

# Divorce: keeping the children uppermost

BY STEPHANIE BLUM



**S**ometimes marriages fail. It is a reality of life. Though it is an unfortunate event for the children involved, the demise of a marriage does not have to create disastrous consequences for them.

Essentially divorce involves decisions about child custody, child support, spousal support and the division of property. How one approaches those decisions can make all the difference in the future of the kids. For example, should the parties to a divorce have counsel? What sort of counsel should they have? Should parents choose to go to court as their first choice or is it a last resort?

But perhaps before those decisions are made, parents will share the news of their divorce with their children. How should they do that? The impact of divorce on children is hugely determined by the level of conflict of the parents. And while that may seem obvious, it can be a lot easier to articulate than to embrace.

When it comes to breaking the news to your children, it should be done thoughtfully and perhaps with the guidance of a mental health professional. Some of those same professionals can also help parents figure out what sort of a parenting plan makes sense for their children and their family, given the unique situations of all involved. In a perfect world, parents can arrive at schedules that accommodate their work hours and that take into account the children's needs on an emotional level and a practical one.

For example, who lives where and where is the school located? Who can get the children to their extra curricular activities on a given day? Sometimes parents fight for custodial time without thinking through the ramifications of those decisions. Maybe it makes sense for the parent who has always had the responsibility for the weekday school pick up and afternoon driving to continue or for the parent who has always taken the children to their soccer or basketball games to keep taking them to their games — even if that would not otherwise have been their weekend time.

Not only might that be best for the parent, it might also be best for the child.

But what matters more to the child than who picks him or her up on a given day or who takes him or her to the game is heartbreakingly simple — that their parents are not fighting about it. It is always better for the future of the family itself to arrive at an agreement that makes sense for all concerned, as this reduces animosity.

With that accomplishment, the family will be better prepared to revise custody arrangements over time — as obviously, what a 2-year-old needs now can be vastly different from what a 12-year-old will need. Putting the decision in the hands of a judge who does not know you or your children should not be the preferred approach. It may take time for the family to get to an agreement with which everyone is comfortable, but the other option is paying lawyers thousands of dollars to go to court to engage in a battle.

Nowadays, the battleground model has fallen out of favor. The process of collaboration reduces damage in an already sensitive



situation — and saves costs. Part 2 of this article, to be published next month, will explore two collaborative tools: mediation, whereby parents can work with a mediator from the outset regarding all the issues involved, who can explain the process, explain the paperwork and assist them in reaching a global agreement; and forensic accounting, in which parties going through a divorce, instead of each hiring their own accountant, work jointly with a single forensic accountant to ascertain the value of a business or the parties' respective cash flows — in order to calculate the support one parent has to pay the other parent.

The bottom line is that there are many options one can choose when embarking on the process of divorce. When there are children involved, the options you choose, including your choice of counsel to guide you through the process, could impact their current and future well being. While not every case lends itself to an amicable resolution or a mediated resolution, if it is possible given the facts and circumstances of your case to work amicably with your spouse for the benefit of the children, it is well worth the effort, for their sake.



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