

Helping Your Children Once You Have Decided to Divorce

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DISCLAIMER: The advice in this article is for families going through a divorce without specialized problems such as domestic violence, substance abuse issues or child abuse problems. Should your upcoming divorce involve specialized problems, seek an attorney's advice immediately.

1. If we divorce – will it scar the children?

We know that chronic conflict and stress is hard on children – emotionally as well as physically. Children under stress are more vulnerable to physical illness, problems at school, and problems with others. As a parent, you are in a better position than anyone else to answer this question about your own children. If you are chronically unhappy, stressed or depressed in your marriage, it will have a negative impact on your children.

So rather than asking whether a divorce will harm children, the better question is “Will a divorce resolve or result in more or less stress for the children?” Once you answer this question, you will have better insight into the potential impact divorce will have on your children.

Any change – even if it is ultimately for the better – is stressful. Keep this in mind and make use of community resources – extend family, clergy, or mental health professionals to help your family through the divorce if you decide this action is the best choice.

2. We have decided to Divorce – How do we tell our children?

It's best that you and your spouse tell your children together, if possible. It is important to let them know it is an adult decision that you both believe will make your independent lives better.

Many children have misperceptions about having to choose a parent, not being able to see the non-primary parent, or even having to go to court. So it is important that you both educate your children together about what to expect in the upcoming months and reassure them that you will always be a family, although you will not always be living together.

Listen to your children's concerns. Encourage your children to talk so you can address possible misperceptions.

Let your children know that you support their relationship with the other parent. Tell your children that it's okay to love and miss the other parent and that having these feelings is natural.

Most importantly, tell your child she or he will not have to choose “a side”. It’s important to reassure your children that they still have two parents who love them, that they will eventually have two homes, and that they will be living some with Dad and some with Mom.

Remember that your children will look to how you and your spouse are coping with the upcoming changes. Your confidence and your reassurance about the new changes in the family will instill confidence in your children.

3. Our relationship is so strained that we can’t even talk to each other – much less talk to the children. What do we do?

Conflict between parents is extremely hurtful to children. Find a neutral mediator or a therapist to help you and your spouse focus on the needs of the children.

Use your neutral person to help you both tell the children about the upcoming divorce and your hopes that the strife between the two of you will lessen by living independently.

Be very careful to keep your children out of the middle. Resist any urge to draw your children into the divorce issues – children caught in the middle feel like they are in a war zone.

4. I am the parent likely to provide the primary home. How do I help our children?

Children tell us they most often miss the parent they are not with at the time, so you need to let your children know it is natural and normal to miss the absent parent.

Give your children permission to call or see the other parent.

Teach your children how to deal with feelings of missing the absent parent. Show them how to telephone, e-mail or help them arrange a meeting with the absent parent. Your showing them how to reach out is teaching them how to cope, as well as a demonstration of your support for the other parent – it is a physical demonstration of permission to love the absent parent.

Eventually, you and your spouse will have legal documents that will likely provide for set periods of visitation for the other parent. Although your children don’t need to know the details of the Court’s orders, they should know that they will be able to see the other parent on a regular basis. Even though your legal documents will outline specific periods for both parents, you will have the ability and responsibility to work with the other parent and be as flexible with the children’s schedule as possible.

5. I am the parent not likely to provide the primary home. How do I help our children?

Frequent contact across a variety of contexts – meals, homework, sports practice, discipline, bed-time – contribute to a rich parenting relationship that mirrors normal family life. Try to interact with your children in these types of natural, everyday experiences – it will feel good and right to them.

Establish independent lines of contact with teachers, therapists, friends, neighbors, and extended family. This will help you keep in touch with your children’s lives without interruption and without infringing or becoming too dependent on the primary parent. Knowing your children’s schedules and habits at their primary home will help you normalize their experience at yours.

Finally, remember that your children have two homes, not just one. Don’t make the mistake of “taking the children home” after your period of possession. Keeping this mindset will help you create a fulfilling family life for the children.

6. How can we best avoid conflict in the divorce process?

Unlike other lawsuits, a divorce can be accomplished through a variety of ways. Collaborative law is one of the newest and most exciting forms of resolution. Even though both parties have attorneys, it is an avenue of divorce resolution that avoids formal litigation and the courtroom. The parties are free to use mediators, financial planners, counselors, extended family, members of the clergy or anyone else that might be helpful in resolving the divorce issues. Attorneys practicing collaborative law must undergo specialized training that is not available in all areas of the country. Contact us for a collaborative law referral or for further information.

If you use a more traditional and formal approach to the divorce process, many cases can be resolved in formal mediation. This is a process whereby the clients are represented by attorneys and a third party – a mediator – who works with each side to resolve disagreements without the cost and stress of a contested trial. Because the mediation process is so successful, many courts make mediation mandatory so that families avoid the cost and strife of formal litigation.

If your case goes to trial, it is important to educate the children about the process in a general way. Sometimes a Judge will speak with older children. Sometimes children believe they will have to choose a side. Before you educate your children, talk with your lawyer and get guidance from professional about what you should and should not tell your children.

7. My spouse is telling the children negative things about me and the break up. What should I do?

First, listen to your children’s thoughts and feelings. Gently learn about how such information was obtained.

Do not criticize the other spouse. Rather, if your child holds misperceptions, correct the misperception factually without judgment.

Be realistic. Even parents within in-tact families make critical remarks of one another. Forgive and try to understand small transgressions.

If possible, talk to your spouse about working together to protect your children from strife.

If the problem continues, your children 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. Judges generally have little tolerance for parents who say bad things to their children about the other parent because it is so very harmful for the children.

8. How do we help our children with setting up two households?

Involve your children in the process of setting up two households – mix old and new from their bedrooms. Avoid having the non-primary spouse start new bedrooms from scratch. Work together – let your children see cooperation.

Avoid becoming territorial with toys and clothing. Such things belong to the children – not to the adults.

Invariably, children will unintentionally leave a beloved toy or homework at one household – work together to straighten out such problems. It's the best for your children.

9. How do I help our children cope with the problems of divorce?

Listen and talk. Just listening to your children's concerns and feelings is enough to provide them great relief – you don't have to be a solver of all problems. Sometimes just listening is enough.

Talk to your children, shepherd them through the divorce process – allow them to disagree with you or be angry with you – this will pass.

10. What can I do to make this process work out well for everyone?

Take good care of yourself and your children. Be aware of the effects of stress and do as much as you can to prevent stress from taking over your lives.

Remember to have fun with your children. Eat healthy meals. Exercise. Make sure they and you get a good night's sleep. These stress busters will help your children cope with the upcoming changes.

Be optimistic about a better future for everyone – optimism is contagious. If you cope well with the changes, your children will likely follow your lead.

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