

Blinded by Contempt; Protecting Your Children in Divorce

Written by Kaine Fisher

Q&A with [Kaine Fisher](#), Chairman of Rose Law Group [Family Law Department](#)

“It has now been 3 weeks since I filed for divorce. I have small children with my spouse. Our emotions are running high and things have become nasty. I really want to make sure I do the right thing by my children. I don’t want them to be screwed up after the dust settles. Can you lend any guidance?”



I chuckle when I hear the word *nasty* and the word *divorce* used together. It's redundant, don't you think? It certainly is from my perspective. There are no winners. There are only losers. Perhaps the biggest losers are the children. I'm sure there are some divorces in this country that go smoothly, are finalized quickly, or lack contentiousness; I just don't see them. I suppose if uncontested divorces were the norm I wouldn't have much work to do.

With divorce rates continuing to climb in this country, the dynamic of co-parenting outside of a traditional family unit is the standard – not the exception. Unfortunately, parents can't seem to help themselves from putting their children in the middle. Sure I have seen examples of divorced parents working together to effectively co-parent their children. But, as a whole, parents can do much better.

Divorce is nasty. It's terrifying. Everyone understands that. But I urge parents to find a way to cope and be mindful of how your children are being affected by your conduct during this tough time. My method of keeping clients on track was constantly changing – that is until I stumbled upon a message which now seems to work every time. In 2010, Michael Haas, a Minnesota Judge, very bluntly gave litigants in his courtroom a lecture about the importance of civility. I can't imagine finding a better way to put it. Here it is:

“Your children have come into this world because of the two of you. Perhaps you two made lousy choices as to whom you decided to be the other parent. If so, that is your problem and your fault.

No matter what you think of the other party – or what your family thinks of the other party – these children are one-half of each of you. Remember that, because every time you tell your child what an “idiot” his father is, or what a “fool” his mother is, or how bad the absent parent is, or what terrible things that person has done, you are telling the child half of him is bad.

That is an unforgettable thing to do to a child. That is not love. That is possession. If you do that to your children, you will destroy them as surely as if you have cut them into pieces, because that is what you are doing to their emotions.

I sincerely hope that you do not do that to your children. Think more about your children and less about yourselves, and make yours a selfless kind of love, not foolish or selfish, or your children will suffer.”

Powerful, right? Parents have feelings of anger, remorse, sadness, betrayal, guilt, frustration, or all of the above when confronted with divorce. Having to litigate what I like to call “kid” issues can be a stressful and emotional experience. The process takes a toll on you. Spouses are driven by “winning” out of spite. They will do anything. They lose sight of their children's wants and needs. Spouses are fueled more by contempt for one another than seeing the forest through the trees. Parents can't seem to even say one nice word about the other parent or be in the same room. My motto of “don't sweat the small stuff” sometimes just doesn't sink in.

So how do I, as a divorce lawyer, give teeth to Judge Haas' King Solemn approach in my cases? Well, there are certain provisions that are imperative to an effective parenting plan. I have listed a few dos and don'ts below. At first glance, you might think to yourself, “wow that is common sense,” but remember, reflection is a character trait most parents lack during their divorce. You would be surprised how often parents don't even realize the damage they are causing.

- Don't make disparaging remarks about the other parent in your children's presence.
- Don't turn your children against the other parent by discussing with them the other parent's shortcomings.
- Encourage love, respect and affection between your children and the other parent.
- Don't do anything which might undermine the other parent's relationship with your children.
- Cooperate fully in implementing a relationship between your children and the other parent that will give the children the maximum feeling of security possible.
- Don't make remarks to your children that could be construed as trying to “use” them or deprecate the other parent.
- Don't communicate to the other parent by giving messages to your children.

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- Don't use your children to convey information or set up parenting time exchanges.
- Don't discuss parenting issues with your children.
- Communications should take place directly between adult household members and your children should be protected from involvement in adult issues.
- Don't put your children in the middle of any unresolved problems between you and the other parent.
- Don't fight with the other parent (either in person or over the phone) or insult the other parent in the presence of your children or allow any third-party to do so.
- All communication with the other parent should reflect civility and remained focused on your children.
- Don't expose your children to any incidents of domestic violence or extreme or hostile conflict or language.
- Don't expose your children to derogatory comments about the other parent or the relatives or friends of the other parent.
- Don't frighten your children by saying things such as the other parent is trying to take him/her away, the other parent does not love him/her, want to see him/her, or is interfering with visits.
- Use your best efforts to work cooperatively with the other parent in future plans consistent with the best interests of their children and to amicably resolve disputes as may arise.
- Don't treat your children, or allow your children to be treated by any third-party in the home, in a different manner than you treat any other children in the home, simply because your children have a relationship with the other parent or spend time with the other parent.
- Respect and honor the other parent's parenting style, privacy and authority.
- Communicate with the other parent openly, honestly and regularly to avoid misunderstandings that are harmful to your children, and plan together as parents rather than through your children.
- Refrain from posting disparaging or derogatory remarks about the other parent on any social network medium. Immediately remove any derogatory social medium posting(s) that may already exist.
- Don't engage in harassment of the other parent in oral, written or electronic formats.
- Don't discuss, or permit others to discuss, legal decision-making, parenting time, child support or other issues in your case with your children.
- Absolutely don't share, or permit others to share, any pleadings, motions, minute entries or other documents related to your case with your children.
- Make sure your children have no access to any pleadings, motions or minute entries or other documents, related to your case.
- Don't question or interrogate your children about where they want to live or question them about the personal life of the other parent.
- Don't express to your children how angry you are at the other parent, how you doubt the trustworthiness of the other parent or how hurt or frustrated you are by the actions of the other parent.

So, the next time you have the urge, don't respond to that snide text message, don't post that impulsive, insulting message on Facebook, and think twice about bad-mouthing your spouse. Take a minute and think about how your behavior and the words you are saying are affecting your kids. Don't teach your kids to hate. Keep them out of it. Let the past go. And lastly, do your best to communicate with your spouse to raise your children. Remember, your divorce has nothing to do with them.

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