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Chapter
I

A House Divided

The end of your marriage is in sight, but you still live with the hope that somehow, some way, you'll be able to resolve the problems and differences that are wrenching you and your spouse apart. You deny that your difficulties are insurmountable or could be so overpowering that they would nullify the investment of time, energy, emotions, and money you've made in your spouse and the two of you as a couple. You wonder what else you might do to make your marriage better and restore the love that brought you together in the first place.

You think about your children, recognizing that (in all probability) they love both of you and would be better off in a whole family instead of a broken one. You are torn by indecision and guilt, born of questions about whether it is better to stay in a marriage void of happiness and fulfillment for the sake of your children.

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Before you have a chance to resolve these issues, you open the mail or answer the door or have a discussion with your spouse and discover that what you’ve been dreading has now become your reality—*You are getting divorced*. For a moment, the world seems to stop on its axis. What will you do? What about the children? How will you survive? Where will you go? What will people say? You wonder if life is over and if things will ever be the same.

Although your life and the lives of your children and your spouse will never be the same, life does not end with divorce. You will survive. Sometimes it is in everybody’s best interest to live apart, but if children are involved, your household must continue standing, albeit under different roofs. You face a long and probably difficult road along which many decisions will have to be made, including determining custody and placement for your children, placement times, discipline issues, financial arrangements, and schooling.

Throughout the divorce process, you will become involved in counseling, mediation, and court hearings. You will also need professional advice from lawyers, psychologists, social workers, and judges. You will be called on to be strong when you feel weak, to advance when you are tired, and to repeatedly put your children’s interests before your own. The focus of this book is the well-being of your children. This is one of the facts about divorce—children must come first.

Facts about Divorce

If you are going to negotiate a divorce with your children’s best interests as your focal point, you must be aware of some other important facts about divorce.

Fact 1: Divorce is always painful for children, no matter how old they are.

You cannot change that, but as parents, *you* will determine the degree of heartache your children will experience. In my practice, I speak with many parents who are concerned about

how their divorce will affect their children and want to protect them from its negative impact. Sadly, I have to tell them that they cannot protect their children from the pain and grief of divorce, but they can keep the hurt and damage at a minimum through their own behavior. The more fighting, hatred, and lack of cooperation that exist, the harder it will be on the children.

Fact 2: Divorce does not end the relationship between spouses, it just changes the rules of the relationship.

Many people get divorced with the notion, “I’m going to finally get rid of this guy” or “I’m not going to have to listen to her anymore.” The fact is that if you have children under the age of 18, you will be required to have some sort of relationship with your ex-spouse until your child reaches 18, and even after 18 for special events.

Although your relationship will continue on some level, children must learn that life will never be the same after the divorce. It is not uncommon for children to fantasize that someday life will return to the way it was before. This is not possible and the sooner everyone understands that, the easier life will be. If your children have difficulty grasping this, it may be necessary to get outside help such as counseling.

It’s important at this time to give your children as much stability as possible. Direct your energy toward helping them adjust to their new life.

Fact 3: You are not the only parent going through divorce.

Parents become very self-focused during the divorce process. They often feel they are the only ones having to change their daily routine, work schedule, and time with the children. Your former partner is going through the same changes. Recognize that every change you must make, he or she must also make. In addition, the moving parent will have to make significantly more changes than the parent who remains at home, and may actually be going through more adjustments.

Fact 4: You do not have to hate your spouse to get divorced.

It’s not unusual for a parent midway through the divorce process to question whether the divorce should even take place. The assumption that people often make is that if they are getting divorced, they should hate their spouse. Extending that logic, if they don’t, they question whether they should be getting divorced at all.

There are things you are apt to still like about your partner even if you are getting divorced, and those ambivalent feelings can lead to confusion about the impending separation. If the things you don’t like about your partner outweigh the things you do like, the decision to divorce is probably a sound one. However, when the things you disliked have changed, then questioning the divorce may be reasonable. A therapist can help you sort through this dilemma.

Fact 5: The divorce takes place psychologically for children on the day of the separation.

