

**Superior Court of California  
County of Monterey  
Family Court Services**



# Orientation Handbook

## **Family Court Services**

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# ORIENTATION

## Goals:

- Describe the usefulness of Family Court Services in developing parenting plans, investigating, and resolving custody and visitation disputes
- Give parties practical information about Family Court Services, what to expect, and how to prepare
- Explain Domestic Violence and laws regarding Domestic Violence and Family Court, Mediation, and Child Custody Recommending Counseling services
- Provide information and guidelines for developing parenting plans
- Educate parties on the needs of children whose parents have separated
- Develop empathy in parties about the experiences of children with parental separation
- Assist parents with emotionally separating themselves from their child's other parent, developing co-parenting knowledge, and learning to reduce conflict
- Teach parents skills for interacting with their child's other parent
- Teach parents appropriate post-separation communication tools

## Introduction to Family Court Services:

File papers to open a Court case; child support, guardianship, parentage, restraining order, divorce, other family law all apply.

You may set an appointment once you have a court case. If you have a hearing and there is no agreement for custody/visitation, the court may order you to **Hallway Services**, or to set an appointment for **Confidential Mediation** or **Child Custody Recommending Counseling (CCRC)**; or the court may order a **Fact Based Inquiry (FBI)** Investigation if there are concerns about child safety or welfare; occasionally a **Child Custody Evaluation** is ordered.

### Mediation/Child Custody Recommending Counseling

If you are ordered to contact Family Court Services, complete the intake form and make your appointment.

- **Mediation** is a confidential session in which the parties meet with a mediator and attempt to work out an agreement on custody and visitation issues. If an agreement is reached, the parties sign the agreement and are allowed 10 days to cancel it. If neither party cancels the agreement, it becomes an enforceable court order.
- **Child Custody Recommending Counseling** is a non-confidential session in which the parties meet with a recommending counselor. The counselor will write a report to the court with party's agreements and, if needed, recommendations for any areas of disagreement. No custody or visitation order is in place until the court makes an order after receiving the counselor's report. The court may adopt recommendations fully, partially, or not at all.
- **Separate Mediation or Separate Child Custody Recommending Counseling** is the same as above except the parties meet with the mediator/counselor separately and/or at different times. Separate sessions can happen when there is a domestic violence restraining order in effect or when there is a history of domestic violence and the party alleging violence under penalty of perjury has requested a separate session.

### Fact Based Inquiry

If you agree and an FBI investigation is ordered:

- Complete the investigation questionnaire.
- Pay the investigation fee or request a payment plan for the fee.
- The investigator will contact you after the questionnaire is received.

### Evaluation

If an Evaluation is ordered:

- Contact the Evaluator right away. Pay the fee as soon as you can.
- Usually, the evaluator's report won't be filed until payment is received.

**PRACTICAL INFORMATION ABOUT FAMILY COURT SERVICES, MEDIATION, CCRC's, AND FBI's**

## **How Family Court Services (FCS) Works**

It is the Family Court's hope that parents will be given every opportunity to decide, for themselves, what will be in the best interests of their children. California state law requires that those parents who are unable to agree on a child-sharing plan must proceed to mandatory Mediation; Child Custody Recommending Counseling can take the place of mediation in some cases.

Your appointment will generally be more successful when parties arrive at the session prepared. We suggest that you seek guidance and support from your attorney, therapist, family members, friends, or applicable websites in developing your child-sharing proposal(s). Financial issues will not be addressed in your session.

### **Orientation Video:**

You must watch a 30 minute Parent Orientation video prior to your first session and every three years thereafter. The orientation provides information that is helpful to the mediation/CCRC process. You may also watch the video online and bring proof of completion with you to your appointment. The Orientation Video can be found online at this address: <https://www.youtube.com/watch?v=wJOcjP5RikQ>

### **Scheduling an Appointment:**

Both parents must complete a Family Court Services (FCS) intake form before the session can begin. If you make your appointment in person, fill it out then. Contact Family Court Services at (831) 647-5891 to schedule your appointment. It is helpful to have some days and times in mind that you know are convenient for all parties before you call.

### **General Information Regarding Mediation and Child Custody Recommending Counseling:**

- There is no charge for these services.\*
- Appointments may last up to 2 hours.
- A Mediator or Child Custody Recommending Counselor must report suspected child abuse and/or any serious threat of harm to yourself or another person.
- A Mediation appointment can be made voluntarily (when both parties agree), once every 12 months.
- To make a mediation appointment sooner than one year from your last FCS appointment, or to set a mediation appointment without both parties' agreement you must have a court order.
- Child Custody Recommending Counseling cannot be scheduled without a court order.
- A Status Report that tells the judge if both parties came and the result of the session is filed in your court case and given to all parties after each scheduled FCS session.
- Any documents submitted as part of your FCS session must also be given to the other party.
- The person who was your Mediator cannot be your CCR Counselor. A different person must be used for CCRC to ensure the discussion held during your mediation remains confidential.

***\*You may be charged a court fine of up to \$250 if you do not show for an appointment or cancel too late.***

### **The Mediator/Child Custody Recommending Counselor Cannot**

- Speak to your attorney, the judge, or any other outside party regarding what happened in the session.
- Require you to agree or decide the parenting plan for you.
- Discuss issues of property, taxes, insurance, child care costs, financial support, or other money issues.

### **The Mediator/Child Custody Recommending Counselor Will Not**

- Meet with you if you are more than 30 minutes late.
- Give legal advice.
- See you individually unless at the mediator's discretion it would be useful or if required to do so by law or court order, such as in domestic violence cases.
- Speak with you after the session has ended.

