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SHARED PARENTING

CHILDREN AND DIVORCE

Children are our most precious resource. We must protect them from undue hurt and turmoil. One of the most difficult and painful parts of a dissolution of marriage concerns the children. You should remember that in a dissolution action, you are ending your marriage to your spouse. Neither of you are ending your relationship with your children. You will no longer be husband and wife, but you will always remain a father and mother to your children.

Divorce is a major personal crisis for adults and children. The stress can produce physical symptoms as well as behavioral and emotional problems. Children of different ages may react differently to divorce — from irritability in infants to drug use in adolescents. Recognizing the signs of trouble early and helping children deal with them may prevent serious future problems. By coming to an agreement on parenting issues, you and your spouse avoid or minimize harm to the children and avoid a court fight. However, if you are unable to resolve these issues, the court must decide them for you.

SHARED PARENTAL RESPONSIBILITY

The concept of shared parental responsibility provides a framework for effective co-parenting. It is the public policy of the State of Florida to encourage parents to share the rights and responsibilities of child rearing. Shared parental responsibility is a court ordered relationship in which both parents retain full parental rights and responsibilities and in which both parents confer with each other, so that major decisions affecting the welfare of the children will be determined jointly. The concept of shared parental responsibility is intended to protect the children's right to an ongoing relationship with both parents.

PARENTS' DUTIES

Each parent is responsible for making day-to-day decisions regarding the children's care, maintenance and welfare while the children are in his or her care. The parents consult with one another on questions related to religious upbringing, discipline, financial matters, moral training, social and recreational activities, and non-emergency medical and dental care. Each parent takes an active role in providing a sound moral, social, economic and educational environment for the children and in amicably resolving any disputes that arise.

The parents should at all times conduct themselves and their activities in a way that will promote the welfare and best interests of the children.

Each parent must notify the other parent promptly of any serious illness or accident affecting the children.

Each parent has access to records and information pertaining to the minor children, including but not limited to

medical, dental, and school records.

Both parents are entitled to authorize emergency medical treatment for the children.

Both parents have an affirmative duty under Florida law to promote a good relationship between the children and the other parent. Both parents must attempt to insure that the children have unhampered contact and free access with both parents.

Neither parent may do anything to hamper the natural development of the children's love and respect for the other parent. A parent should not disparage the other parent or discuss the divorce in the children's presence. Each parent must make all reasonable efforts to encourage and facilitate communication between the other parent and the children — in person, by telephone, and through the mail. Neither parent should do anything that would estrange the children from the other parent or that would injure the children's opinion of either parent.

WHEN IT WON'T WORK

Shared parenting is a positive alternative for handling the restructure of a divorced family. However, when there is child abuse, family violence, or continuous parental conflict, the court may find that shared parenting would be harmful to the children. In such a case, the court may order sole parental responsibility, where only one parent makes decisions regarding the children. The court may also award one parent ultimate responsibility for decisions regarding a specific aspect of the child's life such as education or religious upbringing.

TIME SHARING SCHEDULES

Florida's public policy is to ensure that children have frequent and continuing contact with both parents after separation and divorce. Among the decisions that parents will need to make is how the children's time will be shared between the parents. If the children live most of the time with one parent, that parent is usually called the "primary residential parent." The other parent is often called the "secondary residential parent." Under Florida law, the father is given the same consideration as the mother in determining primary residence regardless of the age or gender of the children.

The time spent with the secondary residential parent is referred to in different ways. "Visitation," "contact and access," "time sharing," or "parenting" are the most commonly used terms. The schedule can be as flexible or structured as is needed for your family. For some families, nearly equal time sharing may work well. If the parents cannot agree on a time sharing schedule, the court must decide what is in the best interest of the child, considering the following factors:

1. The parent who is more likely to allow the children frequent contact with the other parent.
2. The love, affection and other emotional ties existing between the children and each parent.
3. The ability and desire of each parent to provide food, clothing, shelter, and other needs of the children. The willingness to provide is more important than the ability, since the court can order child support.
4. The length of time the child has lived in a stable environment and the desirability of maintaining continuity and the permanence of the family unit.
5. The moral fitness and mental and physical health of the parents.
6. The child's home, school, and community record.
7. The child's performance, if the child is mature enough to express a preference.
8. Evidence of domestic violence or child abuse or evidence that a party has made false accusations of domestic violence.