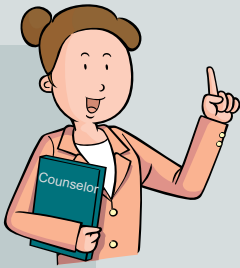


# PARENTS



First edition, December 2010

# We are no longer husband and wife,



Nowadays divorced families are gradually increasing. Experiencing difficult process, couples who reached to the divorce strive to make new adjustments. In particular, if they have minor children, they begin to worry whether they can still raise their children well in the name of Mom and Dad.



Regardless of a divorce by agreement or a judicial divorce, divorced parents with minor children shall consult with each other to determine child custody and support issues. (Article 837, Article 843 『Civil Act』)

**The standard for determining the issues related to child custody and support shall be based on the wellbeing and best interest of the child,** and shall not depend upon mere convenience or interest of the parents.



Children from divorced families suffer severe distress and difficulties, display problematic behaviors, and moreover divorce is often passed down to them when they grow up. This does not result from the divorce itself, but is the outcome of negative behaviors during the process of fighting and separation.

**Children can grow up even better if parents control their emotions during the divorce process, and show their love and care thinking first of their children.**

This handbook deals with the **guideline on divorcing parents with minor children**. Thus, it may not be applicable to problems involving criminal issues such as domestic violence, or child abuse, nor other special problems such as drug abuse, mental illness, etc.

In addition, there may be individual difference from the children's behavior traits toward divorce as described in this handbook. Thus, if your child displays any problematic behavior, it is desirable to seek immediate consultation from the expert.

# but we will remain ‘PARENTS.’

## ■ Parent with Legal Custody and Parent with Residential Custody (Residential Parent)

Once it is determined in accordance with the best interest of the child that which parent is more appropriate to reside with the child, absent any special circumstances, courts generally decide the Residential Parent as the Parent with Legal Custody. (There may be significant inconvenience if the Residential Parent does not have the legal custody of the child). Additionally, it is not a desirable arrangement to split the siblings by having one or more children residing with one parent and the rest with the other parent. Children may get hurt twice.

## ■ Child Support

To ensure children have the basic necessities for living, growth, and education, payment of child support is absolutely necessary.

Nonresidential Parent shall commit himself or herself to pay child support by all means, and execute heartily with utmost effort under the circumstances.

## ■ Visitation Right

Children need both Mom and Dad.

If the children are disconnected from one parent, they cannot become physically, emotionally, and morally well balanced individuals.

Visitation right is a right acknowledged to both parents and children. Therefore, Residential Parent has a legal duty to carefully consider that children see their Nonresidential Parent sufficiently and stably.





*Ahh~ I'm Scared*



© Happy Song & Kim

**Behavior traits regarding Parents' Divorce during Infant and Toddler stage**  
• Extreme fear and Anxiety • Developmental Delay • Regression

# “ALTHOUGH I CANNOT EXPRESS, MY FEELINGS ARE DEEPLY HURT”

Your children do not recognize because they are only babies?

Your children are okay because they are gentle? No.

The younger your children are, the more sensitive they are to the stress and the conflicts of their surroundings.

If Mom and Dad have serious fights or one of parents disappears all of sudden, your children may be overwhelmed by extreme fear and anxiety.



Also, if a parent, who is filled with anger or depression derived from the stress of divorce, takes care of children, the children may respond to stimulus slowly, demonstrate developmental delay, or even exhibit regression.

Try your best to take care of your own emotional needs so that you would not leave the children alone due to your stress, anger, or depression.

Reassure your children that they are taken care of and loved by you through physical contact and conversation.

Children who shape stable attachment relationships with a primary caretaker in early childhood years, enter into desirable relationships with others or the world when they grow up.

The younger your children are, more vulnerable they are to suffer serious personality disorder by being cut off from one parent in their developmental process. Therefore, you must not decide to "meet the children after they have grown older."



Discuss visitation with the other parent so that your children can meet the Nonresidential Parent sufficiently and stably.

