

**How To Get A Judge To Order
A Smoke Free Environment For Your Child
While Going Through A Divorce And/Or Custody Fight**

Prepared by GASP of Nebraska, Inc.

www.SmokeFreeNebraska.org

402-558-0463

Thank you for caring enough for your child's health that you want to keep them out of smoky environments. GASP is here to help you make that happen. We can help you best if you keep us informed of your progress in doing this. If you ever have any questions, or suggestions, please call or write to me. I work out of my home and I do not mind getting calls in the evening if that works better for you, or if you need something before a morning court date. There is very little that is more important than protecting children from exposure to toxic tobacco smoke pollution (secondhand smoke).

The following is a very rough draft of how to convince a judge to protect a child's health by requiring parents (and maybe foster parents) to provide a 100% smoke free environment for the child.

1. Get a good attorney who agrees that keeping children out of smoky environments is very important, or educate your attorney about why this is important and about case law, that supports our efforts
2. Get a copy of GASP's information on a case from Ohio where this was done (soon we may have a Nebraska case to refer to)
3. Ask the other parent if they would amicably agree to maintain a 100% smoke free environment for the child. This should not just be when the child is with them, or in their car, but should require them to NEVER smoke in those places, and never taking the child to a business where smoking is allowed anywhere in the business. Sitting in the "nonsmoking" section of a restaurant is like swimming in the "non-peeing" section of a pool. The smoke is pumped throughout the restaurant by the heating and air conditioning system.
4. Find a doctor who is willing to write a letter to the judge (or whoever your attorney thinks it should be addressed to) saying that the child they examined should be kept in a totally smoke free environment to protect their health.

Dr. Linda Ford has successfully helped at least one person in a situation like yours - to get a judge to order smoke free visits to the non-custodial home and vehicle.

Two doctors I know will help are:

Linda Ford, M.D.
Asthma & Allergy Center
401 E. Gold Coast Road, Ste. 326
Papillion, NE 68046-4796
402-592-2055
Fax: 402.592.2419

and

Russ Hopp, M.D.
American Academy Pediatrics, NE Chapter
Creighton University in Omaha, NE - He also practices medicine in Council Bluffs, Iowa
Work: 402-280-4230
Fax: 402.280.4159

Both of these doctors care deeply about children and know a lot about secondhand smoke.

If you don't want to travel to the Omaha area, they may know some doctors closer to your home, or closer to where your court hearing will be held - wherever that is - who might be able to help you.

5. Have the doctor examine your child and write the letter

6. Give the doctor's letter to your attorney
7. Make sure your attorney makes this a huge issue with the other party, the other attorney and the judge.
8. Win this issue in your divorce or custody case.
9. If you do not win, appeal the judge's ruling.
10. Smell your child every time they return from the smoker's care to see if they smell like smoke. If they do, get one or more other people to witness the smell on your child (so it isn't a he-said-she-said case).
11. Ask your child if they had to smell smoke while they were with the other parent. If they can, find out where they smelled the smoke - in their home, car, or some business they were taken into, i.e.: restaurant, bar, coffee house, etc.
12. Tell GASP how we can help you.

Good luck keeping your child out of all smoky places!

If your child has a medical condition that is made worse by exposure to secondhand smoke, even if it is caused by his/her Mom or Dad, our state law requires you to report this suspected child abuse and/or neglect to the authorities. The following information is on GASP's web site home page at www.SmokeFreeNebraska.org

If a child is asthmatic or has another health problem and a parent or other person's smoking around them makes their asthma or other health problem worse, they should be reported to Child Protective Services. It is Doctors', Nurses', teachers and everyone's duty, under Nebraska State law to report people who smoke around children if their health is made worse when exposed to secondhand smoke. This is considered child abuse or neglect. Child Protective Services' hot line is: 1-800-652-1999. This number takes calls about all types of child abuse and neglect. Child Protective Services will not take reports about smoking around healthy children.

With Your Help, We Are Making Smoking History!

Thanks,
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Working for clean indoor air and tobacco free children since 1988.

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