### **General Information Regarding Mediation:**

- Mediation is **confidential** and the mediator will not make recommendations about custody or visitation plans outside of your session.
- Mediators can only make limited recommendations, but won't give reasons. The recommendations a mediator can make will be on your Status Report, may or may not be ordered by the court, and include:
  - Complete Psychological Evaluation (FC 3111)
  - Child provide input to Court (FC 3042)
  - Family participate in Counseling Assessment (FC 3111)
  - Child(ren) attend counseling (FC 3190)
  - Parents attend Counseling, Classes, and/or Co-parenting Counseling or Classes (FC 3190)
  - Parents have Child Custody Recommending Counseling (FC 3170)
  - Fact Based Inquiry (FC 3183b)
  - Child's Counsel appointed (FC 3184)
  - Restraining Order issued/Emergency Custody determined (FC 3183)
- Written mediated agreements are sent by FCS to attorneys for their review the day of your appointment.
- Mediation agreements will become court orders after 10 days if they aren't cancelled, or sooner, if all parties agree in writing or in open court to have the judicial officer sign the parenting plan earlier.
- Parties with a full agreement may elect to drop any upcoming court hearing regarding the mediation.

### **Possible Results of Mediation**

- Parties can reach a complete, partial, and/or temporary agreement in mediation.
- If the parents reach a complete, partial, or temporary agreement in mediation:
  - The mediator writes up the agreement, the parties sign the agreement and copies are provided to the parties and any attorney of record.
  - The parties have ten (10) days to cancel the whole agreement.
    - If all parties agree in open court or in writing the agreement will be submitted sooner.
    - If either party changes their mind and decides to rescind (cancel) the agreement, they must contact Family Court Services (FSC) and the other party in writing to let them know.
    - After ten (10) days, the agreement is *automatically* submitted and becomes an order of the court and is placed in the court file.
  - When there is a partial agreement, the mediator lists the unresolved issues on the Status Report.
  - When there is a temporary agreement, the mediator lists any follow-up appointment.
- At the end of the session, the mediator gives a copy of the Status Report reflecting the outcome of the session to both parents, any attorneys involved, and the judicial officer (by filing in the court case).
  - If the parties do not reach agreement, have a partial or temporary agreement, or at the mediator's discretion, the mediator may include recommendations for next steps or possible services that would benefit the family on the Status Report.
  - If the session was stopped because a party failed to participate/cooperate or a report was made to CPS, the mediator will include that on the Status Report.

### **General Information Regarding Child Custody Recommending Counseling:**

- Child Custody Recommending Counseling (CCRC) is **not** confidential from the judge. What you say to the CCR Counselor may be included in the report the counselor writes and files in your court case.
- The CCRC report is confidential from all but the court, the parties, and their attorneys. The report is filed in a sealed portion of your court case. You have the right to review the report ten (10) calendar days prior to the court hearing.
- CCRC may be ordered instead of Mediation, or may be ordered as a next step if Mediation does not produce a full agreement on a parenting plan.
- Parties may still reach agreement in CCRC, but the agreement will not be written during the session; your agreement will be included in your CCRC report.
- The child custody recommending counselor may make recommendations regarding custody, visitation, and co-parenting issues within the report when the parties do not agree on the issues.
- Even if parties reach agreement in CCRC, the agreement will not become an enforceable order until the parties return to court to talk about it with a judicial officer at a hearing.
- Any recommendations made by the CCR Counselor will be reviewed at the court hearing on the matter. You may explain what you like and don't like to the judicial officer at the hearing on the CCRC report. They may become enforceable orders of the court only if the judicial officer adopts them.

### **General Information Regarding Fact Based Inquiries or Fact Finding Investigations (FBI's/FFI's):**

- A Family Court Services Liaison, certified by the court as a qualified investigator of issues related to child custody, visitation, and co-parenting, may be assigned to look into certain aspects of your case.
- A Fact Based Inquiry must be ordered. Parties must agree in writing or in open court to participate in an investigation before a judicial officer can order it.
- FBI's may be ordered instead of Mediation/CCRC, or may be ordered prior to Mediation/CCRC to help you and the other parent reach agreements once the facts have been reported.
- Information gathered during a Fact Finding Investigation is **not** confidential from the court. What you or any other person interviewed or observed during the course of the investigation says and any evidence submitted or observed by the Family Court Liaison may be included in the report the Liaison writes and files in your court case.
- The FFI Report is confidential from all but the court, the parties, and their attorneys, is filed in a sealed portion of your court case and cannot be shared with other people without a court order.
- You have the right to review the report several days prior to the court hearing or to set another, later court hearing if you need time to prepare a response to the FFI Report.
- The Liaison will be given a "scope" for the investigation, meaning, a list of things to inspect. Part of what may be included in the investigation is: a check of your housing and the people who live with you, interviews of the children, your or another significant person's criminal background, any CPS involvement with the parties, the parties' driver's license status, review of documents and/or interviews of professionals for medical or psychological issues, drug test results, proof of completion of classes/counseling/etc., review of reports from a professional supervised visitation provider, and any other documents, evidence, or observations deemed applicable.
- The "scope" of the investigation may be determined by the parties themselves together with the Liaison, and/or may be determined by the judicial officer.
- The liaison only reports on the facts he or she gathers during the investigation and does not make recommendations or give any evaluation of what is observed and reported.
- The fee is \$700 for Long Reports and \$350 for Short Reports; payment plans can be requested.
- A Fact Based Inquiry can begin once the parties have completed and turned in packets.

### **General Information Regarding Hallway Services:**

- When parties come to court for hearings, they may be asked by the judicial officer to meet with a mediator and/or a liaison in the hallway. Parties may also request hallway services at their hearing.
- A judicial officer may want more information or have serious concerns about a child's safety and well-being. When this happens, the judicial officer can request that you meet with the liaison to discuss the issues the judicial officer has flagged for discussion. If meeting with the liaison, the parties may agree to participate in a Fact Finding Inquiry (see above).
- The judicial officer might believe it is necessary for parties to meet with a mediator on the day of court to try to arrange a plan for the children to spend time with each parent. This can be a temporary plan, or a permanent plan depending on the needs of the family.
- If parties reach agreement with the mediator on the day of court, the mediator will give a verbal report to the judicial officer in court on the record. Whatever agreements you make can then become a court order once the bench officer confirms your agreement.
- The things you say to the liaison and/or the mediator in hallway services are not confidential and may be disclosed in open court to the judicial officer.
- The liaison won't make recommendations to the judicial officer or in the report other than the amount of time or further information that is needed to complete an investigation.

