

## Helping Your Children After Divorce

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### What Do You Tell Children about Divorce/Process/Litigation

**1. My children keep asking me about the litigation. What should I say?**

Even though a divorce or modification suit isn't your children's fault, they might blame themselves. Reassure them that the law suit, the divorce and the litigation are not their fault.

Shield your children from the litigation as much as possible. An answer that keeps the child from becoming too involved in the issues of the action will be of most benefit. For instance: "it's something that your father and I need to work out, you don't need to worry about it. Your father and I love you and we will always love you."

**2. My ex-spouse keeps talking to our children about the litigation. Can I do anything about it?**

Children should certainly not be exposed to the details of court actions involving them. If your former spouse is willing, try going to a counselor or sitting down with a mutual and trusted friend to work out how to interact with your children in a positive and appropriate way. If that doesn't work, then consider court intervention. A judge can make specific order for the protection of children which may include orders to refrain from such discussion or, in some extreme cases, orders which limit or even supervise the access that the offending party may have to the child.

**3. My child keeps asking me when my ex-spouse and I are going to get back together. What should I say?**

Most children want their parents to get back together. It is important for your child to feel secure, but not to have any unrealistic expectations. Reassure your child that he or she will always have the love of you and your former spouse, but that you are going to be living in separate houses from now on. You should be optimistic about the future if your family. For example, emphasize the positive parts of the divorce such as no more arguing, more one on one time with each parent, double Christmas, etc.

## How Do You Deal With Love Interests

- 1. My children constantly talk about my ex-spouse's new love interest. They have even told me that the new person sleeps over. How should I react?**

It is important for your children to feel as though they can come to you about any subject. If you react negatively about a new love interest, then they will likely either not get along with that new person, or feel as though talking to you about him or her is a bad idea, particularly if your children like the new person. Either way, your child loses.

Instead, have a positive attitude. If it's a new boyfriend or girlfriend of your ex-spouse, encourage your children to give this person a chance. If it's a more serious relationship, then say things to your child that will let him or her feel good about liking this new person. At the same time, remind your children that they can come to you at any time if there is something about the new person that causes any concern. Not only will it help your relationship with your child, but it might also help your relationship with your former spouse.

If you are concerned about the message it is sending to your daughter to have a new love interest stay overnight, talk to your children about the choice that your former spouse is making and discuss why it might be a good choice or a bad one. If your former spouse is willing, try going to a counselor or sitting down with a mutual and trusted friend or member of the clergy to work out how to deal with the new love interest in a positive and appropriate way. If it gets to be a real problem or if you are against your child being exposed to adults living as a married couple when they are not, and your former spouse continues to let it happen, then you can seek court intervention. Some judges will see it your way and prevent adults of the opposite sex from spending the night when your children are there. However, if you do that, you must expect the relationship between you and your former spouse to be damaged.

## How Do You Deal with the Child's Relationship with the Other Parent

- 1. My children don't want to visit my ex-spouse. What should I do?**

Explore with your children why they don't want to spend time with their other parent. Make sure they know that they can come to you with any concern.

Your children deserve to feel to love both parents. Unless there is a very good reason to avoid visitation, they should be encouraged to see your former spouse. Say encouraging things to your children about their time with the other parent. The more positive your attitude, the more likely your children will be to want to see the other parent.

If, after speaking to your children about their reasons for avoiding visitation, you determine that your children are being abused, seek help from your attorney or law enforcement authorities.

## Extended Family Education – Don't Alienate

### **1. My child tells me that my ex-spouse's parents keep saying bad things about me. What can I do?**

First, listen to your children's thoughts and feeling. Gently learn about how such information was obtained. Do not criticize the other parent. Rather, if your child holds a misperception, correct the misperception factually without judgment.

Be realistic. Even families with parents who are not divorced make critical remarks of one another. Forgive and try to understand small transgressions.

If possible, talk to your former spouse. If he or she does not know this is happening, then it may solve the problem. If the problem continues, your child will be harmed, so you must take action to protect them. Talk to your lawyer about options, mediation, a therapist, or even a court hearing that might provide needed relief. You will find that if you need to go to court, judges generally have little tolerance for parents, and even extended family, who say bad things to children about their parents.

