

## **IN THE BEST INTEREST OF THE CHILDREN**

The following are suggestions to the client involved in a contested divorce case who is either seeking custody or seeking to retain custody of the children. The suggestions also apply to the parent who is simply going to be “the single parent” with certain temporary custody rights. However, always remember that there may be a change of custody in the future and, therefore, the following suggestions should always be taken into consideration.

These suggestions are made for the present and future benefit of your children and the goal should always be to improve the children’s life and to better provide for their needs. You should not expect to accomplish all these suggestions in a week or a month. I encourage you to supplement this list with items you find appropriate, and in the best interest of the children. Write these down on the back of this page as they come to your attention. Do it when the thoughts enter your mind and then, periodically, read again this entire list of suggestions.

Remember: Everything you do or do not do as a parent may have an effect on your children and their future. All you can do is try to act in the children’s best interest and this is something you should do at all times.

### **FOR THE NON-CUSTODIAL PARENT SEEKING CUSTODY.**

1. Exercise your visitation rights to the maximum. See, visit, and really get to know your children. Study the real needs of your children and really listen to what they have to say and, equally important, what they are not saying. Do not pick or attempt to become a private investigator and do not talk disparagingly of or belittle your spouse. Enjoy the time you spend with the children and allow them to enjoy you.
2. Start and keep a diary of events in order to remember and be able to point out dates, witnesses, facts, etc., when necessary.
3. Study and learn (not only study but actually learn from your study) how to be a better parent. Begin by selecting, from the bookstore or library, one or two books on child care, child raising, and parenthood. You can subscribe to Parent’s Magazine or other specialized publications. Read all you can on the subject of children, children’s development, parenting, and how to be a good parent. If a class or study course in this general area becomes available, attend it.
4. Attend the church activities of your choice. Become active in the affairs and social activities of your church. Get to know and be known by those who actively participate. Take the children with you to these activities whenever possible.
5. Devote part of your spare time to civic endeavors and work with youth groups such as the Boy Scouts, Girl Scouts, Little League, Campfire Girls, Big Brothers or group sports and

competition for children. Make your contributions to these or other worthwhile organizations and groups. Actively participate and get to know your children and how to play, develop, and grow. Become a student of children and learn from them.

6. You should consider joining one or more organizations such as Parents Without Partners or some similar group whose objective is to assist individuals who are parents but not living with the other parent. Find a person or group with whom you can talk and discuss your feelings, frustrations, and problems without embarrassment.
7. Work up a plan as to how you would provide care, love, guidance, and meet the needs of your children if you should be awarded custody. Examples: Where the children would live, their daily routine, who would care for them when not in school and when you are not physically present; educational and religious plans; work out visitation plans for the other parent (be liberal in your thinking and planning); develop a workable, reasonable, and logical daily routine for the care of your children and, if possible, point out how your plan, care and attention to the needs of the children is better than the existing one and how it will be better and more beneficial for the children in the future.
8. Work up a list of relatives, close friends, and neighbors who will actively assist you in providing for the needs of the children. Enlist these people and involve them with you and the children. Have your children get to know these people and establish and nourish a real meaningful relationship between these individuals, the children and yourself. This must be a real thing. The children know who is and is not interested in them. Remember, it is the children's welfare that is at stake and the name of the game is what's in the best interest of the children.
9. Make sure the physical facilities of your home are totally adequate for the children. Try to step outside yourself and view the situation from a neutral vantage point. Look at it with a critical eye to be able to realize where improvements and changes are needed and make them. A clean and well organized home is necessary. The children must have adequate shelter, food, and around-the-clock care, attention, love, supervision, and discipline.
10. Develop common interests with your children. Become a part of, share, and enjoy their world with them. Do not forget their birthdays, Christmas, and other special occasions which mean so much to children. It is not just gifts, but it is also giving of yourself and your home. Be a real parent and be interested in their school work, outside school activities, their sports, clubs, organizations, friends, and their plans for the future.
11. Make a study of the schools your children would be attending if living with you. Know and familiarize yourself with bus services or other transportation, etc., and have a general knowledge of this important area of your children's development.
12. Obtain friends, relatives, neighbors, bosses, fellow employees, and church members who would be willing to testify in court as to your behavior patterns, reputation, responsibility, and fitness as a parent. You will need to discuss this frankly with each of these people. Give me their names and addresses and a brief statement as to what they are able and willing to testify to in the actual trial of your case.

