

**A CHILD'S BEST INTERESTS  
WITHIN PARENTAL CONFLICT**

PLENARY ADDRESS TO  
THE 3<sup>rd</sup> FAMILY JUSTICE PRACTICE FORUM

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**ABSTRACT**

The plenary considers:


- the latest research on divorce and its impacts for children, direct and indirect\*.
- the evidence for constructing family law interventions that make a difference to parent adjustment, and to children's well-being.
- pathways of positive impact via pro-active family law interventions
- the developmental responsibilities & possibilities of family law interventions

\*acknowledgements: Alana Deery and Prof. Ann Sanson with whom I am currently reviewing this literature




**OUTLINE**

1. What matters to children's outcomes after parental separation
  - What *modifiable* factors explain differences in outcomes for children in separated family structures?
2. Discussion:
  - *What works* in preventing lasting impacts of separation, and assisting the recovery of parenting, of co-parenting, and of therefore, of the child's development
  - What are the developmental responsibilities & possibilities of family law interventions
  - *What translates* effectively to the family court context?



**THE WISDOM OF  
'NORMAL DEVELOPMENT'**



**SEED CONSTRUCTS**

The emergence of the social and emotional self

Understanding etiologies of intrapersonal, inter-personal and societal health, and dysfunction



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**THE SEED VISION**

What matters  
What works &  
What translates


in the promotion, support and repair of healthy emotional and social pathways, and to the prevention of developmental trauma, throughout the life course?




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**A SEED PERSPECTIVE ON CHILDREN AND DIVORCE**

Dealing with a population in which there are known toxins to emotional and social health, and predictable outcomes. The 'developmental forecast' is often evident.




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**1. WHAT FACTORS EXPLAIN DIFFERENCES IN OUTCOMES FOR CHILDREN IN SEPARATED FAMILY STRUCTURES?**


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FACTORS MODERATING THE LINK BETWEEN SEPARATION & DEVELOPMENTAL OUTCOMES

- Qualities of the individual adult
- Qualities of the child
- Qualities of parenting & co-parenting
- Social & financial resourcing
- Emotional support
- Accumulating stress

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1.1 Parental mental health & parenting responsiveness


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MATERNAL DEPRESSION

- Familial risk for depression is a key factor
  - Weaver & Schofield, 2015; Vousoura et al., 2012.
- However, *combinations of adversities* – e.g. maternal depression and paternal substance abuse explain more differences in outcomes
  - Di Stefano & Cyr, 2014; Rodgers et al, 2011; Stroschein, 2014


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POOR PARENT MENTAL HEALTH & LOW PARENTING RESPONSIVENESS

- Are highly correlated, and together account for significant variance in the relationship between family separation and children's outcomes.
  - Clarke-Stewart & Hayward, 1996; Cyr, Di Stefano, & Desjardins, 2013; Hetherington, 1993; Taylor & Andrews, 2009.
- The impact on child occurs through translation of parent's anxiety, depressive or other symptomology into diminished parenting responsiveness, particularly reduction in the support and guidance offered to the child, and diminished sensitivity to attachment signals.

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### KEY PARENTING RISK FACTORS

- growing inconsistency in discipline and affection
  - Kasen, Cohen, Brook, & Hartmark, 1996; Lengua, Wolchik, Sandler & West, 2000; Hetherington & Stanley-Hagan, 1999;
- emotional distance, lower stimulation and guidance
  - Beelmann and Schmidt-Denter, 2009;
- less time, support, fewer rules, harsher discipline, less supervision
  - Astone & McLanahan, 1994; Hetherington & Clingempeel, 1992; Simons & Associates, 1996, and
- more conflict with their children
  - Ruschena et al, 2005.