## Violating Orders/Playing Fair/Cooperating/Changing Times

### **1. My ex-spouse and I are different religions and we each teach our children about our beliefs and practices. Isn't this confusing for our children?**

Courts will often not give orders which provide for a specific religion of a child. However, that does not mean that you should not address the issue. Your children will likely not be damaged by learning about two different religions, just as they won't be damaged by learning two different languages. Explain the difference between the two religions to your children and offer a safe environment in which they can talk to you about those differences and their individual preferences.

### **2. How do we handle extra-curricular activities with the children when some of the games/practices happen during my periods of possession and some happen during my ex-spouse's?**

In most circumstances, a parent will have the choice of whether or not to take the children to the practices or games during their periods of possession. Although some courts will allow children some continuity in a limited number of activities and, therefore, order both parents to take them to certain events, many times a parent will simply have the choice of whether to take the child to the activity. If the event is important to your child, then discuss the activity with your former spouse before signing your child up for it. Also, limit the number of activities so that the other parent will not feel as though his or her entire time with the child is spent going to one activity after another. Often, a parent will see this as an attempt by you to interfere with the relationship they have with your child.

**3. My ex-spouse can make more money, but chooses not to so that he can avoid paying more child support. Can I do anything?**

The courts of many states can help you. “International under employment” is a theory by which a person is able to make more money, but chooses not to. If you are able to demonstrate that they are making less money specifically to avoid paying more child support, the court of your state may have the authority to order child support in an amount that would be paid if the other parent were making the amount of money he or she is capable of making.

**4. My ex-spouse won’t follow the court’s order. What can I do?**

Any violation of the court’s order may be addressed through enforcement. This will include a failure to pay support on time or at all, a failure to allow visitation or a failure to return a child at the end of visitation. In most states, any order may be enforced by a finding of contempt, which can include time in jail, fines, the award of attorney fees, or a requirement that a bond be posted.

It is also a general rule that child support and visitation have nothing to do with one another.

Therefore, if your former spouse refuses to pay child support, your remedy is a Motion for Enforcement. You should not take matters into your own hands and withhold the child.

**5. What do I do when my ex-spouse keeps buying our children expensive gifts and I can’t keep up?**

Talk to your former spouse about the lessons expensive gifts teach. If that is impractical or if it doesn’t work, then it will be up to you to talk to your children about those lessons. Money doesn’t buy happiness and what is really important are family, faith, honesty, etc. Many children are persuaded by expensive gifts and you can’t stop your former spouse from buying them. What you can do is teach your child the right values.

**6. Every time my former-spouse wants to change the visitation schedule, he/she has our children call and ask. Isn’t this wrong?**

Yes. When your former spouse puts your children in the position of a messenger, that child carries a responsibility that he or she should not burden. Your child is put in the middle of two parents who, for whatever reason, cannot communicate directly with one another. That, in effect, forces the child to take on the adult role because the parents are acting like children. Suggest to your former spouse alternative ways to communicate – e-mail, voice mail, letters, or a phone call. Even using a mutual friend to pass along communications is better than having your children do it. If your former spouse continues to use the children as messengers, a court can order an alternative method of communication.

## Relocation

### **1. My ex-spouse has re-married and they're planning to move to another state because of the new spouse's job. What can I do?**

A move to another state certainly must affect the relationship between the child and the parent left behind. Often that relationship is hurt. We have found that children of parents separated by distance most often miss the parent left behind a great deal. If the children have a close relationship with the non-custodial parent, then a move should be avoided if at all possible.

Many states have policies that prevent such a move unless there is a very compelling reason. Some states, however, have incorporated just the opposite view into their family codes and routinely allow a move unless the remaining parent can show a good reason why the move would be bad for the children. If your child have a very close relationship with the non-moving parent, travel will be hard, the child is very young, thus making travel even harder, etc., then a court, may well prevent the move.

*The above does not constitute specific legal advice.  
Please call to schedule an appointment with one of our lawyers.*