

Granberg Law Office

in the Historic Mayer House (circa 1890)

134 Central Avenue, Salinas, CA 93901

Phone: 831-422-6565 / Fax: 831-422-5550

Dear Client:

Find attached a letter written in a hypothetical pending child custody dispute between “Martha Mothersby” and “Frank Fathersby.”

I represent “Martha” in the case, and have written her the letter in order to suggest ways to reduce the ill effects of the parental separation on the parties’ daughter “Katie.”

Sincerely

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Martha Mothersby
123 Logical Lane
Prudence, California 98765

RE: In re Marriage of Mothersby and Fathersby

Dear Martha:

This letter describes ways you can reduce the ill effects of your and Frank's separation on your daughter Katie. If you feel like making disparaging remarks about Frank to Katie, your feelings are normal. You may have valid reasons for feeling critical of Frank. Because such remarks would be detrimental to Katie, however, you should refrain from making them. Consider the following:

- Your breakup is a major crisis in Katie's life. Her reactions may include anxiety, sadness, confusion, and anger.
- Katie will need to be assured that you and Frank are both reliable people who can be counted upon to care for her. If Katie is told that her father is unreliable, her anxiety will increase.
- The more conflict Katie sees between you and Frank, the more adversely your divorce will affect her. Hostility between parents is toxic for a child.
- Family Code section 3040(a)(1) requires a judge making a child custody or visitation decision to "consider . . . which parent is more likely to allow the child frequent and continuing contact with the [other] parent."
- Judges dislike parents who criticize their former partners in the presence of a child. This factor is highly relevant to decisions judges make.

As you see, the central "**Don't**" is "Don't criticize Frank to Katie or within her presence."

Here are some other “**Don’ts**:”

- **Don’t** discuss adult issues (e.g., finances, details of your separation, or statements from court papers) with Katie or in her presence. If you discuss divorce issues with others, make sure Katie can’t overhear you.
- **Don’t** argue with Frank in Katie’s presence. For example, remain meticulously civil during every visitation exchange.
- **Don’t** use Katie to spy on Frank, or report to you on Frank’s activities.
- **Don’t** permit parental time with Katie as a reward for Frank’s good behavior, or withhold parental time as a punishment for Frank’s bad behavior.
- **Don’t** allow your relatives or friends to criticize Frank to Katie, or to criticize Frank in her presence.

Here are some “**Do’s**:”

- **Do** assure Katie that you and Frank both still love her.
- **Do** assure Katie that that she has your full permission to continue to love Frank.
- **Do** assure Katie that she will be well taken care of by both you and Frank.
- **Do** assure Katie that the fact that you and Frank are separating from each other in no way means that she will separate from you or from Frank.
- **Do** assure Katie that your and Frank’s separation is not her fault in any way.
- **Do** be punctual when beginning or ending your parental time with Katie.
- **Do** make “what will be best for Katie here?” the central consideration in decisions you make.

The way you and Frank behave during this period will have lifelong effects on Katie. Anger expressed in her presence is the most damaging. Your and Frank’s consistent good behavior is of utmost importance to your daughter’s future.

The parenting issues in your case might be easily resolved, or might require court intervention. I will actively represent you regarding those issues. When you follow the advice in this letter, you will be helping the court make appropriate decisions regarding Katie. Judges are very impressed by efforts parents make to shield their children from emotional harm. Following the suggestions in this letter will prove that you are a good parent. If you criticize Frank to Katie, or within her presence, you will have harmed your case as well as your daughter.

Please maintain a confidential journal describing in detail any instance of Frank's failure to parent properly. Behaviors described in the "**Don'ts**" portion of this letter are examples of failure to parent properly.

Here are some resources that may help you protect Katie's wellbeing:

- The Association of Family and Conciliation Courts maintains a website (<http://www.afccnet.org/resource-center/resources-for-families/categoryid/1>) showing resources available to assist parents in reducing the adverse effects of parental separation on their children.
- A pamphlet entitled "What Should We Tell the Children?" was written by respected psychologist Joan B. Kelly, Ph.D. This pamphlet and other helpful publications can be purchased at <http://www.aaml.org/library/publications>. Section IX of Dr. Kelley's pamphlet lists books and other resources for separating parents and their children.
- A DVD entitled "Split" (<http://splitfilm.org/>) shows divorce from a child's point of view.

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