

The LOVE-Code

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Who can predict how long a marriage will last? I myself have hesitated a long time to make the decision to get married. It seemed to me that it would ruin the friendship. I have known my husband since I was 17 and met him at a party of a common friend who was a member of the same hockey club as I and went to the same school as he did. I have always known that he would be the perfect father for my children. And the only one who simply understood that I needed my freedom to be able to lead a happy-go-lucky life. To leave and come home again. We have been friends for years and years. But friendship was not good enough for my husband. He preferred to marry! I could not bear to think about it; I was horrified by the idea to be fettered by marriage. Even though I loved him very much, I felt that that had nothing to do with marriage.

Not until the desire to have children arose, the wish to get married made itself felt. After having lived together for a few years in a cluttered flat in the city's centre, we bought a house together. At the time the situation was still manageable. We bought planks to lay a hardwood floor, we painted the walls and my mother sewed curtains from material bought at the market. We both had a job and had all the time in the world. We could do as we pleased. A tramp used to sleep in our old blue VW Rabbit diesel car but we were not bothered by that. We were very much in touch with things and enjoyed every minute of our life. We were only responsible for ourselves.

Once in a while the thought of children came up, and where we should go and live then, but we never thought of Parenthood. It did not occur to us to have a nice talk about the difference between the Partner relationship and the Parental relationship.

Just like there is a big secret about everything related to what happens immediately after the birth of one's child, the so-called secret of the Delivery Room, the cabbage leaves on your inflamed breasts, the sore stitches so that you are only able to sit on a tire, the changes in your life which give you the feeling that you are saying goodbye to the Girl you used to be, who did not need to give much thought to anything at all, there is also the secret of Parenthood.

Parenthood

When I started living together, making a career ranked first, second and third on my list. Alongside my relationship with my partner and my family. But as long as that relationship is fine and your parents do not fall seriously ill, the focus of many women and men – before they start a family – is particularly on yourself, your personal development in addition to discovering the world and wanting to be attractive, to be part of it all and to be independent.

Many men consider earning money as their first priority, which is not so very surprising, because deep down men have the primal emotion that at some point in time they will have to provide for their family; the assignment to accumulate wealth is then only logical. Ultimately, in 2014 it will become hunting in the supermarket. Our society expects them to become successful quickly. Climbing one little step on the ladder to the top and exposing that success on the social media as soon as possible. After all, we all

think that what you have, possess and perform defines who you are. But before they commit themselves to a family, many men, and women for that matter, first just want to conquer the world, experience adventure, go travelling and have fun. These challenges are all good fun, which you are able to do if you are free and independent or when you can do all these things together with your partner without having too many other obligations. During that stage, that type of life, most of us start living together, and often the decision is made to get married.

That stage in life I call the Partner relationship. This relationship between two people is the basis of what later on will be the family.

Why ever is marriage so important for us? What do we expect from a marriage? Making a promise to remain faithful forever and ever while 35% of all marriages break down. Living together while half of those relationships is ended again. The Court pronounces on average 35.000 divorces on an annual basis, and the cost to our society is enormous. For many people the fairy tale does no longer exist. They themselves have experienced the divorce of their parents and are prepared. But what we all want is love and security. To love someone and to be loved. And that feeling is so strong that we want to pass it on to our children. Unconditional love.

When you have found your partner, together with him or her you form the concrete on which the future family will be built. The Partner relationship is the foundation on which everything else rests. The pillars of the building you are going to make together. That construction should be sound. If not, the building will collapse. That is what we teach our children when they build towers of Kapla wooden blocks. The underside, the bottom needs to be durable. But who of the Partners is really thinking of concrete at this stage already? Who knows how solid the concrete ought to be? In the United States and in the United Kingdom months-long negotiations are conducted on the business and financial arrangements which partners make and set out in the prenuptial agreements prior to getting married. They even make agreements about whether or not one will have children. And the consequences thereof. In the Netherlands we go to the civil-law notary for an hour or so to have a prenuptial agreement drawn up. But strangely enough, nobody is going to the notary to make arrangements about the details of Parenthood and the financial and legal consequences thereof in case the marriage breaks down.

