

Children's Bill of Rights in a Divorce

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The best interest of the children means what a judge says it means, but courts go to extraordinary measures to protect a minor child. For example, in many jurisdictions the judges tacitly or explicitly consider what is called "Children's Bill of Rights" in contested custody decisions.

Here is a list of a Children's Bill of Rights, which are considered in all custody decisions to be in support of the best interest of the children:

- *A continuing relationship with both parents*
- *Being seen not as a piece of property, but as a human being recognized to have unique feelings, ideas, and desires consistent with that of an individual*
- *Continuing care and proper guidance from each parent*
- *Not to be unduly influenced by either parent to view the other parent differently*
- *Expressed love, friendship, and respect for both parents*
- *Freedom from having to hide those stated emotions or made to be ashamed of such*
- *An explanation that the impending action of divorce was in no way caused by the child's actions*
- *Not being the subject and/or source of any and all arguments*
- *Continuing, honest feedback with respect to the divorce process and its impact on the changing relationships of the family*
- *Maintenance of regular contact with both parents and a clear explanation for any change in plans and/or cancellations*
- *Enjoyment of a pleasurable relationship with both parents, never to be employed as a manipulative bargaining tool*

While the language may vary from jurisdiction to jurisdiction, the logic is clear:

- *The divorce is not the fault or responsibility of the child.*
- *Both parents, the custodial and the noncustodial, are important to the child's well being.*
- *A child is not property, and his or her custodial parent does not own him or her. The child is not to be enlisted as an ally or spy in continuing disputes between his parents.*
- *The "expressed love, friendship and respect" of both parents is equally important.*
- *The impending divorce ends the marriage of his or her parents; it does not end their parental responsibilities to the child.*

Children's Bill of Rights

By [Cathy Meyer](#), About.com Guide

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Marriage is a contract between adults, and when it ends, the matter is between the adults. Yet, no parental action has a greater impact on children. Children love their parents and want to be with them. Even in times of great stress, parents have a responsibility to conduct their legal affairs in a manner that will protect their children from adult conflicts.

At a minimum, children are entitled to the following Bill of Rights:

1. Neither parent shall deny the child reasonable use of the telephone to place and receive calls with the other parent and relatives.
2. Neither parent shall speak or write derogatory remarks about the other parent to the child, or engage in abusive, coarse or foul language, which can be overheard by the child whether or not the language involves the other parent.
3. Neither parent shall permit the children to overhear arguments, negotiations or other substantive discussions about legal or business dealings between the parents.
4. Neither parent shall physically or psychologically attempt to pressure, attempt to influence, pressure or influence the children concerning the personal opinion or position of the child concerning legal proceedings between the parents.
5. Each parent will permit the child to display photographs of the other parent or both parents in the child's room.
6. Neither parent shall communicate moral judgments about the other parent to the child concerning the other parent's choice of values, lifestyle, choice of friends, successes or failures in life (career, financial, relational) or residential choice.
7. The parents will acknowledge to the child that the child has two homes although the child may spend more time at one home than the other.
8. The parents shall cooperate to the greatest extent practicable in sharing time with the child.
9. Each parent will permit the child to retain, and allow easy access to, correspondence, greeting cards, and other written materials received from the other parent.
10. Each parent will respect the physical integrity of items possessed by the child which depict the other parent or remind the child of the other parent.
11. Neither parent will trivialize, or deny the existence of the other parent to the child.
12. Neither parent will interrogate the child about the other parent nor will either parent discourage comments by the child about the other parent.
13. Neither parent will intercept, "lose", derail, "forget" or otherwise interfere with communications to the child from the other parent.
14. Neither parent will refuse to acknowledge that the child can have or should have good experiences with the other parent.
15. Neither parent will directly or indirectly attack or criticize to the child the extended family of the other parent, the other parent's career, the living and travel arrangements of the other parent, or lawful activities of the other parent or associates of the other parent.
16. Neither parent will use the child as a "middleman" by using the child to communicate with the other parent on inappropriate topics.
17. Neither parent will undermine the other parent in the eyes of the child by engaging in the "circumstantial syndrome" which is done by manipulating, changing, or rearranging facts.
18. Neither parent will create for, or exaggerate to, the child differences between the parents.
19. Neither parent will say and do things with an eye to gaining the child as an "ally" against the other parent.
20. Neither parent will encourage or instruct the child to be disobedient to the other parent, stepparents, or relatives.
21. Neither parent will reward the child to act negatively toward the other parent.
22. Neither parent will try to make the child believe he or she loves the child more than the other parent, by, for example, saying that he or she loves the child more than the other parent or over-informing the child on adult topics or overindulging the child.
23. Neither parent will discuss child support issues with the child.
24. Neither parent will engage in judgmental, opinionated or negative commentary, physical inspections or interrogations once the child arrives from his/her other home.
25. Neither parent will "rewrite" or "re-script" facts which the child originally knows to be different.
26. Neither parent will punish the child physically or threaten such punishment in order to influence the child to adopt the parent's negative program, if any, against the other parent.
27. Neither parent will permit the child to be transported by a person who is intoxicated due to consumption of alcohol or illegal drugs.
28. Neither parent will smoke tobacco materials inside structures or vehicles occupied at the time by the child.
29. Each parent will permit the child to carry gifts, toys, clothing, and other items belonging to the child with him or her to the residence of the other parent or relatives or permit the child to take gifts, toys, clothing, and other items belonging to the child back to the residence of the other parent, as the case may be, to facilitate the child having with him or her objects, important to the child. The gifts, toys, clothing and other items belonging to the child referred to here mean items which are reasonable transportable and does not include pets (which the parents agree are impractical to move about).

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