

By Stacy D. Phillips, Divorce Attorney

Our nation was founded with certain inalienable rights, rights that were won after a monumental struggle to establish a society in which all its citizens could be free and secure within its borders. Since the concept we all cherish became a reality more than 225 years ago, we have done a fairly good job of eventually including just about everyone under the Constitutional umbrella we know as the Bill of Rights.

I say "just about everyone", because it was only a few years ago that someone got the long overdue notion of including in the equation the victims of marital and paternity wars -- the children. It finally came to our attention that children had been largely ignored as citizens who must be accorded full protection under family law, even if it meant creating another Bill of Rights.

And so it came to pass that a little-known document has been drafted exclusively for the children of divorce and paternity cases known as the Child's Bill of Rights, a set of guidelines established and endorsed by the courts in all 50 states that must be preserved in any custody arrangement.

While each state's judicial system has its own family laws governing divorce law and custody issues, all the states embrace a general blueprint that was originally designed by the Wisconsin Supreme Court. I have taken the court's concept a step further by adding a few articles so it now resembles the U.S. Constitution's version even more strongly.

Divorce law and paternity are anguishing processes for adults, but they must remember that dissolution and custody issues have the potential to traumatize their children, indelibly injuring them to the extent it may endanger their growth into productive, loving adults.

Accordingly, here is our nation's other Bill of Rights, one that each American parent should store with their other treasured documents. Like the original, there are 10 of them:

- Divorcing parents shall enact no rules or regulations that impact each child's rights to be treated as a human being, recognized to have unique feelings, ideas and desires consistent with that of any other individual.
- Each child has a right to a continuing relationship with both parents.
- Each child is entitled to continuing care and proper guidance from each parent.
- Each child has the right not to be unduly influenced by either parent so as to view

the other parent differently.

- Each child is entitled to an explanation that the impending action of divorce was in no way caused by the child's actions.
- Each child has the right to express love, friendship and respect for both parents.
- Each child is entitled to honest feedback with respect to a change in the family structure and its impact on the changing relationships of the family.
- Each child has the right to maintain regular contact with both parents and to have a clear explanation for any change in contact.
- Each child has a right to never be employed as a manipulative bargaining tool in custody negotiations or in any interaction between the parents.
- Each child is entitled to a safe, healthy and loving living environment.

I cannot emphasize strongly enough the importance of these guidelines. I have been a participant in hundreds if not thousands of divorce, custody and paternity cases, and all too often, the adults become so wrapped up in their own emotions that the children are ignored. The turmoil that goes hand-in-glove with dissolution or custody proceeding is wrenching for everyone, but children are the least equipped to deal with the irrevocable separation of their parents. We have to remember to be there for them, especially at the most anguishing of times.

From my perspective, it is a matter of priorities. And the children should be priority Number One.

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