

A Beginner's Parenting Guide to Separation and Divorce with Children



Summer has ended and the school year has begun, parents who are contemplating divorce or separation often worry about the impact on children in the future and how best to make decisions for their future. Who shall have custody of the children? Where will they live and go to school? How will they do? Am I just going to be a weekend parent? How do we have equal time with the children? These are common worries and fears couples bring to mediation. The first step is to know what the lingo is when talking about children in the context of separation and divorce. There is a whole new vocabulary you should be aware of before you set out on the process.

What is Custody? When we use the word custody we are actually talking about two separate issues – legal custody and physical or residential custody.

Residential Custody: Refers to where the children will be living. Every child needs a place to list on his or her school records or medical records. What is that address?

Physical or Residential Custodial Parent: Who is going to maintain the home where the children will live most of the time. Whose residence will be listed on those school records and medical records. This is usually the parent we refer to as the custodial parent for child support purposes.

Legal Custody: This generally refers solely to the decision making authority regarding important decisions for the children, such as healthcare, education, and general welfare. This is where joint and sole custody comes into play.

Joint Legal Custody: This is the term used where both parents have agreed to make major decisions for the children together. This is the best case scenario for the children as long as the parents can work as a team for the sake of the children. Can you put aside your differences when it comes to the children?

Sole Legal Custody: When parents cannot maintain a team approach for decision making for the children, one parent is given the authority to make major decisions. This is usually the residential custodial parent. The other parent, however, who does not have legal custody will be required to be kept informed and be consulted regarding all issues involving the children.

What is this “Visitation” we hear of? Is there a requirement one parent should have visitation only alternating weekends?

Absolutely not!! I first off, never use the word “visitation”. No parent should ever be visiting their child

or children. Parenting Time is the schedule created for a family to make optimal use of the families time together and apart. A parenting time schedule should be made for when children are with each parent, including a schedule for weekdays, weekends, holidays, and vacations. Ideally, your parenting time should allow for flexibility but also provide for a specific routine your children and yourselves. As your children grow, their needs and activities will change, and so may your jobs and these schedules need to be flexible enough to accommodate those changes.

A Parenting Agreement will include all of the terms that are necessary and important to the family. These are some of the items which may go into your parenting agreement along with the varying custody arrangements and holiday and parenting time schedules.

- ♣ Which parent will pick up and drop off the children
- ♣ Education and religious concerns and upbringing
- ♣ How will the parents be advised on school and after school activities, including who will attend school conferences and events and functions.
- ♣ How they parents handle family functions that take place during year, including birthday parties, graduation parties, bar and bat mitzvahs or communions, and the like.
- ♣ Notification to parents and others if they are travelling outside of the United States with the children, and if so, are any restrictions to foreign travel. Who is responsible for the passports.
- ♣ Communication with the parent who does not have parenting time, how and when should this occur?
- ♣ Relocation issues and guidance should a parent want to relocate
- ♣ Any parenting issues including restrictions regarding substance and alcohol use of the parents, friends or neighbors who will be around the children; any other restrictions the parents have agreed upon (for instance, a family member who cannot babysit the children).

The **beauty about mediation** is that you may as a couple and partners as parents tailor a Parenting Plan which meets your family's needs. Remember it is no longer only the best interests of the children that are important, but the interests of the family!

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