in your court order; without exception. Simply put — you can only schedule activities and do things with your children when those things fall during your “scheduled” time. This is not as bad as it sounds. In fact, it is beneficial in many respects.

To illustrate this point, I will share the basic 50-50 residential schedule (holiday and vacation times excluded for now) that has governed my life, my son’s life, and my ex-wife’s life for more than a decade. After you grasp the schedule, I will point out some of the advantages and disadvantages of sticking to it.

My Court Order

That the Plaintiff and Defendant shall have shared physical custody of the said minor child in accordance with the following schedule:

- The minor child shall be in the care of the Plaintiff on Mondays and Tuesdays (overnights) and alternating Fridays, Saturdays, and Sundays (overnights) with the transition occurring after school (from school) during the school year, and at 6:00 p.m. during the summer and in the event that school is closed.
- The minor child shall be in the care of the Defendant on Wednesdays and Thursdays (overnights) and alternating Fridays, Saturdays and Sundays (over nights) with the transition time occurring after school (from school) during the school year, and at 6:00 p.m. during the summer and in the event that school is closed.
- The party exercising parental time with the minor child shall be responsible for

When there is a permanent schedule in place and when the schedule is followed, life is significantly easier for everyone.

returning the child to the other parent at 6:00 p.m. as outlined above. When the transitions occur after school, the receiving party shall be responsible for picking up the minor child from school.

The plain English translation is that the “said minor child” always spends the night with one parent on Mondays and Tuesdays and with the other on Wednesdays and Thursdays, and they alternate Friday, Saturday, and Sunday nights. It is a basic five-two and two-five set alternating schedule; the child spends five consecutive overnights with mom, followed by two overnights with dad, then two with mom and then five with dad.

If you have such a schedule, you don’t have to spend time figuring out if it is your Monday or your Tuesday or her Wednesday, and so forth. In my case, if something falls on a Monday or Tuesday evening, I instantly know that my son is with me. If it is a Wednesday or Thursday night activity, I know that my son is with his mom.

Such a schedule seems fair. The benefits outweigh the drawbacks. Both parents can plan around it without constantly having to interact with each other over scheduling issues. Both parents will miss out on some things. Sometimes the schedule may benefit you, sometimes it won’t. Like life in general, there are many times when things will go in your favor, and many times when they will not. Both you and your children will get over it.

Scheduling Dos

- Focus on what you can do when the children are scheduled to be with you.
- Recognize that the other parent is equally as blessed or cursed at times by adhering to a set schedule.
- Try to be accommodating in changing things for the other parent to build “goodwill” for the future.
- Recognize that if you get into the habit of making scheduling accommodations when asked, it will increase the odds that one day you will receive the same courtesies.
- Teach by doing.
- Lead by example.

Scheduling Don’ts

- Don’t make plans with your children, or concerning your children, that do not fall on your scheduled time.
- Don’t let your children know about “tentative plans” that they will “miss out on” if the other parent won’t adjust the schedule.
- Don’t set your children up for disappointment over scheduling change requests.
- Don’t dwell on things that you or your children miss because the schedule isn’t in your favor.

If you find yourself in never-ending battles over who gets the kids on this day or that day, you need to hope that these scheduling fights will get “old” before the children do. The good news is that by the time your children hit the teenage years difficult parents do often lighten-up with each other. The bad news is that dealing with teenagers presents a whole new type of parent-child scheduling dilemma, so save your energy! ■

This article has been edited and excerpted from the book “STOP Fighting Over the Kids” with permission from Mike Mastracci. © 2008. Mike Mastracci is the president of the Maryland Collaborative Law Association and he can be reached at www.MikeTheLawyer.com.

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Talking To Your Child: Positive Comments About Her Other Parent

Your child is listening. It is important that she hears you talk nicely about her other parent.

By Ellen Kellner

The Pro-Child Way

Sure your ex might have been a jerk, but there has to be something nice you can say about him. He has nice hair? He has good hearing?? He can walk in a straight line??? If not, make it up. It is so important that your child hear you talk nicely about her other parent. This is her dad, a person that she loves. You shouldn't "dis" the people that your child loves. And you shouldn't badmouth the people that love your child, especially her dad.

