



SHARED PARENTING DURING AND AFTER DIVORCE

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I. PROTECTING THE CHILDREN DURING A DIVORCE

FOUR PRINCIPLES YOU CAN IMPLEMENT TO HELP YOUR CHILDREN THROUGH YOUR DIVORCE

If you are thinking about a divorce, you are probably worried about how it will affect your children. Fortunately, children can survive a divorce with a minimum of harm if parents follow these four basic principles: exclusion, reassurance, example, and monitoring.

- 1. Exclusion:** Children are not parties to the divorce. Consequently, they should not be part of the process. Fighting in front of children (even behind closed doors) should be curtailed as it involves them in the conflict. Parental conflict is very damaging to children. Studies show that children who experience parental conflict suffer serious negative consequences that persist into adulthood.
Children should never be brought into the conflict as pals, confidants, spies, or pawns. Forming a friendship with a child not only confuses the child because of the role change but tends to remove the parent as an authority figure. Confiding in children dumps emotional issues on them that they are simply not mature enough to deal with. Pumping children for information on the other spouse puts children in a position of betrayal. This betrayal damages the enduring bond that has formed between parent and child. And finally, children, under no circumstances, should be used as bargaining chips. It degrades parents and reduces the status of children to simple property.
- 2. Reassurance:** Most parents are capable of meeting the needs of children during a divorce despite their own emotional turmoil. The basic needs of children such as food, shelter, and clothing do not change in the course of a divorce. However, divorce causes other changes. To weather the storm of change, children have to be reassured that they are loved and that they will be taken care of. They must be told repeatedly. Children are also reassured by information. However, the information must be structured to their age and, in any case, limited. For example, telling the children that you are divorcing is appropriate. Telling them why, is not. Children are also reassured by structure. Regular schedules including bedtimes, meals, and time with each parent will do far more to supply reassurance than simple words.
- 3. Example:** Children will handle the divorce process as well as the parents do. When parents succumb to the stresses of divorce and become dysfunctional, they will find that their children will as well. If, however, a parent appears to the children as a confident leader (in spite of internal turmoil), the children will be reassured and likely join the parent in facing the changes.
- 4. Monitoring:** Finally, the development of the children must be monitored very closely during the divorce process. The divorce will normally delay development of the children or actually cause regression. For example, children who have been successfully toilet trained may have a significant increase in the number of accidents. Children normally recover from these delays or regressions as their situation becomes more stable and predictable. However, severe regression or destructive behavior needs immediate attention such as counseling. For example, violent behavior directed at siblings or other children should be addressed immediately.

UNDERSTANDING THE HIGH TOLL OF PARENTAL CONFLICT ON CHILDREN

During and after your divorce, do everything you can to avoid fighting within ear shot of the children. Parental conflict is extremely damaging to children. Your children will thrive after the dissolution of your marriage only if you and your spouse eliminate conflict. Show that you love your children more than you hate your spouse.

A thirty-year long study indicates that children who are exposed to parental conflict suffer severe developmental consequences. The detrimental consequences of parental conflict follow children into adulthood. Parental conflict has been shown to have the following effects on minor children:

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

In adulthood, these individuals have:

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

In addition, they are:

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

TELLING YOUR CHILDREN ABOUT THE DIVORCE AND HELPING THEM THROUGH THE INITIAL SEPARATION

At some point, you will need to tell your children that you and your spouse are divorcing. Here are some suggestions for approaching that topic and for helping your children cope with the changes that your separation will bring.

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

Wait until you are calm and in control if your emotions. Wait until you are sure that you are able to discuss the divorce with your children calmly and rationally. You must behave maturely and not reveal any anger, disappointment, fear, frustration, hurt or blame. Watch your body language and tone of voice, in addition to content of what you say:

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

Offer clear, honest explanations. Avoid burdening the children with elaborate details of your marital problems (i.e. affairs, sexual problems, money problems). You must avoid showing anger and disappointment at your spouse and fear about the future. Do not blame your spouse for the breakdown of your marriage.

Reassure your children. Stress to each of your children that nothing they did or did not do caused your divorce. Make clear that the children cannot do anything to change your decision. Reassure your children that the divorce will not weaken the bond between you. Give your children permission to love both of you and assure your children that they are loved by both of you.

Explain what to expect. Give your children a time frame of the dissolution and expected changes. Focus on what will happen to each child. Describe basic changes (i.e. living arrangements, financial changes, time with the other parent). Give your children a clear sense of an established place in each parent's home (i.e. their own room, place for toys, toiletries). Assure your children that you will tell them about all major developments and changes. Invite them to make suggestions that you will consider.

Offer professional help. Tell children there are counselors with whom the child can consult confidentially with questions and help in addition to the parents; that the parents are also getting counseling to help. It is okay to need help and get help.

CARING FOR YOURSELF AND YOUR CHILDREN DURING DIVORCE AND BEYOND

The following suggestions are made to help you and your children in this time of psychological and emotional stress.

MANAGE YOUR EMOTIONS

Think of your children's well-being before acting. This may prove difficult because of your own feelings, needs, and emotions. Counseling with a professional may help.

Maintain your own composure and emotional balance as much as possible. Try to keep your sense of humor. Concentrate on parenting while you are with the children and keep your composure around the children at all times. Set aside a specific time every day to worry and be sad. It should be after the children are asleep or when they are not at home.

Watch your body language, tone of voice, as well as what you say. Continuing anger or bitterness toward your former partner can injure your children far more than the dissolution itself. The feelings you show are more important than the words you use.

Do not overlook the fact that you are only human and admit it. You will not be able to be a perfect parent (no one is whether in good or bad times). Resolve to attempt to improve day by day.

PROVIDE STABILITY AND REASSURANCE

Assure your children that they are not to blame for the break-up and that they are not being rejected or abandoned. Children, especially the young ones, often mistakenly feel they have done something wrong and believe that the problems in the family are the result of their own misdeeds. Small children may feel that some action or secret wish of theirs has caused the trouble between their parents. Explain to them that they are not going to lose their mom or dad.

As a product of the marriage, your child has one-half of your genes and one-half of his other parent's. Therefore think about the skills and positive attributes of the other parent. Share these with your children to build their self-esteem.

Try not to upset the children's routine too abruptly. Children need a sense of continuity and it is disturbing to them if they must cope with too many changes all at once.

