

Malignant Divorce: When Parents Hate One Another More than They Love Their Children

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VS





Psychologist Update

- ❖ Reviewed most updated literature
 - ❖ Handouts are also literature based
- ❖ Deep dives into 13 key articles
- ❖ Includes large N longitudinal Swedish study
- ❖ Two sections of research update:
 - ❖ Divorce – blended research
 - ❖ High conflict divorce research only

Warnings

- ❖ Superficial overviews – Two 10 minute segments
- ❖ 5 Handouts for “ in the trenches” daily reference
- ❖ Goals:
 - ❖ React decisively to key divorce factors
 - ❖ Critical tips to protect or help child and minimize long-term fallout

Common Characteristics of Amicable Divorce

- ❖ Mediation is a possibility
 - ❖ This includes minimal contact within the system
 - ❖ Agreement on legal guardianship and parenting time
 - ❖ No verbal or physical altercations (Herman, 2010)
- ❖ If courts involved, minimal time
- ❖ No CPS or DV/ Coercive Control/etc.

Effects of Amicable Divorce on Children

- ❖ Lack of clear conceptualization/ empirical research
- ❖ **No clear definition** of amicable divorce
- ❖ **No highly reliable** definition for high conflict
- ❖ **Assume** that amicable is not high conflict
- ❖ A **major gap** between high conflict and amicable
- ❖ Lack of clear metric for assessing **frequency** and **intensity** of conflict

General Divorce vs. High Conflict

- ❖ **For the purpose of this update:**
 - ❖ General/amicable divorce: little to no conflict involved in parenting time, legal decision making, etc.
 - ❖ High conflict: where continued legal and interpersonal conflict throughout the process of the divorce. Requires continued legal intervention

Effects of Divorce in General

- ❖ No direct causal effects but correlational **associations**
- ❖ Examples:
 - ❖ Delinquency
 - ❖ Psychological Conditions

Swedish Longitudinal Study (100 years)

- ❖ Increased exposure to divorce:
 - ❖ Multiple cohabitation/ marriages
 - ❖ Unhealthy partner adjustments and choices
 - ❖ Increased domestic violence
 - ❖ Personal assault
 - ❖ Partner assault
- ❖ Poor relationship status

(Gahler, 2012)

Psychological Effects of Divorce on Children

-Multiple studies have reviewed the different effects of divorce on children including:

- Delinquent Behavior (Farrington, 2010)

- Psychological Effects (Gahler, 2012)

- Poor future relationships (Fergusson, 2014)

- Greater instances of future domestic violence (Fergusson, 2014)

Common DSM diagnosis seen in children of divorce

- ❖ Children of divorce (amicable **and** high conflict) have been shown to have higher rates of:
 - ❖ Attention Deficit Hyperactivity Disorder (ADHD)
 - ❖ Oppositional Defiance Disorder/ Conduct Disorder
 - ❖ Symptomology of Post Traumatic Stress Disorder
 - ❖ Anxiety Disorders and Panic Attacks

(Cicchetti, 2013 & Storksen, 2005)

Neurological Research

❖ Research on children's brains and divorce (Cicchetti, 2013)

| Brain Region | Behavioral Response | Possible Treatment |
|-------------------|---|---|
| Prefrontal Cortex | Inappropriate social response, negative attention seeking behavior, | Best Option: Individual and Group therapies. Other options: |
| HPA | Increased anxiety and lower ability to stress to resolve stress/ chronic stress response | Develop appropriate coping skills to process stress, decrease environmental stressors, Last resort: antianxiety/ antidepressants |
| Amygdala | Increased stress and anxiety response, quick stimulus to fight, flight or freeze response | Therapy focusing on trauma response and decrease fight, flight freeze response, Decrease environmental stimulus, Last resort medications. (T) |

Physiological challenges to children

- ❖ Stress and anxiety caused by increased stressed environment has been linked to:
 - ❖ Asthma
 - ❖ Obesity
 - ❖ Heart palpitations
 - ❖ Diabetes
 - ❖ Sleep disorders/ sleep disturbances
 - ❖ Hypertension/ heart disease

(Cicchetti, 2013)

Effects of High Conflict Divorce on Youth

High Conflict Divorce- Identified Patterns

- ❖ Adverse affects on children of high conflict families are over twice as much as the effects on children from non conflict divorce (Allen, 2014)
- ❖ Parent conflict was related to poorer relationships with fathers and greater distress about parents divorce (Allen, 2014)
- ❖ High conflict cases appear to be **disproportionately involving young children** as opposed to adolescents and teens (Cashmore, 2014)