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### PROTECTIVE FACTORS FOR MENTAL HEALTH, SELF ESTEEM AND LIFE SATISFACTION IN CHILDHOOD AND ADOLESCENCE

- Quality of pre and post separation parenting by mothers and fathers (highly correlated)
  - Amato & Booth, 1996; Burns & Dunlop, 1998; Seltzer, 1991; Zill, Morrison, & Coiro, 1993; Weaver and Schofield; 2015.
- High sensitivity and parenting consistency pre and post divorce, and
  - Karre & Mounts, 2012; Lucas, Nicholson, Bircan & Erbas, 2013; Weaver & Schofield, 2015
- Authoritative parenting style across all custodial arrangements
  - Bastaits, Ponnet & Mortelmans, 2014

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### COMPETENT CO-PARENTING

- Sensitive post-separation parenting quality is supported by **competent co-parenting**, and
- is vulnerable to disengaged and conflicted co-parenting, and absence of support from the other parent
  - Cyr et al., 2013.
- YET, high quality parenting by one parent can override the impacts of poor parenting responsiveness by the other parent
  - Sandler, Wheeler, Braver, 2013.

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### RELATIONSHIP BETWEEN PARENT & CHILD

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### SEPARATION IS ASSOCIATED WITH

- higher conflict in parent-child relationships and lower relationship quality
- in turn associated with adolescent substance use
  - Kristjansson, Sigfusdottir, Allegrante & Helgason; 2009; Ruschena et al, 2005.
- Adolescents strongly attached to a parent of the same gender especially likely to engage in delinquent behaviour when divorce separates them
  - Videon (2002)

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### FATHERING QUALITY & INVOLVEMENT AFTER SEPARATION

- strong links between the child's perceived closeness to father and self-esteem, delinquency, and depressive symptoms
  - Booth, Scott & King, 2010.
- moderate involvement/low conflict fathering profiles linked with better academic and psychosocial functioning as young adults.
- greater paternal psychosocial support and more frequent father-adolescent contact do not outweigh the negative impact of inter-parental conflict on youth outcomes in the long term.
  - Modecki, Hagan, Sandler & Wolchik c (2015)

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1.2 Inter-parent Conflict & Family Violence  
Pre and Post Separation



### PARENTAL CONFLICT

- high degrees of anger and distrust, verbal abuse, frequent or acute difficulty in communicating about and cooperating in the care of their children, and the deliberate sabotaging of the child's relationship with the other parent
  - McIntosh, 2003.
- 26 % of non-litigating co-parenting relationships are still conflictual three and a half years after separation.
  - Maccoby and Mnookin (1992)
- Outcomes of problems originating within the marriage, anger and hurt about the separation, concern about the ex-partner's parenting of the children, inability to separate couple and parental roles
  - Emery, 1999.

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## PARENTAL CONFLICT

- Childhood exposure to high level inter-parental conflict **has** strong associations with patterns of anxiety, depression, suicidal ideation, early drug use, early pregnancy, school drop out and disruptive behaviours in childhood

(Amato, 2005; Baker and Brassard; 2013; Baxter, Weston, & Qu, 2011; Grych, 2005; Kristjansson et al., 2009; Lucas et al., 2013; Rogers et al, 2011; Sullivan, 2008)

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## EX-COUPLE VIOLENCE

- substantial allegations of a serious nature are made in 60% of Judicial matters, and in 50% of the general litigants sample.

○ Moloney, Smyth, Weston, Richardson, Qu, & Gray, (2007)

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## CHILDHOOD EXPOSURE TO HIGH CONFLICT AND TO VIOLENCE BETWEEN PARENTS

Chronic exposure to high conflict associated with:

- patterns of anxiety, depression, suicidal ideation, marijuana use and disruptive behaviours in childhood

○ Amato, 2005; Baker and Brassard; 2013; Baxter, Weston, & Qu, 2011; Grych, 2005; Kristjansson et al., 2009; Lucas et al., 2013; Rogers et al 2011; Sullivan, 2008.

Exposure to overt violence independently associated with:

- children's externalizing problems: aggression, conduct disorders, delinquency, truancy, school failure, anger; depression, anxiety, and low self-esteem.
- interpersonal problems: poor social skills, peer rejection, problems with authority figures and parents, and lower empathy for others

○ Bancroft & Silverman, 2004; Graham-Bermann & Edleson, 2001; Fantuzzo & Mohr, 1999; Holtzworth-Munroe, Smutzler, & Sandin, 1997; Jaffe, Baker, & Cunningham, 2004; McIntosh & Ralfs, 2012; McNeal & Amato, 1998; Wolak & Finkelhor, 1998.