Marriage breakdown is always hard on the children. They may not always show their distress or realize at first what this will mean to them. Parents should be direct and simple in telling children what is happening and why, and in a way a child can understand and digest. This will vary with the circumstances and with each child's age and comprehension. The worst course is to try to hush things up and make a child feel he or she must not talk or even think about what he or she sees is going on. The child must be allowed to express unhappy feelings. If the child asks questions, explanations should be brief, prompt, direct, and honest.

Don't let the guilt you may feel about the marriage breakdown interfere with disciplining the children. Children need and want to know quite clearly what is expected of them. Parents must be ready to say "NO" when necessary.

Offer the children the opportunity to see a counselor for professional assistance.

DO NOT DRAW CHILDREN INTO THE CONFLICT OR ADULT WORRIES

Do not criticize the other parent in front of the children. This is difficult, but absolutely necessary. For a child's healthy development, it is important for him to respect both parents and believe both parents respect each other, even if that is not the truth.

Do not force or encourage your children to take sides. To do so encourages frustration, guilt and resentment. Allow your children to be children. Do not confide in them, whatever their age.

Dissolution of marriage often leads to financial pressures on both parents. Do not discuss finances with the children. Never mention payment or non-payment of support.

Always remember that doing the right thing often is not immediately rewarded. However, doing the right thing will have a positive and lasting impact upon your children, and only serve to enhance your relationship with them, and the love they feel for you as they mature and grow.

KEEP THE OTHER PARENT INFORMED

Make an effort to keep the other parent informed and involved in the children's lives, especially if the children spend most of their time with you. E-mail and fax information frequently, but stick to the facts to avoid arguments.

Give the other parent copies of all notices sent home from school and make all appointments for the children at a time when the other parent can attend, if possible, regardless of whether the parent actually attends.

Keep a pad and pencil and a manila envelope near the refrigerator. If the child has information or an accomplishment, write it down immediately, so that all can remember to tell the other parent. This shows the child that you respect the other parent. You can put copies of notices in this envelope as well as copies of some schoolwork and artwork for the child to take to the other parent. Make this practice reciprocal; it should not include messages between parents or money exchange—nothing to cause stress or difficulty for the child.

II. DEVELOPING A PARENTING PLAN

COMPONENTS OF YOUR PARENTING PLAN

Ideally, you and your spouse should work together to agree on a post-separation/post-divorce parenting plan for your children. A parenting plan is an agreement between you and your spouse dealing with the raising of your children. Once you and your spouse work out the details, your attorneys will write up the plan for you and your spouse to sign. The court will make it part of your divorce decree. Parenting plans can vary in complexity from a single line to 20 pages or more depending on how much detail is included.

If you and your spouse, even with help from your attorneys, are unable to agree on a parenting plan, you can go to court and the judge will impose a plan on you. Litigating parenting issues should always be a last resort. It is emotionally and financially draining and very hard on the children. See *Leaving your parenting plan up to the judge*, below.

Sometimes, a mediator can help you and your spouse reach an agreement. Mediation is a good idea to try before resorting to the court. In fact, many judges will require you to try to reach an agreement through mediation before they will hear your case. See *Using mediation to develop a parenting plan*, below.

Post-divorce parenting has two distinct components that need to be addressed in your parenting plan:

- Decision making (also known as legal custody).
- Time sharing (also known as physical custody and visitation).

Decision making, as the term implies, refers to the right to make major decisions about your children. It includes such things as where the children will go to school, what religion the children will be raised in, and what type of medical treatment the children will have.

Parents have a number of choices in how they want to make decisions: (1) jointly with both agreeing (known as “joint legal custody”)—which means joint discussion, cooperation, and conferring before any decision is made; or (2) jointly with both agreeing and if agreement cannot be reached after their best good faith efforts, designating one parent who will have the final word; or (3) individually with one parent making all the decisions (known as “sole legal custody”) or (4) by dividing up a list of decisions and designating one or the other parent to make the decision alone; or (5) designating a third person as the person with the final word or sole responsibility for making the decision.

Joint decision making or joint legal custody works best when the parents are able to cooperate and communicate effectively. Parents often agree to joint legal custody. Then, as time goes on, one parent actually makes all or most of the decisions, typically the parent with whom the child primarily resides.

Time sharing, as the term implies, has to do with how the parents share the child’s time. It refers to where the child will live and who will be providing the hands-on care and supervision. There are an infinite number of ways parents can agree to time share. Parents can adopt an equal time sharing arrangement if they wish, such as alternating weeks, or months, or splitting the week, for example. Equal time sharing agreements typically work only when the parents

live close to each other so that the child's schooling is not disturbed and when both parents are able to make the time commitment and have the resources to provide two adequate homes.

The time sharing arrangement is completely separate from the decision making arrangement. Just because parents share decision making jointly, they do not need to have equal parenting time. Regardless of the decision making arrangement, it is still probably more common for the child to have a home base with one parent (who may be referred to as the residential parent or primary parent) and spend time with the other parent on weekends and during school vacations.

USING MEDIATION TO DEVELOP A PARENTING PLAN

WHAT IS MEDIATION?

A high percentage of spouses who are unable to agree on a parenting plan by themselves are able to reach agreement through mediation. During mediation, a neutral person (the mediator) will meet with you and your spouse and attempt to help you reach an agreement. Your lawyers may or may not attend.

A mediator is a person who has completed a significant amount of training and has experience and expertise in the family law field. Some mediators are attorneys; some are mental health professionals. A mediator who is a therapist can be of great assistance when the parents have a high conflict relationship or one parent is impaired (e.g., has a mental or physical illness or substance abuse problem).

You will usually have to attend at least two to three one to two hour sessions to achieve success.

In some courts, mediation is required whenever parents cannot agree. The courts encourage parents to resolve parenting issues between themselves, and, frankly, that is a good idea.

There can never be too much emphasis on attempts to resolve custody and parenting issues without a fight in the courtroom. Studies show that parents are much more likely to comply with agreements that they have had a role in constructing, than terms imposed by a judge.

PREPARING FOR MEDIATION

Before your case goes to mediation, your attorney should spend some time acquainting you with the mediation process. He or she may role play the mediation with you to give you a sense of what to expect and how to react.