Your child should always hear positive comments about her dad, even if it is as simple as "your dad always brushes his teeth with such care." She doesn't need to know that this annoying habit usually lasted about 20 minutes of every day and night, and gave him the excuse to not change her diaper. What bothered you about your ex could be a welcome trait in your child. Wouldn't it be wonderful if your child suddenly developed an interest in brushing her teeth after hearing this?

So, think of nice things to say. Daily, mention your ex in positive ways. Any way of bringing positive thoughts of your child's dad to her is beneficial to her. You don't want your ex to be some abstract, foreign person. You want him to be real, tangible, and ever present in her life and thoughts. "You'll have to tell Dad that joke, he'll love it." "Look at that car, it looks just like Dad's car." "Dad's at work right now, I bet he's eating lunch too." "Your giggle is so nice, it's just like Dad's." "Yum, look at that lobster. Dad loves lobster, too." "You chose to make the flowers blue. Blue is Dad's favorite color." Mention, mention, mention. And by the way, just as you're not to insinuate that your ex is actually a deadbeat jerk, you're also not to insinuate a longing or

unrequited love for him. Keep your emotions out of it. This isn't about you. This is about making room for Dad in your child's life. This is about including him in her home.

Inevitably, your child will ask you if you love Daddy. If your child ever asks, the answer should be an immediate "Yes, of course! He's your dad. I love everyone that cares for you." Your child has never experienced romantic love and would have no clue what that is. It really isn't necessary to explain the difference. Your child isn't interested in the degree of love, just that you love the person that she loves too. You can say this.

Keep the positive comments flowing. Through your consistent remarks, your child will learn to be secure in also bringing up her dad's name. You want to encourage your child to share her feelings about her dad without fear of being attacked or judged. In turn, your child will feel that her dad's presence is an integral part of her life. And you should be just fine with that. ■

As an Expert with The National Association of Divorce for Women and Children and a contributor to Cutting Edge Law, Ellen Kellner inspires other divorced parents and law professionals to nurture the child's spirit through divorce. With her book, The Pro-Child Way®: Parenting with an Ex (Published by Untapped talent LLC), Ellen shares her Pro-Child tactics with parents who are looking for a conscientious method to divorced parenting. Visit www.theprochildway.com or www.UnT2.com for more information.

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Face it. The subject of your child's other parent is going to come up between you and your child. When it is your child who is doing the talking, remember she is also listening. She is hearing what you say about her other parent and she is internalizing all of those words. So what form will your words take? Will you talk about her dad through clenched teeth or through a smile? You get to choose what your child hears from you. Choose the Pro Child Way.

The Old Way

You rarely mention your ex's name. There is an understanding that your ex was a part of your past and a bad part, at that. If in a moment of weakness, his name is mentioned, it certainly isn't in a positive light. You hiss his name through clenched teeth and follow it by a string of expletives. The comments that you make about your ex are anything but positive. Everyone in the household knows that it is better to avoid the topic altogether, and they do.

Your child knows, through experience, that mentioning her dad's name brings a wrath of sarcasm and old pain to your surface. She knows that in your home, her dad's name is not welcome. And you are just fine with that.

It's so important that your child hear you talk nicely about her other parent.



By Shannon R. Rios, MS LMFT

9 STRATEGIES FOR EFFECTIVE AND HEALTHY CO-PARENTING

Follow these strategies and give your child the peaceful and loving environment they deserve.

Strategy #1: Choose to Take the High Road

In the co-parenting class I teach, parents say, “I am the one who always buys notebooks for my child.” What I say is, if you are not able to civilly communicate about this, then take the high road. If notebooks (or pants, or shoes, or diapers) are worth a huge argument, then you are not willing to put your child’s needs first. This anger is truly not about the notebook, the notebook represents your old unresolved issues and anger at this person. “Let the old anger go.” Let the stuff go, it is not worth it.

Strategy #2: Pick Your Battles

A previous manager of mine said to me, “Shannon, I have learned to pick my battles.” She was indicating there are things she chose to ignore because it would be a huge uphill climb.

Make sure that the issues you choose to bring to your ex’s attention are really worth the amount of effort you may extend in arguing with them. Always assess the cost-benefit ratio of your actions. Make sure the cost of bringing the issue up will reap a big enough benefit.

Strategy #3: Don’t Act In Anger

Give yourself some time to calm down so you can think clearly. Don’t speak to your co-parent when you are

angry. Ask yourself why this situation is so frustrating for you. What are you telling yourself about this situation that makes it so frustrating? Take your own time-out if you are feeling angry. Do something healthy to help yourself calm down. The good news is that you always have a choice in the choices you make.

