

WRITING AN IRONCLAD CUSTODY ORDER TO PROTECT YOURSELF FROM THE NARCISSIST

www.lesnik-law.com

Tiffany A. Lesnik, Attorney (Raleigh, NC)



Summary:

Are you in the middle of a custody case or about to start one and need tips on what to include in a custody order or what not to include in the custody order so that you and your children are safe? This class is taught by a family law attorney who has practiced in the areas of domestic violence and high conflict custody for over ten years. Learn ways to create language that provides loopholes for you and the children but tightens the grip for your narcissistic co-parent.

LEGAL CUSTODY

- Joint Legal – Both parents have the same authority over MAJOR decisions (school, medical, spiritual) concerning the children.
- Split Legal – one parent has decision-making authority over medical and therapy another parent has decision-making authority over education (with education you may want to spell out whose address will be used for registering children at school).
- Primary/Sole Legal – one parent has the ability to make the final decision with or without conferring with the other parent even if they don't agree (whether you must discuss issues will be determined by your order).



GENERAL PARAGRAPH: The parties shall have joint legal custody. All major decisions concerning the health, education, and religious training that would require a commitment of time or money by the other party, and welfare of the minor children shall be mutually discussed and decided together after a good faith discussion. The day-to-day decisions regarding the children shall be made by the parent who has custody of the children at that time.



Q. How in the world can you have a reasonable discussion with a narcissist?

A. You Can't!

NOTES:

LEGAL CUSTODY PROTECTION TIPS:

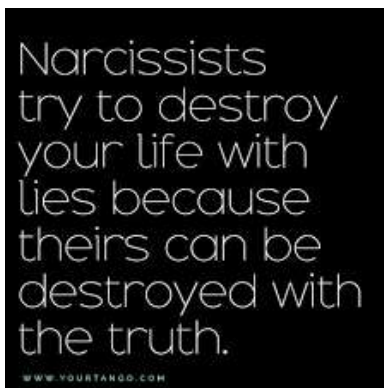
1. Sign up for a parenting communication application, such as Our Family Wizard and only communicate through this application. Limit your communications to one venue. It is easier to track.
2. Post all of the children's appts and important school events on OFW or a Google calendar (prior to the event) and share it with your co-parent so that they cannot say that you did not provide them with the information.
3. Only communicate in writing! Document that evidence. You know that phone call is only going to lead to gaslighting, don't you?
4. Remove the part of the paragraph that requires a good faith discussion beforehand (if you can) but always make sure to keep the other parent up to date beforehand when possible and as soon after (when not). Failing to keep the other parent up to date could result in a loss of legal custody or even physical custody.
5. Communications
 - a. BIFF, explain: who, what, when and where. (The judge may be reading your messages; will it be clear what you are saying quickly?)
 - b. Do you want the court reading what you just said? If not, do not send it.
 - c. Give a deadline for responses, if he/she does not respond do not follow back up again, just make the necessary decision.
6. Give the other co-parent equal access to school and medical records so that they have to go get the records themselves rather than relying on and blaming you when they do not receive them.
7. **Stop saving him/her!** Women tend to intervene to save their children from any adverse effects before the narc can do his damage. This creates a situation where you are exhausted, and the narc looks perfect because you are cleaning up the mess before it is created. Let him make a mess so that you have the evidence for court!
 - a. Example: refuse to tell the narc about an upcoming doctor's appt. because you are afraid that he/she will cancel the appt. or worse come to the appt. and make a fool out of themselves. Let them. There is nothing that the court hates more than a parent who interferes with a child's ability to get medical help. Use their behavior against them.
They are going to get two feet of rope...you can either give it to them and let them hang themselves or let the judge give it them to give them more chances.

NOTES:



BETTER LEGAL CUSTODY PARAGRAPHS:

