

C.O.P.E.

Co-Parenting Options for Parenting Effectively

Sponsored by Clay County Family Court Services

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www.circuit7.net/family_court

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Agenda

- Legal Advice: I cannot give you legal advice and the law we review is general information about the legal process in Missouri courts but not necessarily specific to your case
- Hour One: Legal Process/Post-Petition Proceedings
 - Decisions Affecting Child
 - Communication Techniques
 - Parenting Plan
 - Child Support
- Hour Two: Resources
 - Family Access Motions
 - Family Support Division
 - Enforcement of Child Support
 - Office of Dispute Resolution/Prosecuting Attorney

Decisions Affecting Child

- Components of Parenting
 - Emotional support
 - Moral guidance
 - Monitoring wellbeing
 - Awareness of friends, activities, hobbies, interests
 - Setting and supporting goals
 - Role modeling
- Top 10 Stresses for Children of Divorce (Wolchik, AZ State University Study)
 - Guilty thoughts
 - Seeing parents hit/hurt each other
 - Hearing relatives badmouth
 - Coping with parent displeasure for seeing other
 - Listening to parents argue
 - Processing bad things parents say about each other
 - Lack of control over belongings
 - Confusion about parent stuck on “sad”
 - Interrogation into co-parent’s private life
 - Neighbors badmouthing parent

Video Clips

- <https://www.youtube.com/watch?v=leGStin-cZI>
 - Bad
- <https://www.usmagazine.com/celebrity-news/news/fergie-opens-up-about-coparenting-with-josh-duhamel/>
 - Good 😊

Communication Techniques-Adults

- Types of Communication
 - Words: spoken and written
 - Non-Verbal
- Activity
 - “We hear only half of what is said to us, understand only half of that, believe only half of that, and remember only half of that.”
 - Mignon McLaughlin
- Barriers?
 - Jumping to conclusions, blame game, lecture, “you” messages, threatening language, interrupting
- Effective Communication Techniques
 - Listen, polite, be specific, get to the point, deal with one issue at a time, know when to take a time out, take responsibility
- Business Relationship
 - Respect boundaries (Texting/calling times)
 - Making appointments
- The way co-parents act and speak dramatically impacts their child for the better or worse

Communication Techniques-Child

- Words Matter
 - Ex-husband/ex-wife → child's mom/dad
 - Visitation → child-parent schedule
 - Custody → parenting plan/arrangement
- Effective Communication Techniques
 - I messages, be specific, spend time with each child individually, eye level, empathize, be aware of child's non-verbal messages, respect child's timing when they're talking
- Reflective Listening
 - Identify the feelings then describe the situation
 - "You feel happy because you received a phone call from your father."
 - "You feel sad because you miss your mother."

Decisions Affecting Child

- Standard: Best Interest of the Child
 - Who is in the best position to determine this?
 - YOU ARE!
 - What happens if parents cannot agree?
 - Judge will determine
- Missouri Law
 - “...public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child...”

Parenting Plan

- When?
 - Within 30 days after service of process of the filing of entry of appearance
- RSMo §452.310 states proposed parenting plan shall include:
 - Written schedule detailing custody, visitation and residential time for: holidays, school holidays, birthday, mother's/father's day, weekday/weekend schedules, summer vacation, Times/places for transfer, Plan for sharing transportation duties, Telephone access, Procedures for notifying other party when other party requests variation of schedule
 - Written plan regarding legal custody detailing how decision-making rights/responsibilities will be shared between parties including: educational decisions/communicating information from school, medical, dental, health care decisions and method of communication regarding decisions, extracurricular activities, child care providers, dispute resolution
 - Expenses of child including: suggested amount of child support, party who will maintain health insurance, payment of educational expenses, extraordinary expenses, child care expenses, transportation expenses.

Parenting Plan

- Questions to Ask
 - What is/is not working well in current arrangement?
 - Frequency of visits
 - Need for conversations about parenting styles
 - Concerns about child safety issues
 - Problems/Issues to be solved?
 - Lateness
 - Certain behaviors
 - What you want to get out of the agreement
 - Clear statement of how exchanges happen
 - Better way to solve conflict
 - List of activities both parents agree child will/will not be able to do
- Examples

Child Support

- RSMo §452.340(1) Factors determining child support:
 - Financial needs/resources of child/parent
 - Standard of living child would have if no divorce
 - Physical/emotional/educational needs of child
 - Physical/legal custody arrangements
 - Reasonable work-related child care expenses
- How long?
 - 18/21
 - death
 - emancipated
 - marries
 - enters military
- Form 14
 - <http://form14.teamlex.com/>

Family Access Motions

- When to file?
 - If custody/visitation is denied or interfered with without good cause
- How to file
 - Obtain form from Clay County Circuit Clerk's office
 - Be specific
 - Filing Fee
- Post-Filing
 - Respondent has 10 days to respond
 - Final Disposition within 60 days of filing
- Remedies
 - Compensatory period of visitation
 - Violator ordered to attend counseling
 - Violator ordered to post bond to ensure compliance
 - Fine of up to \$500 payable to aggrieved party
 - Violator ordered to pay cost of counseling to reestablish relationship

Child Support Enforcement

- **Family Support Division**
 - License Suspensions
 - Medical, driver's, barber, fishing, hunting, etc.
 - Bank Liens
 - Liens on personal/real property
 - Lottery Winnings
 - Civil Suits
 - Income withholding Orders
- **Prosecuting Attorney's Office**
 - Civil Contempt Proceeding
 - Criminal Non-Support filing

Family Support Division

- RSMO § 454.400 Established within department of Social Services. Duties include:
 - Litigate/prosecute support actions
 - Provide services relating to the establishment of paternity/establishment, modification and enforcement of child support obligations
- RSMO § 454.408 Duties include:
 - Determining whether person receiving assistance from SSA, Food Stamp Act are cooperating in good faith with the division in establishing paternity, modification or enforcement of child support order

MEDIATION

- Who are the mediators?
 - Local attorneys and others with training in mediation
 - You're allowed to pick your own mediator
- Where does it take place?
 - At an agreed upon location. Generally the mediator's office
- Who is present at mediation?
 - Two parties, their attorneys may be present, mediator
- Confidentiality
 - Local Court Rule 68.8.8
 - "...mediator shall make no other disclosures of a confidential nature during or at the conclusion of mediation without the consent of all participants. The identity of the party who terminates mediation shall not be disclosed."
- When can I use the certificate?
 - Any time during the next 120 days

Court Resources

- Office of Dispute Resolution
 - Family Conferencing
 - Family Access Arbitration
 - Answering Limited Questions for Pro Se persons
 - Mediation
- Prosecuting Attorney's Office
 - Child Support Enforcement
 - Motions To Modify
 - Paternity Proceedings
 - Parenting Court
- Circuit Clerk's Office
 - Family Access Motions

OTHER RESOURCES

- <http://www.uptoparents.org/>
- <https://www.coparenter.com/>
- <http://www.afccnet.org>

Questions?

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