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IN THE BEST INTEREST OF THE CHILDREN

The following are suggestions to the client involved in a contested divorce case that is either seeking custody or seeking to retain custody of the children. The suggestions also apply to the parent who is simply going to be the "single parent" with certain temporary custody rights. However, always remember that there may be a change of custody in the future and therefore, the following suggestions should always be taken into consideration.

These suggestions are made for the present and future benefit of your children and the goal should always be to improve the children's life and to better provide for their needs. You should not expect to accomplish all these suggestions in a week or a month. I encourage you to supplement this list with items which you will find appropriate, and in the best interest of the children. Write these down on the back of this page as they come to your attention. Do it when the thoughts enter your mind and then, periodically, read again this entire list of suggestions.

Remember: Everything you do or do not as a parent may have an effect on your children and their future. All you can do is to try to act in the children's best interest and this is something you should do at all times.

FOR THE NON-CUSTODIAL PARENT SEEKING CUSTODY

1. Exercise your visitation rights to the maximum. See, visit, and really get to know your children. Study the real needs of your children and really listen to what they have to say, and equally important, what they are not saying. Do not pick or attempt to become a private investigator and do not talk disparagingly or belittle your spouse. Enjoy the time you spend with the children and allow them to enjoy you.
2. Start and keep a diary of events in order to remember and be able to point out dates, witnesses, facts, etc.... when necessary.
3. Study and learn (not only study but actually learn from your study) how to be a better parent. Begin by selecting from the bookstore or library one or two books on child care, child raising, and parenthood. You can subscribe to Parent's Magazine or other specialized publications. Read all you can on the subject of children, children's development, parenting, and how to be a good parent. If a class or study course in this general area becomes available, attend it.

4. Attend the church activities of your choice. Become active in the affairs and social activities of your church. Get to know and know by those who actively participate. Take the children with you to these activities whenever possible.
5. Devote part of your spare time to civic endeavors and work with youth groups such as the Boy Scouts, Girl Scouts, Little League, Campfire Girls, Big Brothers or group sports and competition for children. Make your contributions to these or other worthwhile organizations and groups. Actively participate and get to know your children and how to play, develop, and grow. Become a student of children and learn from them.
6. You should consider joining one or more organizations such as Parents Without Partners or some other similar group whose objective is to assist individuals who are parents but not living with the other parent. Find a person or group with whom you can talk and discuss your feelings, frustrations, and problems without embarrassment.
7. Work up a plan as to how you would provide care, love, guidance and meet the needs of your children if you should be awarded custody. Examples: Where the children would live, their daily routine, who would care for them when not in school and when you are not physically present; educational and religious plans; work out visitation plans for the other parent (be liberal in your thinking and planning); develop a worktable, reasonable, and logical daily routine for the care of your children and if possible, point out how you plan, care, and attention to the needs of the children is better than the existing one and how it will be better and more beneficial for the children in the future.
8. Work up a list of relatives, close friends, and neighbors who will actively assist you in providing for the needs of the children. Enlist these people and involve them with you and the children. Have your children get to know these people and establish and nourish a real meaningful relationship between these individuals, the children and yourself. This must be a real thing. The children know who is and is not interested in them. Remember, it is the children's welfare that is at stake and the name of the game is what's in the best interest of the children.
9. Make sure the physical facilities of your home are totally adequate for the children. Try to step outside yourself and view the situation from a neutral vantage point. Look at it with a critical eye to be able to realize where improvements and changes are needed and make them. A clean and well organized home is necessary. The children must have adequate shelter, food, and around-the-clock care, attention, love, supervision, and discipline.
10. Develop common interests with your children. Become a part of, share, and enjoy their world with them. Do not forget their birthdays, Christmas, and other special occasions which mean so much to children. It is not just gifts, but it is also giving of yourself and

your home. Be a real parent and be interested in their school work, outside school activities, their sports, clubs, organizations, friends, and their plans for the future.

