

## SPARE THE CHILD - PARENTING DURING FAMILY DISSOLUTION

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By *Wayne D. Stocks*

06/20/2012

I recently came across a great 18 minute long video produced by The Virginia State Bar Family Law Section to help parents understand how they can help to minimize the impacts of divorce on their children. It is a great video for parents, but it is also very useful for those who work with children of divorce as it provides a good understanding of what kids go through in the process of divorce. The video is based on interviews with judges, lawyers, mediators and adult children of divorce. You can find more information about the DVD at <http://www.vsb.org/site/news/item/spare-the-child-new-dvd>.

The video can be found at <http://vimeo.com/16997474>, and I have transcribed the video below for those who prefer to read the information rather than watch the video. A Spanish version of the video can be found at <http://vimeo.com/17000006>.

In addition to the video, the VSB has published a pamphlet to go along with the video which can be found at <http://www.vsb.org/publications/brochure/spare.pdf>.

If you know a child of divorce, are the parent of children going through a divorce, or work with children of divorce, I encourage you to take the time to watch this video and read the transcript below.

### *Transcript of Video*

#### **INTRODUCTION**

**Unknown Voice:** I remember asking my mom one day, “Are you and Dad gonna get divorced?” And, I don’t remember anything specifically happening before that. So, there is a shift in the family atmosphere, and I definitely felt that.

**Unknown Voice:** You can’t really explain how you’re feeling, and this massive change that’s going on in your life if you really don’t understand everything.

**Unknown Voice:** I know that people think that children can’t really understand, but they pick up on everything – the cold shoulders, the tension.



**Lynne Marie Kohm, Esq. (John Brown McCarty Professor of Family Law, Regent University Law School):** Well, kids go through a lot of changes, all through their lives until they’re adults, and when a family starts to change, the relationships change immediately – not just between mom and dad, but between mom and the kids or dad and the kids, and certainly between the family members themselves. So, when a family goes through breakdown, the changes are enormous





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and often not understood by the people right in the middle of it.

### LEARNING TO CO-PARENT

**Hon. Angela E. Roberts (Chief Judge, City of Richmond Juvenile and Domestic Relations District Court):** It's important for the child not to know the details of the disagreement or disputes or problems between their parents. That should be the adult's business.



Hon. Angela E. Roberts  
Chief Judge, City of Richmond  
Juvenile and Domestic Relations District Court

**Dr. Arnold L. Stolberg (Distinguished Professor of Psychology, Virginia Commonwealth University):** On the issue of what should parents tell children, nothing! Nothing about their personal experience, the failure of the marriage - I would go so far as to say, "Shame on the parent that believes they have to set the child straight."



Dr. Arnold L. Stolberg  
Distinguished Professor of Psychology,  
Virginia Commonwealth University

**Amy O. Rizzo (Writer and Adult Child of Divorced Parents):** It's part of human nature to want to explain to a child, even an adult one, exactly what happened - "...and, this is why you can't blame me for this, because, you know, everyone - if - someone else in my shoes - would do the exactly the same thing." Well, I don't want to know the details - really. It's enough to know that it's being destroyed.



Amy O. Rizzo  
Writer and Adult Child of  
Divorced Parents

**Dr. Arnold L. Stolberg:** There are a number of terrible processes that unfold when you do this. Number one, if one parent says, "Let me tell you what's really going on," the other parent is going to feel compelled to do the same, and the child has to choose which parent is right. And, a child should never have to choose which parent is right.





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**Pamela Tynes-Morgan**  
Certified Mediator, Parenting Coordinator,  
and Co-Parenting Training Provider

**Pamela Tynes-Morgan (Certified Mediator, Parenting Coordinator and Co-Parenting Training Provider):** Parents have a tendency of speaking negative, and making the other parent almost be alienated to a certain extent. And, that's not helpful, because it takes two parents, whether you're in the same household or not, to raise your children.

