

DISCLAIMER: The information below is the opinion of Patricia L. McKinnon, Esq., and should not be considered “legal advice.” Each person’s legal case is unique, with its own set of facts and applicable laws. You should consult with an attorney, of your own choosing, before acting on any of the information below.

DON'T BE YOUR OWN WORST ENEMY IN YOUR CUSTODY CASE

The following are common mistakes made by most parents. Please read the list below and make SURE you are not hurting your own custody case before you ever get to Court.

1. Comment on your case on social media (Facebook, Twitter, etc.). Anything you say in a public medium, such as on Facebook, or Twitter, can be seen by others, and will likely be communicated to the other parent, and often, a custody evaluator and the judge in your case. Think before you post a photo of yourself on the internet or before you make a comment about the other parent (or the other parent’s family) on the internet. The evidence in many custody cases now comes from internet searches.

2. Make derogatory remarks about the other parent to others, including your child. This is probably the most common mistake made by parents in a child custody dispute. It puts your children in the position of feeling caught in the middle between both parents. It usually makes the child feel anxious and upset as well. No one expects you to be perfect and never get angry with the other parent. But, when you are angry, please don’t tell your child. Keep it to yourself and tell other adults, when the child is not able to hear what you have to say. Let your child be a child and maintain the happiness that comes from feeling loved, and loving, BOTH parents.

3. Use the child as a messenger. Do NOT put notes in the child’s diaper bag, or the child’s book bag. Again, think of how the child feels when the other parent finds the note, and becomes angry or upset after reading it. Who suffers most in this situation? Your child. Leave the children out of the conflict between both parents. A judge will expect you to email, text or call the other parent with information about the child -- not ask the child to be caught in the middle of the parents’ dispute by passing on messages or information from one parent to the other.

4. Refuse to communicate with the other parent. In today’s world, you can write, call, email or text the other parent. Don’t refuse to read your texts, emails, letters, or refuse return the other parent’s phone calls. You cannot raise a child together if you cannot communicate together about your child. You don’t have to immediately return a message from the other parent, unless there is an emergency, but a judge will expect you to return the message in a timely manner. If the other parent is abusive, or threatening, during a phone call, then hang up, and contact your attorney.

5. Leave the child with a babysitter during your parenting time. Parenting time is precious. You should, whenever possible, spend the entire period with your child. If you do need to leave the child with a babysitter, or a relative, when you will be gone, please offer the other parent the chance to have parenting time with the child first. The other parent is not obligated to watch the child during your parenting time. But, the other parent should be offered the time before you leave the child with a babysitter.

6. Focus on work, TV or video games during your parenting time. To the extent possible, focus on the child during your time together and avoid constant distractions of phone calls, emails, or text messages from work or your friends. Playing violent video games, in front of the child, or watching adult TV programs, or constantly checking the internet, may not be what the child needs from you during your parenting time. Are you making your child the priority during your time together? The child knows even if you don't.

7. Fail to stay involved with your child's educational, and medical providers. In the view of the courts, the "star" parents are those who are involved in all levels of their child's lives. They know the child's teacher and volunteer in their child's classroom. They go to the doctor and dentist visits, even the "routine" ones. They volunteer to lead activities on behalf of their children as far as extra-curricular events. Remember that everyone you come into contact with, during your parenting time, is a possible witness for you in your case. Do you want the teacher to testify that he or she did not know your name and never met with you?

8. Be inflexible in modifying parenting time. If the other parent needs to change weekends, please do so, unless you have already purchased tickets or paid for an outing in advance. This doesn't mean you need to give up time, but you should be reasonable in accommodating requests for changes in your child's parenting time schedule as long as you are given replacement time within thirty days of your missed time. If you know the other parent's family usually celebrates Christmas on Christmas Eve each year, then don't keep your child away from the other parent's family because it's "your" year for Christmas Eve. The same applies to religious holidays and other extended family activities.

9. Provide an extremely negative profile of the other parent to a custody evaluator. While the custody evaluator needs to know the reasons in support of your request for custody, or modification of custody, the evaluator does not need to know every single wrong act or decision made by the other parent in the past few years. You should be able to speak about the good qualities of the other parent to an evaluator. Focus your comments to the custody evaluator on your strengths as a parent over your perception of the weaknesses of the other parent.

10. Have your "significant other" get involved in the custody dispute. The court must consider the background and actions of your current "significant other" in any custody dispute. But, you should not encourage the child to call your "other" the child's "Mom" or "Dad." Make sure you are still the one who is in charge of disciplining your child, not your "other", whenever possible.

If you keep the above information in mind, while emphasizing your strengths as a parent, even when facing a difficult custody battle. Your attorney is not a miracle worker. He or she must deal with the "facts" as you present them. How you behave in your custody dispute will likely have an effect on the ultimate outcome of your custody battle. If you can't be perfect, at least try not to be your own worst enemy!

(Thanks to Frank Miroff, Esq., who allowed me permission to use the original version of the above information on my website.)