

DIVORCE AND CHILDREN

This page is JUST FOR KIDS.

It's not easy being a kid these days. A divorce rarely makes things any easier.

We know — our divorce lawyers deal with childrens' issues every day. We've worked for years with other lawyers, judges, doctors, counselors, psychologists, and parents and their kids. We've put together some information and little bits of advice from them that we want to pass on to you.

WHAT DIVORCE IS: Your parents aren't getting divorced because of you. They may get divorced because of each other or something else, but you didn't cause any part of their divorce.

Divorce happens between moms and dads — parents don't divorce their children. Your parents may get a divorce between them, but they won't get a divorce from you. A divorce means your mom and dad won't be married anymore. They won't live together in the same house anymore. You'll still be able to spend time with both of them — just probably not all together at the same time. The family still exists — only the marriage is over. You'll still love both parents and your mom and dad will still love you and take care of you.

Divorce is almost always the last choice parents want to make. It's a very difficult decision. There are a lot of reasons parents may get divorced; but mostly it's because they can't get along together. Nearly all divorces are by agreement. Your mom and dad will probably work everything out between themselves and you probably won't have to deal with any of those issues.

You don't have to take care of your mom or dad. The divorce is their problem and they will take care of it. Remember that the divorce is between them. They are not divorcing you. They will still be your mom and dad and they'll still love you.

You will have to deal with your own issues, though. You'll probably feel confused, sad, worried, and angry. You should talk with your parents, other kids, a teacher or school counselor, or relatives about how you feel and how the divorce may be affecting you.

Some kids are embarrassed by the divorce. Don't be. Half of all marriages end up with a divorce. If you talk about it with friends, you'll discover that you're not alone. There are lots of divorces out there and lots of children who have been through it. They can probably help you, if you talk with them.

HOW DIVORCE WORKS: Your mom and dad will probably each have an attorney help them with the divorce. The attorneys work together to make sure things go as smoothly as possible. Kids are the number one concern in any divorce. The attorneys will work with you mom and dad to help them both get their lives in order. They can also work with special helpers — mediators — to try to work out an agreement.

If they can't agree, the judge will decide things. The judge will need a lot of information to make a decision. The lawyers make sure the judge has all the information. Mostly, moms and dads can agree. They almost never leave it to the judge to decide.

The agreement will say who will live where, when you'll spend time with you mom and with your dad. How they will spend holidays with you. You'll probably get two Christmases and, probably, two birthdays. You'll probably spend mother's day with mom and father's day with your dad. You'll spend time on weekdays and weekends with each parent. They have to figure out the schedule and consider their work, your school, music lessons, soccer, baseball, etc. They also want you to have time to do all of your own activities and spend time with your friends.

Once everything has been worked out, the lawyers will talk with a judge in court and explain to the judge what sort of an agreement has been reached. If everything seems okay to the judge, the judge will approve the agreement and the divorce will be over. Everyone will go on living like they used to, just not together in the same house. You'll still see both parents — just probably not together too much.

YOU MAY HAVE YOUR OWN LAWYER: You have rights. You have the right to have your parents take care of you. You have the right to see both parents and spend time with both of them. You have the right go to school and to be safe and protected. Sometimes in divorce, children need to have their rights looked after to make sure everything works out best for the kids. To protect your rights, you may need an attorney. From the very first day your mom or dad talks with an attorney, the attorneys and the judge start looking out for the kids. That's the first thing they do. If anyone (your mom, dad, the attorneys, the judge, or anyone else)

thinks you need an attorney, they can talk with the judge about it. The judge can tell an attorney (a very good, smart, experienced attorney) to be your attorney. You won't have to pay the attorney – your mom or dad will or maybe someone else will, or maybe the attorney will work for you for free; but you won't have to pay anything.

Your attorney can talk with you, your mom and dad, the other attorneys, and the judge. Your attorney can also talk with your teachers, your friends, and their parents. Basically, your lawyer can talk with just about anyone to make sure that things get taken care of for you.

You should talk with your attorney. Let your attorney know how you feel. Tell your attorney about how life was before the divorce started. Tell your lawyer how things are going during the divorce. Tell your attorney how you would like to see things end up. The things you tell your attorney are usually kept secret. If you have something to tell your attorney and you want it kept secret, say so.

YOU MAY GET TO TALK WITH THE JUDGE: If your mom or dad cannot agree about where you should live or when you should spend time with them, the judge may want to hear what you think. Judges sometimes talk with kids in their office. Kids are not put on the witness stand to testify and to be cross-examined. Kids just talk, one-on-one, with the judge in the judge's office. The judge may want to know about your school, your classes, and your friends, what you like to do with your parents, etc. You can tell the judge whatever you want – the judge will listen to you.

If you want to talk with the judge, let your attorney know. If you don't have an attorney, tell your mom and dad that you want to talk with the judge.

TIME WITH MOM AND DAD: The biggest question kids have is "where will I live and how will I see both parents?" Every family is different and each need it's own, special, answer. Your parents both will work with you to make sure they each have a home where you feel comfortable. It will take time to get everything worked out. It may take a little while for you to feel comfortable with the new arrangement. If you haven't spent much time before with your dad, or your mom, it might take a little getting used to. Usually, though, kids find that being able to spend time with each parent will improve their relationships.

Sometimes kids can feel caught in the middle. Going back and forth all the time can feel like you're a ping-pong ball. If your mom or dad tries to drag you into their fight, try to stay out of it, try not to take sides. That only makes things harder for you.

The best things you can do: Remember that the divorce is for your mom and dad – it's not your problem. Stay involved and active in school. Pay attention to your classes and homework. Spend time with your friends. Find a trusted adult you can share thoughts with — like a relative, a teacher or school counselor. Mostly, just keep being yourself and pay attention to yourself. Take care of yourself and mom and dad will take care of themselves.

STEPPARENTS: If your mom or dad ever gets married again, their new partner will be your "stepparent," and you will be their "stepson" or "stepdaughter." It's hard to be a stepparent. It's hard to be a stepchild. You stepparent doesn't replace your real mom or your real dad. It's just a whole new relationship you'll have to try to get used to.

HOW TO MAKE THINGS BETTER: You're not in charge of making things better for your mom or dad. There are things you can do to make things better for yourself. There are groups at school (like "Rainbows") where you can talk with other kids whose parents are divorcing. You can talk with friends. If your mom or dad complains about the other, let them know that you don't like it. It's easy to just say "I don't like it when you talk like that." The best thing you can do is to talk it out.