

# Family Law Education Reform Project

## Children's Psychological Responses to Divorce

### ABSTRACT

This guide discusses the current issues in divorce as it pertains to: children's responses to parents' separation, infants' responses to parents' separation, the developmental risks of divorce, types of damaging conflicts, managing conflicts and risks, and the implication of these issues on family law practitioners.

### ABOUT THE AUTHOR

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Dr. Jennifer McIntosh is a clinical child psychologist, family therapist and research & training consultant. She is the Clinical & Research Director of Family Transitions, a Melbourne-based child and family psychology and mediation practice, and holds adjunct positions as Associate Professor at La Trobe University and Senior Lecturer at the University of Melbourne, as well as serving as a member of the Editorial Board of the Family Court Review and the Journal of Family Studies.

Dr. McIntosh's research and clinical practice in Australia, the UK and the USA have focused on the experiences and needs of children and their parents and careers in the face of family trauma and loss, particularly examining the effects of parental conflict in early childhood, disrupted attachment relationships and the experiences of children in divorce. She has spearheaded a number of training and research initiatives for the Commonwealth Government and Family Court, amongst others, including the Children in Focus Program (2002), and has developed, taught child-focused and child-inclusive post-separation processes for parents since 1998.

## **Children's Psychological Responses to Divorce and Parental Conflict**

**Jennifer McIntosh, Ph.D.<sup>1</sup>**

### **Why this Topic is Important to Law Students**

- By age 15, 40% of children in the USA experience the dissolution of their parents' partnership.
- Acrimonious divorces with ongoing levels of poorly resolved or uncontained conflict between parents constitute about one third of these separations.
- The re-structuring of family life necessitated by divorce involves multiple and complex adjustments for children, including transitions of home and school, change in parent and extended family contact, economic strain, periods of diminished parenting, parent conflict, sadness and grief.
- These factors combine to elevate risks of poor outcomes for children of divorce, across psychological, social, health and academic domains, reaching through to adulthood, with increased risk of diminished emotional, economic and educational attainment.
- Ongoing parenting conflict after divorce further increases the nature and magnitude of developmental risk for children.
- Through its prevalence and the nature of risk it carries, parental separation may fairly be regarded as a public health issue for children.
- The way in which family law practitioners intervene in parenting disputes can make a difference to family adjustment and children's outcomes.

### **Current Relevant Issues**

#### **1. Children's responses to parents' separation**

- Children rarely wish for their parents to separate and divorce for many represents the collapse of a vital, archetypal structure in their world and in their experience of who they are.
- Most children experience considerable sadness in the first stages, with anxiety, anger, resentment, confusion, guilt, loyalty tensions and somatic symptoms being common responses in the first six months post separation.

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- Over time, adjustment and robustness generally improve within a stable, supportive care-giving environment.
- However, the independent impacts that separation brings to bear on children's development remain notable, as described in a later section.<sup>1</sup>

## **2. Infants' responses to parents' separation**

- Separation brings substantial complexity for infants and pre-school children. It is their 'developmental response' as much as their emotional response that concerns current researchers.
- Like older children, infants (even from a few weeks of age) recognise and react to parent's distress and to overt conflict between their parents.
- Unlike older children, infants are further behind in their formative journey. Disruptions to primary attachment and patterns of care brought about by separation can de-stabilise important segments of an infant's developmental pathway. Ongoing, inflammatory and poorly contained conflict between parents, while emotionally overwhelming for parents, can be developmentally overwhelming for the infant.
- Parents need to be supported to manage these risks, to continue to provide a nurturing, steady presence, within developmentally appropriate care arrangements that evolve at the infant's developmental pace.

## **3. The developmental risks of divorce**

Contemporary social scientists recognize parental separation as a coat of many colors, experienced by and affecting children differentially, over time. There are controversies and complexities, but there are also some established "truths"<sup>2</sup>:

- Marital conflict and divorce create risks for all children, and higher risk for those already vulnerable through other factors
- Unresolved parental conflict and diminished emotional availability impact children's psychological growth
- Children and adolescents of divorced families (compared to never divorced families) are significantly more likely to experience greater economic, social and health difficulties through childhood and early adulthood (for example, more likely to use alcohol, cigarettes and drugs, to give birth as a teenager, to drop out of school early, to receive psychological treatment, and to have earlier marriages, with increased propensity to divorce)<sup>3</sup>
- Co-parenting conflict is a significant predictor of ongoing distress for adolescents and adolescent antisocial behavior.

#### **4. The type of conflict that damages**

- High conflict is a generic term, which can look like many things, but typically includes significant levels of anger and distrust, verbal conflict, poor communication and cooperation over parenting, ongoing negative attitude to the ex-spouse, lack of support for children's relationship with their other parent, covert and overt hostility, allegations about the ex-partner's behavior and parenting practices, litigation and re-litigation.
- Frequent, intense, threatening or poorly resolved conflict between parents post the greatest risks to children.

#### **5. How does conflict impact children?**

- Children's development is profoundly influenced by the quality of their care-giving relationships; the "soil" in which they grow. Nothing grows well in toxic soil, and children are no different.
- Children soak up their parents' conflict in two ways: by directly witnessing it and by bearing the brunt of how the conflict impacts their parents' emotional availability.
- The developmental tasks most vulnerable to "stressed" parenting are the establishment of core trust, the development of attachment, regulating emotions; beliefs about oneself, understanding the social world, and learning.<sup>4</sup>
- Children who witness intense/frequent marital discord exhibit higher levels of emotional and physiological reactivity, associated with poor outcomes. For example, children of conflicted divorce are more susceptible to stress-related health problems.<sup>5</sup>
- It is important to note that in the case of domestic violence, a single exposure to parental violence can result in trauma of diagnostic proportions.

