

Family Dynamics in Divorce Proceedings, Custody, and Visitation

Erica Sullivan, BA, Eric Kothari, D.Min., Psy.D.

The importance of family dynamics cannot be underestimated, in addition to the implications that these dynamics have for the adjustment and health (mental, emotional, and physical), it has serious impacts on society as a whole. There are many things which have a severe impact on family dynamics. Perhaps one of the most important, which continues to grow in importance, and in prevalence, is divorce. In recent decades divorce has been on the rise, although the numbers for 2005, show a divorce rate of 3.6 (per 1,000 people), which is actually the lowest rate since 1970 (“US Divorce Statistics,” n.d.). The impact of divorce is greater when there are children involved, which encompasses over 40% of all divorces (“US Divorce Statistics,” n.d.). The change in family situation can cause long-lasting effects, particularly in children. The proceedings of the divorce, which frequently include heightened tensions between parental figures, as well as the proceedings and arrangements for custody and visitation, are significant stressors in the child’s life. While it is exceedingly rare for a custody battle to be anything but hostile, this hostility has a serious negative impact on the child’s future adjustment. It is in society’s own best interest, given the numbers involved, to make a concentrated effort to mitigate, in whatever ways possible the negative consequences of divorce.

Although it is not universally true that family dynamics are wonderful prior to divorce, horrible during, and strained following, generally the dynamics are detrimentally affected by the process. According to Wallerstein and Blakeslee, half of the women and a third of the men in their study were still experiencing intense anger 10 years after their divorce (Wallerstein & Blakeslee, 1998). In particular divorces involving custody issues are frequently tense, harmful, and scarring. The custody dispute only ever occurs when both parents are willing to fight for the children, and under these circumstances it is difficult for the parents not to be hostile and venomous. In the years between 1970 and 2000 just under half of first marriages ended in

divorce (Wallerstein & Blakeslee, 1998). The tensions and stressors accompanying divorce proceedings often have a severely negative impact on family dynamics. Studies have differed on the length of time divorce effects the family members involved, but perhaps this is only due to the fact that each divorce is unique as are the people being impacted.

Wallerstein and Lewis conducted a twenty-five year longitudinal study that followed 131 children who were between the ages of three and eighteen at the time of their parent's divorce in 1971 (2004). The sample was predominately middle-class, well-educated, and white. It was the first marriage for 90% of participants. The goal of this particular sample was to study the effects of divorce under good circumstances, without adding in possible confounding factors of poverty or ethnic discrimination (Wallerstein & Lewis, 2004). They published results at varying stages of the study, but there were profound and unexpected long-term effects of the divorces. At the twenty-five year mark, 45 of the original 60 families participated (75%), and 93 children (73%) participated (Wallerstein & Lewis, 2004). While a control was not a feasible option under these circumstances, a comparison group of 44 adults who had similar backgrounds (graduated from the same elementary schools, lived in the same neighborhoods, etc.), but grew up in intact families, were recruited. One of the findings that seemed starkest was that while nearly all of the comparison group could remember discussing college plans and career goals with their parents, not one of the divorced group was invited by both parents to discuss such plans (Wallerstein & Lewis, 2004). The entry to college was also a point of marked difference: attending high schools where 92% of students entered college, only 80% of the divorced group matriculated at all. Only 57% of the divorced group completed their bachelors degree, whereas 90% of the comparison group completed theirs (Wallerstein & Lewis, 2004).

The largest implication of the divorce that the longitudinal study uncovered was the differences in attitude toward relationships (Wallerstein & Lewis, 2004). The ideas that the now-adults would “jinx” a marriage, or be somehow doomed to failure were recurring themes in many of the divorced group’s responses. The children had internalized their parent’s divorce in such a way that they projected the failure onto any of their own. Roughly a third of the group’s participants were bluntly pessimistic about marriage in general (Wallerstein & Lewis, 2004). Nearly all of the subjects expressed anxiety about the fleeting nature of happiness – those in happy, stable, fulfilling relationships lived with the idea that this could leave at given moment. These anxieties manifested in impulsive destructive choices, in acceptance of any potential partner who came forward, a willingness to stay in exploitative relationships, and a withdrawal from intimate contact altogether (Wallerstein & Lewis, 2004).

There have been question as to the validity of the findings on emotional effects because of possible genetic confounds. In order to answer that question, D’Onofrio et al. conducted a study where they studied the children of dizygotic twins (2006). The children from a divorced family were compared with their cousins in intact families, eliminating the genetic confounds. This method of study also insures relative parity in socioeconomic status. The findings showed, that consistent with previous research, parental divorce, especially when experienced before the age of 16, is associated with lower educational attainment, earlier initiation of sexual activity, higher rates of cohabitation, earlier drug and alcohol use, and earlier emotional problems (D’Onofrio et al., 2006). The study also showed that some punitive effects of divorce might be more correlated with genetic selection, and environmental selection.

