

Fathers of Divorce: Parenting 101 Realized

ATTORNEYS CAN CRAFT LANGUAGE ENSURING DADS AREN'T SECONDARY PARENTS

By **DORI B. HIGHTOWER**

If I had one wish as a divorce lawyer, it would be this: to always be able to foster and protect the vital relationships between fathers and their children.

Recently, I spoke with a young woman exploring the pain she carries because her relationship with her father never regained its strength and closeness after her parents' divorce. She drew an analogy about the distance she felt from her father, comparing it to the feelings of Murphy in the movie "Interstellar." Murphy's father, Cooper, had missed her life while he was in outer space. She lived in pain believing her father had abandoned her. Likewise, divorce and separation between unmarried couples can be an agonizing and contentious ordeal, leaving separating spouses and their children emotionally bruised or estranged, often for life. The transition to post-marriage parenting can be particularly challenging and difficult for fathers.

Post-divorce, fathers may feel awkward with their children, excluded from everyday parenting decisions and relegated to "secondary parent" status. This can be a damaging blow to a man's sense of himself as a father, especially if he takes pride in being a good person and the "master of his universe" in other aspects of his life. As a result, fathers may experience a variety of unproductive responses in their post-divorce lives. This can result in a father distancing himself from his children's lives. The father's ensuing self-isolation and emotional distancing is, all too often, extremely detrimental to his children.

Child and family social worker Edward Kruk explores the profound effects of absentee fathers in his article "Father Absence, Father Deficit, Father Hunger" in *Psychology Today*. According to Kruk, growing up with a distant father has a dramatic negative impact on many aspects of childhood de-

velopment and future success. Statistically, children with absent fathers are more likely to struggle academically, make poor relationship choices and suffer from mental health disorders. In fact, Kruk states that these children may experience a "diminished self-concept and compromised physical and emotional security ... feeling abandoned when their fathers are not involved in their lives, struggling with their emotions and episodic bouts of self-loathing."

As lawyers, what tools do we have to improve or

protect the relationship between fathers and their children? What steps can we take during the divorce process to mitigate this "distant father phenomenon" whether or not the fathers are our clients? In my practice, I have found that adding provisions to divorce agreements that prioritize cooperative parenting can help to encourage fathers to remain engaged.

Three useful provisions I have used in parenting agreements, but did not necessarily author, include:

- Setting standards for mutually respectful co-parenting.
- Ensuring fathers feel like their role in their children's lives cannot be subverted or undermined.
- Enabling mothers to support and encourage their ex-husbands' relationships with their children.

Standard of Respect

At the onset of drafting a divorce agreement, lawyers can suggest making mutually respectful and supportive co-parenting a clearly stated requirement, not an undefined option. It is essential that parents have an agreed upon standard of respect, in writing, so they can develop and maintain consistent civility. This enables fathers and their children to build their relationships post-divorce on a foundation of security and family-wide respect. Some language I have used in my practice includes: "Each party shall support the children in having the best possible relationship with the other party, shall never disparage, denigrate or belittle the other party in the presence of the children, and shall always do whatever they reasonably can to ensure that there is as much consistency and continuity as possible in the manner in which the children receives guidance and nurturance in all areas of his/her life."

While, technically, this provision may have enforcement issues, it has value in setting a commonly agreed on standard for good behavior that is in the best interest of the children.

used in some of the parenting plans that I've constructed to address this include:

"Neither party shall encourage the children to use the term 'mother' or 'father,' or their equivalents to any person other than the parties. The parties agree that before the children are introduced to a potential partner and/or significant other, they will confer [a set time period] in advance of the introduction in order to best prepare the children. Neither parent shall disparage or talk negatively to any minor child regarding a potential new partner and/or significant other of either parent."

Finally, I strongly suggest crafting language that empowers both parents to take an active and informed role in their children's lives, to the best of their ability, and that encourages them to support their ex in doing the same. For instance, it is often challenging for parents to help facilitate and promote their exes' relationships with their children. Having clear language in the divorce agreement regarding what is expected and acceptable (and what is not) can prevent misunderstandings and disappointments, while increasing and promoting positive communications between all parties.

Right to Communicate

Of course, this provision may be emotionally demanding for many clients, especially if they had a particularly difficult divorce and struggle to imagine themselves fostering a safe space for their exes to bond with their children. In discussions with clients, under these circumstances, it can be helpful to remind them, "It is not about you—it is about the children." Overall, putting parenting plans in writing during the divorce or separation, with practiced counsel, is far easier for clients and their children than leaving them to try to work together without our support later on. Some language I use to address this includes: "Each parent agrees to keep the other reasonably informed of the minor children's significant academic, physical, emotional and social activities. Each party shall enjoy the right to communicate freely with the minor children while he/she is with the other party, including free access by email, text message, Skype, mail and telephone during reason-



Dori B. Hightower

These provisions can pave the way for dads to do the hard stuff, to implement the practical routines and bonding activities that facilitate healthy parent-child relationships.

It is also important to have clear guidelines about each parent's role in their children's lives (and the role future partners may have as well). Having such boundaries, stated clearly in writing, may help prevent fathers from feeling like their place in their children's lives are being subverted, diminished or challenged. It may be necessary to remind clients that even if they try to substitute a stepparent or a significant other in the place of their ex, a parent-child bond, typically, cannot be conveniently replaced or transferred postdivorce. Language I have

able hours of the day and evening.”

Provisions like these can pave the way for dads to do the hard stuff, to implement the practical routines and bonding activities that facilitate healthy parent-child relationships.

For children, distant benevolence and occasional parenting time is not enough to create strong, supportive connections. In fact, relationships with limited interactions can breed doubt and detachment. That is why it is essential that fathers are active in their children’s lives post divorce and support their children by attending school events, recitals, parent-teacher conferences, sporting events, play dates and making routine check calls. This type of engagement can help remedy the pain of separation and

divorce. For children to see their fathers’ supporting and standing by them when life gets challenging or messy strengthens their sense of well-being and connectedness, while healing emotional damage and stress.

As a family law attorney, my goal is to make a positive impact in each of the situations/cases I am involved in. During divorce and custody cases, parental behaviors and dynamics can either cause irreparable damage to the fabric of the family or allow for growth and healing. As attorneys, we can contribute to creating the most positive outcomes based on our professional experience and humanity. It’s imperative for us to look at the big picture for the future of these families and for each individual.

We need to encourage both parents to remain active in their children’s lives and development while keeping their self-esteem, pride and sense of worth intact. We need to remember the importance of the role that fathers play in the lives of their children. ■