**Shannon Quarles (Virginia State Bar Employee and Adult Child of Separated Parents):** I can distinctively remember times when my mother and my grandmother definitely had negative feelings towards my father and his side of the family in general, and I overheard those conversations. And, it definitely has an influence on how you feel towards your parent.



**Shannon Quarles**  
Virginia State Bar Employee and  
Adult Child of Separated Parents



**Andrea R. Stiles, Esq.**  
Partner, Batzli Wood & Stiles PC  
Fellow, American Academy of Matrimonial Lawyers

**Andrea R. Stiles, Esq. (Partner Batzli Wood & Stiles PC, Fellow, American Academy of Matrimonial Lawyers):** In divorce, people don't understand when they're being selfish. They think they're being honest. They think they're being truthful. They think they're telling their side of the story, but sometimes they forget that kids don't need to know each parent's side of the story. They just need to know they're loved and that everything will be ok and that both parents are going to work together to make sure that happens.

**Hon. Anne B. Holton (Retired Judge, Juvenile and Domestic Relations District Court):** One of the biggest no-no's in a divorce, obviously, is putting the children in the position of being between the parents in an argument and trying to communicate through the children. And, that seems so obvious, and we all know it, and yet parents succumb to it all the time, and it's just cruel and unnecessary. The fact that the parents aren't able to work out their problems directly shouldn't mean that they should put the children in the middle of it.



**Hon. Anne B. Holton**  
Retired Judge, Juvenile and Domestic  
Relations District Court





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**Elizabeth S. Bambacus**  
Virginia State Bar Employee and  
Adult Child of Divorced Parents

**Elizabeth S. Bambacus (Virginia State Bar Employee and Adult Child of Divorced Parents):** I did feel in the middle, like I was put in the middle sometimes. I don't think it was intentional, by any means, but I wanted to protect both my Mom and Dad and, you know, I was twelve years old.

**Lisa K. Evans (Student, Regent University School of Law and Adult Child of Divorced Parents):** The roles between my parents shift where I almost became the parent, or the rational one, and my parents became the child where they would be calling me about problems with each other. And, unfortunately, at first, I felt the need to try to solve their problems and to try to make things better.



**Lisa K. Evans**  
Student, Regent University School of Law  
and Adult Child of Divorced Parents

**Dr. Arnold L. Stolberg:** Children need to see their parents as pretty strong and successful and able to take care of them. Most of us start seeing our parents as human beings with frailties – usually the earliest is in the middle twenties – but more realistically – thirties or forties. Do you really want an eight year old to begin to see their parent as a frail human being at eight?



**Richard E. Garriott Jr., Esq.**  
Partner, Clarke, Dolph, Rapaport, Hull, Brunick & Garriott PLC  
Certified Guardian Ad Litem

**Richard E. Garriott, Jr., Esq. (Partner, Clarke, Dolph, Rapaport, Hull, Brunick & Garriott PLC, Certified Guardian Ad Litem):** Remember, you're still a parent. You haven't switched roles from being mom or dad to now wanting to be your best friend of the child. And, I think it's important to try to maintain some sort of schedule.

**Lynne Marie Kohm, Esq:** Make sure you don't alter their body schedule – sleeping and eating and things like that. Help those things to be as stable as possible. Don't change all that for him or her.







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**Cassandra M. Chin, Esq. (Family Law Attorney, Nichols Zauzig Sandler PC):** I think if they're involved in certain activities, you should try to keep them in the activities that they're in. I know a lot of parents want to try to keep their children in the same schools, and you know, if that's a possibility, obviously that's a great thing to do. A lot of parents want to keep the children in the marital residence because that's what they have known, and I find that that's helpful for children too who are adjusting.



**Andrea R. Stiles:** Consistency takes different forms in different families. Kids need to understand what to expect, and it really is more about communication.

**Dr. Arnold L. Stolberg:** It is incumbent upon parents to make the divorce functional for their child and not the other way around.