For the mediation to be successful, you must have realistic expectations. Do not expect the mediator to convince your spouse that you are completely right and he or she is completely wrong. Do not expect to come out of the mediation with everything you want. The purpose of the mediation is to get you both to compromise. You will have to give in on some things to get your spouse to give in on others.

One of the key facts you need to know before participating in mediation is that the mediator will lean on the "weaker" party, in an attempt to get that person to buckle and thereby reach an agreement. Therefore, before the mediation you need to develop specific plans and to identify the items that are negotiable and the items that are deal breakers. Your attorney should assist you with this important task.

LEAVING YOUR PARENTING PLAN UP TO THE JUDGE; A LAST RESORT

A trial should be a last resort. You may think that going to court will vindicate your position and prove that you are right and the other side is wrong. More likely than not, the trial will turn into an exercise in mutual destruction and result no winner, just survivors. The losers in the final analysis will be your children.

Custody trials are often highly emotional and bitter with the parents making every effort to tarnish each other in the eyes of the judge. After a custody trial, parents will find it very difficult to put their hostilities aside and cooperate for their children's benefit. The best result for parties with children is to emerge from the divorce with a good working relationship. If the parents do not reach an amicable resolution and must go to trial, they are not likely to be able to have a working relationship. They are also more likely to return to court after the divorce is final to seek changes in the parenting plan, continuing a conflict that is detrimental to the children.

Custody trials are extremely painful for children who don't want their parents to fight because of them. Children may blame themselves for the anger between their parents. And custody trials are very expensive with the parents needing to compensate not only their attorneys, but also expert witnesses—psychological professionals hired by each to conduct a custody evaluation and make a recommendation to the court.

Before deciding to take your case to court, consider seriously whether your children wouldn't be better served by a "flawed" agreement. Accepting a less than perfect agreement may be better than allowing a complete stranger who does not know you or your children and who is seeing you during the worst time in your life decide your parenting arrangement. Once you go to court, you cede control over your parenting plan to the judge. You could end up with something that you like even less than your spouse's last settlement proposal.

BEST INTEREST OF THE CHILD

The legal standard that the judge uses in deciding custody issues is "the best interest of the child." The standard allows the judge to consider just about anything he or she thinks is important regarding each parent's ability to care for their children. Typically, judges will take into account each parent's existing bond with the children; their work schedules; mental and physical health; ability to provide a stable and loving home; and history of wrong doing (e.g., domestic violence, substance abuse, criminal record). Parenting history is also important. If one parent has been the children's primary caretaker, many judges will be inclined to continue that arrangement unless it has not been working.

The judge will also consider the willingness of each parent to encourage a close relationship between the children and the other parent. One parent's efforts to keep the children away from the other parent can backfire. A parent who has discouraged or prevented the other parent from seeing the children could end up losing sole or even joint custody. A judge will rarely order that one parent is to have no contact with the children. When the children are not safe with a parent, visits supervised by a third party are usually the solution.

Sometimes courts will hear what children have to say as to which parent they want to live with and why, but children never make the decision on where they will live. However, the wishes of an older teen can be influential.

GUARDIANS AT LITEM AND CUSTODY EVALUATIONS

To help with the decision, the judge may appoint a guardian ad litem (also sometimes called a law guardian) or order a custody evaluation. Or one or both parents may decide to get a custody evaluation. A guardian ad litem is a lawyer appointed by the court to represent the best interest of the children. The guardian may interview you, your spouse, the children, their teachers, coaches, and doctors, and your friends, neighbors, and relatives. He or she may visit your home and your spouse's home and observe you both interacting with your children. The guardian will then prepare a report and make a recommendation to the judge.

A custody evaluation is performed by a psychological professional who will interview you, your spouse, and the children, administer psychological tests to you and your spouse and sometimes to the children, and prepare a report and recommendation for the judge.

One good thing about custody investigations and evaluations is that the outcome may lead the way to renewed efforts at settlement as the parent facing an adverse recommendation will usually be open to compromise. On the other hand, custody investigations and evaluations are intrusive and highly stressful for both parents and children. The reports may contain secrets and unflattering revelations that can be a matter of public record. And they can be very expensive.

DEVELOPING A TIME SHARING SCHEDULE FOR YOUR PARENTING PLAN

When parents are developing a set schedule of timesharing or contact between the child and both parents after a divorce, the tendency is to think in the short term about what will work today. However, children's needs vary depending on whether they are infants, toddlers, preschoolers, elementary school children, or adolescents. If your children are very young, you may need to consider up to five different schedules, anticipating the changes in your children's ages and needs. Or you may need to schedule meetings at set intervals to reevaluate your schedule.

Here are some general guidelines applicable to time sharing schedules for children of all ages. For specific suggestions for children of different age groups, see *Considering the parenting needs of your children based on their ages* below.

Consider establishing a set schedule of time sharing that is written in your plan, even if you and your spouse are sufficiently flexible that you don't need to strictly follow it. You may not need it now, but there are times when your relationship with the other parent may be difficult and it is better to be prepared than to be sorry later. You may ignore the set schedule now, and either parent can invoke it at difficult times, and then ignore it again at better times.

Think about how involved each of you were in caring for the children during your marriage, prior to the breakdown of the relationship. Agree whether to you want to continue that schedule or make changes, and why. Shift your focus from your needs and wants to what is in the best interests of the children.

The timesharing schedule should allow the children frequent and continuing contact with both of you. The law presumes that frequent and continuing contact with both parents is in the best interests of children. The parent who opposes allowing the other spouse frequent, continuing contact has to show why it would be detrimental to the children's best interests. It is a difficult burden to overcome and requires a strong showing that children's emotional, mental, and physical health would be at risk of permanent harm. If one parent can show that the other parent is a danger to the children, then contact should be limited. Supervised visitation, that is, visitation only under the watch of a third person, may be appropriate.

The schedule should permit both of you to be actively involved in the children's lives with responsible time as well as recreational time. Children need two homes and chores and involvement in day-to-day activities in both, for example, food shopping and cleaning the house. Both parents should have the opportunity to assist with homework assignments and school projects. Both parents should have time when the child has school activities and extra-curricular activities.