The turbulence in the family environment caused by divorce can also have mental repercussions. It has been found that early family experience can affect how young adults

perceive and respond to negative stimuli (Luecken & Appelhans, 2005). Young-adults from divorced families have greater attention to loss-related cues than their counterparts from intact families. The subjects from intact families exhibited an avoidance of both threat and loss-related words which is interpreted as a protective bias (Luecken & Appelhans, 2005). This protective bias is believed to decrease the risk for affective disorders. The greater attention given to the threat cues may result in a greater appraisal of threat in ambiguous situations. This, in turn, increases the risk of mental health problems. The study eliminated those young-adults whose parents had divorced after the subject turned 16. Given that the average age of subjects was 20, regardless of any intervening events, the informational bias was still present (Luecken & Appelhans, 2005). This suggests that an enduring attentional marker is related to the early experiences.

Additionally divorce has been correlated with long-term physical health factors. The level of parental conflict and the loss of time with the father during childhood were correlated with poor health indicators (Fabricius & Luecken, 2007). The loss of time with father was chosen due to the large majority of living situations in which the mother retains custody and the children visit the father. In these situations, the higher level of parental conflict and greater loss of time with father predicted poor health in young adulthood (Fabricius & Luecken, 2007). The study hypothesized that the correlation is due almost entirely to the harm the divorce does to the child's emotional security, as was indicated by a number of factors the study examined (Fabricius & Luecken, 2007). The experience of high conflict at the time of the divorce and the emotional repercussions result in a susceptibility to stress-related illness, as well as more serious illnesses.

Family courts have attempted to mediate the effects of divorce by mandating a parenting class. One such class is "Positive Parenting through Divorce," which is a one-time, four-hour

class highlights the most effective ways to parent during a divorce (“Positive Parenting Through Divorce”, 2007). The session offers coping techniques to allow the parent to cope with their own stress more effectively. It deals with the ways to work through the divorce with the child from telling them, to helping them understand the dual households. The course also offers insights and tips on how the parents should co-parent together, and the best ways to introduce the child to new members of the family, such as step-parents or siblings (“Positive Parenting Through Divorce,” 2007). The courts are attempting, through these classes, to mediate the negative effects that divorce can have on children. Most states are now requiring the class be completed by parents with minors, in order to promote healthy decisions in regards to the children. The available data indicates that parents express high levels of satisfaction with the courses (Arbuthnot & Gordon, 1996).

Another parenting class is the Parent’s Education About Children’s Emotions (PEACE) program, in Ohio. It is a 2 ½ hour session mandated after filing of divorce, but before the decree is granted (McKenry, Clark, & Stone, 1999). McKenry, Clark, and Stone followed two groups of divorcing parents – one which had participated in the PEACE program, and one which had not (1999). The study showed in line the previous results, a high level of satisfaction with the program from the participants. The results also showed a correlation between parental relationship with the children at the four-year mark, and the parenting class (McKenry, Clark, & Stone, 1999). The major emphasis of the PEACE program is to aid in the adjustment process for the children involved. Thus it is logical that this would be the area where significant correlation was found. The study also hypothesized that parental behaviors are more open to change than relations with the former spouse, or attitudes toward the divorce and settlement agreement (McKenry, Clark, & Stone, 1999). Though there was little evidence that the program aided in the

co-parenting process, this does not mean parent education classes are unimportant or should be discarded. The evidence of improved relationships with their children four-years out than the comparison group is enough to prove that the classes have a significant and beneficial impact on the parenting techniques of the parents involved. Due to this positive effect, it seems logical that if the parenting classes are not to be mandated in all cases, or all states, then parents seeking a divorce should be notified of the classes, and the potential benefits.

