

KIDS Plan

Agreement containing the child's rights and voice in divorce situations



KIDS for children

KIDS Plan

for the rights of the child in the event of divorce

What is the KIDS Plan?

The Kids In Divorce Situations (KIDS) Children's Plan (in Dutch KIES) is a document that has been drawn up from the perspective and for the interests of the child and the legal obligation to involve children in decisions that affect them, such as when drawing up the parenting plan or, for example, changes in access rights.

What is the KIDS Plan?

The KIDS Plan is for the rights of children in the event of divorce. The KIDS Plan helps children make their wishes and needs known to their parents and any other parties involved. The KIDS Plan supports and helps parents to create a working parenting plan that takes into account the interests of all parties, including the children.

How does the KIDS Plan help children?

The KIDS Plan provides children with information about their rights in the event of divorce. The KIDS Plan gives children a voice and helps them to think about their wishes and needs, to express their questions and their own opinions. Through the KIDS Plan they learn that they are entitled to their opinion in the agreements made about them in the event of their parents' divorce.

How does the KIDS Plan help parents to really listen to their child and take their wishes seriously?

The KIDS Plan supports children with their rights, their own story and the individual wishes and needs they have. We know these wishes and needs from scientific research and more than 20 years of practical experience. KIDS Plan also calls on parents to justify for themselves what is or is not possible for them when coordinating with the other parent. The parent also gets to know the child's needs and wishes.

Guidance from a child's perspective

The professional who guides the child with the KIDS Plan does this from the child's perspective. This guidance is appropriate to the divorce process, the age, development and capabilities of the child. The guidance is in line with the process in which the parents are guided. When used early in the divorce process, the KIDS Plan provides the opportunity to provide parents with important psycho-education prior to finalizing their decisions for the parenting plan they submit. With the KIDS Plan, the professional involved has an additional tool that makes it clearer sooner whether parents are able to make choices in the interests of their child. The KIDS Plan helps in arranging the divorce by ensuring that all parties are involved and parents put the interests of their child first at an early stage. Adding the child's perspective and the interests of their child helps parents take a better look at their own position and behavior. This can contribute positively to de-escalating conflict between parents with conflicting wishes and needs.

Is the KIDS Plan legally valid?

The KIDS Plan is in line with the legal provision for children's rights, as drawn up in the Convention on the Rights of the Child (CRC). It can be used in addition to the legally required parenting plan in the event of divorce and can be submitted together in a divorce agreement. The KIDS Plan can also be used to (re)enter discussions at a later point in the divorce and in the event of changes.

Who developed the KIDS Plan?

The KIDS Plan was developed by the Child and Divorce Expertise Center based on research and knowledge and experience in developing programs, tools and training in which the interests and voice

of the child in a divorce situation are central.

Where was the KIDS Plan developed from?

The KIDS Plan has been developed from the KIDS methodology, which has been researched and proven effective by the University of Utrecht. KIDS was the first Dutch intervention for supporting children during divorce, with which years of expertise has been gained in working with and for children during divorce.

What experience has been gained with the KIDS Plan?

The KIDS Plan has been in development since 2007. In addition to conducting the KIDS Child Conversation, it has been used as a tool by (KIDS) mediators, lawyers and (KIDS) coaches. The KIDS Plan has now been made more widely accessible, so that (youth) professionals/social workers can better guide children and parents in making feasible coordination for contact and upbringing after divorce. The KIDS Plan is a tool for children, parents and professionals to identify what children want and wish, so that they can more easily discuss this with their parents. It is a valuable addition to the parenting plan and contributes to making a well-functioning parenting plan for all the members of the original family.

The KIDS Plan has been officially made accessible for wider use since 2022. The official presentation was on: September 9, 2022, the day of the divorce in the Netherlands. The presentation of the KIDS Plan was on the NOS Jeugdjournaal (children's news). The KIDS Youth Plan has been introduced since June 2023 and the KIDS Toddler Plan has been introduced since November 2023.

What does the Convention on the Rights of the Child specifically say about the rights of the child?