Think about the location of your homes, each of your work schedules, and the children's school and activity schedule. You and your spouse should make an agreement that is workable, consistent, and does not impose excessive stress on the children. For example, equal timesharing will not be workable if you and your spouse do not live close to each other and to your children's school. Similarly, if one of your works 60 hours per week or has an irregular schedule or travels a lot on business, equal timesharing will be impractical. Try to develop a schedule that requires as few last minute changes as possible. Try to change the appointment that interferes with the schedule, rather than the schedule, so the children are not disappointed and understand that they are the priority in their parents' lives.

If you have more than one child, individual time with each parent should be considered.

Consider whether your children will need "adjustment" time. Children who go from one home to another may need time to adjust to the differences, unwind, and have preparation time for the next day. If the children have been away from one home for a long time, they are likely to need more adjustment time when they go to the other home. If you are considering equal timesharing, consider the temperament of your child and how the child adapts to change, a new caretaker, and a new school. Some children must sleep in one bed or use one toilet when being toilet trained or did not do well their first time in preschool or when separated from their caretaker; these children may not be good candidates for equal timesharing or equal timesharing may need to be deferred until the child is older.

The amount of contact is not as important as the absence of conflict between the parents, communication between the parents, and rituals created with the children. Children are destroyed by conflict and thrive in its absence. Rituals created with children, such as holidays shared, hobbies created, and routines such as some of the same books in both homes with bedtime stories each evening with each parent create the memories that children will carry with them to their children. So will they carry the conflict, arguments, fighting, and yelling with them. Counselors and therapists can help parents develop communication plans, and even ideas for rituals, before the children reach their school age years when serious problems may arise, whatever the contact schedule.

III. CONSIDERING THE PARENTING NEEDS OF YOUR CHILDREN BASED ON THEIR AGES

CHILDREN UP TO 2 YEARS OLD

WHAT THEY NEED

Infants and children up to age 2 need to form secure emotional attachments with protective care-givers. Security requires responsiveness and consistency.

A baby younger than two months will usually respond to any caregiver, and from two to six months begins to recognize and prefer a primary caregiver. From seven months to two years, a child will actively seek preferred caregivers, and from fifteen to twenty four months, may protest separation.

Children may normally display distress on leaving one or both parents and upon return from one or both parents. Even babies will become frightened, clinging, and sensitive, and have sleep or eating disorders if the parents are emotionally unresponsive or aggressive due to their own emotional problems, if the parents fight or argue in front of the babies, or if the parents are abusive to each other.

Parents should coordinate feeding and sleep schedules. The child needs a calm, safe, secure and stable environment. Disputes over routines are detrimental to the child. The child needs frequent, consistent, stable scheduled contact with both parents.

The child needs to learn to become independent and separate from the parents, and needs a reassuring, stable environment and established routines for transitions between parents. Failure to pay attention to these needs may cause a child to experience separation distress and parents to have disputes over neglect or abuse because of the child's exhibited behaviors.

PARENTING PLAN SUGGESTIONS

The younger the child, the shorter and more frequent should be the contacts with the parent who is not the primary caregiver. If the parents can co-parent, extensive contact schedules with both parents can be developed. Parenting plan options could include frequent contacts with both parents, such as three contacts of three to six hours throughout the week, or two contacts of three to six hours and one overnight, progressing to greater contact with extended days and overnights.

Overnights, even with a young child, may be appropriate depending on how much contact the parent has had with the child, whether the child's environment can be duplicated, and whether the other parent's schedule permits.

If possible, the same caretaker should be used when neither parent can be with the child. Try not to leave the child with unfamiliar caretakers or frequent environmental changes. If the parents can afford to hire help, they should use one nanny who goes back and forth between homes.

Caretaking arrangements should be consistent, stable, and predictable for the young child. If the child is going to spend extensive time in two or more households, the child's room should be as identical as possible in both households, down to the detergent used to wash the clothes and bedding, and soap to wash the child.

The procedures and routine should also be as identical as possible. The child should have the same schedules of naps and bedtime, bath time, feeding, type of formula, etc. at both homes.

Arguably, consistency of feeding and sleeping schedule is more important than similar environment. The parents should consider keeping charts in a notebook to catalog the routine, eating times and amounts, bowel movements, sleep and wake cycles, and developmental milestones on a daily basis. This notebook should travel with the child.

An every other weekend contact schedule is detrimental to the child at this stage as there is too much time between contacts. Possible problems to forming attachment with care-givers that may be caused by overlooking this need for frequent contact include failure to bond with the parents and separation anxiety during time away from the primary care-giver.

CHILDREN AGES 3 TO 5

WHAT THEY NEED

Children of this age are exploring their environment and their imagination. They have no sense of time so the parenting plan and frequency of contact should be the same as for younger children. In addition, if one parent leaves, they may fear and worry that the other parent may leave as well.

During the divorce, the children may regress to baby behavior, thumb sucking, clinging, bed wetting, wanting to be fed, and wanting a bottle. Conflicts between the parents may lead the child to self blame, nightmares, acting out, temper tantrums, destructive behavior, withdrawing, and depression.

As with younger children, children in the age range from 3 to 5 need safety, stability, and routine. However, because of the fears caused by chaotic changes in their lives, they may also need to be able to ask questions and receive age appropriate answers to reassure them. The parents may need interventions and expert assistance from mental health professionals to explore the questions and answers with the child and how to reassure the child.

Children at this age have a self-focused view of the world and suffer self-blame and depression and other behaviors. If the child develops such problems with no apparent cause other than the parents' divorce, the parents need professional help to be able to properly parent during the divorce. A mental health professional can then assess if the child needs interventions as well.

PARENTING PLAN SUGGESTIONS

Parenting plan options should continue to focus on predictability, routine, and structure, with a daily schedule.

Caretaking arrangements should be consistent, stable, and predictable for the young child. Toilet training methods need to be the same. The child needs the same routine, eating, activities, and bedtime. Structure is important and the structure should be the same in both homes.

Children at this age begin to recognize holidays and days of special meaning, which should be divided in the parenting plan beginning at this stage of the child's development.

Preschoolers need predictability and frequent assurance when they will see the other parent to prevent separation anxiety. The same calendar highlighted with the days with each parent in different colors (e.g., pink for mom and blue for dad) in each home will give the child a reference point. Changes should be minimal. Like infants and toddlers, the child still needs continuity, consistency, and familiarity. The child may be fine with adding two night weekends to the weekday contacts and may be fine with one week blocks of time in the summer and during school vacations.