Strategy #4: Don’t Battle it Out in the Courts — Use Other Methods Whenever Possible

A therapist who I used to teach a “Co-Parenting Through Your Divorce” class with would tell parents that we only had one thing to say about battling it out in the courts. He told participants in the class, “You will end up frustrated and broke.” If you choose to battle in the courts and you have children, you can be assured of one outcome, your children will lose. I have also heard many parents agree that you lose complete control once you have given the courts responsibility for the decisions you cannot make for your family. And there are many other options, such as mediation, collaborative team divorce, and parent coordination, which are much less adversarial. Please explore these options for the sake of your children.

If you are considering taking your divorce into the courts or if you already are in court, please take a moment now and assess why you truly are doing this. Do you think this is going to be better for

your family in the long run? Or are you harboring old anger that you are hoping the courts will work out for you? Is this really about your child or deep down is it your issue with the other parent you are trying to have the courts work out. The legal process is very expensive. Don’t waste your child’s future education arguing your old wounds in court. This is not the way to peace.

You may be wondering at this point what a parenting coordinator does. Most states have a professional role of this type, and they may be called different names in each state. In this role, I use all my skills and training to assist parents to effectively work together for the greatest good of their child. A parenting coordinator by definition in the state of Colorado is:

“A person with specific qualifications that can be appointed by the court or by agreement of the parties to resolve parenting disputes after your case has been concluded. You can agree to make the recommendations of a third person binding by jointly requesting the appointment of a decision maker whose decisions can be enforced by a court order.”

—CRS § 14-10-128.1

The parent coordinator, if used effectively, can facilitate choices and change to promote long-term healing and healthy co-parenting for your family. There is no price you can put on the impact of

this for you and your children. It is definitely a role you should explore. It can save you money by keeping you out of the courts. When I am working as a parenting coordinator, I also view my role as getting the two parents to work together on their own. Other alternatives to going to court include: collaborative team divorce and mediation. If you can use any of these, I would recommend it for the long-term health of your family.

Strategy #5: Follow the Business-Meeting Guidelines Model

If you and your co-parent are able to meet or talk on the phone, use the following business-meeting guidelines for your conversations:

- No yelling.
- No saying bad words.
- One person talks at a time.
- Take a break if needed — either parent can call a timeout.
- No bringing up the past.
- No blaming.
- If it seems like you are not getting anywhere, ask for the meeting to end
- Create any other guidelines you think would be helpful and agree to them prior to the meeting.

Sample meeting outline:

- Have an agenda of items you both want to discuss. You can both share your items when you meet.
- Have a picture of your child in front of you as you discuss. Remember this is about them, not you and your issues, anger or fears.
- Focus on the present.
- Envision this person as a co-worker with whom you must get along.
- See this meeting as you would any other business meeting.
- Use the words please and thank you as much as possible.
- Remember to use “I statements” and not blame the other person. Take responsibility.
- If the meeting gets heated and you are feeling your frustration or anger rise over a level 3 or 4, call a timeout, use the restroom or take a break.
- If it seems that you are not accomplishing anything and the frustration or anger level rises to a 5, adjourn the meeting and reschedule.



Strategy #6: Use the Problem-Solving Method when Co-Parenting Issues Arise

This six-step method is good for parents who have some ability to communicate. If you are not communicating, use this model with a neutral third party present:

- Make an appointment — the person with the concern should make the appointment.
- Describe the problem — making “I statements” so as to not blame the other person. State how you think the problem is making your child’s life or your life challenging. Example: I am feeling frustrated with pick up times because Suzy was upset yesterday when you were late. What can we do to ensure we are both on time?
- The other parent responds — not with excuses but with reasons for this situation. Example: “I apologize for being late. I have a big project at work and it is close to the deadline right now.”
- The person with the problem suggests a solution to problem. Example: “Can you tell them you need to leave early on Fridays or should we change the pick-up time the next few weeks?”
- Discussion — the other parent either agrees or disagrees with solution posed. If you can’t come to an agreement, table it for the day. If you begin to argue, take a break or decide to discuss at another time (set the time).
- Review — go over the solution that was decided on or what will happen next (i.e. will discuss again in two days after considering options).

