
Parental Rights and Responsibilities after Divorce

Parenting after divorce is frequently difficult. Children often dislike being separated from one of their parents, you may have recently moved, and even though you and your spouse have divorced, you must continue working together for the sake of your children. You may be wondering, “How can we make this work?”



Many couples divorce

Post-divorce parenting concerns affect many families. Divorce rates have remained high since the early 1980s. About 50 percent of all marriages end in divorce. Nearly six of 10 first marriages end in divorce. Divorce is a long and complex process that affects children in different ways. Recent studies found that children’s adjustment to divorce depends on many factors. If there’s no serious parental conflict or problem, such as violence, child abuse or substance abuse, children generally benefit by having relationships with both parents.

Post-divorce parenting

Post-divorce parenting is usually divided into two areas: (1) who makes decisions about the children, and (2) where and with which parent children spend their time. When parents are married, they share these responsibilities. When parents divorce they have to decide who will do what. In New Hampshire there is a presumption (which is like a mandate) that parents will have shared, or joint, decision-making responsibilities. The state of New Hampshire also requires parents to develop a “parenting plan.”

What is a parenting plan?

New Hampshire requires divorcing parents to develop a parenting plan. This is a plan that parents create and submit to the court. It outlines which parent will do what after divorce and encourages parents to think about the future of their children. Parents who decide to develop a plan will probably want to consider the following topics:

- Decision-making responsibility and residential responsibility.
- Information sharing and access, including telephone and electronic access.
- Legal residence of a child for school attendance.
- Parenting schedule, including:
 - Holiday, birthday, and vacation planning.
 - Weekends, including holidays, and school in-service days preceding or following weekends.
 - Transportation and exchange of the child.

- Relocation of parents.
- Procedure for review and adjustment of the plan.
- Methods for resolving disputes.

Visit the following websites for more information about this:

<http://www.courts.state.nh.us/fdpp/forms/NHJB-2064-FS-Instructions,%2020050920.pdf>

<http://www.courts.state.nh.us/fdpp/forms/NHJB-2064-FS,%2020050920.pdf>

How will you make decisions about post-divorce parenting?

It's generally best if parents can make decisions together. This way parents are more likely to feel involved and satisfied with the outcome and children are likely to feel that their family after divorce mirrors the family that they had before the divorce. There are a number of ways to make decisions:

Work it out together

If parents are able to work together, there is no reason why they can't sit down and work out a post-divorce parenting plan. They can do this with or without attorneys.

Go into mediation

Sometimes parents can't come to an agreement, or can only come to a partial agreement about their post-divorce life. When this happens, parents can go to a mediator for help. When parents go through the court system, sometimes one parent comes out feeling like a "winner" and another parent comes out feeling like a "loser." Mediation can help both parents to feel like "winners."

Mediation involves a series of meetings between parents and a trained mediator. Mediators have knowledge about family law, child psychology and how to resolve conflicts. The mediator works with the parents, and sometimes the children as well. Together, they develop a post-divorce agreement or parenting plan that is in the best interests of all family members. Mediation is a short-term, non-threatening option for most families as long as severe violence, mental illness or substance abuse is not present. The goals of mediation generally include:

- help developing a post-divorce parenting arrangement
- improving satisfaction with the post-divorce agreement or parenting plan
- avoiding a hearing before a judge
- easing the transition to post-divorce family life

Employ a neutral third party

If parents can't work together in mediation, and don't want to go before a judge, they can decide to have their case heard by a neutral third party. This involves parents and their attorneys sitting down with a neutral third party (often a lawyer) to make the decision together.

Seek help from a parenting coordinator

Parents who've developed a parenting plan sometimes have difficulty following their plan. A parenting coordinator can help families implement a parenting plan. The parenting coordinator (who is sometimes also a mediator) works with the families to reduce conflict and to help them better co-parent together; the coordinator may make a report to the court, but not in all cases.

Have a judge decide

Sometimes parents can't agree on the terms of their divorce by themselves or through any other procedure. This usually means that a judge will need to hear the case and make a decision about what is in the best interests of the children.

Court cases are usually long, involved, and expensive. In New Hampshire, a typical divorce case may take nine to 12 months. The court process may increase parental conflict. Sometimes parents distrust each other and the legal system. At times, a neutral person, called a "guardian ad litem" is appointed to represent a child. The guardian ad litem serves as the "eyes and ears of the court." He or she will spend time with and interview the child(ren), family, teachers and other caregivers, and then make a recommendation to the court about what is best for the child(ren).

A judge may decide to have children live with someone who is not a biological or adoptive parent, such as a grandparent or stepparent. This is quite unusual though. In most instances children live with one or both of their parents.

Children's role in custody decisions

Although a child's relationships, interests, and wishes are often considered, adults, not children, actually make decisions about post-divorce life and parenting. Most adults feel it's unfair to put children in the role of choosing between their parents. Older children, however, can have more say in where they will live and what role their parents will play in their lives. The New Hampshire Supreme Court allows the preferences of children starting around 14 years-of-age to be given "substantial weight."