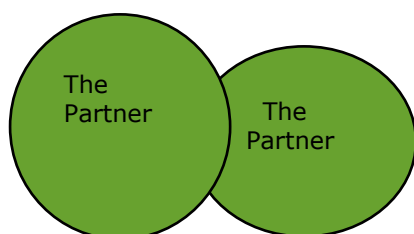
Most people in the Netherlands are married in community of property and have spared themselves the visit to the notary to have the prenuptial agreement drawn up. They count on the statutory safety net that is available in case the relationship is ended. And such statutory system does indeed exist. It is a good system for the parts pertaining to partner and property.

We can fight about a higher maintenance for ex-partner and about a larger share of the property. But when there are children involved, there is nothing to win.

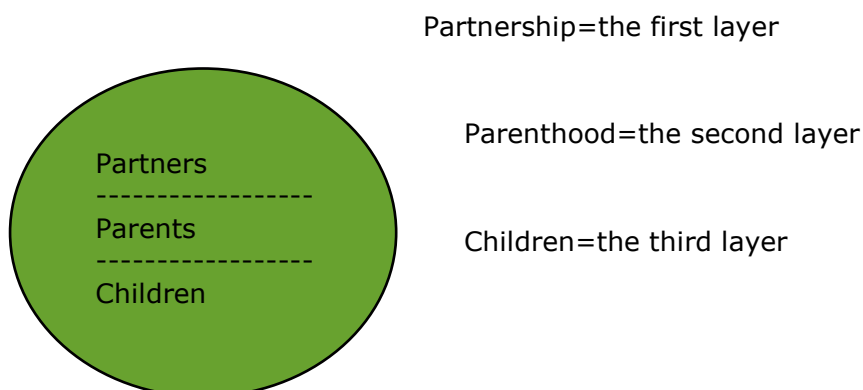
The Partner relationship

Back to the Partner relationship. In my opinion, the relation entered into by the partners is therefore the concrete on which the family system rests, which looks as follows:

the partners forms together the Concrete:



The top layer and also the first layer of the building is the Partner relationship, subsequently the Parental relationship is built. And beneath that the third layer with the children.



In the past, I have used a cake to explain this system in the divorce café which drs Bert Ruitenbeek that I set up in The Hague on 28 January 2011. It was a large round cake with a pink heart of icing in the middle. The heart symbolises the relationship between the partners, that is how it started, they form the heart, the foundation of the family. When they decided to grow old together and got children, they became Parents, which I showed by a circle of yellow icing around the heart. And another layer was formed

around it, symbolising the children: a blue circle around parenthood. And beyond this circle, another circle showing the relationship with relatives, a circle for friendships, work relations and many more.

If a decision is made to get a divorce, the heart will break in two. The top layer of the Partners falls away. It is then of essential importance that the breaking of the heart remains limited to that heart. In other words, we would like to keep the Parental relationship and the relationship with the children, and all those other circles around it intact. After all, those circles exist apart from the partner relationship. One can still keep a friendship also after the relationship with one's partner breaks down, isn't it? All the persons involved outside the heart wish to maintain the relationships. They look to the heart. What does the heart say? Do I have to choose to survive or does the heart let go and can I move on autonomously?

I am of the opinion that the parental relationship is completely different from the partner relationship. For that reason, we, just like the grandmothers in Indian tribes, have to initiate young parents into the parental relationship as soon as they have got children. Since, as soon as the child is born many things change in the partner relationship, which is replaced by the Parental relationship. At that point in time the partners do not realize yet that their relationship must give way to parenthood and the corresponding parental relationship. The change.

The Secret of Parenthood

Whereas the partner relationship is charged by a feeling of mutual love, another code applies to the parental relationship. This relationship is about a joint feeling of unconditional love; a crucial difference, since, once we have made the choice for having a child, we have accepted the duties of parenthood. These duties are exercised unilaterally, the parents take care of the child. The child depends at least for 18 years on the parents who love and care for the child. In any case, that is what they promised when they made the choice for parenthood. And, if you ask me, that divine promise is the real promise of everlasting loyalty. Oh well, everlasting, in any case the first 20 years from the day the child is born, but in fact you want to love and cherish your child until the day you die.