13. You need to honestly prepare a statement of constructive criticism of the parent having custody. Be fair, accurate and put down facts and circumstances that can be proven or on which proof should be obtained. This is a list of why a change in custody is necessary. This should be detailed and should be in readable form. You should forward the list to me as soon as possible.
14. During the time the children are with you, try out and put into effect all you have learned about being a better parent. Get to really know your children. Observe how you and they interact with others, including friends, relatives, the neighbors, and even strangers. Find out if you really believe you can do a better job as a parent and custodian than is being or has been done by the other parent.
15. Read, study, and follow the advice and suggestions contained in parts 6-11 below.

### **FOR THE PARENT SEEKING TO CONTINUE AS CUSTODIAL PARENT**

If you already have custody, then the burden will not be quite as heavy, but you still will be required to show the kind of care, custody and attention you have and are giving to your children.

1. See read, study, and follow the applicable suggestions above. It is most important that you fully comply with each suggestion contained in those paragraphs.
2. Prepare a detailed list of logical, factual, and provable reasons why there should not be a change in custody. Make an orderly itemization of all reasons why it is more beneficial for the children to remain where they presently reside and include in this list factual reasons why the other parent should not be granted custody. After preparing this list, check and re-check it to ascertain if in fact you are providing, on a daily basis, the advantages you claim -- if not, do so! Next, add to the bottom of this list the names and addresses of all witnesses who can and will testify (can and will is important) to these facts. Doing this is most important insofar as the court is concerned. It has to be seen and noticed by others and they have to be willing to come to court and testify as to the good care, love, supervision, discipline, and devotion of time provided by you for the children.
3. Make a list of the playmates and close fellow classmates, together with their ages, who play or have played with or have close association and ties with the children and include all the school, social, and church activities and organizations the children participate in and the frequency of those activities. Be prepared to show the disruption which would occur in the life of the children should there be a change in custody.
4. Take photographs of the home where the children live, their play area (yard), the living quarters (inside and out), the neighborhood in general, the parks in the area, the school, etc. Be prepared to show and prove that these surroundings are beneficial for the children.
5. Obtain a copy of the children's health record from the attending physician and have this medical expert ready to testify as to the health care the children receive, if necessary.

6. Have, maintain, and show an open, healthy attitude toward visitation for the other parent. The children need the love of both parents and your own attitude in this respect is important to the children and will be noted and given some weight by the court.
7. In addition, your own emotional and physical health is an important factor which will be considered by the court. It is, therefore, most important for you to be composed and in full control at all times and to be able to prove your maturity, responsibility, and control.
8. As a follow-up on the above, your outlook on life, your philosophy of living, and your sense of values, together with your ability to live a reasonable, “normal” and, hopefully, most happy life and to provide a reasonably happy home atmosphere are other items which will be looked for by the court. Your zest for living and for life and your ability to adjust to the demands of life are important parts of this whole picture we are attempting to paint for the court.
9. To this point nothing specifically has been mentioned about material matters (dollars and cents) . . . and this has been on purpose. Of course, there must be sufficient funds and support available to adequately provide shelter, food, clothing, some recreation, and some small luxuries. These things are deemed essential but the mere fact that one parent can “outdo” the other in this area is not the sole test or deciding factor. The other items listed and suggested herein are also important. A nice balance is what is sought and desired. Remember, you need dollars and cents but you cannot buy happiness for the children.
10. Discipline is also very important. Saying “yes” all the time would be just as wrong as saying “no” consistently. So long as you are consistent, reasonable, and fair, discipline at the right time for the right reason is not only important but also vital.
11. What about your needs? These also have to be considered. The court will recognize that as a human being you too have needs. It is how you fill these needs that is important . . . In short, do not ever forget that your first duty and responsibility should be to adequately provide for the children’s security, safety, and the necessities of life. However, as an adult, you should be capable of and are required to intelligently make sure that your own needs are fulfilled. You are able to be a better parent when you are also enjoying life and are not hostile toward or frustrated with the world and life in general.

I hope my suggestions will serve as a starting point for your never-ending study of how to become a better parent. Whether you gain or lose custody, you are still a parent and, as such, vital to your children and their future development.