### **General Information Regarding Counseling Assessments/Child Custody Evaluations:**

- Infrequently, parties are referred to an outside professional who is not a court contractor or employee for an evaluation of the family. A court certified, licensed professional will interview all the parties, usually including the children, and review important information in order to write a report with recommendations for a custody and visitation plan for the family.
- The Counseling Assessment report is confidential from all but the court and the adult parties of the case.
- Parties have the right to review the report ten (10) calendar days prior to any hearing on the report.

## FREQUENTLY ASKED QUESTIONS

### **What is Family Court Services?**

Family Court Services is a division of the court that helps parties with child custody and visitation issues. Upon separation, parents need to make important decisions: How will the children spend time with their parents? Where will the children live? Parents who are unable to agree on these decisions are required to meet with a mediator/ccr counselor before a court appearance in which final decisions/orders are made.

### **Why is Mediation required?**

The law requires parents to try mediation before the case goes to court. Sometimes, CCRC is ordered instead of Mediation. Generally, parents know the needs of their children better than anyone. Decisions made through Family Court Services usually last over time. However, if you cannot resolve all parenting plan issues through Family Court Services, the judge will decide any remaining dispute about your custody and visitation plan.

### **Who participates in Mediation/Child Custody Recommending Counseling?**

Both parents must participate in the session. Mediators/Child Custody Recommending Counselors will not see one parent without the other. However, when domestic violence exists in the relationship, the mediator/counselor may see the parties separately at their discretion, by court order, or at a party's request.

### **What do Mediators/Counselors do?**

A mediator/counselor meets with both parents and helps them to devise a plan that is best for the children as a neutral professional. Although Mediators/Child Custody Recommending Counselors are mental health therapists, Mediation/CCRC is not therapy.

### **Who provides Mediation/CCRC services?**

Mediators/CCR Counselors are contractors or employees of the court who have a Master's degree in counseling, social work or psychology and a minimum of 2 years professional psychotherapy experience. Mediators have familiarity working with families to resolve conflicts, and they have specialized knowledge of the needs of children, family law, and parenting plan arrangements.

### **How long does Mediation/CCRC take?**

Mediations and CCRC's are conducted by appointment during business hours. The time required for the session varies, but most sessions last between 45 minutes to 2 hours. Please plan to block off the whole time.

### **How are appointments made?**

Appointments are required for Mediation/CCRC. Please contact Family Court Services to schedule an appointment: Monterey Courthouse, 1200 Aguajito Road, 3<sup>rd</sup> Floor, Room 303, in Monterey. (831) 647-5891.

### **Is Mediation confidential?**

Yes, with a few exceptions. As mentioned above, Mediation is completely confidential, but the report filed with the judicial officer in Child Custody Recommending Counseling is not. Also, the Mediator or Child Custody Recommending Counselor may need to disclose allegations of child abuse or threats of harm to self or others.

### **Is Mediation/Child Custody Recommending Counseling available in Spanish?**

Bilingual English/Spanish Mediators/Child Custody Recommending Counselors are available. Mention the need for bilingual services when scheduling an appointment.

### **What happens after Mediation/CCRC?**

After your session, the case is heard by a judicial officer if there is an upcoming hearing on the issues for which you set an appointment. The mediated agreement becomes a court order when the judge signs it. If a settlement has not been reached in Family Court Services, the judge will make a decision based upon the facts of the case and any input from a child custody recommending counselor, an investigator, an assessment, an evaluation, and/or through discussion with both parents.



# DOMESTIC VIOLENCE

## What is Domestic Violence?

Domestic violence is abuse or threats of abuse when the person being abused and the abuser are or have been in an intimate relationship (married or domestic partners, are dating or used to date, live or lived together, or have a child together), or abuse of a child of either parent, the child's siblings, the parent of either party, either party's current spouse, new partner/fiancée, or cohabitant.

The domestic violence laws say "abuse" is:

- Physically hurting or trying to hurt someone, intentionally or recklessly;
- Sexual assault;
- Making someone reasonably afraid that they or someone else are about to be seriously hurt (like threats or promises to harm someone);
- Keeping Someone Prisoner or Kidnapping;
- Psychological Intimidation or Control; OR
- Behavior like harassing, stalking, cyber stalking, threatening, or hitting someone; disturbing someone's peace; or destroying someone's personal property.

Physical abuse is not just hitting; it can be kicking, shoving, pushing, hair pulling, throwing things, scaring or following you, or keeping you from freely coming and going. It can even include physical abuse of family pets. Also, domestic violence does not have to be physical. Abuse can be verbal (spoken), emotional, or psychological. You do not have to be physically hit to be abused. Often, abuse takes many forms, and abusers use a combination of tactics to control and have power over the person being abused.

## Domestic Violence is ALWAYS harmful to Children and Inappropriate in All Families!

The public policy of California states that living in a household with child abuse/domestic violence is not in best interest of a child. Children who have witnessed or overheard severe or repeated incidents of violence involving their parents are likely to be traumatized. These children are at risk for developing emotional, behavioral, and social problems. Even those children who do not directly witness spousal abuse are affected by the climate of violence in their homes and are likely to experience impairment of development and socialization skills. Very young children and infants who are not thought to be aware of the violence are still negatively affected. For these reasons; children, as well as adults, need to be protected from exposure to threats of abuse or actual violence and abuse by a parent, caretaker, or other adults.

## You have the right to have separate Mediation/CCRC in Cases Involving Domestic Violence:

Where there has been a history of domestic violence between the parties, the party alleging domestic violence may request to meet with the mediator/ccr counselor separately without the other party present. This request should be made at the time the appointment is set, or as far in advance as possible. Separate sessions may also be ordered by the Judicial Officer.

