

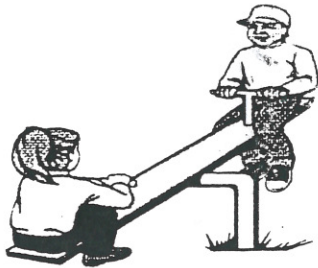
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Your children have come into this world because of you. Perhaps you two made lousy choices as to who you decided to be the other parent. If so, that is your problem and your fault.

No matter what you think of the other party- or what your family thinks of the other party- those children are one half of each one of you. Remember that, because every time you tell your child what an idiot her 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 that half of him is bad.

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

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

Judge Haas
Walker, Minnesota

20 CHILD CUSTODY POINTERS

The following pointers were developed as a guide to maintaining or obtaining child custody through the Courts:

1. Spending as much time as possible with you children. While going through a divorce or separation can be a very trying time, your children also need you during this time. The Court looks very closely at time you spend with your children.
2. If you want to leave the relationship, keep the children with you whenever possible. It is much easier to get custody if you keep custody than if you leave the children behind. If you feel you must leave the family home, take the children with you or contact an attorney prior to leaving the marital home.
3. If you are in a situation where you need daycare services, make sure you check the daycare provider's references and determine if the daycare provider is supportive of you in your custody action.
4. Keep a notebook or journal and write down who provides primary care to your children including:
 - a. Who bathes the children?
 - b. Who puts the children to bed?
 - c. Who takes the children to school?
 - d. Who do the children call to in the middle of the night?
 - e. Who buys the groceries?
 - f. Who takes the children to the doctor?
 - g. Who prepares the meals?
 - h. Who attends the children's activities and parent/teacher conferences?
 - i. Who takes the children to church?

These issues are very important.

5. If you are involved in a sexual relationship outside of your marriage, be discreet. Think about what is most important to you—the extramarital relationship or your children. Courts do consider the moral fitness of parents. If you have an ongoing relationship after leaving a marriage, you need to think very carefully about the person you are involved with. When that person becomes involved with your family, his or her background and fitness can also be an issue.
6. Try to maintain a stable environment for the children. Often your best witnesses can be teachers, friends, neighbors, counselors and so forth. Stability is one thing the Court considers when awarding custody.

7. Write down the other parent's visits with the children. Note when and under what circumstances the visits occurred. Also document lack of contact: for example, if the other parent forgot a child's birthday. Write down visits between your extended family and the children. Relatives can often be a support, if they are close to the children. Volunteer to take the children when the other parent has plans.
8. Watch your own behavior as you know others will. If you are involved in a custody dispute, assume the other parent is watching you actions or taping your statements. Don't drive while under the influence of alcohol. Don't become involved in activities that are illegal. Don't be seen regularly at bars, or host frequent or wild parties at your home. Your ability to care for the children is reflected by your own behavior. Don't be surprised if the other parent hires a private investigator. Make sure your children are properly attended when you are away from them.
9. Talk to people you feel would be good witnesses to assist you in your custody case. Get their names, telephone numbers, places of employment and addresses. Witness preparation and availability can be very important in a custody dispute.
10. If you or you family needs counseling, it is probably a good idea. Some legal advocates feel that counseling or obtaining necessary services will be held against you. However, it may be better to work on a problem before it comes to the Court's attention. If the other parent will accuse you of having a drinking problem, get a confidential evaluation. If there is a problem obtain counseling.
11. Many times in custody disputes one parent says the other is an unfit parent. Parenting classes can be very valuable. They are often available at little or no cost through County Social Services, or other human service agencies in your area.
12. Be honest with your attorney. Half-truths will weaken the relationship with your attorney and impair the attorney's ability to represent you.
13. Know the proper forms of child discipline and when and where to use them. While spanking may be a recognized form of discipline, it is not a preferable one. If done improperly or out of anger, it can be held against you. Rule-setting, timeouts, and verbal discipline (not name-calling) can be more effective and acceptable.
14. Become involved in activities with your children. Make sure you attend all parent-teacher conferences. If you are involved in church, also involve your children. If your children participate in social activities, volunteer or participate with them where appropriate. Know your children's friends. Perhaps set aside at least one day a week or a couple of hours a night for family activities.
15. Get certified copies of any criminal convictions and driving records of the other parent. Run a check and you may be surprised.

16. If you have questions for your attorney, write them down. Your attorney will be better able to assist you if you are prepared. Keep your attorney advised of any changes affecting you or the children. If you make plans for a major move or decisions, contact your attorney first.
17. If you want permanent custody, don't voluntarily relinquish temporary custody of your children to the other parent. This may give them a real advantage if they request permanent custody as well.
18. Generally the Court will consider the wishes of children when they are age 12 and above. The Court is not bound, however, by a child's preference if it finds it is not in the best interest of the child.
19. If the other parent is abusive to you or the children, get help. Write down abuse incidents and seek protection. Obtain medical attention if needed. Don't deny the abuse because you may need that evidence. There are excellent counseling, support, and shelter services available through abused person centers in many communities.
20. Stand your ground. Don't bad mouth the other parent even though he or she may be doing it. Take photos of happy times for you and your children. Consider your children and their needs.