#### **Children interpret conflict through a developmental lens.<sup>6</sup>**

- Three to six year olds are unlikely to understand that conflict is about divergent goals and are more likely to be self-blaming. Conflict and its resolution is understood in behavioral terms; the fight is over when the shouting stops. Young children are likely to take sides in parents' arguments with the goal of cognitive simplification, rather than true alignment with one parent over the other.
- Older children, ages seven through ten years, readily recognize more subtle types of conflict and are sensitive to whether an argument has been resolved or not. These children's dominant emotional response to arguments in which they are the topic is of guilt.
- Older adolescents are most likely to try to avoid the conflict, and will 'vote with their feet, often by leaving home much younger than their peers from never separated families.

- There are notable gender effects in how children make sense of marital conflict. Boys tend to experience a higher level of threat and girls a higher level of self-blame. Both of these appraisal styles influence their patterns of adjustment.
- All children are sensitive to parental anger, but children with histories of spousal violence respond with greater intensity. The fact that some children from high conflict marriages have been shown to prosper following parental divorce suggests that divorce may be helpful when it removes stress from children's lives.<sup>7</sup>

#### **6. Managing the risks<sup>8</sup>**

- Children's distress is diminished as a direct function of whether divorce conflicts are resolved, and the degree of resolution.
- Parental warmth, supportive and responsive care taking and overall "emotional scaffolding" of the child play vital roles in buffering the impact of conflict, as does an environment that reduces daily stress for the child, through consistency of rules, routines and expectations within the household, and quality of parental monitoring.
- When parent conflict post divorce is low, increased father involvement appears to be closely associated with better child outcomes.<sup>9</sup>
- Quality of sibling support ameliorates the negative impact of parental conflict on self-esteem, competence, social skill and global self worth.

#### **7. Children's adjustment and the relationship to parent contact**

- Parenting arrangements play an important role in the child's adjustment to divorce. The field awaits definitive longitudinal research in this critical area.
- A commonly held and uncontentious view would hold that children's responses to divorce are facilitated by the active, warm and responsive involvement of both parents in their lives. Conflict as ever poses a problem in this equation.
- An important current issue facing practitioners, courts and policymakers is whether shared physical parenting can be beneficial to children when there is high parent conflict.<sup>10</sup> Transitions between warring parents unable to conceal their feelings require the child to use considerable energy to ensure their emotional safety, actively and constantly monitoring their allegiances, loyalties and the general 'emotional weather' they encounter in each parent's home. The potential developmental difficulties for infants and young children who do this on an ongoing basis are far reaching. The presence of active and unresolved conflict requires a cautious approach to shared arrangements.

## **8. Implication for family law practitioners**

- The findings summarized here about children's responses to divorce are sobering and the challenge they throw down to the practice front is real. Mindfulness of the needs of children and the merits of child centered dispute resolution are at the core of current practice developments in family law, with a growing body of research showing clearly that the way in which practitioners assist parents to resolve their disputes can significantly impact children's outcomes.<sup>11</sup>
- Legal practitioners who represent mother and father respectively in a divorce dispute each have a silent, second client; the child at the centre of the dispute. Wise practitioners with a good grasp of the divorce literature don't rely on the idea that "kids are resilient." They look instead at their role in creating resilient outcomes for children, by assisting parents to diminish their acrimony, effectively manage their dispute, build effective parenting alliances and establish child centered parenting plans tailored to the developmental needs of each child.

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**ENDNOTES:**

<sup>1</sup> For detailed summaries of this large body of research, see:

1. Amato, P.R. (2000). 'The consequences of divorce for adults and children'. *Journal of Marriage and the Family*, 62, 1269-1287.
2. Kelly, J.B. (2000). 'Children's adjustment in conflicted marriage and divorce: a decade review of research'. *Journal of the American Academy of Child and Adolescent Psychiatry*, 39, 963-983.
3. Grych, J., & Fincham F. (2001). *Inter-parental conflict and child development*. New York: Cambridge University Press.
4. McIntosh, J. (2003) Entrenched conflict in parental separation: Pathways of impact on child development. *Journal of Family Studies*, 9, no.1, 63-80.

<sup>2</sup> The research here is copious. Refer to footnote 1 for summaries. Some original sources referred to here include:

- Ayoub, Deutsch, & Maraganore 1999;
- McLanahan, 1999;
- Laumann-Billings & Emery, 2000;
- Grych & Fincham, 2001;
- Strohschein, 2005;
- Fabricius & Luecken 2007;
- Amato and Cheadle, 2008;
- Sun, & Li, 2008.

<sup>3</sup> See endnote 2

<sup>4</sup> Crockenberg & Langrock (2001).

<sup>5</sup> Fabricius & Luecken 2007

<sup>6</sup> Medina, Margolin and Wilcox, 2000; Finkelhor, & Kendall-Tackett, 1997.

<sup>7</sup> Amato and Booth, 1997; Strohschein, 2005.

<sup>8</sup> Again, there is a large body of research behind this summary. Key sources include:

- Cummings, Davies, & Simpson 1994;
- Buchanan, Maccoby and Dornbusch 1996;
- Katz and Gottman, 1997.

<sup>9</sup> Amato & Rezac 1994; Fabricius & Luecken 2007

<sup>10</sup> See endnote 2.

<sup>11</sup> Emery, Laumann-Billings, Waldron, Sbarra, & Dillon, 2001; McIntosh, Wells, Smyth and Long, 2008; McIntosh, Bryant and Murray, 2008.