

PARENTRAP

BY / JESSICA BRAM

COFFEE WITH THE ENEMY

DESPITE

my daily self-admonitions to stay positive, I will admit that the process of legally ending my marriage and dividing our assets was dreary, tedious, and difficult. But without question, the worst of it — the most frightening and tension-producing — the part that hit me most intensely in the gut — was when the issue of the children's custody came up.

"Parental access and custody are very charged issues," my lawyer had warned. Little did I realize at the outset of the discussions not only how charged but hair-trigger explosive these issues could truly be. The heat and energy generated on both sides by custody issues seemed to come from some organic place, fueled by their own internal, combustible power. The same place, no doubt, from which comes that overpowering parental urge to protect our young, even if it means laying down our lives. The way I felt about my children — the way my husband felt about his children... there would be little room for rationality here.

Sure enough, it took almost no time at all for our discussions, spear-headed by our lawyers, to turn ugly. As opening gambits, each of our lawyers nudged us toward the most incendiary path possible. For strategic negotiating purposes I was told to demand full custody, even though the last thing I wanted to do was distance my sons from their father. But by asking for full custody and settling for joint, my lawyer explained, we could get something in exchange. It began to feel uncomfortably like a chess game, with my children the pawns who would eventually be knocked off the board.

But it wasn't until a certain phrase was used — Bill's lawyer's opening gambit, no doubt — that I knew that things had gone beyond ugly and were about to spiral out of control. In order to obtain maximum custodial access to our sons, my husband, it was reported to me via the lawyers, was calling me an "unfit mother."

When my lawyer repeated those words to me, I was sickened to the

bottom of my soul. I knew one thing with dead certainty. I knew that Bill, whose sons never missed a meal or a doctor's appointment or arrived late at preschool — would never have used those words to describe me. "Unfit mothers" were drug addicts or women who neglected or abandoned their children outright. And yet he had let his lawyer use those words. The audacity and the cruelty of it were breathtaking. What had things come to?

Even though I dreaded every minute of the impending custody negotiation process, I was armed for battle. I was a tigress who would kill before letting another animal approach or abduct her cubs.

My lawyer began to prepare me for what steps we would need to take to satisfy a judge about my fitness as a mother. Lists of all the functions I regularly performed for my children. School records and records of inoculations. I might need a few character witnesses. And of course, I was to expect to incur some sizable legal fees.

Could it get any worse, I thought? I was sick to my stomach.

And then the miracle happened, as miracles sometimes do when I most need one. Or maybe it just felt like a miracle in the guise of a very wise therapist. Rather than listening and offering gentle suggestions as she usually did, this soft-spoken Argentinean woman spoke up with uncharacteristic firmness.

"If there's one thing I can tell you, it's this: You must, must, remove the lawyers from any discussions regarding the children. Anything having to do with arrangements regarding the children must be worked out by you and their father alone. No one else can make those decisions. You can consult me, the child psychologist, whomever you need to consult throughout the process. But the decisions must be yours alone — yours and their father's.

"I have seen what can happen when these issues are settled in a courtroom," she continued. "Families are destroyed. Children are traumatized. It's a heartbreak. The only ones who benefit are the lawyers."

"But how could we possibly negotiate anything as complicated as a cus-



todial access agreement?” I asked. “I just don’t think we’re capable....”

“No one is better qualified to decide what is best for your children than the two of you, their parents. Think of it. You two know them best, and know what’s going to be best for them. No one else — and certainly not a judge or a lawyer.”

What she was asking was more than overwhelming — it was impossible. Things had been so contentious between us for so many months now, I dreaded the thought of trying to speak to Bill directly about anything.

“But how?” I asked. “We can’t even be in the same room any more without fighting.”

“Start with a cup of coffee,” she answered.

It was not something I wanted to do. But this admonition had come from someone I trusted intensely. There seemed to be little choice. If I was a tigress protecting my cubs, I had to go to any lengths.

