The Society for Clinical Child and Adolescent Psychology (SCCAP): Initiative for Dissemination of Evidence-based Treatments for Childhood and Adolescent Mental Health Problems

With additional support from Florida International University and The Children's Trust.

SOCIETY OF CLINICAL CHILD & ADOLESCENT PSYCHOLOGY

practice into science into practice

DIVISION 53

American Psychological Association

The Children's Trust

FIU Center for Children and Families

Workshop

Child Custody Mediation: An Introduction to the Emotional Dynamics of Divorce, the Process of Mediation, and Developmentally Sensitive Parenting Plans

Robert E. Emery, Ph.D.

Director: The Center for Children, Families, and the Law

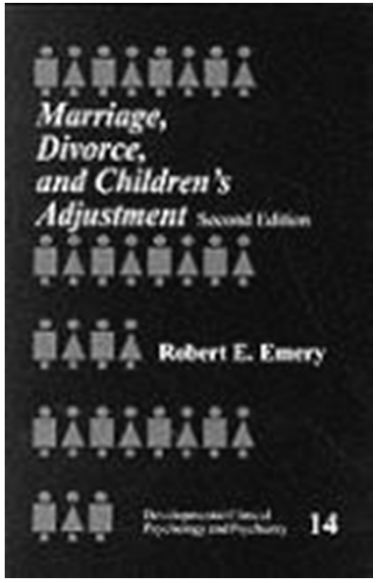
Professor of Psychology, University of Virginia