Strategy #7: Follow General Communication Guidelines

- If you are not able to communicate verbally without conflict, use email and text as a means to communicate. This is actually much better for your child than anger and unhealthy boundaries. However, it is important to not act out in front of your child if you receive a text message that frustrates you.
- Keep a journal of what happens during your time with your child and share the journal with your co-parent as a method of communication instead of talking at exchanges.
- Share a common scheduler when possible. There are many online calendars and communication systems for families of divorce. Family Wizard is one of them.
- Use “I statements” instead of “You statements”, sometimes called U-bombs, because “You statements” have a very negative effect on communication.

Strategy #8: Follow the Rules of Engagement for Creating Healthy/Functional Boundaries

- When visiting the other parent’s home, especially relating to the pick-up and drop-off of children, be respectful. This process needs to be very clear.
- Determine what type of access each parent has to the other parent’s home at pick-up and drop-off times. Get these expectations clear for both of you.
- You must transition your intimate

relationship and all of its woes and closeness aspects to a complete business relationship.

- You understand that there must be boundaries in this new business relationship. This is not a place for extreme emotion, this is a workplace, the place where you will grow and develop your child. If conflict is still occurring, contact should be minimal. If there is a lot of negative emotion, contact should be limited to text messages and emails unless there is an emergency.
- Parenting is now your job as a divorced parent. You cannot rely on your child's other parent for everyday shared parenting. They may not be available and you must learn to parent your child on your own now. If this is difficult for you, I recommend taking a class. There are many resources on and offline. Try www.loveandlogic.com to find a good parenting class. You can also find helpful resources at www.theparentstoolshop.com. Don't allow your child to suffer because you don't have good parenting skills.
- You are not friends with your ex unless this is possible for the two of you. You don't need to discuss intimate and personal details, you are now divorced. This only continues the relationship for one or more parent, making it harder for you and your child to move on. Usually one person may still want intimacy whether they know it or not, if this is the case, being friends is not possible. Being friends with the underlying need of intimacy will always lead to some type of upset.
- Communication must be very clear and email may be the best method to ensure everyone is on the same page regarding your child and logistics. Communication should be limited to those things that are necessary to discuss about your child. When you have your child, unless there is an emergency, there really should be no reason to contact your co-parent.
- If possible, decide on a time once a month or once every other week where you will discuss any important issues regarding the child either on the phone or in a public place.

- Know what you will discuss in this meeting and stick to the topic. Stay in the present and know that compromise is the key. If you can't agree on something, table it for a few days. If you still can't agree, use a mediator or parenting coordinator.
- Remember, when it comes to your child and their parents agreeing, there never is a winner or loser. As long as parents can agree, your child will win.

The Wisconsin Inter-Professional Committee on Divorce's Structured Co-Parenting Training summarizes the conditions necessary for successful co-parenting:

- Successful co-parents love their Children. This means that as a parent you put aside your personal needs and interests to do what is right for your child now so they will have an easier life as an adult.
- Successful co-parents separate problems of the spousal relationship from the responsibilities and tasks of parenting. They keep their feelings and issues about how the marriage ended in a box away from the co-parent relationship.
- Successful co-parents are honest with each other regarding children's issues and do not engage in discussing non-child-related information — it is now none of your business.
- Successful co-parents keep their promises to each other and their child. They know breaking agreements leads to chaos.
- Successful co-parents set and work toward goals for their children:
 1. Set goals for your children — what environment or life do you want to create for your child of divorce?
 2. Make plans on how to accomplish those goals — parenting plans and parents agreeing on behavior with each other.
 3. Carry out the plans.

Strategy #9: Follow the Co-Parenting Job Description

I created this job description for the role of co-parent, as it is truly one of the

most important jobs you will ever have in life.

Title: Co-Parent
Reports To: Self, Child and Co-parent
Job Family: Working Together
Level: Executive
Status: Forever

It is very important that you and your co-parent understand the requirements. You may not have had a job description when you started as a parent, but now as you take on this new role of a co-parent, I wanted you to be clear that the expectations is the most important role within the new family organization. It is instrumental in ensuring that the emotional and physical development of the child is maintained appropriately. This positive role serves the child to ensure they adjust in the best way possible to an event that was not their choice. It is essential that this role finds ways to communicate effectively with the other co-parent. This role understands the importance of both parents being involved in their child's life.