## Child Custody and Domestic Violence:

Where there has been a finding of domestic violence within the past five years of the proceeding or FCS session, the party found to have perpetrated domestic violence cannot usually have joint or sole custody.

A finding of domestic violence includes –

- A criminal conviction of a violent crime against any of the persons listed, above;
- A finding of domestic violence by a court, stated on the record or in writing;
- Issuance of a Criminal Protective Order or Domestic Violence/Civil Restraining Order for 1 year or more

There are exceptions to the rule that says the parent who perpetrated abuse cannot have joint or sole custody. A judicial officer can review the case and decide if a perpetrating party can have custody by considering –

- If it is in the best interest of the child.
- If the person has-
  - Completed a 52-week batterer's program
  - Not committed any other acts of domestic violence
  - Obeyed court orders to complete an alcohol or drug abuse program or parenting class
  - Followed all terms of probation, parole, and/or a protective or restraining order

## DEVELOPING A PARENTING PLAN

### Definitions:

#### There are Two Different Types of Custody; Legal Custody and Physical Custody

Legal Custody	Physical Custody
Who makes the decisions about the health, education and welfare of the child?	Who do the children live with all or a large part of the time?
<b>Joint Legal Custody</b> means that the parents try to make these decisions together, or each has equal rights to make decisions.	<b>Joint Physical Custody</b> means that the children spend a significant amount of time with both parents, at least 35% of the time (but not necessarily an equal amount of time).
<b>Sole Legal Custody</b> means that these decisions are made by one parent only. Unless an order says otherwise, both parents still have the right to see the child's records and speak to professionals involved with the child.	<b>Sole Physical Custody</b> means that the children live primarily with one parent, with a usually limited schedule to spend time in the care of the other parent.

### Factors to Consider When Making a Parenting Plan

- The child's age, developmental stage and needs (*see next page*)
- The child's temperament and how the child deals with change
- The child's attachment to each parent and to his/her siblings
- Safety concerns: domestic violence, child abuse, substance abuse
- Previous parenting arrangements and parental involvement
- The child's school, extracurricular, and social activities
- Both parents' strengths and weaknesses
- Providing a consistent, simple, and predictable schedule with smooth transitions between the parents' homes
- Ensuring that the child has "frequent and continuing contact" with both parents
- Where both parents reside and their work schedules
- The level of conflict between the parents. (Higher levels of conflict require more detailed plans.)

***Remember:***  
**This is about the children!**

## **Where to start when developing a parenting plan:**

- Think about what you are doing now or what has worked for you in the past
- Think about any changes in your work schedule, the other parent's work schedule or in the children's activities that will require changes in what you have done in the past
- This plan is not an official declaration; but rather serves as a tool to assist you gathering your thoughts in a clear and concise fashion
- Consider each child's age and developmental needs

## **Developmental Needs of Children**

### **Infants, Toddlers and Pre-School**

- Tend to have one-three primary bonds, but can bond to several people
- Need a consistent schedule and lots of nurturing
- Have difficulty tolerating long separations from their primary caregiver(s)
- The schedule should provide more frequent, shorter periods of time with each parent when both have been equally involved, and with the other parent when there is one parent who is the primary caretaker

### **School Age Children**

- Need an emotional foundation that provides confidence and self-worth
- The schedule should allow them to focus on school while still giving them a chance to have frequent and ongoing contact with both parents

### **Pre-Adolescents**

- Need help and support with school and peer problems
- The schedule should allow them to spend time involved in organized activities and with friends when with each parent

### **Adolescents**

- Want their plans to be important, too
- May prefer to have a "home base" in only one house
- Need consistent rules in both households
- The schedule should be flexible
- Want to spend time with their peers, rather than their parents

# CHILDREN AND PARENTS' PERSPECTIVES

## Separation and Grieving

The experience of separation is different for children than it is for adults. Adults will seek relief from unhappiness, but children may not be able to figure out how to manage their feelings. Children tend to worry about their parents and to blame themselves for their parent's break-up.

### Before Separation

- Children feel the tension in the home
- Children worry what will happen to their parents and what will happen to them
- Children feel anxious. They may have trouble sleeping or have problems in school
- Children may have problems with their behavior

### During Separation

- Children face shock and denial. They think, 'This can't be happening!'
- Children worry that they may lose their parent's love
- Children worry that they may be rejected by a parent
- Children worry about their future. They think, 'Who will take care of me?'

### After Separation

- Children still worry about who will take care of them
- If a parent is sad and unable to care for the home or the children, the child may try to do the parent's job
- It can be hard for children to go back and forth between the parents' homes if there is conflict between the parents
- Children can feel deep sadness

### Risks for Children During and After Separation

- Parents may be overwhelmed by their own emotions and may not be as attentive to their children's needs and feelings
- Children become emotional support for their parents
- One parent tends to spend less time at home and this may cause a break in the child-parent bond
- Conflict between parents interferes with the children's development. Even under the best circumstances, children feel guilty and have problems with loyalty and trust
- Children tell parents what they think their parents want to hear
- Parents put pressure on children to choose one parent
- Fighting between parents reinforces children's wishes for their parents to reconcile
- Children may get stuck in the grieving process and not know how to move forward after the loss of their previous family structure

# Psychological Tasks for Children in Separation

Source: "Second Chances, Men, Women and Children a Decade after Divorce," 1989,  
by Judith Wallerstein

**1 Acknowledgement of the Reality of the Separation**  
Children want to deny what is happening because separation is very painful for them. They may do this by fantasizing. Their fantasies need to gently be turned into realities for them by helping them face their fears.

**2 Disengaging From the Parental Conflict**  
It is difficult for children to get on with the business of living their lives and continuing to grow and develop. Children worry about their parents, and parents may rely on nurturance and support from the child. Parents should focus on keeping the crisis from dominating their children's life. Be truthful but don't tell them the details. Don't depend on them to meet your emotional needs. Encourage them to play.