The impact of high-conflict divorces is enormous on everyone involved. One of the most frequently contentious issues in the entire process is that of child custody. There are thousands of examples of parental behavior toward the former spouse that should be deemed simply ludicrous. In his article examining the modes of thought that prompt parents to negate their own parental role, "Tearing the child apart," Donner provides some examples of such behavior: "A father who had had joint custody for 7 years who wanted his ex-wife arrested for theft because his son returned home without the blue jeans he was wearing when he went for an overnight with the mother (Donner, 2006)." He also provides examples of birthday calls from a father being reported as harassment, and a mother who took photographs of her child's bug bites from a camping trip to child protective services in order to get the father's visitation rights terminated. Such behavior is not only a burden to the legal system, and highly irrational, but also severely detrimental to the child (Donner, 2006). Donner explores the characteristics of parents who exhibit these behaviors. The parents are "narcissistically vulnerable and overwhelmed by pathological amounts of envy." His hypothesis, which is untested, is that parents who are willing to tear their children apart with the unending custody battles are actually warding off psychic collapse through the battles (Donner, 2006). The parents who pursue these kinds of custody battles are lacking the capacity to consider their children's needs. The parent is pursuing

gratification of their own needs, and doing so at the expense of the child's. Donner, building off of Greenberg & Mitchell (1983), labels this inability to see the child as anything other than an extension of the parent in question, as pathological narcissism (2006). In this view, children, as extensions of the parent, have no individual or separate emotions, particularly in regard to the ex-spouse. When there is a difference, the parent perceives it an attack. These parents are looking to their children to meet their needs of love and approval, and when this relationship is disrupted, the parent is unable to simply grieve. This process is not enough, because the pathologically narcissistic parent, this is more than the loss of a child, but the loss of a piece of their self-concept – a part of their identity (Donner, 2006). The pathologically narcissistic parent often reacts defensively, which tends to take the form, in these cases, of a feeling of omnipotence. The parent is the only one who knows what's best for the child, and they know in every aspect of the child's life. By controlling it all, and knowing it all, the parent is able to stave off the psychological breakdown (Donner, 2006). Narcissism alone is not responsible for the terrible, interminable custody battles; these are also provoked by envy. The envy is a desire triumph over the other parent – it is not the winning of the child, and the having that satisfies, it rather that in the winning, they have taken the child from the ex-spouse (Donner, 2006). Donner regards this desire as “the psychological equivalent of cutting the baby in half;” not a desire to possess, but to insure that the other cannot possess. The loss of the child, in these circumstances, is a greater threat, because the other parent values the child. This, in extreme form, can help to explain the rare unfortunate cases where a parent kills the children, rather than accept the court order (Donner, 2006). While, thankfully, few cases are that extreme, it does seem likely that the bitter custody battles, that the parents won't allow to end, is fuel by a form of narcissism, and a degree of the primitive envy that Donner describes (2006).

The custody arrangements have a dramatic impact on the family dynamics. The two most common grants by the court are: “sole maternal legal and residential custody” and “joint legal and mother-residential custody.” Nord and Zill determined that joint residential decrees, which mandate that the children live equally with each parent, are awarded in less than 5% of cases (as cited in Gunnoe & Braver, 2001). Gunnoe and Braver studied a series of families which had one of the two most common custody arrangements – so in both groups the children lived primarily with their mother (2001). The study did uncover that mothers with joint custody were less satisfied with their custody arrangements than those with sole custody. Similarly the McKenry, Clark, and Stone study on the parenting classes also spoke to the living arrangements (1999). It is not much of a surprise that there too, the custodial parent evidenced greater satisfaction with the co-parenting arrangement (McKenry, Clark, & Stone, 1999). The Gunnoe and Braver study also noted that there was no significant difference between sole and joint custody in terms of the mother’s perception of relations with either their children or their ex-spouses (2001). The joint custody was also associated with the mother’s repartnering. Those mothers who shared custody were three times more likely to be living with a new partner, than those who had sole responsibility for the children (Gunnoe & Braver, 2001). There was however, an effect on the father’s relationships with the children. Joint custody was associated with greater father-child visitation. It was not correlated with child support payments (Gunnoe & Braver, 2001). Children in joint custody arrangements were far less likely to exhibit impulsive behaviors, than children in sole-maternal custody (Gunnoe & Braver, 2001).

One of the important findings was that more positive family dynamics prior to the divorce predisposed the family to receive joint legal custody (Gunnoe & Braver, 2001). This is important in that when studying the effects of custody awards, the self-selection tendency can be

an enormous confound. Taking this into consideration, it was still the case that children in sole custody exhibited more impulsive behaviors two years out from the divorce than did children in joint custody (Gunnoe & Braver, 2001). They were also reported to have more total problem, antisocial behavior and depressive behaviors, but those results were not statistically significant (Gunnoe & Braver, 2001). Though the behaviors are not significant, it should be recognized that critics of joint-custody predict greater behavioral problems, which is not at all the case. The study failed, in fact, to uncover any evidence of adverse effects of joint custody on children's adjustment (Gunnoe & Braver, 2001). The benefit to fathers is evident in the greater degree of father-child visitation. Finally the facilitation of more rapid repartnering in joint-custody mothers is to the advantage of both the mother and the children. In a study by Montgomery, Anderson, Hetherington, and Clingempeel, the children of mothers who more quickly into a new relationship exhibit higher rates of social competence, and direct less negative behaviors toward their residential parents than children of mothers who postpone courtship following divorce (as cited in Gunnoe & Braver, 2001). From these findings the only negatives in regards to joint custody are maternal dissatisfaction, and the fact that joint custody fathers are no more likely than non-custodial fathers to comply with child support orders. It is possible that the two negative factors are related, in that the mother is frustrated with a perceived disconnect between her caretaking responsibility and her legal custody – which would only be exacerbated by late or missing child support.

