

# SAVE THE CHILD

BY  
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When you represent Client Parent against Other Parent in custody litigation concerning Child, you have ethical responsibilities to both Client Parent and Child. You are conflicted to the extent that the interests of Client Parent and Child are perceived to, or actually do, differ.

The following letter tries to convince Client Parent (“Martha Mothersby” or Frank Fatherly”) that the chances of

winning custody issues increase when a parent fosters Child’s relationship with Other Parent. This is a counter-intuitive concept in “custody war” context. The letter’s purpose is to reduce conflict and diminish harm to the Child.

The letter, which is addressed to the mother here, may be used for a male client by replacing “Martha Mothersby” with Frank Fathersby” (and vice versa).

Ms. Martha Mothersby  
123 Fourth Street  
Salina, CA 93901

RE: Martha Mothersby v. Frank Fathersby  
Monterey County Superior Court Case No. DR 11111

Dear Martha:

I have written you this letter to explain ways in which you can help reduce the harm your daughter Katie suffers during your divorce from Frank and, at the same time, increase your chances for obtaining a favorable result regarding your case.

If you are sometimes tempted to criticize Frank in Katie’s presence, your feelings are natural. You may, in fact, have good reasons for doing so and it may take great efforts on your part to avoid doing so. You should, however, make those efforts for these reasons:

- A. Katie will try as hard as she can to believe that her father is a good person. She needs to love him and needs to know that he loves her.
- B. If Katie thinks ill of her father, it will damage her self image. She is, after all, Frank’s daughter. If her father is a bad person (Katie will reason), how could she be good?
- C. If Katie doesn’t trust her father, it will reduce her confidence in the security of her future. If her father isn’t trustworthy (Katie will reason), her own future is seriously at risk. One thing children of divorce desperately need is confidence that they will be well cared for.
- D. Katie’s relationship with her father creates the foundation of her future relationships with men, and it is important that the foundation be strong.
- E. The more hostile Katie sees your attitude toward Frank as being, the more Katie will be placed “in the middle” of the conflict between Frank and you, and the more guilty she’ll feel for having “caused”

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your marital separation. As you know, children often blame themselves for their parents' disputes.

- F. If Frank criticizes you to Katie but you fail to return the attack, Katie's respect for you will grow. Children are remarkably intuitive about fair treatment.
- G. Judges **greatly disfavor** parents who criticize their former partners in the presence of their children. **This factor is highly relevant to the judge's determination of custody and visitation issues.**

So, as you see, the major **"Don't"** is **"Don't criticize Frank in Katie's presence."**

Here's are some other **"Don'ts:"**

1. **Don't** allow others to criticize Frank in Katie's presence.
2. **Don't** argue with Frank in Katie's presence. Be especially careful not to argue during visitation exchanges.
3. **Don't** discuss adult issues (e.g., finances, or the details of your separation) with Katie or in Katie's presence.
4. **Don't** ask Katie to deliver messages, money or anything else to Frank.
5. **Don't** use Katie to spy on Frank for you, or ask her to report Frank's actions to you (e.g., don't ask Katie who Frank is dating).
6. **Don't** use visitation with Katie as a reward for Frank's good behavior, or withhold visitation as a punishment for Frank's bad behavior.
7. **Don't** tell Katie that she will be able to choose where she wants to live. If Katie is a teenager, discuss this issue with me.

Here are some of the **"Do's:"**

1. **Do** assure Katie that both you and Frank still love her and that she has your full permission to continue to love Frank.
2. **Do** assure Katie that she will be well taken care of by both you and Frank.
3. **Do** assure Katie that your separation from Frank is not her fault.
4. **Do** be punctual regarding all visitations.

The custody and visitation issues in your case may be easily resolved or may necessitate substantial litigation. I will vigorously defend your rights. In fact, the advice contained in this letter is the first step to our obtaining a successful result in your case. Judges are very impressed by efforts parents make to shield their children from emotional harm. **If you follow the suggestions in this letter, you will be the "good guy"** in any mediation, custody investigation, psychological evaluation, or custody/visitation court hearing in your case. Taking shots at Frank will be detrimental to your case, as well as to Katie.

Please maintain a confidential journal describing in detail any instances of Frank's failure to practice proper parenting. Examples of his failures include his doing any of the **"Don'ts"** described in this letter.

Sincerely,

Ronald S. Granberg

RSG:kab