**3 Resolution of Loss**  
Children need time to work through the grief process. They need to mourn their losses. They may no longer have frequent contact with one of their parents. They may move to a new neighborhood, leaving behind their school and their friends. They feel rejected, abandoned, and powerless. Parents need to recognize the importance of the grief process and allow their children to experience feelings associated with loss.

**4 Resolving Anger and Blame**  
Children may feel anger toward their parents for separating. They may be angry with themselves because they blame themselves. They need to learn to forgive their parents and themselves. They need to know that it is not their fault. Their feelings need to be normalized for them.

**5 Achievement of Realistic Hope about Relationships**  
Some children, especially adolescents, wonder if they will have a happy intimate relationship or if their marriage/partnership will also end. They may have lost faith that relationships can work. Give them a realistic vision of their capacity to give and receive love.

**6 Accept the Permanence of the Separation**  
Most children fantasize that their parents will reconcile. Help them know that this will not happen. Help them find the positive side of this.

# The Rights of Children after Separation

## Every Child Has the Right to Maintain Independent, Healthy Relationships with Both Parents

- ...the right to spend time with each parent and to not be kept away from a parent
- ...the right to a sense of belonging to each parent
- ...the right to feel and express respect and love for each parent without interference from others
- ...the right to have a personal sleeping area and a place for possessions in each parent's home
- ...the right to expect that both parents will be informed about important medical, dental, legal, and educational matters affecting the child

## Every Child Has the Right to Be Free from Seeing, Hearing, or Knowing About Conflict between Parents

- ...the right to be free from feeling a need to choose between parents or to take sides with or against either parent
- ...the right to be free from feeling pressure to put down or defend either parent
- ...the right to be free from being put in the role of message-carrier between parents
- ...the right to express feelings about the situation or a parent privately, without one parent overreacting or exaggerating, and without having these feelings disclosed or used by one parent against the other

## Every Child Has the Right to Reliable, Consistent and Predictable Time with Each Parent, Especially When Time with One Parent is Limited

- ...the right to expect that both parents will deal with the other parent in mature, appropriate ways regarding issues of visitation and custody
- ...the right to expect that parents will work together to develop a Parenting Plan which clearly and fairly outlines time between the child and each parent
- ...the right to expect that both parents will follow through by requiring the child to obey the court-ordered Parenting Plan and by expecting the child to honor the obligations and commitments of the plan and encouraging the child's good relationship with the other parent
- ...the right to participate in age-appropriate social activities as long as these activities do not interfere with either parent's access to the child

## Every Child Has the Right to Be Financially Supported by Both Parents

- ...the right to be free from hearing complaints from either parent about child support issues
- ...the right to spend time with each parent, regardless of whether or not financial support is given

## Every Child Has the Right to Continue or to Develop Meaningful Relationships with Significant Others

- ...the right to have relationships with other adults and children who are important to each parent
- ...the right to be included in, not left out of, activities with relatives, friends and new family of both parents
- ...the right to concentrate on deepening the individual relationship with each parent for a time before becoming accustomed to either parent's new partner

## Every Child Has the Right to Be Free From Having Responsibility for Making Adult Decisions

- ...the right to have important decisions and arrangements made by their parents — not by the child
- ...the right to be free from adults making decisions for them based on what the parent says the child 'feels' or 'wants', rather than considering all the factors about what is best for the child
- ...the right to be free from parental pressure to give an opinion about living arrangements and visitation

## How to Help Your Child Adjust to Your Separation

Do	Don't
<ul style="list-style-type: none"> <li>• Tell the child briefly what is happening, where everyone will live, and when he/she will see each parent</li> <li>• Explain that separation/divorce is an adult decision that is made when parents can't get along together. Reassure the child that separation doesn't happen between children and parents</li> <li>• Reassure the child that he/she didn't cause the separation/divorce and that he/she can't change the decision</li> <li>• Encourage the child to talk about how he/she feels and what he/she thinks. Encourage the child to ask questions</li> <li>• Keep a clear and reliable schedule for the child</li> <li>• Speak respectfully about the other parent. Your attitude, actions, and gestures towards the other parent show your child to respect the other parent</li> <li>• Reach out for support for yourself, if necessary, from other adults, not from your child</li> <li>• Allow the child to adjust to having two homes - one with each parent</li> <li>• Allow the child to love both parents</li> <li>• Encourage and support your child's relationship with the other parent</li> <li>• Keep the other parent informed of important events and information about the child so that both parents stay involved with the child</li> <li>• Give your children <u>love</u> and <u>limits</u>; they need consistency more than they need to be spoiled</li> </ul>	<ul style="list-style-type: none"> <li>• Promise the child visits with either parent until it is mutually agreed on or ordered</li> <li>• Fight - physically or verbally - with the other parent. Witnessing conflict or family violence hurts children of all ages</li> <li>• Put the child in the middle. Don't ask him/her to carry messages, deal with money matters, or spy on the other parent. Don't make the child choose between parents</li> <li>• Talk about legal and financial issues (child support, spousal support, custody disputes, accusations in court documents, etc.) with the children</li> <li>• Skip out on your scheduled time or show up late. Your child's self-esteem will suffer</li> <li>• Criticize the other parent in front of the child. This only creates a loyalty conflict for the child</li> <li>• Rely on the child for emotional support</li> <li>• Keep your child from the other parent to punish your child, or to punish the other parent. Either way, an innocent person gets punished and your child deserves to see both parents without problems</li> <li>• Throw away messages and gifts the other parent send to your child</li> <li>• Don't burden the child with the "gory" details of your adult relationship or the reasons for the break-up</li> <li>• Give the child the idea that they can "choose" which parent to live with or when they will spend time with a parent. This is an adult decision, even when a child has a strong opinion</li> </ul>

# Changing from Being a Couple to Being Co-Parents

Source: "Mom's House, Dad's House—Making Two Homes for Your Child," 1980 by Isolina Ricci, Ph.D.

