

## **Contested Custody and Its Effects On Children**

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There is perhaps nothing more devastating in a child's life than to have their parents separate, battle over custody, and eventually divorce. The child's sense of security has been taken away from them, and they are left to try to understand (in their own limited ways) why the divorce happened. They often wonder whether **they** are to blame and whether they will ever have a normal life again. Without sensitive help, most children take years to recover from their parents' separation and divorce—even peaceful ones. Negative reactions can be expected from children when parents draw them into the adult relationship challenges. Negative reactions can also occur even when the child knows that divorce is a good idea due to troublesome parental addiction, abandonment, violence, or mental illnesses. Without help, life-long emotional damage occurs and fears of love and relationship can develop.

Based upon the available research, we know that children whose parents participate in a nasty divorce experience the following problems:

1. Depression followed by anxiety. Children under the age of seven often lack the abstract and verbal skills to both understand what a divorce means for them and to be able to discuss their feelings with their parents or other loved ones.
2. Depression in middle schoolers and older adolescents usually takes the form of irritability, acting-out, perhaps resorting to drugs and alcohol, or finding solace in friends who will listen to them. Unfortunately, some of their choices of friends are not the best.

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Teenagers will often mimic the behaviors of their parents; if they see their parents are arguing, they ask themselves “Why isn’t it okay for me to argue back?”.

3. Many children exhibit delinquent behavior, difficulties with peers, and low self-esteem following their parents' divorce, while many others adjust readily, enjoy popularity with friends, and think highly of themselves. However, healthy adjustment following a nasty divorce is less common. Social withdrawal and academic problems are likely to develop as a direct result of the turmoil inherent in a divorce.
4. Following divorce, approximately 20 to 25 percent of children in divorced families experience long-term adjustment problems, compared to roughly 10 percent of children in first-marriage families.
5. Children often feel abandoned and left alone to face the world after a divorce. Previously secure relationships with friends and neighbors, and the security of their home are removed and replaced with uncertainty or fear.
6. Studies show that children’s sense of lifetime marital commitment is undermined when they witness a highly-contested divorce firsthand, and that divorce doubles the chances children will later experience serious social, emotional or psychological problems such as dropping out of school and leaving the home early with low job skills.
7. Children may believe the divorce is their fault, caused by something they said or did, or just the way they are, and they feel a deep sense of guilt and shame. Difficult teens may be afraid that their behavior has contributed to the divorce and made it easier for a parent to leave.
8. Children who feel responsible for problems between parents tend to believe they can also fix things. They may go to great lengths to be a “better child” – a more helpful and appealing child – or believe they have the power to “wish” their parents back together.

When this doesn't happen – when their often elaborate plans and hopes for reconciliation fail – children feel powerless and upset that they cannot make a difference.

9. The more conflict there is between the parents, the longer children hold onto the notion of their parents' reconciliation. It is clear that the parents are not "getting on" with their lives. Children will often act out in ways which force their parents to interact (negatively or positively). Children whose parents were very conflictual during the marriage often mistake the strong emotions of conflict with intimacy. They come away with the belief that the only true way to be intimate with someone else is to be always in conflict with them, which clearly is a distorted thought.

Children's psychological reactions to their parents' divorce vary in degree dependent on three factors: (1) the quality of their relationship with each of their parents before the separation, (2) the intensity and duration of the parental conflict, and (3) the parents' ability to focus on the needs of children in their divorce. The key component of these three aspects is that the parents do everything they can to make decisions during the divorce process which are intended to enhance the quality of life for their children rather than trying to punish the other parent. Such punishment might be in the form of intended or unintended derogatory comments made within earshot of the child. Even subtle nonverbal cues can send a message to a child, e.g. smirking when speaking about the other parent. Children are quite astute in reading nonverbal cues.

Why is collaborative family law a more compassionate and appropriate approach for helping children in divorce? On the average, it takes family members approximately four to eight years to recover from the emotional and financial expense of a bitter adversarial divorce. In an adversarial divorce, there is no possible resolution of the emotional issues, only decreased trust and increased resentment. With the collaborative approach, parents choose to take the "fight" out of the mix making them more psychologically capable of choosing wiser decisions on behalf of the children.

Collaborative family lawyering may not completely remove the toxicity that flows from the divorce, but it certainly gives children a better chance for recovery. If we believe as parents that

we were making good choices for the benefit of our children, why not continue to do so during the divorce and thereafter?