

Mediating Your Parenting Plan

by
Linda Gryczan

When 7 year old Jennifer was asked what her parents' divorce meant, she said, "You go to the judge and he says, 'is this what you really want?' You say, 'Yes,' then you give each other a kiss, and he takes your rings away." *

If only it were that easy.

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At the time of divorce, parents need to put into writing many things they took for granted while together. You once shared holiday celebrations and parenting time was governed by work schedules and other commitments. Now, it must be spelled out in great detail in a parenting plan--a legal document that outlines your schedule, your desires and wishes for shared parenting in a new restructured family.

In Montana, there are five things that need to be put into the parenting plan.

- The residential schedule or where the children will live and spend vacation time.
- How health insurance will be covered, private insurance, CHIP or Medicaid.
- Child support--how much per month and how it will be paid.
- How you will make changes as the children grow, and what to do if you disagree.
- Full contact information for both parents.

This is the document to state your values and concerns. Some parents want to outline religious education. Others need to state restrictions on alcohol. Some families keep clothing at both parents' home, while others have one set that travels with the

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children. Anything that is important to the parents in regards to their children can go into the document. It is a place to plan for future decisions. If the dentist tells Mom that teeth need to be pulled, can she authorize this herself or is it a joint decision? Far better to plan ahead than to decide while in the throws of an emergency.

Even the best made plans will change. You may keep your past flexibility as long as you continue to communicate with the other parent, and use the parenting plan as a backup if you cannot agree. Say, Grandma is in town and Dad wants the children for a week usually spent at Mom's house. If the parents can agree, this is a simple change. If not, you will revert to the schedule outlined in the parenting plan.

You can stay flexible as long as you communicate with the other parent.

There are several ways to create a parenting plan, from doing it yourselves to hiring attorneys to argue your case to a judge who will decide the outcome. Do-it-yourselfers can download a suggested document at <http://bit.ly/c8M25s>. If you get stuck, or want to start negotiations on the right foot, you can hire a mediator.

Mediation is a confidential process where you sit down with a neutral person, who guides you

through a step-by-step process. Your mediator will work to insure fairness and make sure you both get heard. Even through intense emotions, the mediator will help keep both parties focused, respectful, and moving towards resolving all the issues in your parenting plan.

**Mediation is completely voluntary.
You may leave at any time,
for any reason,
or no reason at all.**

Mediators understand that you know more about your situation than anyone else and will not offer advice or push you toward a solution. The process is completely voluntary and you may leave at any time for any reason, or for no reason at all. It is much faster and cheaper than trying to solve a conflict in court. It is an opportunity for more creative solutions, custom built for your family.

While you can have a divorce and create a parenting plan without an attorney, your mediator will recommend that you get legal advice before you sign documents. You may also hire attorneys to be present at mediation or to argue your case in court.

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If you are a survivor of emotional intimidation, abuse or violence, it is especially important to consider how to have the most control over the divorce process. The court system is designed to keep you apart from your spouse and an attorney

will argue on your behalf. However mediation may give you more control over the process and outcome. If you think mediation is your best choice, interview potential mediators about their understanding of the dynamics of domestic violence, and ensure that safeguards are set up. These can include explicit ground rules, having an advocate with you, and meeting in separate rooms with the mediator going back and forth.

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While divorce is one of the most stressful, heart breaking events on one's life, it can be done in a way that preserves the relationship with your ex spouse and lessens the trauma to your children. If that is not something you can do on your own, consider mediation.

¹Jennifer's quote is from the booklet, [How to Talk to Your Children About Divorce](#) by Jill Jones-Soderman and Allison Quattrocchi, available from Mediation Works at: <http://bit.ly/a6QMdz>

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