## **You Now Have An Acquaintance or Business Relationship:**

- No assumptions
- Formal courtesies, public meeting
- Explicit agreements, contracts, structured meetings
- Little confrontation, low risk, low emotional intensity
- High personal privacy, low personal disclosure

## **Practice Common Courtesy:**

- Watch your language and refer to the other parent as the child's mother/father. This places the focus where it belongs--on the parenting role.
- Act like a guest in the other parent's home; wait to be invited in; don't wander around the house.
- Your time with the children is just that--your own private time with the children, not "babysitting time" or "dead time".
- Give the other person privacy and help yourself to privacy--stop asking/answering personal questions; keep personal life to yourself.
- Don't expect praise from the other parent--it's hard to come by in the early stages of this business relationship; look to friends and family or support groups for support or appreciation.
- Be detailed and don't assume the other parent will know when or where to pick up or return the child or what time school is. Give time, place and specifics.
- Expect to feel strange about the new relationship at first. Control the urge to "tell her/him off". The emotion may be there but give it time to cool. There may be a mismatch between your feelings and actions; for example: "I want to tell him/her off, but I'm courteous and businesslike".

## **Guidelines to Help Diminish Conflict:**

- Your mutual concern is the rearing of your children. Be businesslike. Be polite. Do not use bad language or name calling. Do not try to conduct business under the influence of alcohol or other drugs. If you feel yourself getting unbusinesslike, say so and agree to resume the conversation at a later time.
- Do not discuss any issues with the other parent in the presence of the children; limit your conversation when the children are exchanged to a simple "hello" and "good-bye".
- Any phone calls about the children should be limited to only one topic; tell the other parent in advance whether you are calling to discuss the children or some other issue.
- Do not send messages for the other parent through your child.
- Be very clear with each other about your plans for time with the children, include specific dates and time. Do not change any plans without first discussing the change with the other parent in advance.
- To be sure each parent has the same information, follow up the discussion of an arrangement or agreement in writing and send a copy to the other parent.
- Talk together with teachers, doctors, or other involved professionals to help resolve differences of opinion about what is best for your children.
- Each parent is responsible for their children's daily care when they are with them. It is important, however, for parents to consult with each other regarding any changes in the child's educational and medical care, in advance of the change.
- Above all, cultivate good will in the partnership of raising your children. Keep in mind the importance of your investment and the expected returns. The investment is what you are willing to do for your children's happiness and success in life. The returns are comfort and security for your children, and the knowledge their parents care enough about them to make their life free of conflict.



## RESOURCES

The list of resources below has been provided for your convenience. The Court does not endorse a specific agency, reference, book, or methodology.

### Parenting Classes in Monterey County

**Triple P (Positive Parent Program):** FREE 8 Weeks English & Spanish Monterey Co.  
**Community Human Services** <https://chservices.org/mental-health/parent-education-program/> 831-658-3811  
For parents of children aged 0-12. The Parent Education Program uses an evidence-based best practice curriculum recognized around the world as an effective means of teaching parents to understand the responsibility of parenting, and to learn communication and listening skills, safe and effective discipline methods, stress management, and how to resolve problems with respect and care. Triple P also helps build understanding of the stages of child development and the definition and effects of child abuse.

**SFP (Strengthening Families Program):** FREE 8 Weeks English & Spanish Monterey Co.  
**Partners 4 Peace** <http://www.partners4peace.org/services.html> 831-754-3888

**SFP (Strengthening Families Program):** FREE 8 Weeks English & Spanish Monterey Co.  
**Community Human Services** <https://chservices.org/mental-health/parent-education-program/> 831-658-3811  
For parents and their children aged 10-17.5, SFP reduces problem behaviors, delinquency, and alcohol and drug abuse in children, and improves social competencies and school performance and promotes family values and relationships. It is designed to improve communication and interaction between family members. The program increases protective factors and reduces risk factors for youth that lead to poor relationships with parents and problematic behaviors with youth, including substance abuse. Parents gain tools for effectively parenting teens and how to set limits and show love. Teens learn to resist peer pressure and to choose positive friends.

**The Parent Project, Junior** FREE 10 weeks English & Spanish Monterey Co.  
**Partners 4 Peace** 831-754-3888  
<http://www.partners4peace.org/parent-project--junior---loving-solutions.html>

Loving Solutions® is for PARENTS ONLY of troubled youth, ages 5-10. The Loving Solutions® curriculum is specifically designed for parents raising difficult, strong willed or highly impulsive children. With special application to ADD/ADHD issues, our hope is that Loving Solutions will bring about change in the home.

**The Parent Project, Senior** \$45/person, \$60/couple 10 weeks English & Spanish Monterey Co.  
**Partners 4 Peace** (Financial assistance is available!) 831-754-3888  
<http://www.partners4peace.org/parent-project--senior---changing-destructive-adolescent-behavior.html>

The parent Project is a class for PARENTS ONLY of youth ages 11-18. This class is designed for parent of difficult or out of control teens. The 12 week program utilizes the "Changing Destructive Adolescent Behavior" curriculum and provides concrete solutions and skills to help parents gain control over their household. This is the only program in the country that tackles the most destructive of adolescent behaviors. Classes are offered quarterly.

### Co-Parenting Classes in Monterey County

**Children 1<sup>st</sup>:** \$250/family English & Spanish 2 Classes 1.5 hours per class  
**Harmony at Home** <http://harmony-at-home.org/children-1st/> 831-625-5160  
A program for children ages 4-18 and their parents who are going through divorce/separation; parents and children meet separately in their own small group. Parent groups focus on communication, conflict resolution, and cooperation. Child groups focus on processing feelings. Classes in Carmel or Salinas.

## On-line Co-Parenting Classes

### Parenting After Separation: FREE

English & Spanish

4-6 hour class

<https://pas.familieschange.ca.gov/>

[www.familieschange.ca.gov](http://www.familieschange.ca.gov)

Parents online co-parenting class partly designed by the California Judicial Council, with a certificate of completion. Co-parenting guide for download and/or printing. Website includes interactive Children's guide, Teen's guide.