Effects of High Conflict Divorce

- ❖ Many similarities to “general” divorce but symptoms/problems appears exacerbated
- ❖ Factors known to have influence in high conflict cases:
 - ❖ Quality of parenting
 - ❖ Parental Conflict
 - ❖ Overnight stays
- ❖ These three factors influence the extent to which the child acts out and “exacerbate” negative behaviors
- ❖ Strong association with mental health issues in the child

(Sandler, 2013)

Scientific Review:

Risk & Protective Factors

Handout 1: Risk Factors (exacerbate – impact of divorce)

| Risk Factor | Individual Approaches | Family Approaches |
|---|--|--|
| Violence (Physical or sexual) episodes | <ul style="list-style-type: none"> -Maximize protectiveness of environment -Protective Order as necessary -Therapeutic/supervised interaction | <ul style="list-style-type: none"> -Articulate dynamics precisely -Understand varying ages process differently (does not mean less affected if seem better) |
| Coercive Control/Threat Episodes | <ul style="list-style-type: none"> -Articulate patterns precisely (can be elusive to capture) -Limit exposure if legitimate grounds -Recommend psychological assessment | <ul style="list-style-type: none"> -Sibling therapy sessions -Safety plan if occurs -Avoidance planning |
| Chronic Physiological Stress Response | <ul style="list-style-type: none"> -Regular therapy “safe harbor” -Physical exercise/play critical (stress releases) -Watch out for the “calm” kid (often over-suppressing) -Develop coping skills to reduce stress and anxiety | <ul style="list-style-type: none"> -education/normalization of symptoms with child -Evidence Based Treatments for anxiety/depression -Maximize stable daily family rituals (consistency breeds predictability decreasing stress) |
| Delinquent Behavior | <ul style="list-style-type: none"> -Stabilized external adult mentor critical -Ensure school closely monitoring -Terminate “latchkey” time -Documented common parenting groundrules | <ul style="list-style-type: none"> -Increase parental involvement -Correct family patterns enabling/causing |

Risk Factors (cont'd)

| Risk Factor | Individual Approaches | Family Approaches |
|--|--|--|
| Risky Behaviors (e.g. Drug use, sexual promiscuity) | <ul style="list-style-type: none"> -Increase support system, working with parents to develop plan -Increase child supervision -Make negative consequences tangible -Identify the need not being served!!!! | <ul style="list-style-type: none"> -Educate family on warning signs -Document monitoring guidelines -Increase child's interaction with positive influences -Create stable parent patterns and environment |
| Lack of / Ineffective/ or resistance to treatment for Impairment(s) | <ul style="list-style-type: none"> -Careful phrasing of referral!!!!!!!!!!!!!! -Discuss not from medical model but from skill development -Central theme: Increasing their control -Filling in skill gaps not "curing sickness" -Normalize as typical patterns -Identify a mentor if refusing therapy | <ul style="list-style-type: none"> -Setup metrics for child and/or adult to measure success/failure -Presence of Work with parents to understand and develop positive coping strategies -Maximize non-clinical but effective lifestyle "home" based therapy (sports, hobbies, clubs, regular healthy FUN) |
| Poor Future Relationships as Adults | <ul style="list-style-type: none"> -Modeled healthy relationship through external mentor or via therapy attachment -Frank discussions about "control" and how you lose it if you let parents control how you relate to others | <ul style="list-style-type: none"> -Maximize education of parents on how their conflict minimizes chances of kids to have healthy attachments -Documented family ground rules for handling conflict |

Handout 2: **Protective Factors**

- ❖ **Strong** bond and **regular** contact with a **healthy** adult
 - ❖ **Example:** Relatives, mentor, or community person
- ❖ **Terminate/minimize** interaction with harmful element
 - ❖ **Example:** Create legal/psychological boundaries
- ❖ Maximize commonality of **parenting ground rules**
 - ❖ **Example:** Document agreement including privileges, chores, etc.

Protective Factors

(cont'd)

- ❖ **Developmentally appropriate** movement and scheduling between homes
 - ❖ **Example:** Decisions based on bonding and need of predictability
- ❖ Role model **healthy relationship**
 - ❖ **Example:** Especially with spouse and/ or new partners
- ❖ Facilitate **emotional regulation** skills development
 - ❖ **Example:** Ensure child coping skills resources are available

Part II:
How High Conflict Divorce
Effects Parenting &
Tips for Professionals

Factors Undermining Even Responsible Parents from staying responsible

- ❖ Mental Illness
 - ❖ Ex. Parent with Major Depression
- ❖ Substance use
 - ❖ Ex. Alcohol or prescription medications
- ❖ Physical Illness
 - ❖ Ex. Auto Immune Disorder, Neurological Disorder
- ❖ Financial Struggles
 - ❖ Ex. Bankruptcy, Lost job
- ❖ Involvement of new partners

