

CONCERN YOURSELF WITH YOUR CHILDREN'S WELFARE

By K. Dean Kantaras

A PARENTS' RESPONSIBILITY TO their children during a divorce proceeding is to consider the effect it is having on the children. This is a crisis period for parents and their children alike.

Therefore, you should do everything you can to make sure your children have as much contact as possible with the other parent. Your spouse and children should be free to telephone each other without constraint, without being monitored and without fear of being reprimanded for the things they may happen to say. Parents should cooperate to make the separation transition as smooth as possible for the children. This requires that both parents reinforce the love and affection of the other parent for the children and of the children for the other parent.

If this was a perfect world, this would happen as a matter of course. However, many divorcing or divorced parents choose to do just the opposite. Glitches can happen in any family. So, to expect otherwise in a divorce situation would not be realistic. The key to resolving them is dependent upon your willingness to work out solutions. It is said, "where there's a will, there's a way," and that is the ultimate truth during a divorce proceeding.

In Florida, as in most states, the legal philosophy, or what is called the "public policy," of the state is that parents should enjoy shared parental responsibility for their children. The language of our custody statute says, "It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childbearing."

This philosophical principal is not always easy to accomplish. Unfortunately, some parents tend to think of their children as "mine" and not "ours." They act as though



K. Dean Kantaras, Esq.

the other parent has no rights and that they are protecting the children by keeping them away from the other parent. Most court orders involving children have some language that defines shared parental responsibility. Yet, even with specifics spelled out, some parents resist following the court's orders.

When this happens, the controlling parent can find themselves in court repeatedly over issues involving the children. Sometimes the concerns are real, and protecting the children is justified. But, often, some parents use the children as pawns to gain advantage in the proceeding. These parents may find that their concerns about the other parent can backfire on them.

Judges are aware of those tactics. Therefore, they encourage a loving and frequent relationship between the

children and the parent who does not have primary residential care. The courts are generally so committed to making shared parental responsibility work that there have been cases where a parent has been held in contempt for failing to do as the court has ordered. Some judges have specifically ordered a parent to speak to their children affirmatively about the other parent. In one case, a non-custodial parent was ordered to take an anger management course; their visits were shortened and supervised; and this order was upheld on appeal. In another action, the non-custodial parent was given make-up visitation after the custodial parent unilaterally denied them visits with the children. Another custodial parent was ordered to speak positively to the children about the non-custodial parent and was held in contempt for not doing that.

Do the right thing for yourself and your children. Be a good parent and good friend to them. They'll benefit from having two parents who love them and share time with them. If you don't, in the long run, it is likely that you will lose their respect and love. ■

EDITOR'S NOTE: K. Dean Kantaras is an attorney limiting his practice to family law matters, including custody, related appeals and immigration. He is a member of The Florida Bar and Clearwater Bar Association Family Law Section. His offices are located at, 3531 Palm Harbor Boulevard in Palm Harbor, and 1014 U.S. Highway 19 North, Suite 110 in Holiday and can be reached at (727) 781-0000, fax: (727) 938-3939, and emailed at kdk@kantaras.com.