Bill agreed to meet me at the local diner where we had eaten with the children many times. Clearly startled to receive my phone call, Bill had given brusque, one-word replies to my suggestions that we meet to discuss the children. Across the booth, his face was now as hard as I had ever seen it, encased in suspicion and hostility. It seemed surreal. Here we were practically in arm-to-arm combat, surrounded by people

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chatting, enjoying breakfast, and going about their everyday lives. At least it would force us to keep our voices down, should things erupt as they sometimes did.

We ordered coffee. I had thought long and hard about what to say and how to present this novel concept that we write and negotiate a custody agreement alone, without lawyers to guide us. But in the end the words were not important — not how clear I sounded, how organized my thoughts, how much or how little confidence I seemed to exude in this delicate discussion. What was important was the message, nothing more. This was about our children.

“No one knows those boys, no one loves them and understands them, as you and I do. I don’t want a judge telling us how to raise them. I don’t think you do either. We have to do this ourselves. Without the lawyers,” I said.

Bill eyed me with suspicion. I had been married to this man long enough to be able to read his thoughts. What was I up to? Was this a manipulation to somehow give me the advantage?

I continued. “If it’s just you and me writing that agreement — deciding when they come and go, how they live, what’s best for them — it’s the only

“Anything having to do with arrangements regarding the children must be worked out by you and their father alone.”

way we can protect them from whatever damage a divorce is going to do to them. That has to be our overriding goal.”

Like a momentary ray of sunlight piercing a thick storm cloud, Bill’s expression softened and he nodded, though only slightly. “Yes,” he said. For just a moment I could see the graduate school student who took long bike rides with me and had once been my best friend.

It was his turn to speak, and the hostility was gone from his voice. “I’ve thought about this a lot,” he said. “You don’t know how much I want to keep the boys completely separate from all this. Keep them in a kind of bubble, completely removed. Or... you know how in the ancient synagogues they used to keep a fence around the Torah, to keep it protected? That’s what I want to do for those boys. Put a fence around them.”

“Yes,” I said.

“And there’s something else too,” Bill said. “It’s important that these discussions be completely unrelated to any financial or property decisions. There can’t be any quid pro quo between money and my access to the children.”

This had not even occurred to me. It sickened me to think that parents might use their children in this way, as bargaining tools to gain financial advantage. Perhaps his lawyer had warned him.

“Of course,” I said. And we began.

“Let’s start with the weekends,” I said. “I agree that every other weekend is the way it’s usually done. But they’re still so little. Maybe just for now we should split every weekend, so they don’t have to be away from either of us for more than a day at a time. Then later — in six months or a year, maybe — we can go to alternating weekends....”

The cups of coffee were refilled several times. Our voices remained calm and businesslike. We agreed to each make a list of what we saw as all the issues — weekends, vacations, medical decisions — and work them out on the phone, one by one. We would continue the next day.

“There’s one more thing I need to say to you,” I said, as Bill pulled out his wallet to pay the check. He looked at me, and the storm clouds were back.

“I will never believe,” I said, speaking slowly and carefully, “that you would ever, ever — that you did ever — call me an unfit mother.”

He stared at me, unmoving. His face was hard, but not hard enough to conceal a shadow that fell across his eyes. Was it a shadow of remorse? This time I could not tell.

Almost imperceptibly, he moved his head side to side: “No.” Then he was gone.

It took many months. The process was not easy. We seemed to begin every issue in diametric opposition to each other. He wanted the boys for at least half of every summer; I wanted their maximum time away from me to be a week while they were young, maybe two weeks when they became teenagers. I wanted his weekends with them to begin Saturday morning and end at five o’clock in the evening on Sunday; he argued that his weekend should begin immediately after school on Fridays and extend to the start of school on Monday mornings. Many times the conversations became brittle. Emotions surfaced. Three factors were always in play, each working against the other: The first was the time Bill wanted with these children he adored. The second was the time I wanted with these children I adored, along with my absolute certainty that nobody, not even Bill, could take care of them as well as I could. Then came a third factor: what was best for our sons’ lives. Among these three forces was a natural tension that very often led to opposing solutions. Sometimes we reached an impasse. When this happened, we went back to my therapist’s words.