11. Make a study of the schools your children would be attending if living with you. Know and familiarize yourself with bus services or other transportation, etc. and have a general knowledge of this important area of your child's development.
12. Obtain friends, relatives, neighbors, bosses, fellow employees, and church members who would be willing to testify in court as to your behavior patterns, reputation, responsibility, and fitness as a parent. You will need to discuss this frankly with each of these people. Give me their names and addresses and a brief statement as to what they are able and willing to testify to in the actual trial of your case.
13. You need to honestly prepare a statement of constructive criticism of the parent having custody. Be fair, accurate and put down facts and circumstances that can be proven or on which proof should be obtained. This is a list of why a change in custody is necessary. This should be detailed and should be in readable form. You should forward the list to me as soon as possible.
14. During the time the children are with you, try out and put into effect all you have learned about being a better parent. Get to really know your children. Observe how you and they interact with others, including friends, relatives, the neighbors, and even strangers. Find out if you really believe you can do a better job as a parent and custodian than is being or has been done by the other parent.
15. Read, study, and follow the advice and suggestions contained in parts 6-11, below.

FOR THE PARENT SEEKING TO COTINUE AS CUSTODIAN PARENT

If you already have custody, then the burden will not be quite as heavy, but you still will be required to show the kind of care, custody and attention you have and are giving to your children.

1. See, read, study, and follow the applicable suggestions above. It is most important that you fully comply with each suggestions contained in those paragraphs.
2. Prepare a detailed list of logical, factual, and provable reasons why there should not be a change in custody. Make an orderly itemization of all reasons why it is more beneficial for the children to remain where they presently reside and include in this list, check and recheck it to ascertain if in fact you are providing, on a daily basis, the advantages you claim – if not, do so! Next, add to the bottom of this list the names and addresses of all witnesses who can and will testify (can and will is important) to these facts. Doing this is

most important insofar as the court is concerned. It has to be seen and noticed by others and they have to be willing to come to court and testify as to the good care, love, supervision, discipline, and devotion of time provided by you for the children.

3. Make a list of the playmates and close fellow classmates, together with their ages, who play or have played with or have close association and ties with the children and include all the school, social, and church activities and organizations the children participate in and the frequency of these activities. Be prepared to show the disruption which would occur in the life of the children should there be a change of custody.
4. Take photographs of the home where the children live, their play area (yard), the living quarters (inside and out), the neighborhood in general, the parks in the area, the school, etc. Be prepared to show and prove that these surroundings are beneficial for the children.
5. Obtain a copy of the children's health record from the attending physician and have this medical expert be ready to testify as to the health care the children receive, if necessary.
6. Have, maintain, and show an open, healthy attitude toward visitation for the other parent. The children need the love of both parents and your own attitude in this respect is important to the children and will be noted and given some weight by the court.
7. In addition, your own emotional and physical health is an important factor which will be considered by the court. It is therefore, most important for you to be composed and in full control at all times and to be able to prove your maturity, responsibility, and control.
8. As a follow-up on the above, your outlook on life, your philosophy of living, and your sense of values, together with your ability to live a reasonable "normal" and hopefully most happy home atmosphere are other items which will be looked for by the court. Your zest for living and for life and your ability to adjust to the demands of life are important parts of this whole picture we are attempting to paint for the court.
9. To this point nothing specifically has been mentioned about material matters (dollars and cents)and this has been on purpose. Of course, there must be sufficient funds and support available to adequately provide shelter, food, clothing, some recreation, and some small luxuries. These things are deemed essential but the mere fact that one parent can "outdo" the other in this area is not the sole test or deciding factor. The other items listed and suggested herein are also important. A nice balance is what is sought and desired. Remember, you need dollars and cents but you cannot buy happiness for the children.
10. Discipline is also very important. Saying "yes" all the time would be just as wrong as saying "no" consistently. So long as you are consistent, reasonable, and fair, discipline at the right time for the right reason is not only important but also vital.

11. What about your needs? These also have to be considered. The court will recognize that as a human being you too have needs. It is how you fill these needs that is important... In short, do not ever forget that your first duty and responsibility should be to adequately provide for the children's security, safety, and the necessities of life. However, as an adult, you should be capable of and are required to intelligently make sure that your needs are fulfilled. You are able to be a better parent when you are also enjoying life and are not hostile toward or frustrated with the world and life in general.

