

## **COOL IT ADVICE MAY HELP FEUDING PARENTS SALVAGE CHILD CUSTODY RIGHTS**

Of all the emotionally difficult stages of divorce, child custody disputes may be the most challenging to parents struggling to behave reasonably during the process of splitting from their spouse.

As seasoned family law practitioners know, that struggle on the part of their clients often is a losing one.

There is a recognizable pattern of self-destructive behavior on the part of many parents that, when viewed by courts, can severely hurt their chances of being granted custody.

Perhaps it is a symptom of the emotional impact of a contested divorce, but, in many cases, clients will charge ahead with this detrimental behavior despite their own better judgment and the entreaties of their counsel.

By recognizing the 10 worst things that clients can do to hurt their custody cases, lawyers may be able to help them head off those actions or at least take steps to minimize their impact in court:

**1. Make derogatory remarks about the other parent.** This is probably the most common mistake made by parents embroiled in child custody fights. People seem to believe that they will enhance their own images by making such remarks about the other parent, and that, if they feel that way, the judge undoubtedly will see the other parent's faults, as well.

In reality, a judge is likely to view this behavior as an indication that a parent is unwilling to share, probably repeats insulting remarks about the other parent to the child and is trying to hide his or her own flaws.

**2. Make derogatory remarks about the other parent's family.** This type of behavior can reinforce further a judge's negative perception of the parent making the remarks, not the one who is the object of them. As the song lyrics suggest, the client must "accentuate the positive, eliminate the negative."

**3. Use the child as a messenger.** It is best to leave children out of the tug-of-war in which many parents find themselves. Judges feel that parents should make decisions and arrangements for their children by communicating directly. Children are put in an awkward situation when called on to act as messengers for parents who will not communicate.

**4. Refuse to talk by telephone with the other parent.** Children often are forced to fill the role of messenger when the parents refuse to communicate by telephone. If direct phone conversation just doesn't work, suggest that our client and the other parent leave each other messages on answering machines.

Direct communication by telephone also can be a vehicle for verbal abuse. If that is a problem, have your client advise the other parent that their conversations are being taped.

**5. Leave the child with a babysitter during visitation periods.** Although nothing prohibits a parent from doing this, such conduct can send the message that your client is not interested in spending time with the child.

**6. Fail to communicate with the child's educators and health care providers.** In view of the courts, the "star" parents are those who are involved, regardless of whether they have primary physical custody, in all aspects of their children's lives. What better way to establish this quality than through evidence provided by the other people who are most involved in the children's upbringing, such as teachers, principals, physicians, therapists and clergy?

**7. Keep the child involved in activities from dawn until bedtime.** A parent who is overly zealous in involving the child in outside activities often appears to be the judge to be a parent who fails to properly tend to all the child's needs and who creates stress for the child. The child's schedule should be balanced to include free time for play and time for homework.

**8. Be inflexible regarding visitation schedule.** The key here is reasonableness. The parent who understands that a child needs structure and that the other parent needs to be able to rely on a schedule, while also understanding that an occasional change in schedule is appropriate, will be looked on favorably by the court.

**9. Provide a negative profile of the other parent to a custody evaluator.** If psychologists or psychiatrists are involved in evaluations, they generally do not need the help of the parents in pointing out each other's deficiencies. The parent who insists on doing so is likely to lose out in the evaluation process. Urge your client to leave the psychoanalysis to the professionals.

**10. Have the "significant other" get involved in the custody dispute.** Telling the child to refer to that person as "mom" or "dad" can be a particular danger signal to a court, which does not appreciate the parent who is seeking to replace the child's natural mother or father.

If your clients keep these types of behavior in mind - and especially in check - while emphasizing the positive aspects of being a parent, even in the difficult environment of divorce, experience suggests that they will be more successful in their custody disputes.

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