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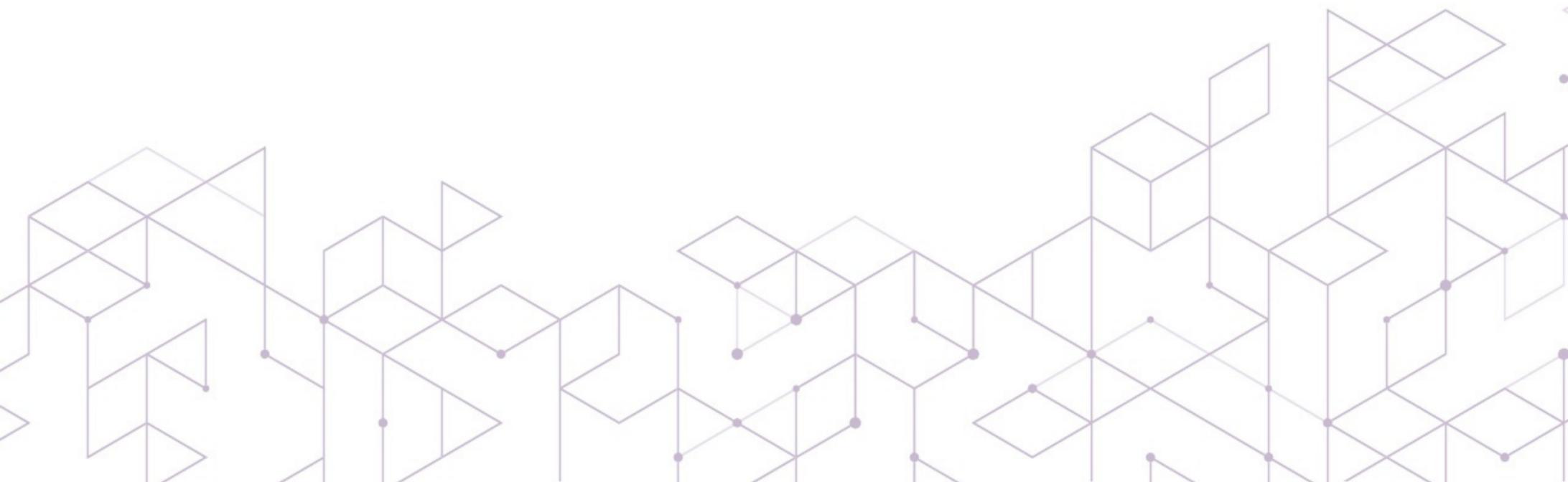


# A GUIDE FOR DIVORCING PARENTS



# C. Alvarez Law

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## **A Guide For Divorcing Parents**

You will confront many emotions when you first learn that your marriage is ending. The future you had envisioned is no longer, and you are losing someone you once loved—or perhaps are still in love with. Being a parent during this time adds layers of confusion and complexity. Ironically, though you are going through one of the most challenging moments of your life, your kids need you to be at your best. Depending on their age, they may be experiencing an emotional breakdown, and they will look to you to guide them through it.

Though some people are not, you must ask yourself whether you are up for this challenge. Because the grieving process for ending a marriage may mirror that of someone who is experiencing the passing of a loved one, you will go through stages of anger. Typically, the first phase is denial, and the second is anger. During this phase, people will be irritable, aggressive and passive-aggressive, and prone to arguing and fighting. Years of frustration or resentment will surface during the divorce process because of it.

As a parent, you have the right to feel this way, and you deserve to be physically and mentally well. Contact a therapist to help you process your emotions. If you don't, the anger and fighting may lead to a lengthy and costly divorce process that includes litigation. Being a fully-involved parent will be complicated if you are immersed in the stresses and challenges of long-term legal battles.



When the litigation ends, and the attorneys leave, you are left with a person you have to co-parent with. Not only is fighting not the best way to get what you want, but it also deteriorates your relationship with your former spouse to a greater extent. Make the commitment to yourself, your child, and even your spouse, to keep communication open. Will there be times when you have to stand your ground for what is best for you and your family? Absolutely, but that is a far stretch from attacking your spouse through your attorney as a means of retribution or retaliation.

### **Take Out the Fear of the Unknown**

Many parents who get divorced worry that they will no longer be in their children's lives. As a mother or father, you must remember that no one can replace you—even if and when your former spouse chooses to remarry. Though that advice may hit home, especially if you are in the early stages of divorce, let's take away some of your concerns by giving you something actionable to work on: a parenting plan.

Although other states may refer to this as a "custody agreement," Florida calls it a parenting plan. When you create one, detail which parent has the child and when, and what your rights are in making decisions on your child's behalf.



Before we explain how important your parenting plan will be, note that **the more you are willing to negotiate and talk to your spouse now, the more control you have over the outcome.** If you and your spouse cannot come to an agreement (which is something your attorney will assist you with), each parent will have to submit their individual parenting plan to a judge. Ultimately, the judge makes the final plan. Again, if you and your spouse can negotiate, you have significantly more power in creating the plan that fits your family's needs.

## **The Components of a Strong Plan**

What should be included in a parenting plan? In a word, everything. View as a contract that governs your relationship with your former spouse and your child. In business, when an owner has a dispute with an employee or third-party vendor, they rely on their contracts to resolve the issue. Your parenting plan works along the same lines.

It will state, in writing, your rights as a parent. Many people think of "custody" as where they live, but that is a slight misunderstanding. Florida doesn't like to use the word "custody." It implies that one parent must win out over the other. If anything, it could instigate a fight between the parents. That is why Florida substitutes the word "time-sharing" with "custody."



In Florida, along with many other states, there is a difference between legal and physical custody. Legal custody speaks to who can decide for the child on common issues such as medical care, education, and religious preference. Physical custody relates to where the child lives and for what period of time. Parents can have shared (equal) legal and physical custody depending on the circumstances. Still, it can also work out where the parents have equal legal custody and don't have equal time with the children. For instance, if the parents don't live close to one another or are in separate school districts.

### **Everything is Defined**

Your parenting plan will extend far beyond your legal rights. In terms of time-sharing, it will identify the schedule that you and your former spouse must follow. Furthermore, it will detail how that schedule will be followed. For example, imagine you and your former spouse live 25 miles apart. What kinds of logistical considerations are you going to have to take into account?

- Where will pickup and dropoff occur?
- What time will it take place?
- How often are you able to call and speak to your child? Can it be a video call?



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- Are you allowed to take the child out of state for vacations?
- If so, how much notice do you have to give your spouse that you plan on doing so?
- Will the schedule change for holidays and school vacations?
- If the parents disagree, what steps will they take to resolve it?
- Which mediation service will you use to resolve the disagreement?

### **Get in Touch With a Family Law Attorney**

After reading over that list of questions, you may feel overwhelmed. To clarify, you do not need to have the answers to any of them yet. At C. Alvarez Law, we will guide you through each of them and negotiate with your spouse (through her attorney) until we can land a parenting plan that fits your family's needs. Contact us today to schedule your free intake meeting to learn more about how we can support you.



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