

## WHERE CAN I GET HELP?

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The allocation of parental rights and responsibilities is only part of the family's new lifestyle. It is important for parents to focus on their children's needs as they adjust to the many changes accompanying a marriage breakdown. Many counties offer a parent education seminar for divorcing families and some counties require the seminar for all divorcing parents. These programs provide insight into the different ways children react to their parents' divorce and suggest ideas for helping them deal with the changes.

Many courts use family mediators who are trained to assist parents after divorce or separation. Mediators can help parents to resolve disagreements and cooperate in the care of the children.

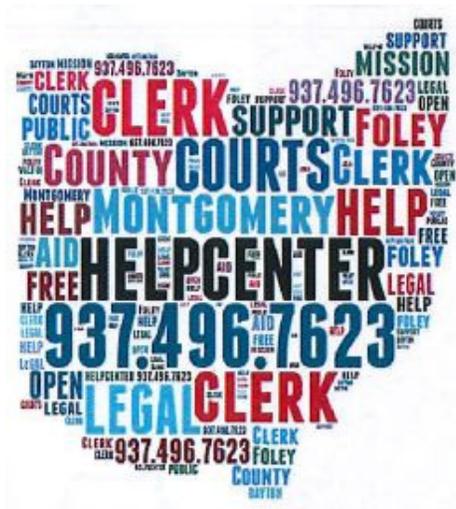
If you need marriage and/or family counseling before, during or after divorce, you may want to ask your attorney, a governmental agency, your family doctor, or your religious or spiritual advisor for suggestions. Choose a counselor as you would a doctor or lawyer. Ask about credentials, training and years in practice.

## MONTGOMERY COUNTY CONTACT INFORMATION

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**MONTGOMERY COUNTY DOMESTIC RELATIONS**  
301 W Third St.  
Dayton, OH 45402  
Phone: (937) 225-4063

**DAYTON MEDIATION CENTER**  
371 W 2nd St. STE 300,  
Dayton, OH 45402  
Phone: (937) 333-2345



## "TAKING THE COURTHOUSE TO THE COMMUNITY!"

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## CONTACT US

### ADDRESS:

41 N. Perry St., Dayton, OH 45402

### PHONE:

The Help Center: 937-496-3038

Civil: 937-225-4512

Domestic Relations: 937-225-4562

Criminal: 937-225-4536

Records: 937-496-7762

**EMAIL:** [clerkhelpcenter@mcohoio.org](mailto:clerkhelpcenter@mcohoio.org)

**WEBSITE:** [www.courthousetoyou.com](http://www.courthousetoyou.com)

## SHARING RESPONSIBILITIES AFTER SEPARATION

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**MIKE FOLEY, CLERK**  
MONTGOMERY  
COUNTY CLERK OF  
COURTS

## SHARING RESPONSIBILITIES AFTER SEPARATION?

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When parents come before the domestic relations court to terminate their marriage (or before the juvenile court in a parentage proceeding), the court must address what will happen to their children. The marriage/relationship may end, but both former spouses/partners will still be parents, and their children will still need regular contact with both parents.

## HOW HAVE THE LAWS CHANGED?

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The laws regarding children in divorcing families have changed dramatically over the past few decades. For most of the 20th century, children were handled much the same as the property their parents owned. The parties would fight over the right to control their children's fate, the court would hear their arguments, and, finally, one parent would "win" and be awarded custody of the children. The other parent would be awarded visitation rights. Over time, judges, lawyers, psychologists and others recognized that the impact this process had on the children was greater and often more negative than expected. The courts and the legislature began to shift their focus from the rights of the parents to the rights of the children.

## HOW ARE PARENTAL RIGHTS AND RESPONSIBILITIES DIVIDED?

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The current term for the time parents spend with their children is parenting time (not visitation), whether there is shared parenting or legal custody to one residential parent.

Procedures for dividing parental rights and responsibilities now emphasize the rights of the child to be loved and supported, while maintaining relationships with both parents, despite difficulties the parents may have with each other.

All parents have certain rights and responsibilities regarding the care of their children. When parents divorce or separate, these rights and responsibilities are even more important. The court's role is to ensure that the "best interests" of the children are protected. Therefore, the parental rights and responsibilities are expressly "allocated" to the parents.

When parents disagree, the court may appoint a guardian ad litem to investigate and to recommend what is in the child(ren)'s best interest. Also, if either parent files a motion to request it, the court will interview the child(ren) in private, and if the court determines the child(ren) are mature enough to state their wishes, the court may consider their wishes, as stated. No child is ever required to "choose," and the court has discretion to grant or deny a child's request. To protect children from bribery or coercion, no parent is permitted to give the court a statement written or spoken by the child, and if such a thing is offered, the court is not permitted to consider it.

In shared parenting, the parents "share" the parental rights and responsibilities according to a shared parenting plan. One or both parties will submit a proposed plan to the court detailing how the responsibilities are to be shared. The division of the children's time between the parents need not be equal. The court reviews the plan to determine if it is in the children's best interests. The court may then adopt the plan, ask the parties to amend it and adopt it as amended, or reject the plan. The parents may revise the plan to address the court's objections, or the court may reject shared parenting completely and name one parent the sole residential parent and legal custodian.

Nonresidential parents have rights to regular parenting times, involvement in the children's school activities, access to the children's school and medical records, and notification before a residential parent moves to a new residence with the children. Nonresidential parents are often ordered to pay child support and a percentage of the child's health care expenses. One or both parents may be ordered to provide health insurance coverage for the children, if available.

## WHAT ARE SOME GUIDELINES TO KEEP IN MIND?

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1. Recognize that divorce or separation is a highly emotional experience. Allow yourself and your children time for adjustment.
2. Assure children: they did not cause the break-up and both parents love them.
3. Because you love your child more than you dislike his/her other parent, do not criticize that parent, whom your child has a right to love and respect.
4. Do not force or encourage your children to take sides or "choose." Avoid changing the child's routine, unless to obey court orders.
5. Do not drink or use drugs before or during your parenting time.
6. Your child(ren)'s safety may depend on your good judgment and quick action. Your children need both parents.
7. Divorce or separation often leads to financial pressures on both parents and sacrifices must often be made by everyone. Teach your children the difference between needs and wants, without any criticism of the other parent.
8. Marriage breakdown is always hard on the children. Allow children to feel sad and to talk whenever they want. Avoid burdening them with details about court procedures and documents.
9. The guilt parents may feel about the marriage relationship breakdown need not interfere with discipline and correction of their children. The discipline that was necessary when both parents lived together is no less important when they live apart. Children will be less likely to play parents against each other when rules are consistent. Do not attempt to buy your children's favor by special treatment or by making promises you might not be able to keep. Respect the stepparent's right to have rules for his/her home.