“Keep in mind, in every discussion, in every conflict, this is not about

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'what you get.' And it is not about 'what he gets.' This is about what is best for the children. That must be your guiding principle in every situation. Even if the solution feels uncomfortable to either of you, you must remember that this is not about either of you. It is about them. It is about giving them the best lives you can give them."

We concluded that what would make the children happiest was to wake up on Saturday mornings and not immediately have to run out to their father's house on alternate weekends but to be able to have their lazy mornings watching cartoons in their pajamas as usual. So I agreed that the "custodial access weekends" would begin Friday evenings just before dinner. We talked about Sunday evenings, those difficult times when the anxieties of the upcoming school week always seemed to creep back into our children's lives and behavior. We agreed they would come home to their "primary residence" — my house — by Sunday at five o'clock in the evening. This would give them plenty of time to prepare for Monday morning, both practically and emotionally.

The discussions went on and on, at times seeming interminable. Who would choose the pediatrician, the orthodontist? What happened if a child needed therapy — who decided, and who paid? What about grandparents? We both agreed we wanted the children to have plentiful and ready access to all of their grandparents — but on "whose time" would the visits occur? What about religious holidays?

We knew of other divorcing parents who, when making custodial arrangements, left a good many decisions up to the children themselves. Sometimes a child could even decide with which parent he wished to live. This we deliberately would not allow. We would present to our children the guidelines that would govern their comings and goings as a fait accompli. The times they spent with their father, or with their mother, would be carved in stone. Our intention was to protect our children from the emotional torture of ever having to choose between parents — whether for a Saturday, a vacation, or their entire lives.

When we were finished, we sent my lawyer a thick document detailing what we had agreed, instructing him to create a legal agreement. Our attorneys reviewed what we had decided; and they did at times point out certain things we had omitted or left vague. But our instructions to them were clear. First, the decisions we had reached were final, and not up for discussion. Second, as Bill had suggested, none of this would be in any way connected to, or contingent upon, any other agreement we would

later develop regarding finances or property. This would be a stand-alone document, separate and protected. As though in a bubble, or surrounded by a fence.

That was over a decade ago. The children have now reached their teen years and beyond. How did these children of a painful, difficult divorce turn out? I can say this unequivocally: that the way we raised them as children who belonged to two separate homes, governed by the agreement that we tediously began to hammer out over that long-ago cup of coffee, is the one thing, in my life at least, I can call an unqualified success. Our three boys grew up confident and secure in two different, peaceful, loving homes. Never having had to choose between their parents, they have close, comfortable relationships with both their father and me. They get along well with each other and with friends. There have been girlfriends, some long-term. All three have excelled in school, with the two oldest attending Ivy League colleges. The fact that their lives were not cradled in wall-to-wall comfort, that they had extra responsibilities— remembering in which house their schoolbooks were left, helping their mother shoulder difficult household chores, preparing their week's assignments while keeping in mind in which house they would be spending the night — only made them more capable and mature than a good many of their peers. Mostly, I believe that they are truly secure — as only children with reliable, mature, and loving parents can be. ❁

Jessica Bram's personal essays have been published and syndicated in national and regional newspapers and magazines, including The New York Times, NY Times HERS column, Child Magazine, Country Accents and the Gannett Newspapers. She was formerly special sections editor of the Fairfield County Business Journal and a freelance journalist. Jessica Bram is also founder of the Westport Writers' Workshop, where she teaches private workshops in creative nonfiction, memoir, and essay writing. www.westportwritersworkshop.com.

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