CHILDREN AGES 6 TO 8

WHAT THEY NEED

During the parents' divorce, children aged six to eight need to be able to love both parents, without guilt, shame, blame, or being drawn into a loyalty conflict. One parent can cause great harm by letting the child know the foibles of or speaking ill of the other parent. The child needs contact and emotional attachment to both parents, whether or not one parent believes the other parent deserves to have that contact or emotional attachment.

The child of this age is learning competency and self-concept development is taking place. These children will feel intense grief and sadness at the divorce, crying and mourning when a parent leaves, even if they did not have a close, loving, positive relationship with the leaving parent. Reunification of the parents is a dream and goal and the children may become parental care takers, too helpful, or too good.

The children need to be shielded from conflict and information regarding the divorce so they may grow and develop. Possible problems include telling each parent what he or she may want to hear rather than the truth or reality. The children may become preoccupied, inattentive, or act out in school, and may profess ailments or dislike of school to avoid school because of feelings of incompetence and inadequacy in the family's problems. The school should be made aware of the divorce.

PARENTING PLAN SUGGESTIONS

Parenting plans should consider that young school-age children are in a period of transition and self-discovery, learning to choose friends and becoming independent by attending school. School can be used for smooth transitions between homes. Periods of time in each home where the child is separated from the other parent can begin to extend to up to four to five days depending on the maturity and needs of the child and the child's success with such separation, but with both parents involved with school and related requirements.

Caretaking arrangements should be consistent, stable, and predictable for the younger school-age child.

School age children need responsible as well as recreational time with both of parents and responsibility at both homes. Both parents need to be committed to school as a priority with time set aside for homework, each parent making sure homework is completed when the child is at his or her home, and a reasonable bedtime. Extended summer time with both parents, with contact with both parents during the extended time may be appropriate. Both parents should car pool and supervise activities to remain actively involved in the children's lives.

CHILDREN AGES 9 TO 12

WHAT THEY NEED

Children in this age group are beginning to concentrate on peers and are developing gender identity. They have developed an ability to think and reason, so they will make judgments about who is right and who is wrong and exhibit strong anger, taking sides with one parent and blaming the other for the divorce.

Self esteem and identity issues can result from alienation or abandonment by one of the parents. The child needs strong and significant contact and involvement with both parents: the same sex parent for role identity and the opposite sex parent for socialization.

Conflicts between the parents can have lasting detrimental effects, loss of self-esteem and poor sense of identity. During the parents' divorce, children of this age also need to be able to love both parents, without guilt, shame, blame, or being drawn into a loyalty conflict. One parent can cause great harm in criticizing or blaming the other parent rather than allowing the child freedom for contact and emotional attachment to both parents, whether or not the parent believes the other parent deserves to have that contact or emotional attachment.

As with both younger and older children, the school should be made aware of the divorce. The child may have physical complaints that interfere with school attendance and the divorce may cause peer and school difficulties.

PARENTING PLAN SUGGESTIONS

Parenting plans should consider that school-age children are in a period of transition and self-discovery. Friends become more important in their life. Their developing values are tested in school and home environment. Older school-age children see-saw between dependence and independence. School can be used for smooth transitions between homes. Periods of time in each home where the child is separated from the other parent can begin to extend to up to five days, depending on the maturity and needs of the child and the child's success with such separation, but with both parents involved with school and related requirements.

Like younger school-age children, older school age children need responsible as well as recreational time with both parents and responsibility at both homes. Both parents need to be committed to school as a priority with time set aside for homework, each parent making sure homework is completed when the child is at his or her home, and a reasonable bedtime. Extended summer time with both parents, with contact with both parents during the extended time may be appropriate. Both parents should car pool and supervise activities to remain actively involved in the children's lives.

Caretaking arrangements should continue to be consistent, stable, and predictable for the school-age child.

CHILDREN AGES 13 TO 18

WHAT THEY NEED

This age group is separating from the family and shifting loyalty to peer groups. The parents' divorce may speed this shift and expose a child of this age, with little judgment, conscience, or fear, to involvement in drugs, alcohol, truancy,

and sexual acting out. The child may use both parents' lack of communication and conflict to engage in these activities without consequence.

The child will mourn and show sadness over the loss of the family and fear that the child's future may be affected by the divorce, such as less money available for college.

Rather than reduced parental supervision, the parents need to increase supervision, boundaries, and set limits as role models. The children will model the parents' behavior and be quick to condemn their behavior. How the parents conduct themselves during the divorce will have lasting effects on the children's future trust in others and in relationships. The children need to know that their parents can still work together as a team in parenting, with clear, agreed expectations and boundaries, monitoring of school and social involvement.

PARENTING PLAN SUGGESTIONS

Parenting plans should consider that adolescent-age children are in a crisis period of transition and self-discovery. Friends become most important in their life, and they see-saw between feeling invincible and vulnerable. The adolescent in search for independence tests values in school and at home. Despite trying to be adults, their decisions about alcohol, drugs, sex, social groups, school performance, and love interests require close parental supervision and communication between parents.

School can be used for smooth transitions between homes. Periods of time in each home where the child is separated from the other parent can extend to up to seven days during the school year, depending on the maturity and needs of the child and the child's success with the separation. But with both parents should be involved with school and related requirements.

Caretaking arrangements should continue to be consistent, stable, and predictable for the adolescent. However, the adolescent will want and need to participate in determination of a time-sharing schedule and assert control when he or she can. The adolescent will think a time-sharing schedule is "fair" if he or she participated in its development.

Although the adolescent wants a continuing and meaningful relationship with family members, the adolescent wants it on his or her terms and with a home base where friends can easily find him or her. Adolescents want their parents to be available for them more than they want to be available to their parents. They perceive the world revolving around their needs and desires, and they will be quick to assess the fairness of their treatment at Mom's house and Dad's house. They also will assess the fairness of how they and their siblings are treated versus how step-siblings and half-siblings are treated. The adolescent will be quick to judge a parent, whether deserved or not deserved.

When they have "wheels" or a friend has "wheels," time-sharing rules should include consistent, common, enforced rules with predictable consistently enforced consequences, concerning curfew, communication of their whereabouts with parents, and even a "contract" between the parents and child as to safety concerns.