There are several children's rights that apply in the event of divorce. For example, Article 9 of the Convention on the Rights of the Child states that children must be able to live and grow up with their parents. If this is not possible due to a divorce, for example, children must at least be able to maintain contact with both parents. Dutch law also stipulates that children have the right to contact with both parents. Only if it is not in the best interest of the child, contact can be limited or even stopped completely. Limiting or even denying contact is not allowed just like that is also looked at strictly by judges. According to the treaty, children are allowed to say what they think. During a divorce, a judge must take the opinions and well-being of children into account. Article 12 CRC states that children have the right to their opinions and to be involved in the decisions made about them. The judge must listen seriously to the child's opinion, but this does not mean that he will always follow the child's opinion. The judge is the one who makes the final decision. In the Netherlands, if a child is 12 years or older, the judge is obliged to take the child's opinion into account in his decision. For children under the age of twelve, this is not mandatory according to Dutch law, but it is possible. The judge then checks whether the child understands well enough what is going on. A child cannot be forced to give his opinion. The KIDS Plan includes a number of children's rights that apply in children's language.

How should the information and wishes that the child has be dealt with in the KIDS Plan?

We expressly state that what children indicate and wish is also a snapshot. What they tell and write is what they can share with adults based on their age, experience and view of their reality at that moment. Children nevertheless have the right to their vote for everything concerns their lives. It is necessary that children are allowed to say what is important to them, because it has so much impact and influence on the rest of their lives and therefore on their well-being and development.

Do all lawyers and courts work with the KIDS Plan?

Since 2022, the KIDS Plan has been increasingly added to the documents for the court to apply for a divorce. Depending on the knowledge and skills about children, the development of children and experience in talking to children, a mediator or lawyer works with the KIDS Plan or collaborates with a

KIDS coach/youth professional.

Parenting plan and KIDS Plan

The KIDS Plan can be included as a component in addition to the parenting plan or used separately by mediators and lawyers, for example a KIDS Mediator. For two lawyers involved, we recommend that a mediator complete the KIDS Plan with the child, whether or not in collaboration with a specialized youth professional, for example a KIDS coach.

Professional guidance in divorce

For professional and proven effective guidance in divorce, several interventions, including KIDS can be found in the database of effective youth interventions of the Netherlands Youth Institute, the NJI. KIDS professionals are available in every province in the Netherlands and can be found via www.kiesvoorhetkind.nl

Child and Divorce Expertise Center

The KIDS Plan continues to be developed and is updated if there are new developments and insights regarding children in a divorce and their rights.

For the latest version of the KIDS Plan, go to www.kiesvoorhetkind.nl/kids-in-divorce-situations or www.kiesvoorhetkind.nl.

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FOR ALL CHILDREN WHOSE PARENTS ARE GETTING DIVORCED

HI! You may have been told that your parents are getting divorced just recently or some time ago. When your parents get divorced, they have to make new arrangements for all sorts of things. Your parents will also make new arrangements about parenting and when you will stay with your dad or with your mom, for example.

If your parents get divorced, they also have to involve you in making the arrangements that concern you. That's what the law says. So, as a child, you also have rights!

Do you want to know what these rights are?

Then take a look at this website or page 11 of this KIDS Plan:

www.kiesvoorhetkind.nl/kids-in-divorce-situations

When making the arrangements, both your parents and you will have your own wishes. A mediator or lawyer can help your parents to combine everyone's wishes into one good plan.

You write down your wishes in a KIDS Plan.

Then your parents write down their new arrangements about parenting and parental contact in a Parenting Plan.

If your parents cannot work things out together, the judge will decide what's best and what's necessary.

If a judge has to decide, he/she will always decide what he/she thinks is best for you.

Don't you know what all the words mean? That's very understandable.
The annex contains a glossary in which we explain what the words mean.

Do you or the person with whom you are completing the Plan still have questions about your rights, or would you like help writing a letter to the juvenile court, for example? Then ask an adult you trust where you can go to in your area.