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## EXPOSURE TO CHRONIC BATTERING OF MOTHER

- Pre-school: pervasive negative effects on development, including significant delays and insecure or disorganized attachments.

- School-age children: posttraumatic stress disorders, higher sibling violence

○ Ayoub, Deutsch, & Maraganore, 1999; Kilpatrick & Williams, 1997; Lieberman & Van Horn, 1998.

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#### DIVORCES THAT REMOVE CHILDREN FROM HOME ENVIRONMENTS MARKED BY CHRONIC DISCORD & VIOLENCE

- appear to result in improvements rather than decrements in well-being
  - Amato, 2000; Booth & Amato, 2001; Kitzmann & Emery, 1994; Stroschein, 2005.

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#### 1.3 Inter-parent Cooperation & Communication Pre & Post Separation



#### CO-PARENTING QUALITY

- Children from separated families report higher levels of antagonistic co-parental communication than those from intact families
- Denigration and triangulating patterns have direct effects on children's well-being
  - Buchanan et al, 1991; Cummings & Davies, 2002; Papp et al., 2002, 2009; Rowen & Emery, 2014; Schrodt & Afifi, 2007 ; Shimkowski et al, 2012

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#### PROACTIVE ATTEMPTS

- Parents' joint involvement predicts fewer risky behaviors
- Attempts at calm, tempered conflict resolution that reduce threat, and result in children's increased emotional security and decreased tendency to self blame are important
  - Buchanan et al, 1991; Camara & Resnick, 1987; Hetherington & Stanley-Hagan, 1999; Rina and McHale, 2014; Schrodt & Afifi, 2007.

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#### UNDER IDEAL CIRCUMSTANCES...

- parents work together in a business-like relationship to avoid conflict with each other, establish consistent routines across households, share resources, rights and responsibilities, and support each other's parenting practices for the benefit of their children.

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#### THE IDEAL IS HOWEVER NOT THE NORM

- 25 - 30 % of separated parents have a cooperative co-parental relationship characterised by joint planning, flexibility, sufficient communication and coordination of schedules and activities
  - Hetherington & Stanley-Hagan, 1999; Kelly & Emery, 2003.
- More than half engage in a form of parallel parenting, marked by low conflict, low communication and emotional disengagement
  - Kelly & Emery, 2003.
- Children's desire for more active communication and friendship between parents is evident in subjective accounts
  - Sadowski and McIntosh, 2015

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1.4 Child's Time & Contact with Both Parents



#### EARLY DEPRIVATION OF JOINT PARENTAL INVOLVEMENT

- A risk for adolescent depression.
- father absence in early childhood increases risk for adolescent depressive symptoms, particularly in girls, more so than father absence in later childhood.
  - Culpin, Heron, Araya, Melotti and Joinson 2013
- children who become alienated from a competent non-residential parent of either gender are at high risk of poor long term adjustment
  - Fidler, Bala, Saini, 2013; Kelly & Johnston, 2001.
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### SHARED-TIME PARENTING ARRANGEMENTS

30-50% of overnights with each parent)

- Estimates of children living in STPA range between 11% and 22% in Australia, Canada, most states in the USA, Denmark, Norway, the Netherlands, and the United Kingdom, compared with 33% in Sweden and Belgium, and higher in some states of the USA, such as Wisconsin
  - Cancian et al 2014; Melli & Brown 2008; Smyth, Chisholm, Rodgers & Son 2014.

Rising rates of shared time arrangements reflect

- sociological shifts in father involvement
- increased jurisdictional legislation for shared parenting in several countries.

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### LIVING WITH BOTH PARENTS AFTER DIVORCE

- Is normally assumed to increase children's well-being, through the effects of sustained parental involvement, and continued economic support.
- This finding does not hold for some.

The demography of families who adopt shared time arrangements is changing

- from self determined arrangements by cooperative, adequately resourced parents (Smyth et al, 2004) towards those arrived at in more conflicted, less well-off circumstances (Sodermans et al 2013).

