



# Lockwood & Hartley, ALC

## Excellence In Family Law

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### *Legal Insights*

By Steven L. Hartley

A divorce can be very stressful on everyone in the family. Often times, it is the children who suffer most. However, there are many things divorcing parents can do to minimize the stress on their children in these difficult times.

First, divorcing parents should put aside their differences and work together for their children's sake. If possible, the parties should tell the children about the divorce together and reassure them that it has nothing to do with them and will not change both parents' love for them. A united front by the parents can work to alleviate a lot of the stress caused by fear of the change and the unknown.

Even if the parents are unable to work together cooperatively for the sake of the children, they should still avoid discussing the case or the other parent in front of the children. In addition, the parents should never ask the children to carry messages to the other parent or to "spy" on the other parent. In high conflict cases, the parents should be open and willing to seek counseling or therapy for themselves and the children as needed.

The bottom line is that divorcing parents must remember that their children are the innocent ones and need to be put first in their case.

This edition features an article about creating parenting plans. Below are some links relating to these topics. If you have any questions about the implications of a divorce on your children or any other family law question, please call us at (808) 263-6900.

Links:

Our Family Wizard  
<http://www.ourfamilywizard.com>

Hawaii Children's Justice Center  
<http://www.courts.state.hi.us>

### IN A NUTSHELL: CREATING A "PARENTING PLAN"

A "Parenting Plan" is a document, agreed on by both parents, that details when the children will be with each parent and how parenting decisions will be made. Several states in the U.S., such as Oregon, Tennessee, Florida and Georgia, have recently enacted laws requiring parenting plans in all cases that involve custody and visitation. Now also used in Hawaii, a parenting plan is a useful way to help parents and lawyers solve custody and visitation issues.

A parenting plan addresses issues such as weekly and vacation scheduling for the child, which parent the child will stay with and how the parents will make decisions about the child. It lays out rules for communication and details how the parents will exchange the child for visitation. This blueprint for childcare is in many ways a more comprehensive version of the visitation schedule of a divorce decree, and can be especially useful for parties willing to go through mediation.

Building a parenting plan requires that both parties come ready to compromise and to hear what the other party wants. It also requires that parents focus on placing the needs and interest of the child first. This in itself is a powerful tool for helping opposing parties come to an agreement; while they may disagree on which parent gets custody or Christmas visitation, most parents can agree that stability and regularity is important in their child's life.

In the short term, the parents benefit from choosing to create a parenting plan. Because it is designed to lessen disagreements and decrease conflict, using a parenting plan to resolve visitation and custody issues can reduce the amount of time and money the parties spend finalizing their divorce. This is especially important today, with the economy already impacting the financial situations of divorcing parties.

In the long term, the child benefits from a well-designed parenting plan by having consistency and predictability in his or her life. In a divorce, children are invariably impacted by the change in their parents' relationship and the changes in their own day-to-day lives. If the parents are able to focus on co-parenting instead of conflict, it can dramatically lessen the negative impact of divorce on the child.

For some situations, a parenting plan might not be appropriate for the parties. In cases of abuse, violence and substance abuse, creating a parenting plan can be impractical or even dangerous for the parties involved. In such instances, the child's therapist can help determine what type of custody and visitation schedule would be in the child's best interest.

For parties wanting to create a parenting plan, it can be helpful to look at parenting plan models, so that the parties understand what options are available. As the parties design their parenting plan, they should keep the following in mind:

- 1) Their goals, as parents, for the child;
- 2) The child's needs, based on their age and situation;
- 3) What will be practical and possible for each parent, based on his or her schedule, finances and employment; and
- 4) What will serve the child's best interest.