Having the child participate in mediation for the development of the parenting plan should be a consideration.

IV. MAKING YOUR PARENTING PLAN WORK

ANGER: THE MAIN REASON WHY SHARED PARENTING FAILS

Most court ordered parenting plans don't work and are not enforceable. A parenting plan that you and your spouse negotiate and agree on is more likely to be successful, but even mutually agreed on plans can fail.

One reason parenting plans don't work is that there is no possible way to anticipate everything that will happen on the rocky road of parenting. Life happens: parents work, schedules change, children get sick, and an infinite number of other variables interfere with compliance with a parenting plan. To make a plan work, parents must be flexible enough to roll with the punches and adjust the plan to the circumstances.

Another reason parenting plans fail is that they are not enforceable. Courts cannot force a person to become a good parent. They can't send a sheriff's officer out every time a parent brings a child home late. Courts can't mandate respect, empathy, or simple good manners, and all of these things have to be applied to one degree or another in order to successfully share parenting.

Parents fail at shared parenting primarily for two reasons:

- One or both of the parents has not been able to complete the grieving process. That is, they have not reached the acceptance stage of the grief related to their divorce. Most commonly they are stuck in the anger stage of the grieving process. Angry parents tend to put their needs ahead of the needs of their children. Angry parents express their unhappiness by snarling at the shared parenting.
- Parents often have problems changing roles from married person to single parent. The confusion the parent feels telegraphs into frustration, and the frustration gets expressed in the shared parenting as anger and non-compliance.

Whatever the cause of the anger, it is usually the main problem behind failed shared parenting. The best way to solve the anger associated with the shared parenting is to separate the children from the marriage and its associated anger. You and your former spouse need to detach yourselves from each other emotionally. You must change the way you think about each other. You should try to see your former spouse, not as a failed life partner, but as your children's other parent. One technique that may work is to treat your ex like a business associate. Think of each contact with him or her about the children as a business meeting. Develop an agenda and stick to it. Consider asking your spouse to take a "civil communications pledge" if attempts at communication consistently degenerate into arguments and name calling. See Keeping your communications civil, below.

A parenting plan is essentially nothing more than a tentative schedule of parenting time that is subject to immediate change. That is, while it may work as a fall-back position when things go wrong, it can't foresee and deal with everything that will happen in the parenting of your children. Only responsible, loving parents can do that.

Parents who are able to get over their anger or separate their anger at their ex-spouse from their feelings for their children can usually share parenting without destroying their children. This is true in spite of how well or poorly a parenting plan is written. However, plans that are inherently unreasonable, or obviously not in the best interests of

the children, do not work. For example, you must consider the child's age and mental and emotional development when scheduling time sharing. Child psychologists say that a plan that provides for a three month old child spending one week with dad and one week with mom is a bad idea. Taking a very young child away from his or her mother for an extended period of time just does not work. For age appropriate parenting plan suggestions, see Considering the parenting needs of your children based on their ages, above.

AVOIDING PROBLEMS WITH SHARED PARENTING AFTER DIVORCE

Studies show that approximately 25-30% of parents have a cooperative co-parenting relationship, characterized by joint planning, flexibility of scheduling, provision of some parenting support to each other, and coordination of children's activities and schedules. The majority, more than half, settle into parallel parenting in which emotional disengagement, low conflict, and minimal communication about their children predominate. While this is less optimal for children than cooperative co-parenting, children do thrive in these arrangements, particularly when the quality of parenting in each home is nurturing and adequate. The remaining parents, about 20%, have a continuing conflicted relationship, with poor communication and little if any cooperation.

There is no way of telling what type of parenting problems will surface to disrupt your post divorce parenting arrangements and expectations. However, here are some common ones with suggestions about how to address them to keep you and your former spouse out of that bottom 20%.

RELINQUISH EFFORTS TO CONTROL YOUR EX-SPOUSE'S PARENTING

You must accept that your ex-spouse will run his or her household differently from yours and will have different parenting styles. For example, you can't control what your ex-spouse feeds or doesn't feed your kids. If your ex believes that vegetables are not fit for human consumption, or that left-over pizza is a healthy breakfast, you can't change that. What you can do is make sure that they are fed properly when you are parenting. You can go the extra step and pay for their lunches at school to make sure that they get them. You can buy them into the breakfast program. You can send kids' vitamins home with them and follow up to make sure they are taking them. You can make sure that annual checkups are performed, and if you really think there is an issue, pay for more regular exams. If the child's welfare is being threatened, a court may be able to intervene. Otherwise, let it go and do the best you can while they are with you.

Parents differ in the way they think children should be raised. And, admittedly, some tactics seem to work better than others. However, unless your ex is an immediate danger, no court is going to interfere in the parenting of the children while they are in his or her care. If your ex isn't providing what you think the children need, then it is your job to see that they get it while they are with you. Other than that, you do not have control of the situation.

UNDERSTAND WHEN A COURT MIGHT INTERVENE

Do not expect to get a court to intervene just because, in your opinion, your ex is not doing a good job taking care of the children. There is a line between bad parenting and criminal activity. Appropriately, courts rarely get involved in assessing the difference between good parenting and bad parenting. Courts only get involved when the actual, physical, welfare of your children is an issue. You must have evidence of those situations in order for a court to take action. One of the forms that evidence can take is a log in which you record parenting lapses that put your children at risk.

Here are some examples of what goes in the log and what doesn't:

- Your ex lets the children eat dessert for breakfast. Not worth noting.
- Tara isn't in her car seat and Brett doesn't have his seat belt on when they are dropped off. Log it; failure to restrain children endangers them and is a violation of the law.
- Your mother tells you that your ex has been drinking when he drops off the kids. Ask her why she thinks so, and tell her that she may end up testifying to the fact. If she sticks by her accusation, log it. Drinking and driving endangers the children.
- Your ex only feeds the kids fast food when they are with her. The court doesn't care.
- Your ex buys Brett a dirt bike but no safety equipment. Log it, and ask your ex to buy the equipment. If he refuses and if you are able, buy Brett the equipment.
- Every time your ex picks up the kids, she takes them over to her mother's and leaves. Log it. If she isn't engaged in the lives of your children, the court may find any demands she makes related to parenting to be without basis.