The divorce occurs for children the day their parents separate. Visitation and placement schedules and support payments begin around that time, and the rules of the relationship also start changing with the separation. The legal divorce only solidifies those changes.

Fact 6: Two people living apart cannot live as cheaply as two people living together.

The first major reality of separation and divorce is financial. I’m sure that it’s not news to you that two households are more costly to maintain than one. This can be a major problem for some families and can add to the stress and strain of divorce.

The financial impact of divorce on a family is several-fold, and much of the severity of it depends on the ages of your children. It may necessitate both parents working, when before the divorce only one worked outside the home. Psychologically, children perceive this as a second loss (the first being when one parent moves out of the house).

The immediate financial impact is on short-term, daily finances. The crunch begins when attorneys ask for retainers of \$1,000 to \$5,000 or more (sometimes even up to \$25,000) just to begin a divorce action. Parents must turn to savings, if they have any, and in some cases they borrow against credit cards or from relatives.

Once a divorce action has begun, parents usually live in different places. They must pay two rents, or a mortgage and apartment rent, and two sets of utility, grocery, and insurance bills; their budget gets stretched to its limit or beyond. Many people living in one household are overextended, but if they must support two homes, they experience a tremendous change in essential versus nonessential expenses.

For children, a limited budget may mean a reduction in recreational activities and an end to ballet or karate lessons, or leaving private or parochial school for public school. They may have to wear clothes longer than before or wear hand-me-downs. Children may become bitter, resentful, disappointed, and unhappy. They may also have problems at school if they cannot dress to be socially acceptable or if they cannot attend school outings because of a fee that divorcing parents cannot afford.

Ironically, one of the common causes of divorce is financial irresponsibility on the part of one or both parents. If a parent is already financially irresponsible and his or her responsibilities increase because of divorce, the financial impact on the family is even greater.

When both parents are employed outside the home, the husband often makes more money than his wife, and this fact becomes a basic conflict in many divorces. One parent generally thinks the ex-spouse has the children too often, and the other parent thinks the ex-spouse has too much disposable income.

One of the long-term plans that is usually upset by divorce is saving for college. If a divorce drags on and involves many court appearances, you may have to spend the equivalent cost of several college educations. I was involved in one case in which, between the attorneys, psychologists, and other professionals, the couple spent \$1,000,000. This kind of spending on a divorce angers children because they may be prevented from attending college at all or have to choose a less expensive school.

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Divorce decrees usually don’t include a plan for college expenses, because at 18 years of age a child is considered an adult and support payments stop. Also, it is difficult enough for attorneys and courts to agree on what should happen financially to an underage child. They don’t want to plan for when a child becomes an adult, so in most divorce cases the college issue is ignored.

Fact 7: Two people living apart cannot see their children as often as two people living together.

Even in the most ideal situations, when parents live apart they will have less access to their children than when they lived together. Typical visitation and placement schedules allow for a quarter- to half-time with each parent. That means you will be spending from three to six months less time with your children than before the divorce.

Fact 8: Divorcing parents generally are upset by any extra time the other parent may have with the children.

Learn to value the time you have away from the children as much as the time you have with them. Save errands, doctor’s appointments, and other personal business for when your children are with the other parent. This way, you will have more quality time with them, and you may actually be spending as many hours with your children as you did when they lived with you full-time.

Fact 9: Courts do not want to place children with a parent who is systematically trying to destroy the other parent.

Judges and court-appointed guardians are reluctant to place a child with a parent who feels the need to systematically destroy the other parent. Courts view such desire for destruction as a character flaw. Professionals believe one parent’s desire to destroy the other also destroys that parent’s ability to be a good role model for children. I heard a guardian say to a father, “Don’t tell me the children would be better off with you when your only purpose right now is to destroy their mother.”

If you are in the heat of a custody dispute, step back and examine your actions.

- Are you keeping voluminous notes about every mistake the other parent makes?
- Do you call his or her neighbors, employers, coworkers, and relatives for negative information?
- Do you file motion after motion in court to discredit and denigrate the other parent?
- Do you use your children as spies against the other parent?

If any of these patterns of behavior describe you, *stop*. You are hurting yourself, your children, and your chances for reaching a good custody arrangement. If your spouse is that bad, he or she will demonstrate it through behavior. You will not have to prove anything.