Partners do not experience this true unconditional love, they love each other because they feel attracted to one another. Because they complement each other. Or because they find something in the other person what they need. Women are by nature more inclined to care for others and feel a primal urge to care for the family, whereas, of old, men feel primarily the urge to earn money so that the family can eat. They are the hunters. However, concepts such as fidelity and loyalty between partners have become somewhat less serious and heavy in society than they might have been in the past when the differences between men and women in the family were much bigger. Women have become much more independent since women's emancipation movements started and they are able to fend for themselves. Men and women have their own earned income and in that respect they need one another less and less. However, the care for the family, although shared with the man more and more, is still more the responsibility of women. Yet, I expect that the new generation will share the care and the income increasingly more based on equality between them. Currently, women in our country still decide sooner than men to work three days a week or to work from home. But there are already very many men who nowadays work four days a week and have a 'daddy-day' on the fifth day.

Anyhow, men tend to think that the love of their mother is the same as the love of their partner, an unconditional love. Alas, the situation is different in a partner relationship on an equal footing where Love is a Verb (I recommend to read the book of Prof. Alfons Vansteenwegen). You have to work hard to receive intimacy and attention, just like you must be willing to give these in equal measure. It is a reciprocal agreement where giving love and attention is just as important as receiving. And it is therefore quite different from the unconditional feeling of love of the mother for her child, which feeling arises from nature. From the soul. Men who become a father also develop that feeling. They have not experienced nine months of pregnancy and are a bit behind at the start, however, over the years there will be enough time to catch up.

The transition from Partnership to Parenthood is not a matter of all or nothing, since we still remain each other's partner, even though that relationship gets less priority. And this is precisely the core of my argument: to interfere in order to prevent any divorce battle in the future.

The change

We shift from Partnership to Parenthood where the partner relationship remains intact, but has to make place for the new parental relationship. This relationship must make its way in the first years of parenthood. This parenthood is the relationship between parent and child. The parental relationship is the relationship between the parents. Together they have the duty, as Khalil Gibran has so nicely put it in his book of prose poetry *The Prophet*, to bring their children into this world and to give them love, yet they belong not to you. The parents may love them but may not give them your thoughts, for they have their own thoughts, according to Gibran. They may house their bodies but not their souls. For their souls dwell in the house of tomorrow, which you as a parent cannot visit, not even in your dreams. For life goes not backward, nor carries with yesterday. The parents are, as it were, the bows from which their children as living arrows are sent forth. The archer sees the mark on the path of the infinite, which is different for each child, and he bends the parents with His might that His arrows may go swift and far. This bending of the bow symbolizes the duties which the parents will get if they decide to accept parenthood. These responsibilities are, as far as I am concerned, unrelated to the agreement they have entered into as lovers and partners when they married. For as long as they wish to form a bow, they will be able to fulfil their duties.

What young parents have to realize is that apart from all the material preparations for their child, they must also make preparations for the organisation of their relationship. They should be aware of the fact that from that time onwards the partner relationship will be overshadowed by the Parental relationship, which is going to take over for the time being. They will wish and make efforts that they must continue to maintain contact on a partner level, while as parents they form a team together with a completely different energy and with a totally different assignment, with the purpose to raise and to take care of their children.

In his book 'The Shift' Dr. Wayne Dyer writes the following:

Thoroughly unprepared, we take the step into the afternoon of life. Worse still, we take this step with the false presupposition that our truths and our ideas will serve us as hitherto. But we cannot live the afternoon of life according to the programme of life's morning, for what was great in the morning will be little at evening and what in the morning was true, at evening will have become a lie.

When I let these words sink in I realized that they describe exactly what happens when we enter the Parenthood stage. Life with the child is different from life before the child was born. I am still the same, but my world has changed and as a result also my relationship. I have got a new relationship with my partner, a parental relationship, which still takes a lot of getting used to for both of us. I am focussed on the child and the rest comes after.