STICK WITH THE SCHEDULE

Imagine your son with his backpack standing by the door waiting for you. You make him wait for two hours to prove to your ex that you're still in control. Who does that hurt? What does that tell your son about how you feel about him? Why do you think your ex is upset with you? Consider that your ex might be angry not because you hurt him or her but because you hurt your son. Stick with the parenting schedule as if it is the most important thing in your life. You are incredibly important to your son. Make no or few changes; adjust everything else to be there and be on time. If you can't pick him up on time, or if the schedule changes, call your ex and call your son immediately. Failure to keep a contact without notifying the other parent may be construed by a child as rejection.

Seeing the kids whenever you feel like it or whenever you have the time is not going to work. Unlike you, children must have structure in order to feel secure and develop normally. Simply showing up at odd times causes stress on the children and their other parent. You must make time for your children based upon what they need, not what you need.

You and your ex may need to re-evaluate and adjust the contact schedule from time to time, according to your children's age, health, and interest. Plan on meeting after certain set periods of time to reconsider the schedule.

PLAN FOR EMERGENCIES

Decide now who is going to be called when your child is sick at school or there is an emergency. The job is not necessarily mom's. The job belongs to whoever can best minimize the economic impact. If mom is salaried and can make up the time whenever, and dad works on an hourly basis and can't get away without getting in trouble, then it's mom's job. If dad is laid off due to winter weather, then it's his job. Make sure the school has contact information for both of you.

PAY YOUR CHILD SUPPORT AND BUY NECESSITIES IF POSSIBLE

Pay your child support. If you have the idea that it's a payment for your former spouse, change that idea. It's for your children. Yes, paying child support is painful. Try having the amount withheld from your pay and transferred to wherever your ex (or the court) wants it sent. That way you won't be ticked off every month when you write the check.

If you can afford it, don't be afraid to buy the children necessities. Buying things like shoes and school supplies shows that you understand that kids need more than just fast food. It also puts you on your ex's good side, and maybe he or she will cut you some slack on other issues.

ALLOW FOR DECOMPRESSION

Decompression is the process when children change households and go from one parenting style to another. It occurs very commonly when children go from a household with little or no structure to one with that is highly structured.

For example, there may be very little structure in the mother's home. Consequently, your daughter may feel insecure while she is there. To compensate, she may try to create structure and actually assume control of when and how things are done. When she comes back to your house, it is no longer necessary for her to be in control, so she is momentarily disoriented by her change in roles. This causes her to act out, defying your structure when she is accustomed to creating her own.

The best way to handle decompression appears to be to avoid overreacting to it. Send the child to a secure, familiar place such as her bedroom to engage in a quiet activity like reading. Not a punishment, just some down time. A couple of hours in her own space will usually allow enough time for her to adjust.

AVOID TRANSFER WARS

In some situations it seems that every time the child transfers from one parent to the other there is a battle. If you blister at your ex every time he or she picks up the children, your ex might decide it isn't worth the trip. If that happens, who does that hurt, your children or your ex? This means that you have to decide whether you are mad at your children or at your ex.

If it isn't about the kids, don't bring it up. If it's about the kids and you can't be civil, put it in a note.

KEEPING YOUR COMMUNICATIONS CIVIL

If you find that you and your spouse cannot communicate with each other about the children and that every attempt degenerates into an argument, you may want to consider taking a civil communication pledge. You can each sign the pledge and review it before talking to the other spouse. Do your best to follow the pledge even if your spouse cannot. Your example may influence your spouse to improve his or her behavior.

Parents' Pledge for Civil Communications

We understand and acknowledge that we will be required to communicate with each other from time to time in order to effectively parent our child(ren). With respect to such communications, each of us pledges to:

Keep all communication with the other parent civil and business like.

Establish a purpose for each call or meeting.

Let the other know the purpose of the call or meeting ahead of time.

Arrange with each other in advance for a mutually agreeable time to talk.

Stick to the stated purpose of the call or meeting.

Make no personal attacks or accusations against the other during communications.

Not attempt to take control of the conversation or sabotage the purpose of the communication by yelling, nagging, or talking over the other.

Not attempt to take control of the conversation or sabotage the purpose of the communication by silence or refusal to participate.

Always let the other know that he/she has received a message or request to talk from the other.

Make all contact during normal working or business hours, whenever possible, or agree to set days and times.

Review the pledge before each scheduled call or meeting.

Mother

Father

MAKING THE MOST OF YOUR PARENTING TIME

Time with children should be pleasant, not only for the children but for both parents. Parenting time should help the children maintain a positive relationship with both parents.

Use your time with the children to create rituals and memories that will comfort your children for the rest of their lives and that they can share with their children. For example, prepare a favorite meal together once a week; have a family game night; read a favorite bedtime story.

You don't have to spend a lot of money or take the children to special events every time they are with you. Take advantage of free or low-cost activities such as the library, parks, the beach, and local museums. Play a sport together; develop a shared hobby.

Each parent should have some contact time scheduled for recreation and some scheduled for day-to-day activities. Incorporate routine activities into your time with the children, such as grocery shopping, laundry, cooking, and other chores. Each parent should have some time to supervise and help with homework and school assignments.

Spend time alone with each of your children if possible, without friends or significant others, participating in an activity together that the child enjoys. Parent and child contacts should be a time for the parent and the children to be with each other, to enjoy each other and to maintain positive, steady, and strong relationships. Having a significant other participate may dilute the parent-child experience and cause stress for the child, especially during the divorce. Also, it may appear to the children that the parent does not care enough to provide undivided attention during contact. Maintain the best interest of the children as the primary criterion for your actions and conduct.

Respect the children's need to be with their friends on occasion and to participate in age appropriate activities. If a child is with you during a scheduled activity (e.g., music lessons, Little League games, a school play), make sure the child gets to attend. Take your child's wishes into account before skipping any scheduled event.

When the children live primarily with one parent, the other often feels hurt, left out, and no longer needed. These feelings can lead the parent to give up on his or her time with the children. If that is your situation, remember that contact with you is for the benefit of your children. A child needs a relationship and personal contact with a mother and a father. Even though the parents have not been able to get along, the children still need both parents if they are to grow up as well-adjusted as possible.