NOTE: If you are as stepparent and you feel that your marriage is breaking down, don't go through with stepchild adoption, unless you want continuing obligations for the children.

PERSONAL RIGHTS FOR CHILDREN OF DIVORCE R3-8

1. You have the right to ask to see each of your parents.
2. You have the right to talk to each of your parents on the phone as often as you like.
3. You have the right to refuse to deliver unkind messages from one parent to another.
4. You have the right to request private time with your parents without their boyfriends or girlfriends (husbands or wives).
5. You have the right to spend time with a visiting parent even if it isn't in the divorce decree.
6. You have the right to see all of your grandparents even if your parents don't like them.
7. You have the right to ask people (a parent, grandparent, or stepparent) to stop talking badly about the absent parent.
8. You have the right to leave any situation in which people refuse to stop talking badly about the absent parent.
9. You have the right to buy cards or gifts for any of your relatives (aunts, uncles, grandparents, stepparents, siblings, stepsiblings).
10. You have the right to request to live with a different parent.
11. You have the right to keep things to yourself (privacy).
12. You have the right to say "Don't ask me who I love more."
13. You have the right to refuse to spy on one parent for the other parent.
14. You have the right to talk about things that may bother you with such appropriate individuals as school guidance personnel or your minister.
15. Know what constitutes physical and sexual abuse—you have the right to avoid abuse.
16. You have the right to discuss your reasons for not wanting to see a parent.
17. You have the right to request a change in the visitation schedule if it interferes with such things as school activities or a part-time job.
18. You have the right to like your stepparents and stepsiblings.

BEST INTERESTS AND WELFARE OF CHILD - COURT CONSIDERATION – FACTORS

- a. The love, affection, and other emotional ties existing between the parents and child and the ability of each parent to provide the child with nurture, love, affection, and guidance.
- b. The ability of each parent to assure that the child receives adequate food, clothing, shelter, medical care, and a safe environment.
- c. The child's developmental needs and the ability of each parent to meet those needs, both in the present and in the future.
- d. The sufficiency and stability of each parent's home environment, the impact of extended family, the length of time the child has lived in each parent's home, and the desirability of maintaining continuity in the child's home and community.
- e. The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child.
- f. The moral fitness of the parents, as that fitness impacts the child.
- g. The mental and physical health of the parents, as that health impacts the child.
- h. The home, school, and community records of the child and the potential effect of any change.
- i. If the court finds by clear and convincing evidence that a child is of sufficient maturity to make a sound judgment, the court may give substantial weight to the preference of the mature child. The court also shall give due consideration to other factors that may have affected the child's preference, including whether the child's preference was based on undesirable or improper influences.
- j. Evidence of domestic violence. In determining parental rights and responsibilities, the court shall consider evidence of domestic violence. If the court finds credible evidence that domestic violence has occurred, and there exists one incident of domestic violence which resulted in serious bodily injury or involved the use of a dangerous weapon or there exists a pattern of domestic violence within a reasonable time proximate to the proceeding, this combination creates a rebuttable presumption that a parent who has perpetrated domestic violence may not be awarded residential responsibility for the child. This presumption may be overcome only by clear and convincing evidence that the best interests of the child require that parent have residential responsibility. The court shall cite specific findings of fact to show that the residential responsibility best protects the child and the parent or other family or household member who is the victim of domestic violence. If necessary to protect the welfare of the child, residential responsibility for a child may be awarded to a suitable third person, provided that the person would not allow access to a violent parent except as ordered by the court. If the court awards residential responsibility to a third person, the court shall give priority to the child's nearest suitable adult relative. The fact that the abused parent suffers from the effects of the abuse may not be grounds for denying that parent residential responsibility. As used in this subdivision, "domestic violence" means domestic violence as defined in section 14-07.1-01. A court may consider, but is not bound by, a finding of domestic violence in another proceeding under chapter 14-07.1.
- k. The interaction and interrelationship, or the potential for interaction and interrelationship, of the child with any person who resides in, is present, or frequents the household of a parent and who may significantly affect the child's best interests. The court shall consider that person's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault, on other persons.
- l. The making of false allegations not made in good faith, by one parent against the other, of harm to a child as defined in section 50-25.1-02.
- m. Any other factors considered by the court to be relevant to a particular parental rights and responsibilities dispute.



PARENTS FOREVER™

EDUCATION FOR FAMILIES
IN DIVORCE TRANSITION

NDSU
Extension Service
North Dakota State University

curriculum developed by

UNIVERSITY OF MINNESOTA

EXTENSION

❖ Why should I attend the Parents Forever course?