The Nonresidential Parent must promise to provide child support payment.



It is not good to have a timesharing schedule for children of early childhood in which the children spend several days with Mom and other days with Dad as if parents divide them.

It is recommended that a primary caretaker (Residential Parent) be designated, and the Nonresidential Parent visit the children frequently and regularly, but for a short period of time, and participate in basic upbringing activities such as feeding, dressing up, giving bath, or putting them to bed. This would allow the Nonresidential Parent to visit while not breaking children's peaceful and stable rhythm of life



*What would happen to me?*

**Behavior traits regarding Parents' Divorce during Pre-school years**

- Feeling guilty
- Fear
- Expression of anger against parents
- Temper tantrum
- Trouble sleeping or eating disorder
- Backsliding

# “I AM TO BE BLAMED... THEN, WHAT WOULD HAPPEN TO ME?”

Preschool age children feel guilty very strongly against the divorce of parents that they are the cause for the breakup.

Also, they may be terrified that as one parent has left me, the other one will abandon me as well.

A sudden disappearance of a parent is tantamount to a natural disaster for children.

Please tell the children about the divorce decision at the children's eye view.



“It is not your fault that Mom and Dad are getting divorced.”  
 “Even though Mom and Dad would divorce, we will always be there for you whenever you need us.”  
 “We still love you and will continue to care for you.”

Tell your children repeatedly until they fully understand.

Also, ask their feelings so that the children can express their anger and fear.

Discuss visitation schedule with the other parent, as the younger your children are, more frequently and regularly they need to meet their Nonresidential parent.

The Nonresidential Parent must promise to provide child support payment.

It is possible to change the Parent with Legal Custody and the Residential Parent through an agreement between the parents based on the children's best interest.



It is possible and desirable that the Nonresidential Parent bring the children to his or her residence for an overnight visit.

When picking up children, Nonresidential Parent had better go to the Residential Parent's residence to pick them up rather than meeting them on the street or at a supermarket.

Residential Parent shall help the children to meet their Nonresidential Parent with ease, so that they would not walk on eggshells or lie about the meeting.

In addition, it is advisable that Nonresidential Parent participate in basic upbringing tasks, such as feeding, giving bath, dressing up, or putting to bed, rather than going on an excursion with children or buying them expensive gifts.







*When does my  
father come to  
see me?*



©happydong & Kim

**Behavior traits regarding Parents' Divorce during Elementary years**

- Fantasies that parents may get back together
- Difficulty in school performance
- anxiety, stealing, lie, runaway from home, expression of anger toward parents



# “MY MOM/DAD WOULD RETURN HOME AGAIN...”

Children may understand divorce, but they may have strong expectation and fantasies that their parents may get back together.

As a result, if their parent remarries they experience great frustration and disappointment.

They have difficulty in school activities or peer relationship. Moreover, they may have physical symptoms worrying about their parents and themselves.

On the other hand, he/she may behave like a mature ‘little adult’ by acting out as a parent’s protector or comforter.



Emphasize that parents would continue to love and care for the children after the divorce.

Help the children cope with anger or anxiety by asking their emotions like ‘how do you feel?’ rather than ‘whom do you want to live with?’ or ‘what do you think about the divorce between Mom and Dad?’

If you criticize or say negative comments about the Nonresidential Parent in front of children, they may hate the Nonresidential Parent and break their relationship with him/her taking sides with the Residential Parent, which may result in personality disorder of your children.

Encourage children to have positive attitude towards the Nonresidential Parent.

Gently but firmly tell your children that there is no likelihood of their parents getting back together.

A new relationship shall be introduced discreetly paying close attention to children’s mood.



Designate the person who can take care of children’s school life as the Residential Parent and the Parent with Legal Custody. Discuss visitation schedule with the Nonresidential Parent so that children can spend sufficient time with him or her.

It is advisable to predetermine fairly an upbringing plan for birthdays, holidays, vacations, anniversaries, and so on.

As children’s education expense may increase gradually, Nonresidential Parent must provide child support payment as well as additional support, if circumstances permit.