Date:

Your name:

Your address(es):

Your place(s) of residence:

Your age:

Completed with the help of:

Name:





Position:

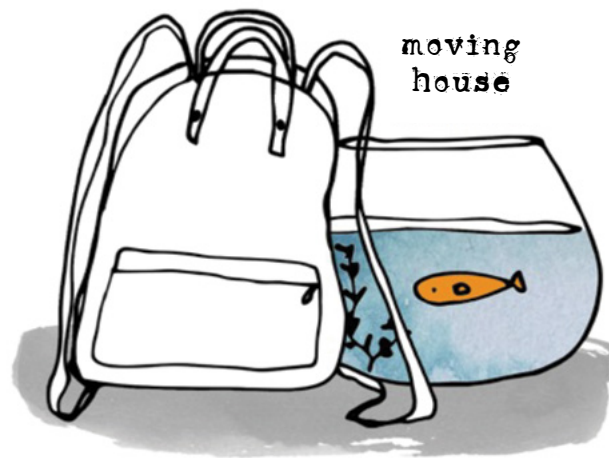
Contact details:



HEY! HOW ARE YOU?

You're not alone in what you're going through and how you feel about the situation between your parents. They also want to understand you. Therefore, it's good that you and your parents know how you actually feel about the divorce.

- ☐ I feel     (circle what you feel)
- ☐ I worry about
- ☐ I find it difficult that



Dear parents:

KIDS Plan

You're getting divorced, or you're already divorced. All children with divorced parents have certain wishes. I check mine below..

- ☐ You're important to me, and I want to love you both.
You'll always be my parents.
- ☐ My wish is that you act normal and preferably also be kind to each other.
- ☐ Please don't argue in front of me and solve this together.
- ☐ Please don't talk bad about the other person. I don't like hearing that.
- ☐ I'd rather not pass on messages from you; please do this by email/text message or something like that.
- ☐ I like hearing that you still love me as much as ever.
- ☐ Children only like fun secrets. I'd rather not have to keep any secrets from you.
- ☐ I don't need to be extra spoiled because of the divorce.
- ☐ Both my families are my family. They'll always be, and I want to keep seeing them.
- ☐ I'd rather not have to choose if you disagree about something. Actually, I don't want to know that kind of stuff.
- ☐ To me, it is clearer if the rules don't suddenly change very much. Do you understand if I have to get used to everything for a while?
- ☐ I'd like it if you both would come to my school, performances, competitions and other things important to me and that you're proud of me together.
- ☐ When you get a new boyfriend or girlfriend, I may not find it fun and easy right away. I'll probably manage to get used to changes, but it will take time and understanding.
- ☐ Please discuss adult things with each other instead of with me.
- ☐ There's a lot of information, support and help out there for parents and for children. For me, it's important that you both give permission if I want to go to counseling or seek help.
- ☐ Will you assess whether the KIDS Plan and Parenting Plan still suit me after a while? I'd also like to continue to share my wishes and needs with you.



Dear parents:

You're getting divorced, or you're already divorced.
These are my additional personal wishes:



KIDS Plan



- ☐ If I miss one of you, I want to be able to call, text, be allowed to see you whenever I want, if possible at that time.
- ☐ My wish for the care arrangement/visitation arrangements (when I'm with whom and for how long) is:

- ☐ My wish for switching from one parent's house to the other is:

- ☐ I hope that things can stay the same for me as much as possible. For example, the same school, (sports) clubs and being able to meet with friends.



- ☐ I'd rather not move house but if we have to move then my wish is:

- ☐ I'd like to stay in the same city / village.

- ☐ If I have to go to another school then my wish is:

☐ I prefer not to have the changeover at school.

☐ I'd like a picture of mom/dad in my room.

☐ If I get a new bedroom, I'd like to help turn it into my own place.



☐ I'd like to bring my own things, such as my phone, tablet and cuddly toy, from one house to the other. Also, I'd rather not have to keep changing clothes to go to the other parent's home or leave jewelry or whatever if they're mine.

