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## Kids' rights must be considered in divorce

Unfortunately, when couples who are parents consider divorce, their personal agendas can often clash with the best interests of their children.

Divorce has a way of turning otherwise loving, caring and compassionate parents into angry, frightened and intractable people who are unable to recognize how their vengeful behaviors are hurting their innocent children.

Little do these parents know that their children are literally watching every move they make and listening to every conversation they participate in to better understand what is going on between them. If one parent asks what the other is doing, who they were with or who they spoke to, they are putting their children in a vulnerable place.

Terrance McNicholas, a licensed clinical social worker and a child therapist and family mediator, offered this insight:

"Parents will often say their primary concern is for 'the children,' while they fail to realize that their children's primary concern is for each of them. Out of this concern, their children watch every move they make and listen to every conversation they have in an effort to calm their own fears.

"Parents exacerbate their children's fears by calling each other names, belittling one another, using them as a weapon against each other and placing them in the middle of their marital conflict. A 7-year-old girl described this experience best when she tearfully said: 'I feel like my parents are playing tug of war and I am the rope.'"

As professionals, we are constantly reminding parents that both of their blood is pulsing through their children's veins, to remind them that when they are insulting the other parent, the children often hear it as a

personal attack on them.

In 1998, the American Association of Matrimonial Lawyers formed a committee to formulate a Children's Bill of Rights after attorneys heard of the many traumas children endured in and out of the courtroom.

The overall theme of the Children's Bill of Rights is simple. It tells children the divorce is not their fault and they should never blame themselves. It further states every child's rights and that parents must never forget them:

1. You have the right to love both your parents and be loved by both. It reassures children not to feel guilty for wanting both mom and dad in their life or desiring to see mom or dad at any time.

2. You do not have to choose one parent over the other and should not be forced to. It reminds children they are entitled to all the feelings they are having — including feeling scared, sad, resentful or angry.

3. You have a right to be in a safe environment. Children are advised to speak out to an adult if they are being hurt in any way.

4. You don't belong in the middle of your parents' breakup. It encourages children to remind their parents that it is their parents' fight, not theirs.

Children are not equipped to handle adult conflicts and should not be brought into parental disputes.

5. You have the right to keep extended family members in your life. Even if they are living with one parent, they can still see relatives on the other parent's side without guilt or opposition.

6. You have a right to be a child. Children need not take on the burden of adult problems. They should be focusing on loving mom and dad, their school work, friends and other activities. The parents should be

### COLLABORATIVE CONCEPTS



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handling the parenting.

While no one would disagree with the principles set forth in this bill of rights, unfortunately children are powerless victims when their parents divorce. Every attorney, mediator, therapist, educator and/or coach dealing with divorce-related issues should take this Children's Bill of Rights to the table before child-related discussions begin.

In the collaborative process, a key team member when a divorcing couple has children, regardless of their ages, is a child and parenting specialist. This specialist can offer a range of services for children at any point in the divorce process and beyond.

Early services include:

- Educating both parents on the range of effects of divorce on children and on the factors that impact child adjustment.

- Helping parents recognize children's reactions that may not be outwardly apparent.

- Consultation on communication that affects the child (with the child, with each other, with outsiders such as school personnel and extended family).

- Consultation on constructive methods of dealing with conflict.

- Consultation on, or development of, a parenting plan

responsive to the needs of the particular children.

- Assessment of and consultation on addressing special needs in the context of divorce.

Later services include:

- Consultation on assisting children renegotiate the divorce at every developmental stage of their growth and maturity.

- Consultation on introduction of new relationships and lifestyle changes, including remarriage and stepfamilies.

- Measuring the effects of geographic and/or school changes.

- Consultation regarding economic changes.

Engaging a child and parenting specialist early in the process can unite parents on subjects related to their children. Developing a relationship with this professional can also provide neutral, trusted assistance with unforeseen issues which could affect the children in the future. Successful cooperation related to the children can also reinforce the overall commitment to collaboration.

The Children's Bill of Rights must be used as a foundation — as the mandatory guideline behind any agreements or decisions made by either parent regarding their children. Parents often must be reminded again and again of the consequences of their choices. Each choice will affect their children not just for a few years, but for decades to come.

Each choice will influence each child's self-esteem, sense of trust, life choices, marriage partners and other vital decisions. Parents who violate these principles are emotionally and psychologically violating their own children.

In collaborative practice, the professionals are constantly reminding the couple that working together to make a child-centered divorce is the only choice for families facing divorce and to never forget that children do indeed have rights.