Undermining Patterns

- ❖ Some factors cause continued conflict and complications in court
- ❖ These factors include:
 - ❖ Continued disputes about financial responsibilities
 - ❖ Using the children as an intermediary
 - ❖ Multiple evaluations of the child(ren)
 - ❖ Continued court disputes regarding parenting time
 - ❖ False accusations as a way to “get back”

Handout 3: Children's Most Common Complaints in High Conflict Divorce

| Complaint | Recommendations |
|--|---|
| <p>Triangulating the child into the conflict</p> <p><i>“Stop trying to pull me into your fight”</i></p> | <p>J: Decrease involvement in continued actions but seek child(ren) opinion and requests; Enter orders prohibiting parents from speaking negatively about the other parent; utilize court appointed counsel for children as often as possible to ensure that children have a voice in the court room; utilize Rule 12 interviews with children;</p> <p>A: Encourage parents to decrease the child’s involvement in continued conflict; suggest alternatives to hard-line litigation.</p> <p>P: “Bill of rights” (child); Conciliation court handouts (parents); Use individual therapist who understands privacy issues; Family therapy and for at least basic “leave out” agreement; therapeutic themes: loyalty, planned responses; neutral lines of questioning around sensitive topics; maximize common parenting ground rules; clarifying neutral role upfront</p> |
| <p>Precipitous or forced involvement of new partner with child</p> <p><i>“Leave me alone, you are not my parent”</i></p> | <p>J: Careful handling of issues regarding new partner & child custody; if necessary enter specific orders regarding contact between the child and the new parent if it’s in best interest of the child</p> <p>A: Discourage the new partner from being involved in the situation; including their encouragement to bring new complaints; Educate client about 'going slow' with significant other, and court’s attitude about over involvement of 3rd parties.</p> <p>P: Facilitate key roles each parents plays(ed) and amount of shifting; Process the involvement of “stranger” with child; family therapy session with caretakers for ground rules</p> |

Common Complaints

cont.

| Complaint | Recommendations |
|--|---|
| <p>Hiding or concealing vital information</p> <p><i>“Stop hiding things from me...I want to know”</i></p> | <p>J: Include children to an appropriate level</p> <p>A: Work with the child(ren) when they need and encourage the child/ parent interaction in an appropriate context; Educate client about providing the children appropriate and inappropriate information</p> <p>P: “Bill of Rights”; Help child list and prioritize needs/wants; Identify their greatest fears and develop healthy coping strategies; assessment should include pressing fears/concerns</p> |
| <p>Lack of processing of negative feelings/ memories following divorce</p> <p><i>“I will never forget how horrible this is....I am scarred for life”</i></p> | <p>J: Monitor the situation and be aware of potential false accusations</p> <p>A: Ensure the client is seeking treatment and being supported throughout the court process; be aware of additional accusations; do not encourage continued accusations if false; Ensure the client is seeking treatment and receiving emotional support throughout the court process; discourage false and inflated accusations</p> <p>P: IMMEDIATE treatment for legitimate trauma; “Safe Harbor”; Frank warnings (torn up teddy bear); Close monitoring 27</p> |

Patterns Exacerbating High Conflict Situations

Highly Exacerbating Circumstances

- ❖ Mental illness of a parent(s)
- ❖ Substance abuse
- ❖ Neglect/ Abuse
- ❖ Psychological abuse/ Coercive Control

DV and CPS Involvement

- ❖ Accusations of DV and Coercive Control are substantially increased in high conflict cases
- ❖ In some cases one parent could be convinced to make false accusations to attempt to win over the court
- ❖ If CPS has been involved on a substantiated case (or in some cases unsubstantiated) this can cause more complications
- ❖ These factors increase litigation time, resources and struggles in the family and the courts

Coercive Control

- ❖ **AZ statues does not recognize coercive control as a legal standing for abuse (A.R.S. § 13-3601)**
- ❖ In one Arizona study it was found that while women did not report DV, most of the women met standards for coercive control (Beck, 2010)
- ❖ This is a significant pattern that can continue through the divorce process and cause continued complications for both parties
- ❖ More research and legal changes are needed to decrease the effect of coercive control