Fact 10: Never ask a child to decide whom he or she wants to live with.

Children are generally not concerned with who gets legal custody of them, but they are very concerned with where they will live. By involving a child in this decision, he or she is put under incredible pressure and in a no-win situation by being forced to accept one parent and reject the other. Often, one of the first things children ask is, “Who am I going to live with?” The answer is, “you they are likely to spend time with both parents. The grown-ups will work out the details and let you know what is decided.”

This concern is a big stressor for children. Imagine that as an adult you don’t know where you are going to be living in three months, where you are going to work, where you will get your recreation and food, and if you are going to be able to see your friends. Even for an adult, this situation would produce great anxiety. Children live under that cloud for the entire period of a divorce and custody dispute.

Children who are especially worried will press the issue. No matter how often they ask where they are going to live, parents have to stand firm and not incorporate children into this decision-making process. Most children under 15 years of age are incapable of making a fully informed decision about what living

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situation would be in their best interest. The younger they are, the more likely it is that their desires will be based on concrete matters, such as the size of a bedroom or the number of toys available.

Custody arrangements are something you and your spouse must try to work out. If you cannot come to a reasonable agreement about custody and visitation that is based on the welfare of your child and not your own desires, it will be up to the court, with input from guardians and other professionals such as psychologists, to make the decision for you.

Rarely will a court decide that a 16- or 17-year-old should live somewhere he or she doesn’t want to, but in most cases the ultimate decision about custody and placement does rest with the courts. Young children simply need to know that you intend for them to be able to spend time with both of you. Teenagers need to know that their wishes will be considered as well.

A custody ruling appeal throws children right back into limbo until the appeal is heard. A child’s underlying security is continually tested during custody battles.

Fact 11: You should be willing to do whatever you want your spouse to do.

Every new situation arising after the separation sets precedents or establishes new rules as to how things will continue. In establishing these rules, recognize that what’s good for the goose is good for the gander and vice versa. Don’t expect your spouse to do something that you are unwilling to do.

Fact 12: Unhappy mothers cannot raise happy children.

Although this issue cuts in both directions, since mothers receive placement in most cases they are chosen as the descriptor in this rule. When a father continually undermines, sabotages, and makes life miserable for the mother, she will be very unhappy. Fathers must recognize that it is not possible for an unhappy mother to raise happy children. Therefore, fathers have a vested interest in keeping things on an even keel. The same is true if a father has custody and the mother is the potential saboteur.

Fact 13: Child support payments are intended to support your children, not to serve as extra spending money for your ex-spouse.

Too often a parent will say, “I’m not giving her a dime” or “I’m not giving him money to spend as he sees fit.” It may be that not every dime from these payments is spent on supporting your children. Sometimes more money will be spent on the children than support provides, and other times less money is spent. In the end, however, it is your children who benefit from this money. Doing anything to directly or indirectly manipulate support payments affects your children. Do not use anger toward your ex-spouse as an excuse for manipulating support payments.

Fact 14: When parents live apart, children have more opportunities to manipulate them.

When parents live together, children try to take advantage of opportunities to manipulate one parent against the other. It’s not unusual for a child to ask one parent if he or she can do something and after being told “no,” to ask the other parent the same question. When parents live apart, they have more difficulty coordinating their answers, and therefore it becomes important for you to communicate effectively with one another to reduce manipulation.

Fact 15: “It is hard when children cannot spend time with someone they love.”

This is a quote from a little girl with tears running down her cheeks while I was seeing her in therapy. She said she still loved both her parents, but one parent was making it very difficult for her to see the other. In most cases, it is important for children to continue an ongoing relationship with both parents in spite of the anger the parents may feel toward each other.

Children may not be allowed to spend any time or only a small amount of time with the other parent for a number of reasons. They could include allegations that have been made, charges that have been filed, or extended periods of time when no contact was permitted. Even so, the parent with placement of

the children must realize that the children probably still love the other parent and want to spend time with him or her.

Fact 16: A parent should not become a peer and a child should not become a parent or peer.