Fathers often question where to take the children during parenting time and what to plan in the way of amusement for them, particularly if the children are young. Activities may add to the pleasure of the visit but most important of all is the father's time with the children. A father's time is more important than whatever material thing he may give his children. If you are a dad who feels uncertain about how to handle time with your children, take a parent effectiveness course or join a father's support group.

Your contact time should not be used to check up on your ex. Do not grill the children about what the other parent is up to. Often in children's perception, their parents hate each other. They will feel uncomfortable about being questioned by one parent about the other. In their minds, if they do anything to please one parent, they may invite outright rejection by the other parent. For this reason, parents should show mutual respect for each other.

Listen to what the children have to say when they are with you, and follow up on hazards to their health. However the real danger here is that you may make the children feel like they have betrayed their mother or father. Hurt the relationship between your children and their other parent, and you will be damaging your children.

Be courteous to the other parent at the time of pick-up and delivery. Alternate which parent does the driving or pick a neutral location for exchange. Some parents exchange at the supermarket while both are shopping. This gives the child some time when the parents are in one place at one time and lets the child go from one parent to another during this time. Allow the child one thing to buy or give the child a list of items to find and make this time a game.

Create a set of calendars. Highlight dad's days of parenting in blue and mom's in pink. Make a duplicate for the other parent and tack it up in the kitchen of each house. Then the children can see at a glance where they will be and when. This will create a structure that will make them feel more secure.

DO'S AND DON'TS FOR SUCCESSFUL SHARED PARENTING

DO—

- ✓ Make a commitment to shared parental responsibility with your children's other parent and recognize that he or she has the right and responsibility to participate in the children's lives.
- ✓ Use your best efforts at all times to encourage and foster the maximum relations, love, and affection between your children and their other parent.
- ✓ Recognize that the children now have two homes and that the other parent and the children have the right to call themselves a family, no matter how the children's time is divided.
- ✓ Accept that the children have the right to develop an independent and meaningful relationship with both you and the other parent and respect the personal differences of the other parent and his or her home.
- ✓ Develop your own rituals, rules, and customs with your children and recognize that the children and their other parent have the right to develop their own rituals, rules, and customs, which will be different from yours.
- ✓ Acknowledge that your family will be different from the family your children have with their other parent and refrain from describing these differences as "better" or "worse."
- ✓ Give your children the opportunity to have access to, and develop a relationship with the other parent's "significant other" should such a person exist.
- ✓ Be flexible about scheduling changes and agree to reasonable requests from the other parent to exchange or interchange weekends, part of a weekend, or periods of time to accommodate the needs of the other parent as well as the needs of the children. You never know when you might need to ask the other parent for a schedule change.
- ✓ Accept that your children's other parent will have the responsibility to make routine decisions for your children during his or her time with the children unless otherwise stated in your parenting plan.
- ✓ Strive for agreement in decisions pertaining to the children, especially discipline, so that one parent is not undermining the other parent's efforts.
- ✓ Support each other regarding the children's commitment to their homework as a priority.
- ✓ Strive to make the relationship between you and the other parent as businesslike as possible: courteous, relatively formal, low-key and public. Be courteous and respectful to the other parent, even when you do not feel the other parent deserves it.
- ✓ Provide to the other parent your home address and home, work, and cell phone numbers and promptly notify the other parent in writing, of any changes in your address and phone numbers.
- ✓ Provide the other parent with information from all pediatricians, physicians, dentists, consultants or specialists attending the children, as well as information from teachers, schools, camp, etc.

- ✓ Keep your children's other parent informed about the children's activities, such as religious activities, school programs, sports events, and other extracurricular activities and important social events and recognize that he or she has the same right that you do to attend.
- ✓ Provide reasonable notice (e.g., 48 hours) to the other parent if you are unable to exercise your time sharing, but first do everything you can to avoid having to cancel.
- ✓ Give the other parent reasonable notice (24 hours, if possible) when a child is too ill to safely leave home for time-sharing with the other parent. Allow the other parent a "make-up" period of time when the child recovers.
- ✓ Notify the other parent as soon as practical in the event of illness or accident happening to a child while in your care.
- ✓ Contact the other parent immediately/as soon as possible after child's safety is secured and prior to contacting any other third parties (other than medical/emergency personnel).
- ✓ Allow the parent with whom the child may be to make all immediate decisions necessary to preserve the health of the child in an emergency.
- ✓ Send the children to their other parent with adequate and clean clothing for the time sharing and with any medications prescribed by their doctor.
- ✓ Offer the other parent the opportunity to care for the children, whenever reasonably possible, when you are away overnight due to work or social obligations.
- ✓ Try to follow the long established golden rule "Do Unto Others As You Would Have Them Do Unto You."

DON'T—

- ✗ Fight with your children's other parent within the hearing or sight of the children.
- ✗ Say anything bad or negative about the other parent within the hearing of the children.
- ✗ Ask the children to carry messages or child support to the other parent.
- ✗ Make the children feel the need to hide feelings or information about the other parent.
- ✗ Request or encourage your children to call their other parent by his or her first name. Always refer to your children's other parent as their Mother or Father.
- ✗ Request or encourage your children to call your "significant other" mom or dad or refer to anyone other than the parents as "Mother" or "Father."
- ✗ Refer to the children by any last name other than the one listed on their birth certificate(s).
- ✗ Make plans for or with the children that affect the time they have with the other parent without first consulting with that parent and obtaining his/her consent.
- ✗ Ask the children questions about their other parent's new life. You must respect the other parent's privacy.
- ✗ Interfere unreasonably with the other parent's style of child-rearing and discipline while the children are with him or her.
- ✗ Expect the other parent to continually act as a "buffer" or "go-between." For example, should you be unable to exercise time-sharing, you should explain this directly to the children. Each parent has a duty to communicate directly with the children concerning his/her relationship with them to the extent warranted by their age and maturity.
- ✗ Cancel timesharing with the children unless absolutely necessary because of illness, extended work hours, or a physical impossibility to pick up the children.
- ✗ Deny the children's other parent his or her scheduled timesharing because the parent is late or behind with child support.
- ✗ Refuse to pay child support because the other parent has interfered with your time with the children.
- ✗ Allow friends, a significant other, or other third parties to transport your children to and from timesharing. Transport the children yourself unless you and the other parent both agree to let someone else do it.