If you implement the above strategies you will no longer be a parent basher. You will be an effective and healthy co-parent for your child. ■

This article has been edited and excerpted from the book "The 7 Fatal Mistakes Divorced & Separated Parents Make: Strategies for Raising Healthy Children of Divorce" with permission from Shannon R. Rios, copyright ©2009. Shannon Rios, MS LMFT is a marriage and family therapist who specializes in working with children and families of divorce and conflict. She can be reached at www.healthychildrenofdivorce.com.

For more articles on Co-parenting and divorce, visit www.divorcemag.com/articles/Parenting_and_Step-Families.

GETTING A PARENTAL GRIP

By Amy Botwinick

The biggest challenge is to be your children's rock during a time when you feel like you are about to lose your mind. During the transition, your kids are dealing with their own issues and emotions. There is definitely pain and loss for children; they will need time to grieve and experience their pain before moving on. As their parent, you need to give your children time and space to do this, which will require much of your patience and energy. You have to be in a good place yourself to do this and find the strength to help them get through this difficult time.

It can be a recipe for disaster as they test you and watch to see how you are going to stand up to them and the new reality you all face. What they need from you right now is for you to be a strong parent. Don't use your children as your emotional support — they are not miniature adults. The last thing you want to do is switch roles where they feel this incredible burden of making sure you are all right. It scares them, and it's just not their job. It's an easy trap to fall into so remember to let them be children and keep them out of the adult world of problems. Find the appropriate support system through friends, family and organizations to help get you through this time. Do what

you need to get yourself in a good place so you can regain your strength. You can't give to your children what you don't have yourself.

It will be very important for your children to express their feelings. Sharing your own feelings (with much editing) will encourage them to share as well. Don't be afraid to be honest and let them hear that you are sad about the family breaking up. Follow up with some positive thoughts and ideas of how the situation will get better. Some children will require counselling to help them through the adjustment period. It's important that they express their feelings and deal with their emotions; otherwise, it just comes back to haunt them and you. For those of you with an only child, keep in mind that they have no sibling to commiserate with. Group counselling with children in similar circumstances can be very helpful so they know they are not alone.

The Right Words, the Right Time, the Right Place

Many parents put themselves under a lot of pressure when they think about the talk they need to have with their children about the upcoming separation. They get freaked out that if they say the wrong

My parents put themselves under a lot of pressure when they think about the talk they need to have with their children about the upcoming separation.

words, their children will be set on the path to impending doom and misery. It simply requires some common sense and plenty of love.

The most important thing you can do is to break the news with your spouse as a family without assigning blame. Come from the heart with honesty and assure them that their relationship with both parents will continue (if possible). Pick an appropriate time and place they feel safe so there will be plenty of time to answer their questions. Ask them about their fears and concerns and address them the best you can with the constant reassurance you will always love them and that the divorce was not their fault. Don't fall into the trap of giving them false hope you might get back together again just to make them feel better.

Divorce is confusing for children, so don't overload them with too much information. Give them basic information so they understand you will continue to take care of them and love them the same way. Remember, "The Talk" will never go exactly how you planned, and your children's reactions will be painful to see. Allow plenty of time for hugs and kisses and explain again that it was an adult decision that had nothing to do with them.

Information you give your children should always be age appropriate. As the years pass and they grow up, they might ask for more specific details of your breakup. This can be difficult, but you want to remain honest as you try not to bad-mouth their other parent. Kids are very smart. Give them the basics without focusing on the negative, and they will fill in the holes for themselves. Always keep the lines of communication open. Leaving children in the dark can be harmful because their imaginations will likely make up realities that are much worse than what really happened. This can leave children angry and confused which can affect their future relationships and how they see their world.

Books are a great tool to use when talking about divorce. Always read each book from beginning to end to make sure you are comfortable with the information.