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### CHILDREN'S VIEWS OF SHARED TIME

- The specific demands of making frequent transitions, living at two houses, adjustment to two different lifestyles can impact well-being, particularly the ability to stay organized, ordered, and planful.
- Children living in shared time arrangements report higher levels of stress than children from primary care, sole resident families or children from intact families
- Emery (2006, pp163-4) describes shared-time parenting as the 'best and worst' possible arrangement for children after separation.

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SMYTH, MCINTOSH, EMERY, HOWARTH (2016)

- All peer reviewed outcome studies of post-separation shared-time arrangements, since 2000
- Conclusion: "many of the perceived benefits of shared-time arrangements are indeed real", but for school aged children, outcomes are largely dependent on the manner in which parents' execute the arrangements, rather than to the apportionment of time itself.
  - E.g. see Sandler, Wheeler, Braver, 2013; Sodermans & Matthijs, 2014; Vanassche, Sodermans, Matthijs, & Swicegood, 2013.

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## TIME VS CONFLICT

- For some children, shared time arrangements made in highly conflicted and poorly resources contexts prolongs exposure to parental violence, abuse or mental illness
  - (Bauserman 2002; Greenberg 2004–05).
- “High levels of overnight visits are only beneficial when positive parenting is provided by the mother or father. The highest levels of child mental health problems are seen when children have high levels of overnights but a poor relationship with the parent”
  - (Sandler, Wheeler, Braver (2013, p. 922).

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## FIVE CENTRAL CONSIDERATIONS IN ASSESSING THE RISKS & BENEFITS OF SHARED-TIME ARRANGEMENTS FOR INDIVIDUAL CASES

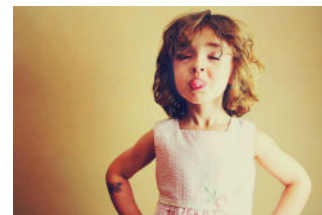
1. safety and security in the caregiving environment,
2. parenting quality & parent–child relationship,
3. child-specific factors,
4. nature and exercise of the parenting arrangements, and
5. practical/logistic resources to support the arrangement.
  - Smyth, McIntosh, Emery and Howarth (in press)

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## 2. WIDER CONTRIBUTORS TO OUTCOMES

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### 2.1 Child temperament & personality, genetics, age, gender

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#### CHILD TEMPERAMENT AND PERSONALITY

For temperamentally 'difficult' children:

- increasing stress leads to exacerbation of existing problems, decrements in later coping skills, and increase in behaviour problems. These children also may be less adept at gaining the support of people around them

For temperamentally 'easy' children:

- less likely to be the recipient of criticism, displaced anger and anxiety, and also more likely to be adaptive and able to cope with these responses

- Hetherington et al, 1989.

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#### NEGATIVE EVENTS & ATTRIBUTIONS

- The number of negative life events to which children are exposed is a consistent predictor of children's divorce adjustment
  - Amato, 2000; Ångarne-Lindberg & Wadsby, 2009
- But all transitions are not equally stressful for children.
- Children who blame the divorce or conflict on themselves tend to be more poorly adjusted
  - Bussell, 1995; McIntosh et al, 2010.
- In turn, such attributions are associated with depression, externalising problems, and lowered feelings of self-competence.

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#### GENE AND ENVIRONMENT INTERACTIONS

- Early days in this research
- Adolescents with a genetic polymorphism associated with antisocial behavior (DRD2\*178/304) exhibit higher delinquency if living with a single parent vs two married parents.
- Socio-emotional stability of a two-parent household may suppress the negative influence of this gene
  - Guo, Roettger, and Cai (2008)

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#### GENDER DIFFERENCES

- Most research fails to find consistent gender differences regarding the effects of parental separation or divorce.

