



Are you sure you *need* to go to Court?

Parents, unable to resolve plans for the ongoing care of the children post-separation, may turn to the Courts for resolution. There is a subgroup of parents who will entrench themselves in their position and defend themselves primarily by pointing to the shortcomings of the other parent. The trouble in some of the more fractious cases is both parents engage in the same tactic, pointing out different foibles of the other, both justifiably. In many of these cases there is a profound emotional immaturity even in the face of intellectual sophistication on the part of both parents.

In such situations, the parents present with polar views as to the children's interests where such views are more a matter of value positions, rather than an issue of real consequence. In other words, one parent will like *blue* and the other will like *red*. In truth, either colour is fine, but both parents present as if the future well-being of the kids is fully depends upon the "right" choice. An assessment reveals that each parent's preference is highly subjective, influenced more by their personal history than the real needs of the children. Parents confuse their needs and wants with the needs of their children and each parent simply wants to win in order to live out their idealized solution.

Childcare workers are often faced with similar scenarios; two kids fighting in the sandbox over a toy; each child kicking sand at the other. Their solution is eloquent in its simplicity. Either they take the toy away from both children, or they help them set rules for sharing. If the worker sets the rules, then both children must abide even if not fully to their liking. The better workers will have the kids give each other a hug and move on. Kids get over these disputes quickly and most remain fast friends afterwards.

In the adult situation of parenting decisions post-separation, clearly the stakes are higher, but the process is similar. The trouble lies in the sophistication of the fight and access to resources. Parents can bring in more arguments, can obscure details, and can economically and emotionally wear each other down. Unlike kids in the sandbox, their very children suffer the consequences of the ongoing and resource depleting dispute. The children may suffer economically as each dollar to the dispute is a dollar that could have been directed to their care. The children suffer emotionally. They are subject to the toxic emotional atmosphere of

each parent and as each parent is emotionally preoccupied with the dispute, the emotional nurturance of the children suffers. Each parent has less to give the children emotionally and when they do, it is tainted by their animosity to the other parent. Despite parents objections to the contrary, this is a structural consequence of the situation and kids do suffer. Many parents seek to distance themselves from this truth or otherwise posit blame on the alternate parent. Few parents truly take responsibility for their contribution to the children's distress in these situations, they continue to use the transgressions of the other to legitimize their own.

Appealing to the Courts in these situations is a reasonable solution for parents who otherwise are unreasonable. In such situations, the concern or view of the parent becomes secondary to the needs of the children. Assessors and Courts are then in the untenable position of imposing solutions that likely neither parent will enjoy, but simply makes the best of a terrible situation. While structural arrangements may be imposed to address the children's needs, neither the assessor nor the Court can impose maturity upon the parents. In such situations it is imperative that the agreement or Order be as behaviourally and objectively specific as possible as these kinds of parents are apt to nip at the edges of any agreement or Order.

When are these situations resolved? When either or both parents let's go the fight or when the children become teenagers and vote with their feet by leaving home early. The kids who leave home early are the ones at higher risk for their own problematic relationships. Quite the legacy.

Hopefully somewhere along the line parents gain some maturity. What is maturity? Being able to separate one's needs and wants from those of the children and then subordinating them to the needs of the children. Children's needs before parents' wants is the answer.

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