I hope my suggestions will serve as a starting point for your never-ending study of how to become a better parent. Whether you gain or lose custody, you are still a parent and, as such, vital to your children and their future development.

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REQUIRED DOCUMENTS

Please read this list thoroughly and start gathering as many of these documents as you can, since many of them may be required from or by you in the immediate future and it may take some time to obtain them.

A complete picture of the assets and income of both spouses is absolutely necessary. By providing me with the information and documents requested below, you will save time and money and will assist me in the preparation of pleadings and documents required in our case. In addition, possession of these documents will help in preventing your spouse from dissipating or secreting any assets.

Please make a list of the documents which exist and you are totally unable to obtain and mail it to me as soon as possible. I will then attempt to assist you in obtaining them.

The following documents should be gathered by you and be available for inspection and copying upon request.

ESTIMATED TAXES Income tax records, including estimated tax returns, W-2, 1099, and K-1 forms, payroll stubs, and all other evidence of income since the filing of your last tax return.

INCOME TAX RETURNS Personal, corporate, partnerships, joint ventures or other income tax returns, state and federal, including W-2, 1099, L-1 forms, in your possession or control for the past five (5) years.

PERSONAL PROPERTY TAX RETURN Filed in this state or anywhere else for the past five (5) years.

BANKING INFORMATION All monthly bank statements, passbooks, check stubs or registers, deposit slips, canceled checks, and bank charge notices on personal and business accounts, certificates of deposit, money management, and retirement accounts in your possession

or control from banks, savings and loan institutions, credit unions or other institutions, which have been or are maintained at any time for or by you, individually, jointly or as a trustee or guardian, and in which you sign or have had any legal equitable interest.

FINANCIAL STATEMENTS Submitted to banks, lending institutions or any other persons or entities, which were prepared by you or on your behalf at any time during the last five (5) years.

LOAN APPLICATIONS Submitted to banks, lending institutions or any other persons or entities, which were prepared by you or on your behalf at any time during the last five (5) years.

BROKER'S STATEMENTS All statements of accounts for all loans applied for, whether approved or not, for the period of the last five (5) years.

STOCK, BOND AND MUTUAL FUNDS Certificates, held individually, jointly or as a trustee or guardian including any stock brokerage accounts maintained and statements during the marriage.

STOCK OPTIONS All records pertaining to stock options held in any corporation or other entity, exercised or not exercised.

PENSION, PROFIT SHARING, DEFERRED, COMPENSATION AGREEMENT, AND RETIREMENT PLANS Or any other kind of plan owned by you or by any corporation, in which you are or have been a participant during the marriage.

WILLS AND TRUST AGREEMENTS executed by you or in which you have a present or contingent interest or in which are named a beneficiary, trustee, personal representative or guardian and from which benefits have been received, are being received, or will be received and which are or were in existence during the past five (5) years, including vivos trusts. All records of declaration of trust and minute books for all trusts to which you are a party, including the certificates, if any, indicating such interest and copies of all statements, receipts, disbursements, investments, and other transactions.

LIFE INSURANCE or certificate of life insurance currently in existence, insuring your life or the life of any other person, in which you are named as either primary or contingent beneficiary, including any disability insurance currently in existence.

GENERAL INSURANCE policies, including, but not limited to, annuities, health accident, casualty, motor vehicles of any kind, property liability, including contents insurance in which you are or have been the names insured for the last three (3) years.

OUTSTANDING DEBTS Documents reflecting all debts owed to you or by you, secured or unsecured, including personal loans and lawsuits now pending or previously filed in any court, showing the name of the debtor and/or creditors, the date each debt was incurred, the total amount and the unpaid balance.

ACCOUNTS PAYABLE AND RECIEVABLE Ledgers in your possession and control that either personally or business-related, together with all accounts and journals.

CASH RECEIPT BOOKS calendar of events, retainer contracts with attorneys, evidence of budgets, cash projections, and other financial documents in your possession. This applies to all such items in existence during the term of the marriage.