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## AGE AT SEPARATION

### *Infancy and the Pre-school Years (0-4)*

- some evidence for greater effects of separation for children who experienced a family disruption during early childhood

### *Early and middle school-age children (5-12 years)*

- deterioration in behaviour following significant change in home-life is also common amongst this age group.
- strong focus on "making it fair" for their parents

### *Adolescence*

- typically experience considerable pain and anger when parents divorce;
- however better able to accurately assign responsibility for the divorce, to resolve loyalty conflicts, and to assess and cope with additional stresses

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## GEOGRAPHICAL DISTANCE & VIRTUAL COMMUNICATION

Residential proximity has a positive effect on children's adjustment when the relationship with that parent is positive. Frequency and distance involved in commuting between households can be an additional stress for children

- Smyth et al., 2004

Growing consensus that virtual parent-child contact can

- be a positive means to maintain contact between children and their parents despite geographical distance
- can help maintain ongoing, frequent and meaningful communication with children so that they are more aware of the children's day-to-day activities
- create less rigidity in schedules for contact, through opportunities for informal parent-child contact.

- Ashley, 2008; Bach-Van Horn, 2008; Gottfried, 2012; Hofer et al., 2009; LeVasseur, 2004; Rivera, 2010; Saini, Mishna, Barnes, and Polak, 2013; Viry, 2014.

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## 2.3 Changes in Economic Status Post-separation



## ECONOMIC STRESS

- Financial hardship is one of many connected stressors after separation.
- Economic status pre and post separation predictive of child outcomes, with adverse family background, and drop in household income amplifying the distressing effects of divorce
- Women and single parent families experience significant economic disadvantage after separation

- Austen, 2004; Cairney, Boyle, Offord & Racine, 2003; Grall, 2007; Havermans, Botterman, and Matthijs; 2014; Monden & Kalmijn; 2010; Smyth and Weston, 2000; Stroschein, 2014; Sun and Li, 2002/2009; Weaver & Schofield, 2015.

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2.4 Social & cultural factors




- A sufficient mass of studies does not yet exist on racial and ethnic differences in the consequences of divorce for children.
- Some cultures and religions attach more negative meanings to divorce, and such effects are handed on through generations, transcending migration
  - Furtado, Marcén and Sevilla-Sanz; 2011
- The combined influence of divorce within non-permissive cultures and elevated risks of violence toward a woman and child are well documented
  - McIntosh & Ralfs, 2012

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2.5 Litigation



LITIGATION

- With chronic conflict comes high levels of litigation.
- Families involved in repeat court involvement display more family conflict or maladjustment, and poorer child coping ability, and less positive resolution skills compared to those with lower levels of involvement.
  - Bing, Nelson, and Wesolowski, 2009

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3. THE DEVELOPMENTAL RESPONSIBILITIES & POSSIBILITIES OF FAMILY LAW INTERVENTIONS

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3.1 Working for the best interests of each child: Legal vs parenting intervention paradigms


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HOW DO WE TARGET THE KEY RISK FACTORS FOR CHILDREN IN LITIGATION?

- o Ensuring those who NEED court processes receive them and those who DON'T receive other supports that assist recovery.
- o Potentially damaging processes – character assassinations
- o Disempowering for some who could be supported to make their own decisions


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HOW DO WE TARGET THE KEY RISK FACTORS IN SEPARATED PARENTING?

- o discipline and affection
- o emotional warmth, and guidance
- o consistency
- o conflict with their ex and with their children

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### GROUP INTERVENTIONS

- Kids' Turn (Cookston and Fung, 2011)
- Parenting Through Change (Stolberg & Mahler, 1994)
- New Beginnings (Wolchik et al., 2013)
- Dads for life (Wolchik, Sandler, Weiss, & Winslow, 2007)
- Family Transitions Triple P (Stallman & Sanders, 2014)

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### MCINTOSH'S THERAPEUTIC INTERVENTIONS

#### Online programs

- YCIDS: Young Children in Divorce and Separation (McIntosh 2012/2014).
- Child Inclusive Mediation (McIntosh, 2004/2009)

Both now housed at  
[ChildrenBeyondDispute.com](http://ChildrenBeyondDispute.com)



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Our shared goal:  
To assist recovery of each parent, of  
parenting, of co-parenting, and of the child.



### DISCUSSION:

- *What works* in preventing lasting impacts of separation, and assisting the recovery of parenting, of co-parenting, and of therefore, of the child's development
- What are the developmental responsibilities & possibilities of family law interventions
- *What translates* effectively to the family court context?

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