☐ If I have to deal with a new boyfriend/girlfriend of my father/mother, I find it important that:

☐ If I have to deal with the children of the new boyfriend/girlfriend of my father/mother, I find it important that:

☐ My wishes for vacations and holidays are:

☐ My wish for birthdays is:

☐ My wish for our pet is:

I don't have a pet

☐ I still have this question:

☐ My other wishes or anything else I want to say:



☐ Don't forget that you chose to have me together!



KIDS Plan

☐ I have written down what I think is important in this KIDS Plan and hope that you will take my wishes into account.



Name child:

Date:

Signature:

I have read the wishes and needs of our child

☐ yes ☐ no

Parent's name:

Parent's name:

Date:

Date:

Signature:

Signature:





CHILDREN'S RIGHTS IN DIVORCE SITUATIONS

Articles from the International Convention on the Rights of the Child (UNCRC) translated for children.
The International Convention on the Rights of the Child contains all children's rights.
Some of these rights are important if your parents are separating or are divorced.

ARTICLE 3

Adults should make decisions that are best for you.

ARTICLE 5

Your parents are responsible for properly guiding you until you're an adult.

ARTICLE 8

You have the right to be who you are and to have your own family. Your name and where you come from, and your family should not be changed or taken away from you.

ARTICLE 9

You have the right to regular contact with both parents unless it's bad for you.

ARTICLE 10

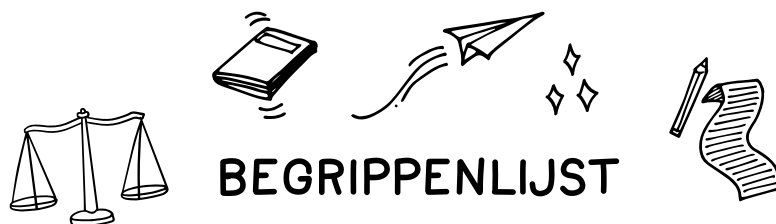
If one or both parents live somewhere else, you have the right to visit and/or live with him/her.

ARTICLE 18

Your parents are responsible for your upbringing. They should take care of you except when it's not in your best interest.

ARTICLE 12

You have the right to give your opinion on the things that affect your life. The adults must take your opinion seriously. They do decide, however.



Lawyer: when your parents are getting divorced, they always need a lawyer. He or she can ask the court to pronounce the divorce. A lawyer is someone who takes care of anything that any or both of your parents would like to have arranged when they get divorced.

Divorce: when your parents were first married and then separate.

KIDS: KIDS stands for Children in Divorce Situations. KIDS is there for children and parents in divorce situations to provide information and professional guidance and help.

KIDS Plan: a plan that contains the wishes, needs and rights of the child.

Convention on the Rights of the Child: this contains agreements on how countries should treat children and young people and what children and young people are entitled to.

Mediator: someone who helps parents who are getting divorced to make and write down all the arrangements made with each other. The mediator doesn't take sides and ensures that the arrangements are in the best interests of both parents.

Visitation arrangements/care arrangement: the arrangements your parents make about when you're with one parent and when you're with the other parent and how you'll be taken from one parent to the other. You use the words visitation arrangements when one parent has custody. You use the words care arrangement if both parents have custody of you after the divorce. Custody means that parents are responsible for the education and care of their child(ren).

Parenting Plan: a plan in which parents write down arrangements for the children.

Court: if two people are married, the divorce can only be pronounced by the court. The court is a place where the judge decides on your parents' divorce and the care arrangement.

Judge: a judge is someone who decides what the division and care arrangement will look like if parents cannot agree on the arrangements.

Divorce: when your parents separate.

Do you still have any questions, tips or ideas with regard to the KIDS Plan?

Please let us know: info@kiesvoorhetkind.nl

Several organizations that support the KIDS Plan © can be found at: kiesvoorhetkind.nl

"Everything is just a moment in time and changeable. Keep talking to each other helps to be able to make difficult things easier and to cope with them. As a child, you always have the right to be heard. Adults are responsible and make the decisions."

Nelly Snels-Dolron

Director of the Child and Divorce Expertise Center