Child support and alimony tend to be particularly contentious issues in divorces, often prompting continued conflict between the ex-spouses. One theory is to view a causal relationship between visitation and child support – in that frame, the father is theoretically buying time with the child. The model, formulated by Del Boca and Ribero is a mathematical one, which has not

been tested (2001). The model implies a positive relationship between the visitation time of the father and the monetary transfers to the custodial mother. According to that model, mandatory child-support payments from the father to the mother will result in unambiguous welfare gains for the mother, and losses for the father (as is expected), but also a large reduction in time spent with the child by the father (Del Boca & Ribero, 2001). This model, if accurate, raises some interesting issues for policy-makers - if the child benefits a great deal from balanced visitation with both parents, are the court mandated interests in the child's best interest?

Divorce can place considerable strain on the best of family dynamics, and in less ideal cases can shatter them altogether. The current rate of divorce, while not rising at the rate it has in the past, is still significant to the whole of society. The impact that divorce has is therefore something of which society needs to be cognizant. Divorce proceedings, particularly high-conflict divorces can have severely negative consequences, especially on young children. In an effort to help, family courts sometimes mandate parenting classes which aim to mediate the parent's knowledge of children's adjustment process. It has been shown to increase the likelihood of a positive relationship years after the divorce. A more positive relationship with parents should theoretically help to mediate some of the other effects of divorce – lower education, more impulsive behavior, and early onset of self-destructive behaviors (sexual promiscuity, drugs, alcohol). The implications that the custody arrangements have are also significant, indicating that the children might be better off with joint legal custody. An area of future research should be to explore the differential effects of joint legal, versus joint residential custody. Even without that data, however, the benefits that children seem to have in joint legal custody should be taken into account by the court system. Policy-makers regulate a large portion of the divorce process, from the legal paperwork, to mandatory parenting classes, to custody decrees, visitation schedules, and

to child support and alimony payments. It is important that this information is available to the legislators, the judges, and the lawyers involved. If everyone is truly striving to provide for the best interests of the child, then this information should have a large impact.

References

- Del Boca, D., & Ribero R. (2001). The effect of child-support policies on visitations and transfers. *The American Economic Review*, 91(2), 130-134.
- Donner, M. B. (2006). Tearing the child apart: The contribution of narcissism, envy, and perverse modes of thought to child custody wars. *Psychoanalytic Psychology*, 23 (3), 542-553.
- D'Onofrio, B. M., Turkheimer, E., Emery, R. E., Slutske, W. S., Heath, A. C., Madden, P. A., & Martin, N. G. (2006). A genetically informed study of the processes underlying the association between parental marital instability and offspring adjustment. *Developmental Psychology*, 42(3), 486-499.
- Fabricius, W. V., & Luecken, L. J. (2007). Postdivorce living arrangements, parent conflict, and long-term physical health correlates for children of divorce. *Journal of Family Psychology*, 21 (2), 195-205.
- Gunnoe, M. L., & Braver S. L. (2001). The effects of joint legal custody on mothers, fathers, and children controlling for factors that predispose a sole maternal versus joint legal award. *Law and Human Behavior*, 25(1), 25-43.
- Luecken, L. J., & Appelhans, B. (2005). Information-processing biases in young adults from bereaved and divorced families. *Journal of Abnormal Psychology*, 114 (2), 309-313.

McKenry, P. C., Clark, K. A., & Stone, G. (1999). Evaluation of a parent education program for divorcing parents. *Family Relations*, 48(2), 129-137.

“Positive Parenting Through Divorce.” Retrieved November 3, 2007 from:

<http://onlinedivorceclass.net/>

“US Divorce Statistics.” Retrieved October 25, 2007 from:

<http://www.divorcemag.com/statistics/statsUS.shtml>

Wallerstein, J. S., & Lewis, J. M. (2004). The unexpected legacy of divorce: Report of a 25-year study. *Psychoanalytic Psychology*, 21(3), 353–370.