

Joint Legal Custody, Lasting Family Peace

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Introduction

“Joint legal custody” (JLC) should be the goal of all separated and divorced parents peaceful and mature enough to focus together on their children. It represents the respectful cooperation that can help children and parents alike when parents are separated or divorced.

An important word of caution: JLC should not be used in certain cases. If there is risk of violence in a family or a current pattern of unpredictable, unsafe, or degrading behavior on the part of one or both parents, great caution should be taken before JLC is considered. JLC requires that parents have a peaceful, predictable, and respectful relationship with each other.

Understanding Joint Legal Custody

This is the simplest and best way to understand JLC: In JLC, separated and divorced parents make the major decisions concerning their children's upbringing in the same cooperative way that happily married parents do. And because separated parents with JLC are raising children between two homes, they actually commit themselves to even better communication and cooperation than is necessary between married couples living under the same roof.

Matters calling for joint resolution include ones of education, religious upbringing, medical and counseling care, and schedules. But they can also involve any issue either of the parents thinks is important enough to merit their joint input—discipline, curfews, allowance, extracurricular activities, diet, even matters of dress and body adornment (want your child tattooed without a chance to be heard?). A good rule of thumb is this: Just like in a happy marriage, if one of the parents thinks a child matter is serious enough for the parents to speak and act together, then the parents speak and act together; neither parent acts alone on these matters.

Here, then, are some basic features of JLC.

1. The parents maturely separate any personal disappointments with each other from



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their children's need for a courteous and cooperative partnership between the parents; the parents focus on their future co-parenting partnership, not their past personal relationship.

2. The parents respect and support each other's relationships with their children.
3. The parents treat each other as partners rather than competitors, and they treat their differing opinions as assets rather than obstacles.
4. Parents promptly share all important child information. When child issues arise, the parents seek each other's opinions, discuss options, and then make decisions together. They value the different perspectives each brings to their children's lives.
5. The parents respect that there will be differences in the ways their households run and in the ways they relate with their children. They may share opinions about such differences, but they don't try to make the other household run exactly their way.
6. If necessary, the parents reach out for the counseling, mediation, or other help that will make their joint parenting work. Like happily married parents, they work things out; they do not make unilateral decisions, and they do not take issues to court.

The contrast is quite stark between parental interaction (a) in happy marriages and JLC on the one hand and (b) in competitive separations on the other.

In Happy Marriages and in JLC	In Competitive Separations
Child needs put first	Parent resentments put first
Child information shared	Child information withheld
Opinions heard respectfully	Opinions discounted or ignored
Important child decisions made together	Important child decisions made alone
Separate parenting styles respected	Separate parenting styles demeaned
Unconcerned with the small stuff	Preoccupied with small stuff
Co-parent seen as an asset and a partner	Co-parent seen as obstacle or competitor



Conclusion: Some Reasons to Make Joint Legal Custody Work

The rewards to children and parents from a good JLC relationship are tremendous.

Children, who are already hurt by all the painful losses that go with their parents' separation, can at least have parents who make and implement decisions together—and children can see that their parents have remained a team for them.

Parents are also rewarded. They know that they'll be included whenever vital child-related decisions are being made. They know they'll never find themselves in an expensive and embarrassing court battle over what are properly parent questions. And above all, they know they are giving their children the gift of a cooperative, respectful, and predictable relationship between the two most important people in their lives.

For peaceful and mature parents, the rewards from grasping JLC and, if necessary, reaching out for counseling to help it succeed, can truly justify the effort.