Here are some suggestions:

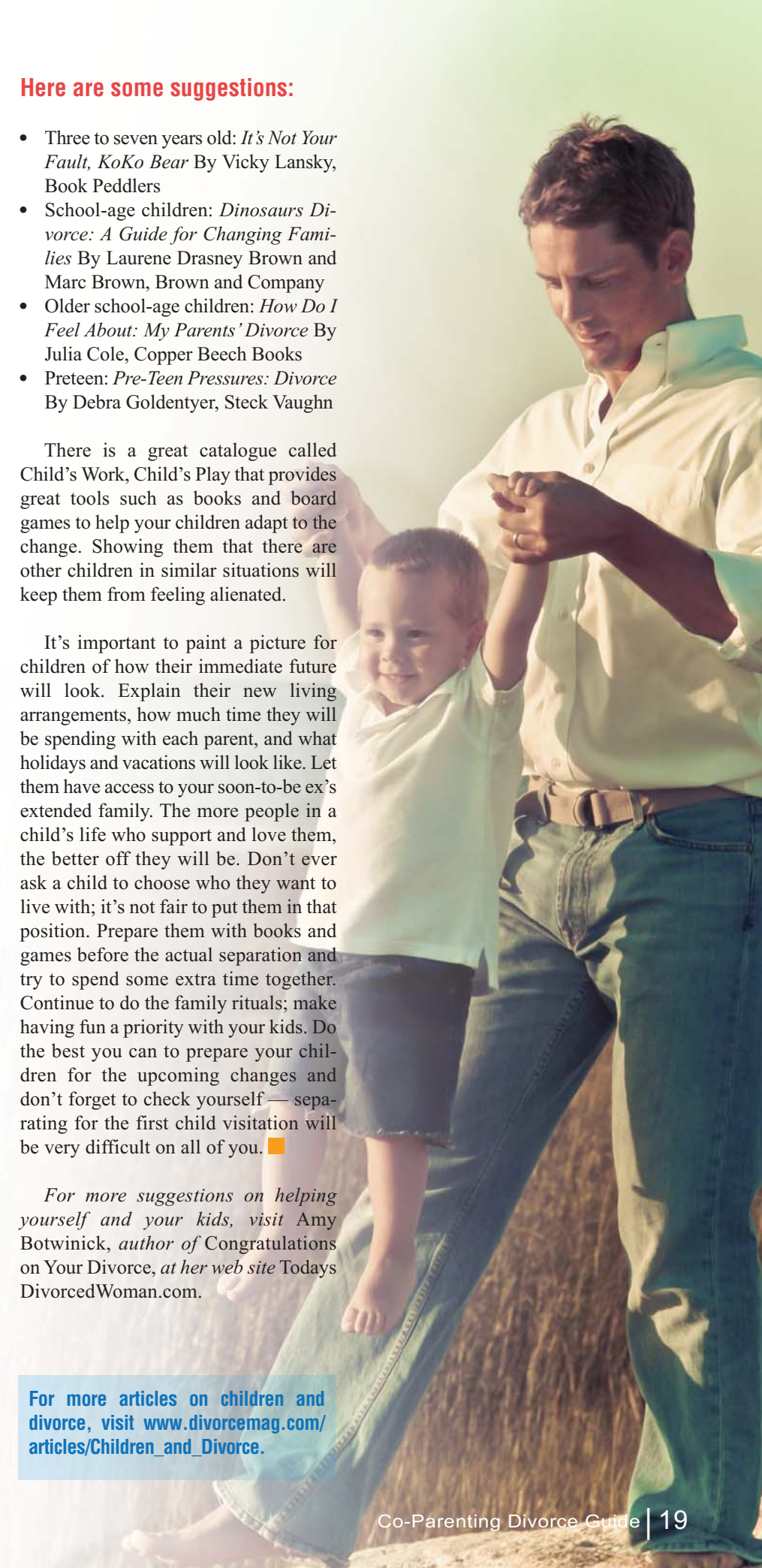
- Three to seven years old: *It's Not Your Fault, KoKo Bear* By Vicky Lansky, Book Peddlers
- School-age children: *Dinosaurs Divorce: A Guide for Changing Families* By Laurene Drasney Brown and Marc Brown, Brown and Company
- Older school-age children: *How Do I Feel About My Parents' Divorce* By Julia Cole, Copper Beech Books
- Preteen: *Pre-Teen Pressures: Divorce* By Debra Goldentyer, Steck Vaughn

There is a great catalogue called Child's Work, Child's Play that provides great tools such as books and board games to help your children adapt to the change. Showing them that there are other children in similar situations will keep them from feeling alienated.