Changes are okay and should be expected

Regardless of how arrangements are made, studies show that just like intact families, divorced families, and their living arrangements change over time. Children may want to live with their mother for a while and then try living with their father. Parents may find that they want more assistance with their parenting responsibilities and the family adopts a shared living schedule. Or, children may find that moving between two homes is stressful and that they want to spend most of their time in one home or another. Try to think of decisions about post-divorce family life as ongoing and expect that parents and children may want to make changes along the way. The goal is always to work toward the best interests of the children.

Benefits of shared parenting

Studies show that joint parenting arrangements have the following benefits:

- Children feel secure and gain comfort from involvement with both parents.
- Parents are more satisfied and grow to value the role their former spouses play in raising their children.
- Parents are more likely to provide financial support when involved in their children's lives.
- Parents may be able to share babysitting on a regular or emergency basis.
- Parents are less likely to experience stress since they have some time for themselves.
- Divorcing parents should note that children whose parents are engaged in a high level of conflict do not usually benefit from shared living arrangements.

Examples of possible post-divorce decision-making responsibilities

When parents have been granted joint decision-making responsibilities, they generally share in making major decisions about their shared children. At the very least, this means that parents will participate in decisions about medical treatment, religious training and the education of their children. Parents can also agree to jointly make decisions about social events, extracurricular activities, chores, academic expectations, discipline methods, and any other parenting role.

Examples of possible post-divorce living arrangements

Post-divorce living arrangements will depend on each family’s particular situation. Research shows that children’s adjustment depends on the amount of quality time parents spend with them. The type of family structure is not as important, but children and parents will find joint living arrangements easier if parents make a commitment to living near one another (e.g., in the same or neighboring communities).

Parents should consider the age of the child, how far parents live from one another, how far each parent is from the child’s school and friends. They should take older children’s preferences into account.

Here are some examples of possible residential parenting schedules, most of which are based on a four-week schedule. These schedules assume that children will move between their parents’ homes. In the schedules below, we talk about **Parent A** (no shading) and **Parent B** (shaded in gray) with no reference to gender, or which parent has “primary” residential responsibilities.

Example 1: Week/weekend split

Nights with Parent A per month: 20

Nights with Parent B per month: 8

Week #	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	Parent B	Parent A	Parent A	Parent A	Parent A	Parent A	Parent B
	Parent A					Parent B	
2	Parent B	Parent A	Parent A	Parent A	Parent A	Parent A	Parent B
	Parent A					Parent B	
3	Parent B	Parent A	Parent A	Parent A	Parent A	Parent A	Parent B
	Parent A					Parent B	
4	Parent B	Parent A	Parent A	Parent A	Parent A	Parent A	Parent B
	Parent A					Parent B	

Example 2: Every Other Weekend

Nights with Parent A per month: 24

Nights with Parent B per month: 4

Week #	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A	Parent B
						Parent B	
2	Parent B	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A
	Parent A						
3	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A	Parent B
						Parent B	
4	Parent B	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A
	Parent A						

Example 3: Every other extended weekend

Nights with Parent A per month: 22

Nights with Parent B per month: 6

Week #	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A	Parent B
						Parent B	
2	Parent B	Parent B	Parent A	Parent A	Parent A	Parent A	Parent A
		Parent A					
3	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A	Parent B
						Parent B	
4	Parent B	Parent B	Parent A	Parent A	Parent A	Parent A	Parent A
		Parent A					

Example 4: Every other weekend, with mid-week contact (with or without overnight)

Nights with Parent A per month: 24 (no midweek overnight) or 20 (with overnight)

Nights with Parent B per month: 4 (no midweek overnight) or 8 (with overnight)

Week #	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A	Parent B
				Parent B		Parent B	
2	Parent B	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A
	Parent A			Parent B			
3	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A	Parent B
				Parent B		Parent B	
4	Parent B	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A
	Parent A			Parent B			

Example 5: The 2-2-split

Nights with Parent A per month: 14 (Mon & Tues + every other weekend)

Nights with Parent B per month: 14 (Wed & Thurs + every other weekend)

Week #	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	Parent A	Parent A	Parent A	Parent A	Parent B	Parent B	Parent B
				Parent B			
2	Parent B	Parent B	Parent A	Parent A	Parent B	Parent B	Parent A
		Parent A		Parent B		Parent A	
3	Parent A	Parent A	Parent A	Parent A	Parent B	Parent B	Parent B
				Parent B			
4	Parent B	Parent B	Parent A	Parent A	Parent B	Parent B	Parent A
		Parent A		Parent B		Parent A	

Example 6: Every other week

Nights with Parent A per month: 14 (every other week)

Nights with Parent B per month: 14 (every other week)

Week #	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A
2	Parent B	Parent B	Parent B	Parent B	Parent B	Parent B	Parent B
3	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A
4	Parent B	Parent B	Parent B	Parent B	Parent B	Parent B	Parent B

Example 7: Every other two weeks

Nights with Parent A per month: 14 (two consecutive weeks)

Nights with Parent B per month: 14 (two consecutive weeks)

Week #	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A
2	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A	Parent A
3	Parent B	Parent B	Parent B	Parent B	Parent B	Parent B	Parent B
4	Parent B	Parent B	Parent B	Parent B	Parent B	Parent B	Parent B

You can see more examples of possible schedules at <http://www.supreme.state.az.us/dr/Text/ModelPTPlans.htm#Sample%20Calendars>.