*Do I look really okay?*



**Behavior traits regarding Parents' Divorce during Adolescence Stage**

- Loyalty conflicts
- Decline in Academic Achievement
- School refusal
- Depression
- Runaway from home
- Suicidal attempt

# “I WILL ALSO DO WHATEVER I WANT TO DO!”

As this age group experiences explosive emotional change interlocking with the adolescence years, children may demonstrate problems in school, defiance, depression, and even suicidal attempt due to parental divorce.



Depending on children, they may perform an emotional role of the other parent by filling his/her empty space, and take on overall household chores, and devote themselves to studies in an exemplary manner, thereby exhibiting excessively greater maturity.

Adolescent years is a phase just before becoming grownups.

The children observe the emotions or the manner of resolving conflicts during the breakup process, and are affected significantly even after they become grownups. Parents shall make efforts to maintain affectionate and trustful relationships with their children as they will become a foundation in building mature and happy intimate relationships in the future. If not, the divorce could pass down from generation to generation.

When telling the children about divorce, both parents should speak to them together.

Even though children criticize or attack parents about the divorce, parents shall listen patiently to their stories and comfort them.

Another good way of dealing this matter is to make children participate in the family meeting for the divorce decision so that they would not feel as victims.

In terms of deciding primary caretaker (Residential Parent), parents shall seek children's intention indirectly and respect their choices.

Do not feel disappointed even if you are not chosen.

It is the parent himself/herself who demanded them to choose sides.

Regardless of whether living together or not, always try to spend much time talking with your children.

Travel together during school vacations. If your children feel loved and enjoy confidence, one day they would come to you, even if you do not live with them, in order to seek advice about their careers or dating issues.

Nonresidential Parent must provide child support payment responsibly until the children become grownups.



Even if your child is good, gentle, or mature, it is you that are a parent.

Do not try to depend on your children or receive comfort from them.

Do not shift the parental role to your children, and become a 'parent' by yourself.

At that very moment, the children would get back to 'childlike children.'



## CHILDREN WOULD DEVELOP ADAPTIVE FLEXIBILITY

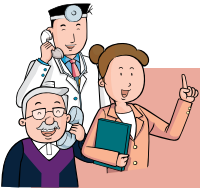
Even if children are from divorced family, those children who have been raised under consistent affection from the parents have rather broad understanding for the others.

Also, they may develop social skills due to their abilities to build relationship, or can also show respectable image being more adaptive to the given reality.

This is called that '**Adaptive Flexibility**' of the children would increase.

TALK MORE,  
CARE MORE, AND  
LOVE THEM!





## DOs for YOUR CHILDREN at any cost!

### DO NOT ARGUE WITH THE CHILDREN'S, MOM(DAD)

Though the other parent made a big mistake, it is only a between the parents, and he/she is still a precious parent to the children.

Anxiety, anger, and frustration derived from the 'conflict between parents' would affect bad influence on the children's lifetime.

Do 'cooperative' divorce. Your ex-spouse is a parenting partner for your precious children even after the divorce.

### TELL THE CHILDREN TOGETHER ABOUT THE CURRENT SITUATION AND DIVORCE

Explain clearly at the children's eye view so that parental divorce would not become a sudden occasion to the children.

Tell them 'It is absolutely not your fault.' Ask their feelings and help them to express their emotions fully. Respond honestly and repeatedly not only to the post-divorce plan but also to any other matters.

### SAY REPEATEDLY "I LOVE YOU"

"It is not your fault that Mom and Dad are getting divorced."

"Even though Mom and Dad would divorce, we will always be there for you whenever you need us."

Tell repeatedly that "We will always love you and care for you."

### ALTHOUGH YOU CANNOT LIVE TOGETHER WITH YOUR CHILDREN, MEET THEM FREQUENTLY AND TALK A LOT WITH THEM

Divorce between the couple should not result in parents being divorced from children.

Children are in need of both Mom and Dad.