Fewer than half of America's children can expect to live their childhood with their biological parents due to divorce or their parents never being married. Research shows that on average, these children:

- ◆ get sick more often
- ◆ get in trouble more often
- ◆ get lower grades at school
- ◆ have more trouble making friends

When parents cannot work constructively through custody, child support and other difficult divorce issues, the pain for both parents and children endures long after the divorce is final.

Parents Forever participants learn how to make informed, child-supportive decisions so children will come through divorce having a positive relationship with both parents.

Parents Forever is a comprehensive educational program that puts parents on the path to minimizing stress for themselves and their children.

It's changed me! It's taken the focus more off of me and put it on "Where do my kids fall into play here?" *Parents Forever participant*

❖ Participant quotes

"I really think before I speak now. I wish I would have had the class earlier in my divorce."

**"Be careful
about the
messages
you send
your kids."**

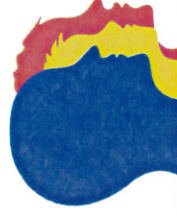
"I think this was really a great and practical class. I was dreading it because I thought I'd be overwhelmed with guilt. I appreciated the hope that was portrayed in the presentation and

positive attitude that was presented with important ideas."

"Be careful about the messages you send your kids about the ex-spouse, money, etc. Kids should not have to deal with our problems."

"How to keep our children out of the middle and learning their developmental stages (in relation to) the effects of the divorce."

"I had reaffirmation that my ex-husband and I are doing the right things for our son. I learned some things regarding effects this has on a child at his age."



PARENTS FOREVER

is a research-based educational program designed to help parents through the process of making informed, child-supportive decisions during separation and divorce, resulting in healthy children and positive parent-child relationships.

Registration Policies

- Participants with financial concerns are encouraged to discuss payment options with the Parents Forever coordinator prior to the first class.
- Accommodations will be made for participants with disabilities or those needing interpreters upon request. Please contact your county Extension office or your Parent Resource Center three weeks in advance of the program you plan to attend.
- Materials are available in Spanish upon request.
- IMPORTANT:** Please indicate if someone CANNOT be in class with you. Per policy, parents are not required to attend together, but are encouraged to do so when their relationship is safe and amicable.

NDSU is an equal opportunity institution

Class Outline

- Impact of Divorce on Adults
- Impact of Divorce on Children

This course focuses on:

- how divorce affects developmental needs and age-related behaviors of children and youth
- children's grief cycle
- recognizing your parenting style
- strengthening communication skills between parents
- tools for developing a parallel parenting plan
- Pathways to a New Life

\$55 fee for four-hour course

Certificates will be distributed upon completion.

Who should attend Parents Forever classes?

- Parents experiencing a family transition of separation/divorce
- Parents considering separation/divorce who would like to learn more about the impacts on their family
- Parents who are divorced and experiencing challenges with co-parenting
- Parents who have never been married and do not live together, but have challenges co-parenting

For more information, contact your local county Extension office or the Parent Resource Center in your area.

Parent Resource Centers

Parent Resource Center

Williams County Extension Service
110 Broadway W., Suite 202
Williston, ND 58801
Phone: (701) 774-6335
Williston, ND 58802-1109
Phone: (701) 577-4590 or 577-4595

NDSU Extension/Central Dakota Parent Resource Center

Ward County Extension Office
Courthouse, Room 101, Box 5005
Minot, ND 58702-5005
Phone: (701) 857-6450

Region III Family Resource Center

Jigsaw Junction
115 5th Ave. N.E.
Devils Lake, ND 58301
Phone: (701) 662-7529
Ramsey County Extension Service
524 4th Ave. N.E. #5
Devils Lake, ND 58301
Phone: (701) 662-7027

NDSU Extension/Parent Information Center

3351 17th Ave. S.
Grand Forks, ND 58201
Phone: (701) 780-8229
Grand Forks Co. Extension Service
151 4th St. S., Suite 302
Grand Forks, ND 58201
Phone: (701) 780-8229

NDSU Extension/Region V Parenting Resources Center

Cass County Extension Service
1010 2nd Ave. S., Box 2806
Fargo, ND 58108-2806
Phone: (701) 241-5700

Barnes-Stutsman Parenting Resource Center

Barnes Co. Extension Service
230 4th St. N.W., #204
Valley City, ND 58072
Phone: (701) 845-6652
Stutsman Co. Extension Service
116½ 1st St. E.
Jamestown, ND 58401
Phone: (701) 252-9030

NDSU Extension/Region VII Parenting Resource Center

Morton County Extension Service
210 2nd Ave. N.W.
Mandan, ND 58554
Phone: (701) 667-3342 or 667-3340

West Dakota Parent and Family Resource Center

336 5th St. W.
Dickinson, ND 58601
Phone: (701) 456-0007
Stark/Billings Co. Extension Office
1340 Villard St. W.
Dickinson, ND 58601-4646
Toll-free: (877) 264-1142
Phone: (701) 456-7665