### Co-Parenting Online: \$39.99 or FREE with Court Fee Waiver

English & Spanish 4 hour class

<https://www.onlineparentingprograms.com/online-classes/co-parenting-divorce-class.html>

A self-paced class focusing on the children's needs for separated parents. Parents will learn skills to avoid common mistakes and effectively work together with their co-parent.

### Children In Between: \$45.95 or FREE with Court Fee Waiver

English & Spanish 4 hour class

<https://online.divorce-education.com/>

A class in co-parenting skills and common co-parenting problems with guided questions and reinforcing quizzes. Award-winning.

## Online High Conflict Co-Parenting Classes

### Parenting Without Conflict: \$99.99 or \$59 with Fee Waiver

English & Spanish 8 hour class

<https://www.onlineparentingprograms.com/online-classes/high-conflict-and-anger-class.html>

The Parenting Without Conflict class is a skills training method beneficial for high-conflict parents, including parents dealing with domestic violence during separation and divorce. It's a unique, proven effective program, because it focuses heavily on the "4 Big Skills" of: Flexible Thinking, Managed Emotions, Moderate Behaviors, and Checking Yourself. Parties will learn some very basic skills and information about divorce, family court, conflict, and parenting.

### High Conflict Solutions: \$130 or \$25 with Fee Waiver

English, only

8 hour class

<https://www.highconflictsolutions.com>

Designed to help protect children from conflict, by providing parents with skills to communicate effectively, learn calming strategies, and deal with common co-parenting conflicts. Highly interactive with text reminders to build on skills learned following each chapter. Impactful videos and customized quizzes increase learning and retention of new tools. Effective at reducing court time, repeat conflicts.

## Co-Parenting Websites/Apps for Co-parenting

<https://www.2houses.com/en/>

\$12.50/month per family

<https://amicable.io/amicable-divorce-app/>

Free

<https://appclose.com/#main>

Free

<http://coparently.com/co-parenting-tools-free-trial>

\$9.99/parent per month

<https://www.coparenter.com/>

\$12.99/parent per month

<https://www.fayr.com/app>

\$99 per parent per year

<https://www.ourfamilywizard.com/>

\$100 per parent per year (scholarships available)

<https://www.talkingparents.com/>

Free

<https://truece.com/>

\$99 per parent per year

## YouTube Clips about Co-Parenting

### The Effects of Divorce on Children, Part I

<https://www.youtube.com/watch?v=8DacqPZaAF8>

### The Effects of Divorce on Children, Part II

<https://www.youtube.com/watch?v=82xYQZiO1Ko>

### Three sisters' pain

<https://www.youtube.com/watch?v=MyqteA5PxGU>

### Little girl on the stairs

<https://www.youtube.com/watch?v=YsvQ7SsEFdQ>

## Free Websites Containing Links to Information and Court Forms

- [www.monterey.courts.ca.gov](http://www.monterey.courts.ca.gov) For information on Monterey County Local Rules of Court, hearings, calendars, etc.
- [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp) Self-Help Center web site with information on various legal issues. Click on "Forms" at the top of the page for fillable legal forms by number and title
- [www.sucorte.ca.gov](http://www.sucorte.ca.gov) Centro de Ayuda de las Cortes de California. Information in Spanish on various legal issues
- [www.co.monterey.ca.us/mcdcss/open\\_a\\_case.htm](http://www.co.monterey.ca.us/mcdcss/open_a_case.htm) Provides help with filing forms related to applying for Child Support Services: establishing paternity, obtain child and medical support orders, and enforce existing orders
- [www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org) Provides access to basic legal information and legal resources in California

## Non-Profit Legal Resources

- **California Rural Legal Assistance (CRLA)** - Free legal assistance for low-income people with issues of restraining orders and civil harassment orders, and evictions
  - Toll free number: (800) 894-0505
  - In Monterey: (831) 375-0505 or at 2100 Garden Road, Monterey, California 93940
  - In Salinas: (831) 757-5221 or at 3 Williams Road, Salinas, California 93905
- **Legal Services for Seniors** - Free legal assistance, for people over 60 years of age:
  - In Salinas: (831) 442-7700 or at 21 W. Laurel Avenue, Suite 83, Salinas, CA 93906
  - In Seaside: (831) 899-0492 or at 915 Hilby Avenue, Suite 2, Seaside, CA 93955
- **YWCA of Monterey County** - Free legal assistance with restraining orders and civil harassment orders.
  - Phone (bilingual): (831) 655-9222
  - 24-hour crisis line: (831) 372-6300 at 457 Webster St. in Monterey
  - In Salinas: (831) 422-8602 at 236 Monterey Street, Salinas, CA 93901
- **Lawyer Referral Services** - \$35 for a half-hour consultation.
  - Phone: (831) 582-3600
- **Aguila, Inc.** - Assistance with filling out documents for divorce and child custody for a fee.
  - In Salinas: (831) 758-0027 or at 93 Clark Street, Salinas, CA 93901

## Other Agencies

- **Monterey Department of Child Support Services**  
Phone: (866) 901-3212752 Address: La Guardia Street, Salinas, CA 93902  
<http://www.co.monterey.ca.us/government/departments-a-h/child-support-services>
- **District Attorney's Victim/Witness Unit**  
Phone: (831) 755-5072  
Address: 142 w. Alisal Street, Suite A, Salinas, CA 93902  
<http://www.co.monterey.ca.us/government/departments-a-h/district-attorney/victim-witness-unit>
- **Family Service Centers** - Offer a broad array of mental health programs for adults, children and families including domestic violence and anger management programs. Provide professionally supervised visitation and safe exchange services
  - In Seaside: (831) 394-4622 1178 Obama Way
  - In Salinas: (831) 757-7915 2650 Garden Road #B201

## BIBLIOGRAPHY

The list of books below has been provided for your convenience. The Court does not endorse a specific reference, book or methodology.