It is a big mistake when a parent tries to make a child his or her peer or tries to become a child’s peer. Children generally have enough peers. They need parents to act like parents, not friends. A parent attempting to be a child’s peer loses credibility when the need for discipline arises. Some parents try to compensate for the absence of the spouse by being more of a pal to their children, spending time playing with them, and doing things at the child’s level. A parent taking on the role of a child’s peer constitutes a change of rules that children don’t always understand and that may be interpreted by them as inconsistency on the part of the parent.

Conversely, unless a parent handles the separation well, children may end up trying to parent the parent. They may respond to the unhappy parent by putting their arms around him or her to be consoling, assuring the parent that everything will be all right. Children actually say things like, “Don’t worry. I’ll always love you” or “You can talk to me about it.”

The parent, needing support, may respond inappropriately to this attention by leaning on a child for emotional support, nurturance, and a sounding board for his or her feelings. Children then find themselves taking on the parent’s worries and fretting about issues as an adult would. Suddenly, the child *is* a parent and his or her childhood is stolen by being put into that position.

A variation of this occurs when parents turn their children into peers. Parents are accustomed to having each other to discuss ideas and ask for advice. Once the marital partner is no longer present or willing to participate in this exchange, the natural response is for the other partner to look for someone to fill the void. He or she often turns to those closest—the children—and this is another way of overburdening them. Drawing children into the decision-making process permeates all aspects of life, and they find themselves faced with questions about adult issues, such as: Should I date this man or woman? Should I spend this money now? Parents in the uncertain and frightening

position of suddenly living alone with children must reassure them that even though the parents appreciate their love and attention, they are still children and must not try to take on adults' problems.

Fact 17: The more consistency parents provide in their children's lives, the healthier the children's adjustment will be.

Changes abound in a child's life during divorce. The more consistency you provide at this time, the more stable your child's life will be. When inconsistency is the order of the day, children will be less likely to adapt well to the divorce process.

Fact 18: The more flexibility a parent has regarding placement and visitation arrangements, the more comfortable children will be.

At the same time that you are trying to be consistent, you must also be flexible and roll with the punches as needed. For example, if Wednesday night is Mom's night with the children, but that night is a father/son activity at school, Mom should let the children go with Dad. Neither parent should say, "You can't have the kids because it's my night" when special activities are concerned.

Fact 19: Divorce is a process, not an event.

Too many people think of divorce only as the date on which the divorce actually occurs. Divorce is a process that begins when you first think about getting divorced but doesn't end when you are through filing, mediating, and litigating. Situations such as children getting married and grandchildren being born will require you to deal with each other for the rest of your lives.

Fact 20: Winning is never more important than the well-being of your children.

If you remember only one fact from this book, remember this: *Winning is never more important than the well-being of your children.* No one wins a painful custody battle. In a custody dispute, it is not unusual for one parent to strongly believe that he or she

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is superior to the other parent, that the other parent is defective, and placement with the other parent would be detrimental for the children. However, there is a point of diminishing returns. When the pursuit of winning endangers the mental health of your children, you must step back and recognize that your children’s well-being is more important than winning.

I am reminded of an attorney named Ted who, in the process of getting divorced, became obsessed with winning. Over the course of five years, he brought his ex-wife back to court three or four times a year, resulting in tens of thousands of dollars in legal fees for her. Almost every decision by the court was appealed, and in several instances Ted took issues to the state Supreme Court. He lost at every turn. He failed to recognize that his children were becoming more and more negatively affected by his behavior, and each child ended up in long-term psychotherapy to deal with Ted’s behavior and with the fighting between their parents.

Ted also misperceived his children’s anger and thought his ex-wife had purposely turned the children against him, which made him believe that he needed to continue taking the issue to court. He actually alienated them himself by taking their mother to court so many times after the divorce.

Put it on your computer. Put it on your Palm Pilot. Put it on your mirror. Put it on your bulletin board. Put it on your refrigerator. Write it on the palm of your hand:

Remember: Winning is Never More Important Than the Well-Being of Your Children.

WINNING IS NEVER MORE IMPORTANT THAN THE WELL-BEING OF YOUR CHILDREN.

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