

# 10 Steps You Can Take Today to Protect Your Child During Divorce or Custody Proceedings

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*Divorce, or any custody proceeding, is an extremely emotional time for all parties involved, including your children. If you do not properly plan on how to care for your children during this process, they may end up being the ones who suffer the most. Below is our 10-step checklist for parents to make sure that you children are protected during this process.*

## 1 Understand Your Situation

When starting the divorce process, when it comes to your children, it is important to be realistic about your particular situation versus trying to make your situation resemble what you have read about on the internet. What this means is that if you plan to move out of the home, into another school district, it may not be best for your children to come with you. In fact, it may have severe negative consequences on your children to be moved around like that.

## 2 Make A Plan

Going into any part of the divorce without a plan is inadvisable—without a plan, you are inviting mistakes and misery into you and your children’s lives. As stated above, understand your situation. If you need to move out of the marital home, try to stay in the children’s school district or try to stay close to the marital home; if you want to have your children overnight, it may not be a good idea to rent a studio apartment. Make an individualized plan regarding visitation with the other parent.

## 3 Strive For Continuity

You want to try and maintain familiarity for your children throughout the process—this is what is generally best for any child. Allow them to continue to go to their same school, have their same friends, etc. If the matter is contested, generally the parent who has given the children the most continuity will be the parent who gets the most time with the children.



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### Do Not Move in With Strangers

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While this may seem obvious, we see many people move in with roommates or boyfriends/girlfriends only later to realize that these people should not be around their children. When you have roommates during a custody/visitation issue, you are inviting scrutiny of that person as well. If you are unable to afford to live on your own, you may want to explore moving in with family.

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### Do Not Move Out of The Marital Home

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The easiest way to avoid a lot of the mistakes we see, is to stay in the marital home—the home where the children live. While it can be tough to live with your soon-to-be ex-spouse, having both parents in the home may be what is in the children's best interest.

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### Don't Agree to Something You Don't Want

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If there is no court order, there is nothing that forces you to agree with the demands of the other parent. So frequently we see parents who have agreed to an unlikely custody/visitation schedule with the other parent and they always ask about changing the agreement. The reality is that if you did not sign anything and no court order has been put in place, both parents have the same right to have the children. Further, the longer you go along with the agreement that you do not like, the more likely that agreement will be the outcome of your case.

## 7 If Your Children Are Old Enough, Ask Them What They Would Like To Do

There is not set age in Virginia where the court will listen to what the children want—it is a soft factor that is determined on a case-by-case basis. But, if your children are old enough, sitting down with them and discussing what they want from this process, and trying your best to meet those desires may go a long way.



## 8 Don't Have Unrealistic Expectations

During any custody process, there is high likelihood that the parents no longer like each other. This sometimes can lead to one parent trying to completely block the other parent from the children's lives. This usually backfires on that parent. If the other parent has not done anything exceptionally bad towards the children, it is very unlikely that the court will completely block that parent's access to the children—trying to do that on your own will not look good to the Judge.

## 9

# Be Careful About What You Put in Writing

As stated above, parents going through this process generally do not like each other; And will generally not hesitate to say bad things to or about each other over text, email, social media, etc. Remember that whatever you put in writing, on any platform, will likely be used against you—it is very easy to print text messages, emails, and social media posts and bring them into court to show that the offending parent is not being a good co-parent. Conversely, if the other parent is being difficult about something, especially cooperating on visitation, it may be best to put that in writing so that you can show the judge that you tried to work together but the other parent would not cooperate.

## 10

# Don't Give Up

This can be a long and daunting process. If you are struggling with the other parent to be able to see your children, you may just want to give up and wait for a judge to make the decision. This is the worst thing that you can do; if you give up, it is very likely a judge will be able to see that and will give you parenting time commensurate with the effort you put in to see your children.

*If you, or someone you know, is going through a custody/visitation issue whether incident to divorce or not, go through this checklist and make sure that you have everything on track. If you need help going through these items, contact the attorneys at Melone Hatley, P.C., who will help guide you this process and protect your family.*