### INCLUDING THE EXTENDED FAMILY

**Amy O. Rizzo:** Not only was I trying to deal with my parents' fighting and grappling with this new situation and how our family was evolving into these different groups, but then there was another group drawn – another line drawn so that I didn't even have the support of my extended family. Sorry, this just gets hard to talk about because it's a wound that hasn't healed. The – there was – people wouldn't talk about it. So, we would go to dinners with these big family functions with the extended family, and half of them wouldn't speak to my mother. And, as a child, as her daughter, I wanted to protect her, and there wasn't anything I could do.

**Lynne Marie Kohm:** It's not just between Mom and Dad which a lot of parents think, "this is just between us." No, it's really between the whole family because everybody relies on mom and dad as the foundation of the family.



**Mary G. Commander, Esq. (Family Law Attorney, Certified Mediator and Guardian Ad Litem):** Well, I think a lot of people feel like when they separate from the other parent they become so interested in keeping the child to themselves and their side of the family that they overlook the fact that children benefit from knowing as many relatives and receiving the love from as many relatives, or not even just relatives, but friends, acquaintances, neighbors, as they possibly can.



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**Elizabeth S. Bambacus:** I really think my Dad's side of the family just adored my Mom, and my Grandmother (his mom), my Yi-Ya, she really missed my mom – really missed my mom! And, my Dad really missed my Mom's side of the family as well. So, it was hard on them too, and extended family.

**Lisa K. Evans:** I had so much anxiety about my mother and my father being at the wedding because they are still not civil. I was worried about that more than my dress and everything else. Thankfully, it turned out smoothly, and I asked them to do a favor and just put me first for that day. But, you know, of course there were still things said. And, of course, I found out about them, so yeah, I have extreme anxiety about it, and it's really sad that my extended family will probably never see each other really.

### **GOING TO COURT**

**Lynne Marie Kohm:** Nobody likes going to court. Court is ugly. You can smell it as you walk in – the challenge, the trauma, the stress, the no sleeping the night before going to court. So, how can parents best deal with court? They can understand that the judge doesn't want to be there either.

**Richard E. Garriott:** So, you walk into the court room, and the person that's ultimately going to make the decision about what happens to your children for, potentially, the rest of their lives – I mean the decision that's being made about custody is going to impact every facet of this child's life for years – and the person making that decision has the least amount of information available.

**Lisa K. Evans:** And, in court, emotion doesn't matter. It doesn't matter how mad you are at somebody. It's hard numbers. It's allocation of assets. It's division of property. It's visitation and child support.

**Andrea R. Stiles:** When you go to court, you are abdicating your role as a decision maker for the benefit of your kids. You're inviting a judge, and the state, into your life to hear a few hours of testimony. And, that judge sits and makes a decision that affects how your children will be parented, when they will be parented, and who will be doing the parenting. There is nobody who is more capable of making that decision than parents.

**Richard E. Garriott:** To say, "I'm going to give up control as to what is going to happen to my children to a complete stranger who doesn't know anything about them – doesn't know anything other than what they hear in that courtroom," I think is just a horrible solution to a difficult problem.

**Cassandra M. Chin:** And, I would have to say that most of the time when people have a contested custody hearing, no one really walks out feeling like they won.



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**Lynne Marie Kohm:** I have seen more judges say to the clients and the lawyers, “Why don’t you guys go out in the hall and figure this out.” And, what that is code for is, “None of you are going to be happy with the decision I make on behalf of your family. Make your own decision.”

**Hon. Anne B. Holton:** The judge will never know your family the way you and your child’s other parent do. If you all can figure out what’s best for them, that’s what’s going to be best for everybody.

### **ALTERNATIVES TO LITIGATION**

**Lynne Marie Kohm:** There are alternatives to litigation, and those involve choices by the parties involved in the family dissolution.

**Richard E. Garriott:** The best alternative is right at the ground level. If you can sit down, if you can talk with each other, if you can try to work out some sort of an agreement, even a base agreement, before you start taking the litigation approach, do it!