It's important to paint a picture for children of how their immediate future will look. Explain their new living arrangements, how much time they will be spending with each parent, and what holidays and vacations will look like. Let them have access to your soon-to-be ex's extended family. The more people in a child's life who support and love them, the better off they will be. Don't ever ask a child to choose who they want to live with; it's not fair to put them in that position. Prepare them with books and games before the actual separation and try to spend some extra time together. Continue to do the family rituals; make having fun a priority with your kids. Do the best you can to prepare your children for the upcoming changes and don't forget to check yourself — separating for the first child visitation will be very difficult on all of you. ■

For more suggestions on helping yourself and your kids, visit Amy Botwinick, author of *Congratulations on Your Divorce*, at her web site [Todays DivorcedWoman.com](http://TodaysDivorcedWoman.com).

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limit to what you can have. If you feel he's out of touch with their routines, inform him, perhaps with the help of a mediator if talking with him is uncomfortable for you. You could also write lists for him, as appendices to a plan. While everyone gets used to the separation, you could suggest he spend his time with them without his partner. Try to approach the creation of your plan with an open mind, inviting him to draw up as many clauses as he wants. Work out what issues you want to be consulted on, and aim to set out the arrangements very specifically so you don't need to have much contact with him. You may be well advised to have a neutral third party as a pick-up and drop-off person, so you don't have to see him, and the children don't sense your discomfort.

Parallel Parenting Plans

For parents who find it impossible to get along, parallel parenting can work. That means each household has its own set of rules, and the parents have a minimum of contact and communication. One thing they agree on is the children have two parents and they are going to spend some time in each household according to a determined schedule.

The essential ingredient in such a plan is the commitment of both parents to stick to the terms of their agreement. Moreover, the plan will need to be extremely detailed to cope not only with the children's day-to-day timetables, but also to foresee and deal with expected changes and hiccups.

Where there is ongoing hostility between separated parents and little or no communication, a written parenting plan is essential. With it, and with a firm commitment to abide by the rules, shared parenting can still work. Without it, misunderstandings and confusion will inevitably arise and children will suffer.

Sure, there will be problems, even after implementing the most carefully structured parenting plan. Life's like that!

A parenting plan might contain some or all of the following elements:

- A parenting plan might contain some or all of the following elements:
- The parents' philosophy and attitudes regarding their care of the children
- An acknowledgment of responsibilities for the welfare of the children
- Daily decisions and more major ones that require consultation
- Where everyone will live
- What time or times the children will spend with each parent, grandparents, and so on
- The importance of maintaining relationships with parents and others
- How the travel between homes will occur
- The schools, school activities, and extracurricular programs
- Arrangements for vacations, holidays, and other special days
- Special needs regarding medication, education, clothes, or equipment
- Financial arrangements, including extra expenses
- Communication between the two parents and sharing information about the children
- Communication between the parents and the children via telephone, email, and so on
- Appointment of a mediator/coordinator to deal with disputes
- A specified time for a review of the plan
- Additional agreements, for example, not to discuss money in the presence of children, and so on

It's never smooth or uneventful, whether your family is intact or separated. ■

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then inadvertently increase. Research indicates that once people have tried and failed to communicate, their ability and willingness to engage in a non-conflictual, direct mode of communication subsequently diminishes. In some cases, the angry treatment given and received completely impairs the parenting partners' ability to see themselves as anything but enemies forever. If you are unable to communicate directly to your ex in a civil fashion, do not let anyone talk you into it. The parent who is able to engage in a more direct mode of communication often tries to make the other parent, who is appropriately trying to distance him/herself, feel guilty.

Parents should not accept such guilt about not yet being able to talk directly to the "friendly parent". In fact, it is likely to be to your children's advantage for you to act cautiously and to engage in a low- to no-contact communication mode when you are unsure that you can manage your own anger.

Because the degree of conflict between separated/divorced parents may vary over time, parents need to develop a range of options for communication, including both direct contact and low- to no-contact strategies within their parenting repertoire. It is useful for parents to re-evaluate the conflict level regularly and to make adjustments in the amount of contact between themselves accordingly.

Whether you engage in co-parenting or parallel parenting, you can still be good parents. Regardless of how close you are to your ex, you can still both be very close to your children. And that's what it's all about. ■

Janice Shaw, is a counselor and the coordinator of the separation and divorce programs at Jewish Family and Child Services in Toronto.

For more articles on parenting during your separation and after divorce, visit www.divorcemag.com/articles/Parenting_and_Step-Families.



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