Guidelines for helping children

The following guidelines may contribute to your child's adjustment to your divorce. Think about how you can work on each of these so you can help your child adjust to change.

- **Regularity of schedule** Children do best when there is a regular or predictable schedule. The same things happen each day at approximately the same time.
- **Consistency** with babysitters, neighbors, schools. Keep children's lives as consistent as possible as they cope with parental divorce and the effects of new living arrangements.
- **Familiarity** Children should have their own space in each home.
- **Frequent contact with nonresidential parent** Children generally benefit when they are in frequent contact with both parents.
- **Reassurance** Sometimes children need to be told it is okay to feel close to both parents.
- **Communication** Parents should openly acknowledge children's difficult feelings about coming and going between two homes.

- **Flexibility** Children cope better when they feel they have some control over when they see their parents. This flexibility helps children overcome feelings of helplessness and powerlessness. If children want to spend more time with one parent than another, try to accommodate this request without any consequences, such as getting upset or expressing concerns of rejections. Just as this would be “natural” in intact families, it is natural in divorced families.

Post-divorce problems

Conflict

Married couples have conflict about how to raise their children, so it would make sense that divorced couples would as well. Try not to see conflict as a sign of failure. If you and your child’s other parent cannot agree on an issue, try going back to mediation or revising your parenting plan before heading back into the courtroom. Seeking help to co-parent is often viewed as a problem, but ultimately should not be.

Child support

If one parent is not fulfilling his or her financial responsibilities, what should the other parent do? Some parents deny their ex-partners time with the children if the other parent hasn’t followed through with financial commitments. This arrangement usually isn’t good for children.

If talking with your former spouse won’t resolve the matter, contact your lawyer, your local Superior Court (<http://www.courts.state.nh.us/superior/index.htm>) or Family Court (<http://www.courts.state.nh.us/fdpp/index.htm>) (if you live in Grafton, Rockingham or Sullivan Counties). You can find specific information, forms and guidelines about child support on the State’s Superior Court website: <http://www.courts.state.nh.us/superior/forms/index.htm>. It may also be beneficial for you to contact New Hampshire’s Child Support Enforcement agency (<http://www.dhhs.state.nh.us/DHHS/DCSS/default.htm>). Remember that taking your anger out on your children by not letting them see their other parent generally doesn’t work and may harm your children.

What matters most?

What matters most is your child(ren). Try to stay focused on their adjustment. Understand that divorce changes relationships between parents and children, as well as between parents.

Educate yourself about children’s “normal” responses to divorce. Try to be sensitive to what your children are experiencing, as distinct from what you are experiencing. Do your best to work with your child’s other parent and try to make decisions together. Try not to put your children in the middle by asking questions, or making negative remarks about the other parent. If you need information from the other parent, pick up the phone, write a letter or send an email. Communication may be the best and most powerful tool for everyone in a divorced family

For more information about divorced families

Books

The Unexpected Legacy of Divorce: The 25 Year Landmark Study, by Judith Wallerstein; published in 2001 by Hyperion.

We’re Still Family: What Grown Children Have to Say About Their Parents’ Divorce, by Constance Ahrons; published in 2004 by Harper Collins Publishers, Inc.

Between Two Worlds: The Inner Lives of Children of Divorce, by Elizabeth Marquardt , published in 2005 by Crown.

Web sites

General Web sites

The Children's Rights Council <http://www.gocrc.com/>

Parenting Plan/Co-parenting information

<http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/afccsharedparenting.pdf>

www.courts.state.nh.us/fdpp/forms/NHJB-2064-FS-Instructions,%2020050920.pdf

New Hampshire Web sites

Divorce and Support-related Forms <http://www.courts.state.nh.us/superior/forms/index.htm>

Superior Court <http://www.courts.state.nh.us/superior/forms/index.htm>

Family Division <http://www.courts.state.nh.us/fdpp/index.htm>

Child Support Enforcement <http://www.dhhs.state.nh.us/DHHS/DCSS/default.htm>

Mediation <http://www.courts.state.nh.us/fdpp/mediation.htm>

Mediators <http://www.nh.gov/marital/mediators.htm>

Parenting Plans (1) <http://www.courts.state.nh.us/superior/forms/nhjb-2064-fs-instructions.pdf>

Parenting Plans (2) <http://www.courts.state.nh.us/forms/nhjb-2064-fs.pdf>

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UNH Cooperative Extension County Office Telephone Numbers

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Hillsborough Goffstown (603) 641-6060	Merrimack Boscawen (603) 796-2151 or (603) 225-5505	Rockingham Brentwood (603) 679-5616	Strafford Dover (603) 749-4445	Sullivan Newport (603) 863-9200

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