**Lynne Marie Kohm:** One of the best alternatives that you will find, that top divorce lawyers recommend, is a marriage counselor. Every good divorce lawyer is going to say, “have you seen a marriage counselor? Have you considered counseling?” Because, your attorney cannot be your counselor. Your attorney can be your lawyer and represent your interests, but he or she cannot be your counselor. And, a marriage counselor can do things to help you heal that no one else can do.

**Mary G. Commander:** They feel like they need to see a counselor. They need to see a therapist. A lot of times, they’re afraid to do it because they say it will be used against them in a court case. The reality is far from that. You get “credit” for getting help. You get “demerits” for behaving badly because you didn’t get help. So, if you need to see a counselor, you should go.

**Pamela Tynes-Morgan:** I know when they come to the sessions, the mediations, or even to our parenting class, sometimes they’ve been ordered to come, and, so that in itself, they might have a feeling of, “I don’t want to be here because I know best.” But, a lot of times after they come into the class, they start to settle and understand that, well it’s not about me. It’s not about us. It’s about making sure that the children are ok, and that’s what I always stress to them.

**Lisa K. Evans:** Mediation, where you have an unbiased third party, that you can air your concerns, and is actually not - doesn’t have their hands tied as much as a judge does and can really craft an agreement and an arrangement between the parties that hopefully both would be happy with.







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**Lynne Marie Kohm:** There is anything from mediation – where you sit down with a mediator and air out all your difficulties and hopefully come to conclusion – to collaborative family law – where you and your attorney are in a room with your spouse and the other (his) attorney, maybe a divorce coach, an accountant, a tax expert that's going to tell you all the ramifications of what's happening here.

**Andrea R. Stiles:** I've got a case right now where the attorneys have sent the parents to a family specialist. That family specialist is calming everything down. We've got another specialist working with the children. The children's specialist and the parental specialist are coordinating to develop a parenting plan.

**Lisa K. Evans:** And, it's not as adversarial. When you go into court, you know, you go into win. When you're sitting and doing mediation, you're trying to reach a final product and a goal, but you're doing it together. And, I think it really changes the tone of the divorce.

**Pamela Tynes-Morgan:** I just ask the participants to come into mediation with an open mind, to have a willingness to be there, and to keep in mind that it is a voluntary process. But, with a little bit of effort, it's doable. You can make it through that.

### PUTTING YOUR CHILD FIRST

**Pamela Tynes-Morgan:** You know, sometimes I find that the parents get so caught up in the moment of what's going on they'll either put the child – have the child carrying messages such as I haven't received my child support – you know things that the child really doesn't need to be involved in. But, I really, I just strongly believe that if they would just stop for a moment – don't get so caught up that you can't think clearly – you can do this. You can make this work.

**Richard E. Garriott:** The most important thing that any parent can do is never confuse your anger with their mother or father with them. And, do everything you can to insulate that child from what's going on in the bigger relationship.

**Lisa K. Evans:** Unfortunately, divorce seems to make people very selfish, and to try not to be selfish – to think about other people and the impacts, and the ripple effects that a divorce can cause – not only to your children, but to the rest of your family.

**Elizabeth S. Bambacus:** Just because the divorce is finalized, it doesn't end there. The effects last for years.

**Pamela Tynes-Morgan:** Make sure you understand, what memories are you creating for your children in this process? As I said, I was three when my parents divorced, and I remember the day that that uncoupling or my family structure changed, and that was well over fifty years ago.



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**Cassandra M. Chin:** Just remember that you can still be a mom and you can still be a dad, and a good one. It's not a fight when it comes to your children even though a lot of people think that that's what it is. Maybe you didn't get along as husband and wife, or boyfriend and girlfriend or whatever the case may be, but you can still get along as mom and dad for these children. And, I think that's really what parents really have to remember – that that's their role with these children, and that they continue to play that role.

*Spare the Child is a project of the Virginia State Bar Family Law Section made possible by a generous grant of the Virginia Law Foundation and was produced by the Publications Department of the Virginia State Bar and Park Group. © 2010 Virginia State Bar*

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