The order is not quite clear yet but the family takes first place as the children are getting older, followed by my personal development in second place and my partner and family take third place.

Parenthood has all kinds of secrets of which we as new parents do not want to think, but which we will inevitably encounter. We all live through the hard days with small children, we lose one another as partner and find ourselves in the survival mode because in addition to taking care of the children, we want to stay fit and attractive, we need to exercise on top of work, and do not want to miss a party and occasionally want to be able to visit our parents.

We have so much freedom, are 24/7 online but at the same time we feel trapped because we never have a moment's peace. We look for quietude and stillness in yoga and in jogging through the dunes, but to do that you have to go somewhere again and all of that takes time, time we do not have.

The dynamics of the partner relationship is completely different from the parental relationship within Parenthood. It is a triangular relationship you have together with your partner and your children. And also in this relationship it is important that you can share your feelings, that there is intimacy and that your home is a safe place. But now you are not only responsible for yourself, you also have a shared responsibility for your child. And that makes a crucial difference.

For the child depends on the parents and must be able to rely on them. If you observe this from a distance and consider that there is a 50 percent chance that the partner relationship will be broken off, on what quicksand has that agreement between children and parents actually been built? If there is no concrete left, how then will Parenthood and the Parental relationship continue?

The safety net: LOVE-Code

I take the position that people who choose each other as Partners and make a well-considered choice for Parenthood should realize that a child is as a tattoo on your face. It will stay there forever. So, together you must ensure that there is a proper safety net in case the partner relationship ends. Let us be realistic: there is a possibility that the relationship will end, however, that will not be disastrous if the Partners have made proper arrangements as regards Parenthood in advance.

New parents take their responsibility when after having registered their child they also enter into a covenant, the Long-Term Parenting Code ('the LOVE-Code'), or the long-term parenting conditions, in which they arrange how they will deal with one another if their partner relationship is broken off. You can make parenting conditions just like a prenuptial agreement. And you can make interim changes to these conditions as well. As a matter of fact, people hardly ever revise their prenuptial agreement. I wish they would do so more often, but that discussion can probably get going when we introduce the parenting conditions in the form of the LOVE-Code, in which they can be incorporated.

What does it say in the LOVE-Code?

In that agreement you may include what your intentions are as parents with respect to the care for your children. For instance, that you find it important that they grow up in the town where you live and that, even when the partner relation ends, they will continue to live there, go to school there and can stay in their own familiar social environment.

It is very important for children that after a divorce things will remain the same as much as possible. You can make the agreement that the children will always maintain contact with relatives and grandparents, at least twice a year, and that both parents will make an effort to accomplish that. You can make the agreement that – whatever happens – you will not disqualify one another in the children's presence because you know that all surveys show that children find it horrible when their parents say ugly things about each other. It can have far-reaching negative consequences and may even harm the personal development of the child, because in turn this child will want to enter into a relationship in the future, will want to be found attractive and pretty and wants to be able to receive love. And for that you need to be able to rely on the persons who gave love to you.

In addition, you can agree about numerous arrangements as to manners and communication and you can make the agreement that in case one of the divorcing parents is moving house, the original residence of the children will take precedence. The emphasis of the care will then be mainly the responsibility of the other person. Furthermore, financial arrangements can be made in the form of keeping a joint child's account in which the child benefit, tax benefits and the contribution of each parent in proportion to his or income are deposited. In case of divorce this can subsequently be a starting point for the further substantiation of the child support and the maintenance for ex-partner to be calculated between the partners. You can make arrangements as to savings and study costs. Actually, a lot of these matters are self-evident, however, it is all about the mind-set. If you discuss and agree on these matters in advance and if you know that these arrangements have prevalence over the personal wishes in case of a divorce decision, then, when the situation of a divorce should arise, there will be more clarity beforehand about the care for and access to the children. The brains are programmed in advance with the idea that in case of divorce parenthood remains intact

as agreed and put down in the LOVE-Code. In all those years during the marriage or cohabitation this is laid down and the parents “know” this, they act accordingly and they take this into consideration when making decisions.