- A. In the event that the parties cannot mutually agree regarding major decisions affecting the children they shall defer to the recommendations of the professional then treating the children at the time (whether that be a teacher, counselor, doctor, etc.). (If they will not agree to a teacher, doctor, therapist – then just say professional working with/treating the child.
- B. In the event that the parties cannot mutually agree regarding major decisions affecting the children then mom shall get to make the final decision.
- C. The parties shall have joint legal custody. All major decisions concerning the health, education, and religious training that would require a commitment of time or money by the other party, and welfare of the minor children shall be discussed between the parties in writing at all times except in the event of a true medical emergency in which text/phone may be allowed for that one event.
- D. The parent with primary physical custody shall have primary decision-making authority.
- E. The parties shall have joint legal custody. (That is it! Sometimes simple is best).
- F. A parenting coordinator or guardian ad litem shall be appointed and shall make the final decision in the event that the parties are unable to do so. (Only agree to this if you know who the parenting coordinator/guardian ad litem is in advance). This is a hail Mary and last resort.
- G. In the event that the parties are unable to reach a mutual agreement, they shall submit themselves to binding mediation or arbitration, within one week, (make sure to include a deadline) with the fees split _____ and the mediator or arbitrator shall make the final decision. *(It is even better to name the mediator or arbitrator in the order so there is no disagreement about the person later).*
- H. The children shall continue to see _____ medical provider/therapist and the parents shall follow all recommendations of that provider and shall be encouraging of the process and ensure that the minor child(ren) take medication as prescribed.
- I. The children shall continue to attend X school until the parties mutually agree otherwise in writing.



NOTES:

PHYSICAL CUSTODY

- a. **Joint/Shared Custody** – Is any custody arrangement where both parents have “some” time, can include an order that only grants one parent visitation or where one parent has primary, so long as each parent has some time it is joint. *Do not get hung up on terminology with the narc. If they want the term “joint” and are willing to take 8 hours of time, take that offer!*
 - i. **For Child Support Purposes in NC** – joint/shared custody if both parents have at least **123 overnights. 123 is the magic number in NC!**
 - ii. **Custody Affects Child Support** because it is based upon the # of overnights that each parent has. Once a parent gets to 123 overnights then for CS purposes, you would use Worksheet B, shared/joint custody and child support is reduced.
 - iii. **** Tip – If you can afford it – negotiate custody for CS**
 - iv. I don’t include holidays and vacations as part of overnights but some attorneys will
- b. **Split Custody** – One parent has one child, and the other parent has the other child or children.
- c. **Primary Custody** – Where one parent has the majority of time or overnights (more than the other).
- d. **Sole Custody** – Generally, where one parent has the children 100% of the time or there are extremely limited visits such as supervised visitation a couple hours a week.

PHYSICAL CUSTODY SCHEDULES

- a. Keep it simple and do not make it too complicated or too flexible. That does not work with the narc.
- b. Keep your children’s extracurriculars in mind when creating a schedule.
- c. 50/50 Schedules:
 - i. 50/50: week on/week off (two weeks+ on and off). **Better with teens.**
 - ii. 50/50: 2/2/3 or 2/2/5
 - iii. 50/50: alternating 4/3
- d. Other Joint Custody Schedules:
 - i. Every other weekend
 - ii. Alternating Long weekends (Ex.: Thursday – Monday)
 - iii. Alternating Weekends with a Dinner Visit In Between
 - iv. Alternating Weekends with an Overnight in the Off Weeks
 - v. Day visits or supervised visits (after school or on a weekend)
 - I. Choose a time that is convenient for you
- e. Any combination of a 14-day rotation (May affect child support):
 - i. 10/4 schedule (primary custody)
 - ii. 9/5 schedule (shared or joint custody but CS not as reduced)
 - iii. 8/6 schedule (shared or joint custody, CS reduced)

EXAMPLE OF 2/2/3 OR 2/2/5 SCHEDULE: (Same days during the week, alternate weekends). This schedule is better with toddlers and elementary school age kids. (This is a 50/50 schedule).

	SUNDAY	MONDAY	TUESDAY	WEDNES	THURS	FRIDAY	SAT.
WEEK 1	MOM	MOM	MOM	DAD	DAD	MOM	MOM
WEEK 2	MOM	MOM	MOM	DAD	DAD	DAD	DAD
WEEK 3	DAD	MOM	MOM	DAD	DAD	MOM	MOM
WEEK 4	MOM	MOM	MOM	DAD	DAD	MOM	MOM

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EXAMPLE ALTERNATING 4/3 SCHEDULE: (more confusing for everyone but sometimes needed for certain work schedule and gives the kids a small break from the 7-day hike) (This is a 50/50 schedule)

