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Dedication

With admiration for their courage,
I dedicate this book to all of the children
who have shared their worries with me,
especially The Blue Group:
Jacob, Breanna, Savanna, and Jacob.



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Rationale

Each year there are over one million divorces in the United States*. One in seven involves court action to determine which parent will have physical custody of minor children*. The parents' attorneys are often intent on "winning" for their clients; children's emotional needs are ignored while attorneys "dig the dirt" on the other parent. Custody battles are among the most destructive and bitter of all civil court legal actions.

Children who are experiencing a custody battle need a safe way to explore and talk about their feelings. They also need to know they are not alone, and that the situation will resolve itself so that life goes on. This book offers a format to ease their way and is suitable for use in individual and small group counseling.

*Source: National Center for Missing and Abducted Children, 1997.





How to use this book:

Note to Helping Adults

You can use this workbook in several ways:

- A. Children can read through the chapters of the workbook on their own, circling their answers in Chapter Two and Three and/or writing in other answers. They could then share their answers with you if they would like. They could also read the children's story themselves.
- B. You can read the story aloud to children. Then share the chapters of the workbook with them, discussing their responses. See Page 60 for a suggested way of making a discussion game from Chapters Two and Three.
- C. You can use the structure of the book as a framework for group discussion with children who are going through custody litigation. Appendix Four provides a suggested group format.

- D. You can simply use the children's story independently and discuss it.
- E. You can use any chapter of the book independently.
- F. You can copy the "Note to Parents" section and give or send it to the parents.

This workbook has four aims:

1. To help children feel less alone with their situation.
2. To reframe any thinking that may lead to feelings of inappropriate guilt, control, and hopelessness.
3. To allow children to share and resolve their feelings.
4. To help guide children toward positive choices that will help them.





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CHAPTER ONE

Understanding the Custody Battle

If you are reading this book, you have probably already gone through some difficult times. Here are things that have happened to some kids. They may have happened to you:

Your parents separated: Unless you were very young when your parents decided to separate, you can probably remember feeling sad, mad, and maybe even scared when your parents decided to live in separate houses.

Your parents got a divorce: If your parents were legally married to each other, by now they may have gone to court to hear the judge say they are no longer married. You may have hoped they would get back together, so you were sad when that didn't happen. Or maybe they fought a lot about things like money and who would get to stay in the house where you all used to live. You might have felt confused, angry, or worried, or maybe even relieved because you hoped things would settle down now.

Sometimes when parents no longer want to live together, they agree on lots of things, including which one of them you should live with. But sometimes they don't agree. If they are not able to decide for themselves, one or both parents may have decided to file a legal paper to get custody of you.

There are several kinds of custody:

Legal custody means that the person who has this gets to make decisions about you, like where you go to school, what doctor you see, whether you can go to summer camp - things that both parents used to decide. Often, parents share legal custody even though the child lives mostly with Mom or Dad.

Physical custody means that you live with the parent who has custody, but you may have overnight visits or stay for several weeks with the other parent. A common arrangement might be that you live at one parent's house, go to school in that neighborhood, and visit the other parent two weekends a month and on some holidays. You might also spend several weeks in the summer with the other parent.

Joint physical custody may mean that you live with each parent an equal amount of time throughout the year.

Custody battle: This is a name often given to a process that takes place in a courtroom. It's not a real battle with guns and cannons. All the same, it can feel like a war to kids, and sometimes to their parents. It happens like this: If both parents think you should live all the time with them, they may argue. Then they have to ask a judge to decide where you should live. There are several people who help the judge decide:

- **Lawyers** are people who are trained in what the law means. Another name for a lawyer is an **attorney**. Your mother and father may each have a lawyer. Your mom's lawyer will be on her side, and that person will try to convince the judge that your

mom should have custody. Your dad's lawyer will be on his side, and will try to convince the judge that custody should be given to your dad. There is a special kind of lawyer who is not on either parent's side, but on yours.

- ***Guardian ad Litem:*** Yes, that's a long name. We'll just call this person "**your lawyer.**" This is a person whose job is to help the judge by not being on your mom's or your dad's side, but who represents you instead. In many court systems, this is a lawyer with special training. In other systems, the person may not be a lawyer, and have another kind of title, but the special training would be the same. This person will talk with both of your parents, and also with other people who know you well, like your teachers, principal, and the school counselor. If you are visiting with a counselor outside of the school, your lawyer might talk with that person, also. But the most important person your lawyer talks to will be you. It's important to tell your lawyer how you feel about things.

Sometimes a custody battle seems to go on a long time, and sometimes it's over in a month or so. Most custody battles seem to take at least six months. And occasionally when one parent is not happy with the judge's decision, that parent may later file for a change to be made, and then the whole thing starts happening again. This can be very confusing!

In the following chapters, you will learn how other kids have felt, and some good and bad decisions they may have made when going through their parents' custody battles. Best of all, you will learn that, even though you can't change the fact that your parents are battling in court, you can do some things to feel better, and you can learn to make good decisions.