### Books for Parents

- 101 Ways to Be a Long-Distance Super-Dad by George Newman (Blossom Valley Press, 1981)
- A Guide to Divorce Mediation: How to Reach a Fair, Legal Statement at a Fraction of the Cost by Gary Friedman (Workman Publishers, 1993)
- Between Love and Hate: A Guide to Civilized Divorce by Lois Gold (Plenum Press, 1992)
- Caught in the Middle: Protecting the Children in High-Conflict Divorce by Garrity and Barris (Free Press, 1994)
- The Children's Book...For the Sake of the Children: A Communication Workbook for Separate Parenting After Divorce by Marilyn Erickson and Stephen Erickson (CPI Publishing, 1992)
- Crazy Time: Surviving Divorce by Abigail Trafford (Bantam Books, 1984)
- Divorce Decisions Workbook: A Planning and Action Guide by Margorie Engel and Diana Gould (McGraw-Hill, 1992)
- The Divorced Parent: Success Strategies for Raising Your Children by (William Morrow and Co., 1994)
- Families Apart: Ten Keys to Successful Co-Parenting by Melinda Blau (Putnam's Sons, 1994)
- The Good Divorce: Keeping Your Family Together When Your Marriage Comes Apart by Constance Ahrons (Harper Collins, 1994)
- Growing Up With Divorce: Helping Your Child Avoid Immediate and Later Emotional Problems by Neil Kalter (Free Press, 1990)
- Helping Your Child Succeed After Divorce by F. Bienenfeld (Hunter House, 1987)
- How to Win as a Step-Family by Emily and John Visher, 2nd Edition (Brunner/Mazel, 1991)
- Kids Are Non-Divorceable: A Workbook for Divorced Parents and Their Children Ages 6 - 11 by Sara Bondkowski (Buckley Publishing)
- Long Distance Parenting by Miriam Cohen, 1987 (New America Library, 1989)
- Mom's House, Dad's House by Isolina Ricca (Macmillan, 1980)
- My Kids Don't Live With Me Anymore by Doreen Virtue (Comp Care, 1988)
- Quality Time: Easing the Children Through Divorce by Melvin Goldzband (McGraw-Hill, 1985)
- Questions from Dad: A Very Cool Way to Communicate with Kids by Dwight Twilley (Charles Tuttle, 1994)
- Rebuilding When Your Relationship Ends by Bruce Fisher (Impact Publishers, 1981)
- Second Chances: Men, Women and Children a Decade After Divorce—Who Wins, Who Loses, and Why by Judith Wallerstein and Sandra Blakeslee (Ticknor and Fields, 1990)
- Sharing Parenthood After Divorce by Ciji Ware (Viking Press, 1982)
- Sharing the Child: How to Resolve Custody Problems and Get On With Your Life by Robert Adler (Adler and Adler, 1988)
- Strengthening Your Step-Family by Elizabeth Einstein and Linda Albert (American Guidance Service, 1986)
- Surviving the Breakup by Judith Wallerstein and Joan Kelly (Basic Books, 1980)
- Teens Are Non-Divorceable: A Workbook for Divorced parents and Their Children Ages 12 - 18 by Sara Bonkowski (ACTA Publications, 1990)
- Vicki Lansky's Divorce Book for Parents by Vicki Lansky (Signet, 1991)
- What Every Child Would Like Parents to Know About Divorce by L. Salk (Harper and Row, 1978)

### Books for Teens

- Coping When Your Family Falls Apart by D. Booker (Messner, 1979)
- Hey, That's My Soul You're Stomping On by B. Corcoran (Atheneum, 1978)
- How To Get It Together When Your Parents Are Coming Apart by A. Richards and I. Willis (Bantan, 1976)
- The Kid's Book of Divorce: By, For and About Kids by E. Rojas, Editor (Vintage, 1981)
- The Kid's Guide to Divorce by J. Brogan and U. Maiden (Fawcett Crest, 1986)
- Taking Sides by N. Klien (Pantheon, 1974)

### **Books for Middle School Age Children**

- Leap Before You Look by M. Stolz (Harper and Row, 1972)
- Uncle Mike's Boy by J. Brooks (Harper and Row, 1973)
- What About Me? by F. Spilke (Crown, 1979)
- What's Going to Happen to Me? When Parents Separate and Divorce by E. Leshan (Aladdin Books, 1986)

### **Books for Older Elementary School Age Children**

- The Boy's and Girl's Book About Divorce by R. Gardner (Bantam, 1970)
- Don't Make Me Smile by B. Park (Knopf, 1981)
- How It Feels When Parents Divorce by J. Kremetz (Knopf, 1984)
- It's Not the End of the World by J. Blume (Bradbury Press, 1972)
- Mom and Dad Don't Live Together Anymore by K. Stinson (Annick Press, 1985)
- Playing It Smart: What To Do When You're On Your Own by T. Navarra (Barron's, 1989)

### **Books for Young Elementary School Age Children**

- At Daddy's On Saturdays by L. Girard (Albert Whitman, 1987)
- How Does It Feel When Your Parents Get Divorced? by T. Berger (Messner, 1977)
- I Think Divorce Stinks by M. Lebowitz (CDC Press, 1989)
- Lucky Wilma by W. Kindred (Dial Press, 1973)
- Two Homes To Live In: A Child's-Eye View of Divorce by B. Hazen (Human Sciences, 1989)
- Why Are We Getting Divorced? by P. Mayle (Harmony Books, 1990)
- Books for Pre-School Age Children
- Changing Families: A Guide For Kids and Grown-Ups by D. Fassler, M. Lash and S. Ives (Waterfront, 1988)
- Daddy Doesn't Live Here Anymore by Betty Boegehold, Golden Books (Western Publishing Company, 1985)
- Dinosaur's Divorce by Lawrence Krazy Brown and Marc Brown (Little Brown and Co., 1988)
- Emily and the Klunky Baby and the Next Door Dog by J. Lexan (Pantheon, 1972)
- The Not So Wicked Step-Mother by Lizi Boyd (Puffin Books, 1987)
- To Live A Lie by A. Alexander (Atheneum, 1975)