	SUNDAY	MONDAY	TUESDAY	WEDNES	THURS	FRIDAY	SAT.
WEEK 1	MOM	MOM	MOM	MOM	DAD	DAD	DAD
WEEK 2	DAD	DAD	DAD	DAD	MOM	MOM	MOM
WEEK 3	DAD	DAD	DAD	DAD	MOM	MOM	MOM
WEEK 4	MOM	MOM	MOM	MOM	DAD	DAD	DAD

- d. Friday to Friday works best? Sunday to Sunday works best?
- e. **Alternating weekend schedules are the most popular with DV.** Keep exchanges at the release of school and at the resumption of school (to minimize contact).
- f. If you live in different states. Generally, dad will get time on holidays, breaks and during the summers.
- g. **SUPERVISED VISITATION?** Use a professional facility. Do not use family or friends. Make sure that the order outlines who pays.

EXAMPLE 10/4 SCHEDULE with a dinner visit: TRUE PRIMARY CUSTODY. Even with an extra overnight on the off weeks keeps a true primary schedule.

	SUNDAY	MONDAY	TUESDAY	WEDNES	THURS	FRIDAY	SAT.
WEEK 1	MOM	MOM	MOM, Dad Dinner	MOM	MOM	DAD	DAD
WEEK 2	DAD	MOM	MOM	MOM	MOM	MOM	MOM
WEEK 3	MOM	MOM	MOM, Dad dinner	MOM	MOM	DAD	DAD
WEEK 4	DAD	MOM	MOM	MOM	MOM	MOM	MOM

EXAMPLE 9/5 SCHEDULE: (Next best option to every other weekend) Could opt for a dinner visit on Tuesday rather than an overnight. Pick which day of the week works best for your schedule.

	SUNDAY	MONDAY	TUESDAY	WEDNES	THURS	FRIDAY	SAT.
WEEK 1	MOM	MOM	DAD	MOM	DAD	DAD	DAD
WEEK 2	DAD	MOM	MOM	MOM	MOM	MOM	MOM
WEEK 3	MOM	MOM	DAD	MOM	DAD	DAD	DAD
WEEK 4	DAD	MOM	MOM	MOM	MOM	MOM	MOM

EXAMPLE 8/6 SCHEDULE: (Very close to 50/50 but still gives you two extra days each rotation and can make it a little easier on the children).

	SUNDAY	MONDAY	TUESDAY	WEDNES	THURS	FRIDAY	SAT.
WEEK 1	MOM	MOM	MOM	DAD	DAD	DAD	DAD
WEEK 2	DAD	DAD	MOM	MOM	MOM	MOM	MOM
WEEK 3	MOM	MOM	MOM	DAD	DAD	DAD	DAD
WEEK 4	DAD	DAD	MOM	MOM	MOM	MOM	MOM

👍 **BEST PRACTICE PHYSICAL CUSTODY PARAGRAPH:**

- a. The parties shall share joint physical custody with mom having the children _____ and dad having the children _____. (much more likely that the narc will agree to this language and it spells out the schedule so that it is CLEAR.)
- b. The parties agree that a forced custody schedule is not in the best interests of the children due to their (age, mental health or physical condition, etc. – name your reason). The parties agree that the children shall primarily live with mom and shall have reasonable visitation with dad.
 - i. Option 1: that shall be coordinated and agreed upon between the parties in writing.
 - ii. Option 2: that shall be coordinated directly between dad and the minor children.
 - iii. Both parties agree that the children shall attend their extracurriculars and prescheduled activities during their custodial time.
- c. The parties agree that the minor children will continue to live with their mother and that they will share time with their father as both parties mutually agree and as is in the best interests of the minor children.
- d. The parties agree that once the minor children reach the age of _____, that the child may determine where they may primarily reside.



DINNER VISITS

- i. If you must.....
- ii. Not recommended for teens who work, are in sports, or have a lot of HW
- ii. Make sure to include a clause that the children will attend their extracurriculars and prescheduled events on dinner visit days
- iv. It's best to choose a day when the kids don't have activities to ensure they attend
- v. Homework will be completed (for extended visits)
- vi. Dinner will actually be fed
- vii. Children will be bathed and ready for bed at the conclusion of the visit (for ext. visits)
- viii. Default times