REAL PREPERTY All deeds, closing statements, tax bills, appraisals, mortgages, security agreements, leases, and any other evidence (including monthly payments and present principal and interest balances) evidencing any type of interest or ownership, whether as owner, co-owner, fiduciary, trust beneficiary (vested or contingent), partner, limited partner, shareholder, joint venturer, mortgagee, developer, manager or otherwise, during the term of the marriage; together with evidence of all contributions, in cash or otherwise, made by you or on your behalf, toward the acquisition of such real estate during the marriage or thereafter.

SALE AND OPTION AGREEMENTS on any real estate owned by you either individually, through another person or entity, jointly or as trustee or guardian.

PERSONAL PROPERTY Documents, invoices, contracts, and appraisals on all personal property, including furniture, fixtures, furnishings, equipment, antiques and any type of collections, owned by you individually, jointly, as trustee or guardian or through any other person or entity during the term of the marriage, together with the amount of their respective liens.

FIREARMS Registrations, issued or pending receipt of governmental registration documents, owned, possessed or controlled by you during the last five (5) years.

MOTOR VEHICLES Purchase orders, contracts, financing agreements, invoices, appraisals, lease agreements, registrations and payment books, and titles to all motor vehicles owned by you, individually or jointly, at any time during the last five (5) years, including airplanes, boats, automobiles or any other type of motor vehicle.

CORPORATE INTERESTS All records indicating any kind of personal interest in any corporation (foreign or domestic) or any other entities not evidenced by certificates or other instruments.

PARTNERSHIP AND JOINT VENTURE AGREEMENTS to which you have been a party during the marriage.

EMPLOYMENT records, during the term of the marriage, showing evidence of wages, salaries, bonuses, commissions, raises, promotions, expense accounts, and other benefits or deductions of any kind which were, are or may be paid, available, credited or withheld for any purpose by any individual or entity or to which you were, are or may become entitled in the future.

FRINGE BENEFITS All records evidencing any benefits available to you from any business entity in which you have legal or equitable ownership interest including, without limitation, auto, travel, entertainment, educational, and personal living expenses.

EMPLOYMENT CONTRACTS under which you are performing services and/or rendering merchandise or materials, or under which someone is indebted to you for services and/or merchandise and materials evidence (including monthly payments and present principal and interest balances) evidencing any type of interest or ownership, whether as owner, co-owner, fiduciary, trust beneficiary (vested or contingent), partner, limited partner, shareholder, joint venturer, mortgagee, developer, manager or otherwise, in cash or otherwise made by you or on your behalf, toward the acquisitions of such real estate during the marriage or thereafter.

BUSINESS RECORDS If you are self-employed, a partner or own more than 10 percent of the outstanding capital stock of any corporation, please produce Financial Statements, Broker's Statements, Life Insurance, General Insurance, Outstanding Debts, and Fringe Benefits, as specified above.

CHARGE ACCOUNTS controlled by you or authorized for your personal or business use, including all statements and receipts received by you in connection with the use of such charge accounts, together with a list of those business where you are or have been authorized to charge purchases to the account of another person or entity, during the marriage.

MEMBERSHIPS Cards or documents identifying participation rights in any country clubs, key clubs, private clubs, associations or fraternal group organizations during the marriage, together with all monthly statements.

JUDGEMENTS and pleadings in which you have been a party, either as plaintiff or defendant, during the marriage.

GIFTS All records pertaining to gifts of any kind made to you or by you to any person or entity, together with all records in connection with the transfer of personal property, by sale, gift or otherwise, during the marriage.

CHARITABLE CONTRIBUTIONS receipts, canceled checks or other tangible evidence of charitable donations made by you.

MEDICAL bills, prescriptions, evaluation reports or diagnosis for psychiatric treatment received during the last five (5) years.

TELEPHONE and long distance charges received by you in the form of monthly telephone statements for telephone numbers which have been in your name or the name of any corporation, partnership or other entity , in which you are a major shareholder, officer or director for the period of the past three years.

TAPES AND PHOTOGRAPHS All written memoranda, reports, and photographs submitted to you or your attorney by any person other than you, all tape recordings and other evidence prepared from tape recording made by you.