In the LOVE-Code, on the basis of the chosen role pattern, one could agree on which parent will be the principal carer and how the parents look upon the frequency of access to the children, Therefore, are you in favour of the situation that the children up to a certain age will live at a fixed place and do the children see the other parent during weekdays and in the weekends, or do you prefer a bird’s nest arrangement where the parents move in and out while the children remain in the home. These arrangements has many variations as well, which you do not need to draw up in detail in advance. By talking about these matters, possibly under professional guidance, you discuss in good and stable times what for you, from your position as a parent, seems to be the best for the children’s wellbeing.

When people are going to do this after they have been cheated on and are full of sadness and resentment, you can imagine that drawing up a parenting plan is doomed to failure. When you draw up a plan beforehand, when you are going through quiet times, there is a much greater chance that you will arrive together at a well thought-out plan on which you can really fall back on later on. The knowledge that this LOVE-Code is stored away in a drawer and will be executed in the event of a divorce decision is a comforting thought and makes the situation less complicated. Law courts are not an appropriate place for children. We may care for them and share our experiences with them, they are allowed to see our sorrow and joy but may not form a shield between litigating partners. As a divorce lawyer with many years of experience I know that in almost all cases a conflict between ex partners is about partnership matters, about property, money and hurt feelings. People do not divorce because of their children. Parents do not take the decision to divorce; it is partners who do so because they do no longer need each other. However, children do need their parents and that agreement, that parental relationship is based on a promise which you cannot end unilaterally.

The LOVE-Code can include dispute settlement rules as well as an agreement about the manner in which the parents will have contact with one another if they do not reach a mutual agreement about the manner in which the arrangements are to be executed. This can be done through mediation or through a third party giving a binding opinion, who is appointed by the parents together. For the protection of the best interests of the children in the agreement, the parents can appoint a children’s guardian serving as anchor for the children during their marriage, but also during a possible divorce, who acts as a confidential counsellor and protects the best interests of the children, if necessary. This guardian can be a family member or a friend of the parents as is the case with a testamentary guardian. And it is possible to change to another guardian in due course.

My idea is therefore to consider Marriage as being separate from Parenthood. When we divorce we separate in our marriage but not in Parenthood. That is why the LOVE - Code is needed. With this agreement to fall back on we prepare ourselves mentally for a possible divorce, which will only have an impact on the partnership. Parenthood will remain intact.

In the event of a decision to divorce and after this decision has been established, the manner in which the arrangements in the LOVE-Code are to be realized will therefore always be considered together with the parents. It is only thereafter that arrangements

can be made about the property settlement of the ex-spouses and the maintenance for ex-partner. Courts will only be able to determine that particular part in the divorce proceedings. Partners will only have a cause for action if they can prove that the arrangements made in the LOVE-Code have been kept and will be executed. A mediation process prior to the proceedings does appear to be an advisable form of guidance for the purpose of helping divorcing parents to shape the arrangements made about the children on the basis of the intentions as originally defined.

The children's guardian may be asked by the mediator to give his/her opinion on the situation from the child's perspective. The mediator or the third party charged with giving a binding opinion will speak with the children as well, in order to be able to form a true picture of the situation. It is important for children that they are not excluded. They, too, have the right to be informed in an informal manner and to give their opinion on the execution of the arrangements made in the divorce situation.

Schools should include the subject of relationship skills and the LOVE-Code in the curriculum of groups 7 and 8 (11 and 12 year old children). Currently, all kinds of initiatives have been launched to bring children of divorcing parents together, but it is more far-reaching than that. The children of the future grow up in a world with a 50% rate of divorces and broken relationships. They have to deal with composite families, single-parent families and whatnot on a daily basis. A divorce is okay but do not burden your children with it, would be my slogan. Let us prepare our children and help them learn that everybody can and may get a divorce, but that a divorce and the distribution of financial means are separate from the parents' responsibility to take care of their children. That responsibility remains at the top of the list and is their first priority. There is nothing wrong as long as we understand that and as long as we do not allow our environment to decide for us. Then there is no need for anybody to make a choice. Two people will separate and will each start a new life. But as parents they know that they are forever connected to one another, at least for as long as the children need them.

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