HOLIDAYS/VACATION

- b. Consecutive or Not Consecutive? That is an important question. What is your usual vacation schedule? Cater your order to that.
- c. What are your holiday traditions? Make sure that your order reflects your traditions and not what is customary of other families or default of the court.
- d. Typical Alternating Holidays (so you can travel, etc.):
 - i. Halloween -?
 - ii. Thanksgiving
 - iii. Easter
 - iv. July 4th -?
- e. Split Holidays: Christmas only. (Part A and Part B).
 - i. Examples: Part A is from the release of school until noon on December 26th and then Part B is noon on December 26th through January 1st at noon.
 - ii. Example: Part A is from December 23rd at noon through December 25th at noon and then noon on December 25th through December 27th at noon.
 - iii. Parties alternate who has Part A and Part B.
 - iv. How old are your children? Make your exchange times at the holidays conducive to your children's ages.
- f. Make sure that the holiday/vacation schedule supersedes or trumps the normal custodial schedule.

- g. Plan out the schedule before you propose/agree to the order. Based upon the normal custodial schedule you may already have all of the holidays and that you will not need to put in the order because you already have the holidays during your time.
- h. **Mother's Day/Father's Day** – do you want the entire weekend or just the day?
- i. Do NOT include your children's birthdays in the order. This is their ONE day that is special to them. **Please do NOT make it a tug of war between parents. I promise you that is all that they will remember! They will not remember their fun birthdays; they will only remember being split between parents on THEIR birthday. This is not about YOU; this is about them!**
 - i. TIP: Make their birthday extra special by celebrating it 2x! Let your ex celebrate it with them the weekend before and you can celebrate with them the weekend after or the day of. We always had a kid's party and a family party. Divorced kids deserve to have a ton of celebration. Let them have family parties and kid's parties (if you can afford it). Even a simple sleepover can mean the world to them.

NOTES:

EXCHANGES

- j. Where and what time will exchanges occur when school is in session?
- k. Where and what time will exchanges occur when school is not in session?
- l. Will they occur somewhere safe? Pick a place with video cameras (gas stations, police stations, etc.)
- m. Are any third parties assisting with exchanges? Will they consistently be available? Limitations to third parties?
- n. Make sure that the other parent picks up to begin their time (If he does not show, they do not go).
- o. Make sure that you pick up to end the time (guarantee to get the kids back).
- p. Create a clause that if he/she is late by more than X minutes that their visit is forfeited.
- q. Create a clause that all exchanges will be polite.
- r. Create a clause that he/she is not permitted to come into your home at any time, unless expressly invited by you. Children's invitation is not consent.
- s. Will you be able to make it to the exchanges with your work schedule/traffic?
- t. What day of the week works best? How does that impact school? How does that impact travel plans for a long weekend?



DEFAULT PROVISIONS

- h. **Non-disparagement clauses** - Let's talk about this one! Just like Satan, narcs are the father of lies and can use this against you.
- i. **No discussion of court or litigation clauses** – Let's talk about this one! Just like Satan, narcs are the father of lies and can use this against you.
- j. **No overnights with romantic partners** until you have been dating for X months. (6 months is standard and you shouldn't be having people sleep over for the reason after leaving a DV situation anyway.). It is good to be alone and get to know who you are.
- k. **No physical discipline** – A definite with DV cases unless you spank your children.
- l. **No drinking or use of illicit substances** – if you say no alcohol at all while either party has custody then you can't have a glass of wine on girl's night or a champagne toast at a wedding. Sometimes better to limit to 2 drinks or use the word intoxication.
- m. **Keeping address and phone # up to date**
- n. **Providing an itinerary for vacations** or out of state travel
- o. **Permission to travel out of state** or out of the country.
- p. **Permission to move out of state.**
- q. **Right of First Refusal** – I usually say NO! in DV cases.
- r. **Phone Calls/Skype/Facetime** – What a nightmare! 🍷* (leave them out if you can. Your kids do not want to talk on the phone anyway.)
- s. Remember that all of these clauses are reciprocal. They apply to you just as they apply to him/her. If you do not want them to be reciprocal, say so.

QUESTIONS?



P.O. BOX 20071

RALEIGH, NC 27619

PH: 919-906-8988

FAX: 919-400-4593

TIFFANY@LESNIK-LAW.COM

*** Please note that I am only licensed in the state of North Carolina and CANNOT provide legal advice to anyone who resides outside the state of North Carolina. All domestic laws vary across the states. I would encourage you to obtain counsel who understand the dynamics of domestic violence and trauma in your state.*

I am so sorry but I do NOT currently offer courtesy consultations to anyone outside the state of NC.