

Children & Divorce

By Audrey B. Schneiderman, Esq.

Once the decision to pursue divorce has been made, one of the biggest concerns is what effect will this have on my children. Although, there are no definite answers since all children, both young and old, react differently, there are some positive ways to approach the situation. With that being said, I have tried to answer some commonly asked questions:

My wife is the primary residential parent; will I ever be able to have a relationship with my kids?

In an effort to alleviate this worry, Palm Beach County has adopted a Model Parental Time Sharing Schedule. This schedule was put in place to ensure that children are given the opportunity to continue to have a meaningful relationship with both parents, but more specifically, the parent that is not the Primary Residential Parent. By way of example, this schedule provides the secondary residential parent with long weekends, as well as extended periods of time during the summers and other holiday vacations.

Parents should confer on major issues regarding their children (i.e.

schooling, discipline, religious upbringing and health issues). Pursuant to Florida Statute §61.13(2)(b)(3), "access to records and information pertaining to a minor child, including but not limited to medical records may not be denied to a parent because the parent is not the child's primary residential parent." All you have to do is ask.

Can I deviate from this schedule?

Of course, both parents and the children will have events and special occasions, which will create a need for flexibility so that weekends can be switched to accommodate such occasions. These situations require common sense and courtesy. The parent requesting the change should give reasonable notice to the other parent, and it is both parents' obligation to accommodate any reasonable request so as to benefit the child. It is incumbent upon both parties to remember that visitation with both parents is in the best interest of the child(ren).

Both parents should remember that the children suffer greatly both now, and in the future, if they see their parents in conflict. Avoiding unnecessary conflict serves to increase the child's security and well being throughout this process and for the years to come. Parents should remember that children tend to mimic their parents behavior, an important point to remember.

How will I be able to pay for my child's expenses?

Florida law provides that in the event of divorce or separation, the child's financial needs are provided for by using a formula that takes each party's income into consideration, as well as the amount of time spent with each parent. Additionally, it is common for the parties to allocate for other



expenses as well (i.e. unreimbursed medical expenses, and extra-curricular activities such as dance, sports, summer camp).

Another factor, commonly considered, is the lifestyle of the child. For instance if the child has attended private school and/or certain religious training while the parents were married, then it is common for these expenses to be addressed and provided for in the divorce settlement.

How will my child react to the divorce?

While all children react differently, the process itself will affect every child in some way although in different ways depending on their age. Parents should reassure the child(ren) that it is not his or her fault. Sometimes, it is helpful for the parties to seek guidance from a professional counselor (psychologist) both for themselves, and/or their children. Often, the parent(s) and child(ren) can attend sessions together and achieve a better understanding of the emotional effects this process may have on their child and address various ways to handle these issues. ^{stb}

—Audrey B. Schneiderman has been practicing law in Palm Beach County for 15 years. She is a partner in the law firm of Feldman & Schneiderman, P.L., with emphasis on family law. She is a graduate of the University of Wisconsin and Rutgers School of Law. Reach her at 561-392-4400 or at aschneiderman@feldmanlawoffice.com.



AUDREY B. SCHNEIDERMAN, ESQ.