

ROUNDTABLE SPOTLIGHT

FAMILY LAW: BALANCING THE ROLES OF PROVIDER AND PARENT

>> Even in the era of two-income families, it's not uncommon to have one parent serve as the primary provider while the other handles the majority of child-related logistics. In a divorce involving children, however, that work ethic is often weaponized against the primary provider in an effort to deny parenting time and decision-making authority regarding the children.

Family law litigator Jay P. Dahlin has secured parenting rights for small business owners and executives, including both fathers and mothers, worldwide.

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JAY P. DAHLIN is a partner and trial attorney at Schiller DuCanto & Fleck, LLP, where he litigates and consults on matters involving clients' financial and parental interests. His experience includes multi-jurisdictional and international support, valuation, custody and enforcement matters. He frequently speaks and writes about the application of international treaties to domestic relations cases, and has been recognized by the Law Bulletin Publishing Co., Illinois Super Lawyers and Leading Lawyer. He is a father of two.

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How does a providing parent's work schedule come under review in a divorce?

Dahlin: There are only so many hours in a week. If a providing parent dedicates those hours to work, that parent may not be available to attend school conferences, doctor's appointments or basketball games. They're hard at work instead of helping with homework or packing lunches.

In the divorce, that dynamic is used against the parent to allege a lack of involvement in the child's daily life and undermine parenting claims.

How do courts handle allegations that parents are uninvolved or work too much?

Dahlin: The statute obligates courts to consider the amount of time each parent spent performing caretaking functions for the children in the 24 months prior to the divorce filing.

While that factor must be considered, I advise my clients that their involvement with children during the course of the divorce carries significantly more weight than what happened before the divorce was filed. Courts want to see involved parents acting in real time, under the microscope.

Judges are generally willing to accept a new status quo brought about by the dissolution of the single-household dynamic.

How can clients balance their dual roles as financial provider and parent?

Dahlin: I advise clients to pick their roles based on the level of involvement they can balance with their careers. Then commit to those roles, understanding that work comes second during those windows.

A working parent does not need to attend every doctor's appointment or take the kids to school every morning. It's more important to be consistent and reliable in the level of involvement.

It's far better to say you won't attend a basketball game and then show up, rather than say you'll be there and not make it.

What role can technology play in maintaining a work/life balance?

Dahlin: Technology can be a great tool for staying in touch and involved. You can maintain a shared family calendar and docket every school event, activity and appointment. You can schedule calls during drive times and work late or remotely when necessary to allow an hour out of a workday to attend a child's event. You can call in to parent/teacher conferences if you can't attend in person, and FaceTime or text the children to say goodnight if you're working late.

Are any trends in the law affecting providing parents' rights?

Dahlin: The days of the weekend and one-dinner visitation schedule are over. Today, the courts trend toward co-

parenting—joint decision-making and shared parenting time.

While previously a working parent needed to prove s/he could handle the role as co-parent, now the presumption rests in favor of co-parenting. It's the other parent's burden to prove that co-parenting cannot work.

Is co-parenting appropriate for everyone?

Dahlin: Not necessarily. I advise clients that maintaining physical proximity in their respective homes and open lines of communication regarding the children are keys to developing and maintaining effective co-parenting.

Do you have any other advice for hard-working parents?

Dahlin: Children need to know they're more important than their parents' careers.

Too often I meet parents who are highly successful in their careers and provide their children with multimillion-dollar homes, fantastic educations and all the luxuries life can afford. Nonetheless, they may receive only resentment and emotional distance from the children when the divorce is filed.

It doesn't have to be that way. We can be great providers and great parents if we take time to connect with our children, go to a soccer game, or make it home for a family dinner a few times a week. The return on that investment is immeasurable.