Handout 4: High Conflict Divorce: Most Common Effects on Children

| Affects | Recommendations |
|-----------------------------------|---|
| Psychological/ Behavioral Effects | <p>J: Monitor the child and encourage treatment (both medical and psychological); Appoint a Best Interests Attorney, Court Appointed Advisor, or Children's Attorney; Enter appropriate orders regarding legal decision making; schedule review hearings</p> <p>A: Attorney should have basic understanding of mental health issues that may arise in custody disputes; be able to refer client to appropriate resources</p> <p>P: Individual/Family/Group therapy; “safe island adult” (<u>minimal</u>); articulate goals/problematic dynamics and benchmarks; “Bill of Rights” (E.g. Conciliation Court handout)</p> |
| Attachment Reactivity | <p>J: Encourage shared parenting that will be in the best interest of the child; decreased movement between houses; consult children about their desired housing and parenting time but do not require them to choose</p> <p>A: Encourage shared parenting time but decreased movement between houses; Attorney should be educated about attachment reactivity and help client distinguish between normal and serious reactivity</p> <p>P: See above; functionally document type of attachment and relate to future adjustment issues; Maximize common ground parent groundrules; Developmentally informed parenting time; Parent education regarding bonding needs at each developmental stage (Ages and Stages!)</p> |

Handout 4: Most Common Effects (cont'd)

| Affects | Recommendations |
|-----------------------------------|---|
| CPS/ DV/ Coercive Control | <p>J: Monitor all situations and any continued complaints; the judicial bench must educate itself about Domestic Violence/Coercive Control so that we can identify it in our cases</p> <p>A: Decrease false accusations; work to support DV victims; Attorney should thoroughly explore with client; realistically assess the likely court result of such claims</p> <p>P: Prudent assessment of allegations (not jumping on bandwagon); functional precision!; Precision facilitates effective court intervention and treatment; Maximize sense of control (focus on what in control of); Immediate treatment for legitimate trauma</p> |
| Effects of high conflict exposure | <p>J: Evaluate the amount of unnecessary court appearances; decrease the amount of involvement of child(ren) in these cases; Make all court hearings meaningful</p> <p>A: Continually remind client of long-term damage to children; explore ways to decrease conflict</p> <p>P: Physiologic assessment; Over suppression (the calmer they are, the more you should worry); Establishing “safe harbor” anger outlet; Ensure internalize model of what healthy relationship is eventually; Assess what effects are being experienced and work on individualizing the therapy; process</p> |

Who are the most vulnerable children??

- ❖ No external mentor/therapist/confidant!!!!!!
- ❖ Overly suppressing child holding things in
- ❖ Trauma that goes untreated
- ❖ Child who never learns what healthy relationship is
- ❖ Silent toxic “physiologic” goes untended
- ❖ Warped relationship dynamics internalized
 - ❖ >>replicate dysfunction

Future predictions

- ❖ Streamlined divorce process
 - ❖ Shorten accusation process
 - ❖ Uniform background sheets
 - ❖ Chronology of Relationship Events (CORE)
- ❖ Empirically based screening process > child tx types?
- ❖ More precisely identify
 - ❖ Building resilience
 - ❖ Prevent or Minimize traumatization

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Appendix A: Bill of Rights

Every child whose parents divorce has:

The right to love and be loved by both of your parents without feeling guilt or disapproval.

The right to be protected from your parents' anger with each other.

The right to be kept out of the middle of your parents' conflict, including the right not to pick sides, carry messages, or hear complaints about the other parent.

The right not to have to choose one of your parents over the other.

The right not to have to be responsible for the burden of either of your parents' emotional problems.

The right to know well in advance about important changes that will affect your life, for example, when one of your parents is going to move or get remarried.

The right to reasonable financial support during your childhood and through your college years.

The right to have feelings, to express your feelings, and to have both parents listen to how you feel.

The right to have a life that is as close as possible to what it would have been if your parents stayed together.

The right to be a kid.

Original author: Robert E. Emery (2006)

Appendix B.

Family Law Literature Based Recommendations

Recommendations for Judges

- ❖ Even the parenting time between residential and non-residential parents
 - ❖ More even parenting, decrease stress child experiences
- ❖ Decrease the amount of rapid transitions of the child
- ❖ Talk with the children, no parents
- ❖ Seek mental health assistance when needed

Recommendations for Attorneys

- ❖ Look for possibility of equal parenting time
- ❖ Seek out mental health support if needed
 - ❖ Substance use and history
- ❖ Work to use mediation but be aware of possible issues
- ❖ The key: open communication

(Kelly, 2014)

Recommendations for Psychologists

- ❖ Be aware of the intricacies of DV/ CPS/ Coercive Control
- ❖ What is the environmental circumstances of each home, attachment to parents
- ❖ What is the possible outcome of any recommendations or treatments
- ❖ What does the research say