In particular, bear in mind that the younger the children are, more vulnerable they are to result in fatal personality disorder by being cut off from one parent.

The younger the children are, the visitation should be made more frequently and regularly.

### THE RESIDENTIAL PARENT SHALL HELP CHILDREN MEET WITH THEIR NONRESIDENTIAL PARENT IN A CONVENIENT MANNER

Visitation going back and forth between arguing parents can, in the worst case, cause rather another psychological problem to the children.

Children can meet the Nonresidential Parent freely and with ease, and act like children, only when they feel that the parents are friendly to each other. Be considerate of the children so that they can meet the Nonresidential Parent without lying or walking on eggshells.

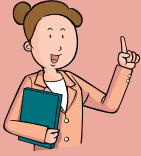
### CHANGE THE IDEA THAT "MY CHILD IS FINE"

It is just not revealed outwardly. Divorce is much more harder on the children than parents themselves.

Children with seemingly greater maturity and moral growth may fail their marriages later on.

Take care of children's emotion and behavior, and be considerate of them. Talk more with your children, care about, and love them.

## “CHECK CAREFULLY FOR THE SAKE OF YOUR CHILDREN”



Followings are items that parents preparing a divorce shall observe.

Check what you are already doing. This would show how much you are contributing for adjustments of your children.

Check separately if there are additional things you want to perform more.

- Tell my children certainly that 'divorce is not your fault.'
  - Do not say bad things or get angry about the other parent in the children's presence.
  - If I cannot speak positively, I stop talking itself.
  - Try hard not to argue with the other parent in front of children.
- 
- Pay special attention to spend time with each one of the children.
  - Tell children that it is okay to love Dad(Mom).
  - Although children and the other parent have similarities which I dislike it, do not compare the children with the ex- husband(wife).
- 
- Do not blame or criticize the other parent regarding anxiety, fear, conflict seen from your children.
  - Help children not to be ashamed of their parents being divorced.
  - Show interests in children's school activities.
- 
- Try to avoid major changes in the daily lives of children taking place at one time.
  - Distribute chores well so that children do not feel the empty space of Mom (or Dad).
  - Do not ask children who they want to live with or love the most directly nor indirectly.
  - Help children to devote to daily routines.
- 
- Control my emotion as much as possible, so that children would not struggle to act like grownups instead of their original selves.
  - Do not try to fit children under my adult standard.
  - Bear in mind that divorce does not make me a failure.



# “Now, let’s set up Parenting Plan for Our Children!”

## 1 Parent with Legal Custody and Residential Parent

↳ **Which parent is appropriate as a primary caretaker, Mom or Dad?**

- Put forward children’s happiness and stable life than the interest and convenience of parents.
- Consider which parent provides secure nurturing circumstance and consistent nurturing manner.
- The more cooperative the divorce is, the more possible the ‘joint custody’ becomes.

## 2 Visitation

↳ **when, where, and how to encourage children to meet Nonresidential Parent?**

- Consider time, place, and method that you can meet your children on a regular basis in a convenient manner.
- Plan specifically how to spend birthdays, holidays, breaks, vacations, and so on.
- Consider developmental stage of children and their schedules, and keep the promise no matter what.
- Utilize a scheduler in order to deliver information and to understand circumstances during the time of visitation.

## 3 Child Support

↳ **How much and in which method Nonresidential Parent shall provide child support?**

- Child support is not for the former spouse, but for the children only.
- Discuss the specific amount of the child support and payment method, and do your best to pay the agreed child support on a regular basis.
- Do not stop Nonresidential Parent from meeting the children just because child support is not paid.

→ **Did you put the children’s happiness and their interest in the forefront in making plans?**

→ **Did you consult with your former spouse?**



**We support you who try to keep the name of ‘Parents.’ If you encounter difficulties, we encourage you to seek experts’ assistance.**





This handbook is studied and produced by the Parent Education Collaborative Research Society, comprised of judges across the country, research officers in family courts, and experts outside the courts. Any copying or distribution of this material is prohibited without permission of the Parent Education Collaborative Research Society.