Associate Editor, Family Court Review

Part 1 of 4

Research On Children in Divorce

Stress, Risk, Resilience, and Pain

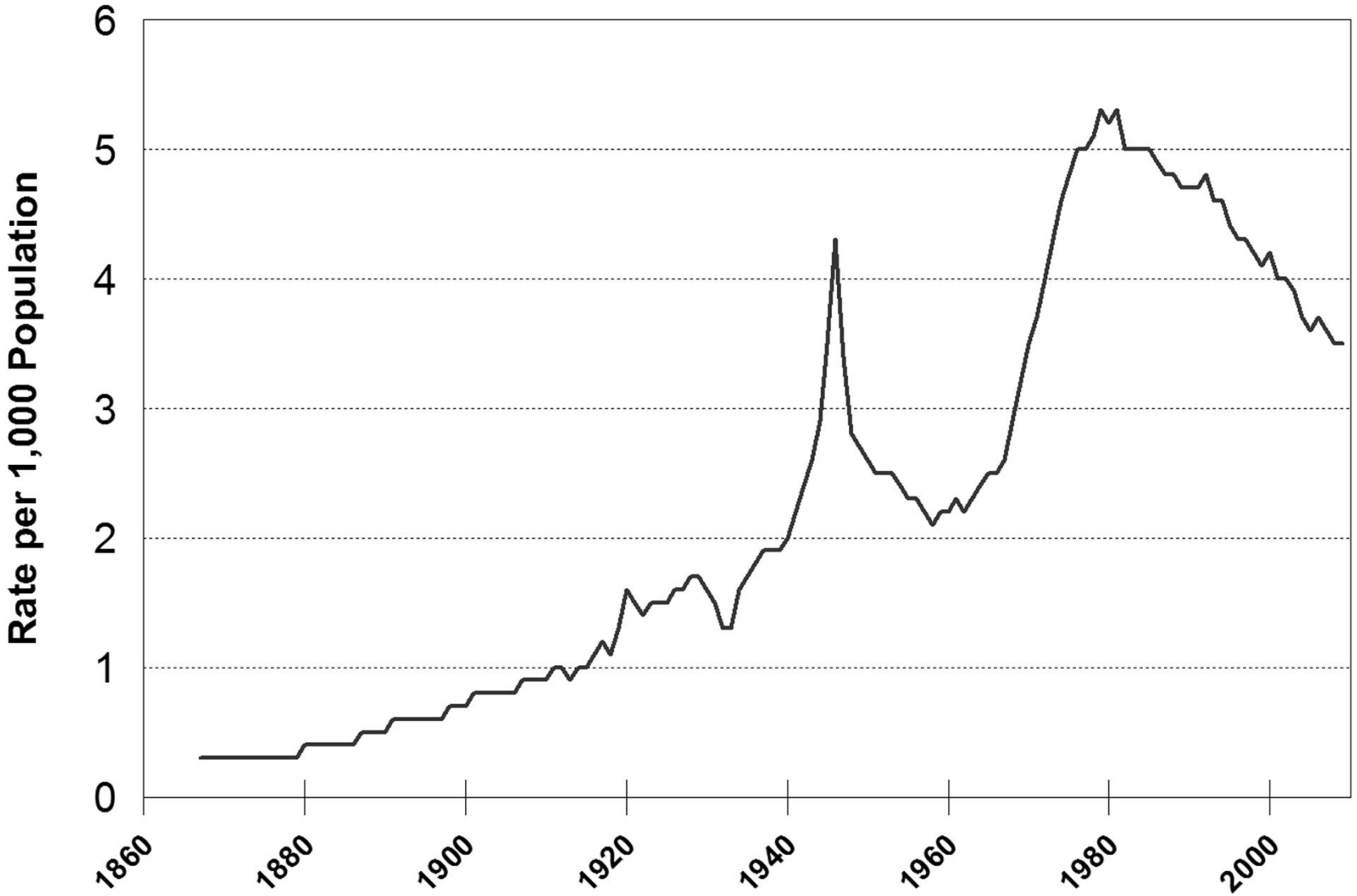


Take Home Points

- Parents need to be parents, even in divorce, so their kids can be just kids
  - Not forever "children of divorce"
  - Goal: Love your kids more than you may hate your ex
- Solution to custody dilemmas are emotional and procedural more than substantive
  - True for parents – dealing with anger and changed family
  - True for the law
    - "Law and Emotion: Re-Envisioning Family Law"; special 2009 issue of the *Virginia Journal of Social Policy and the Law*
  - Mediation and other forms of alternative dispute resolution (ADR) can help toward these ends

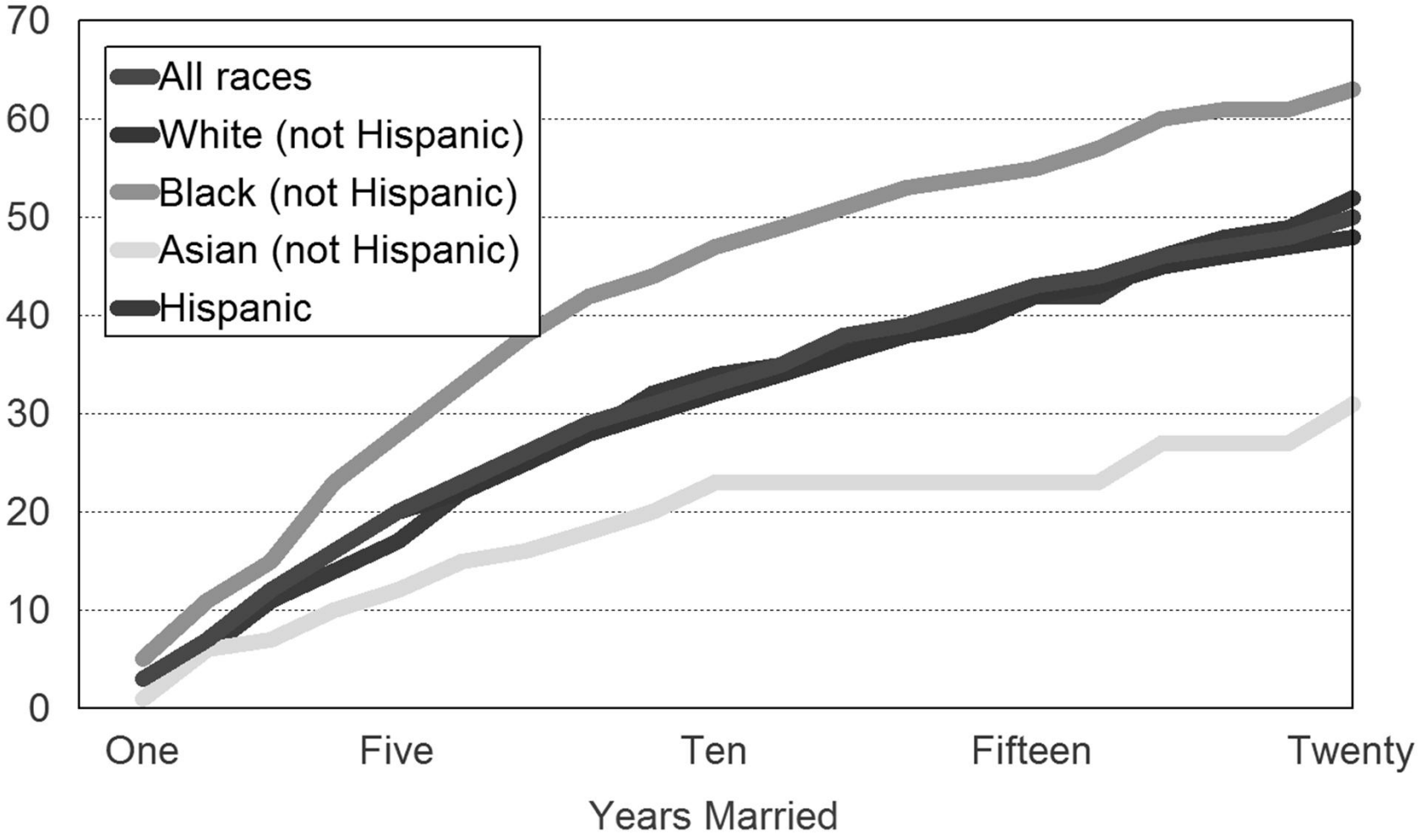
DEMOGRAPHICS

Annual U.S. Divorce Rates 1867-2009



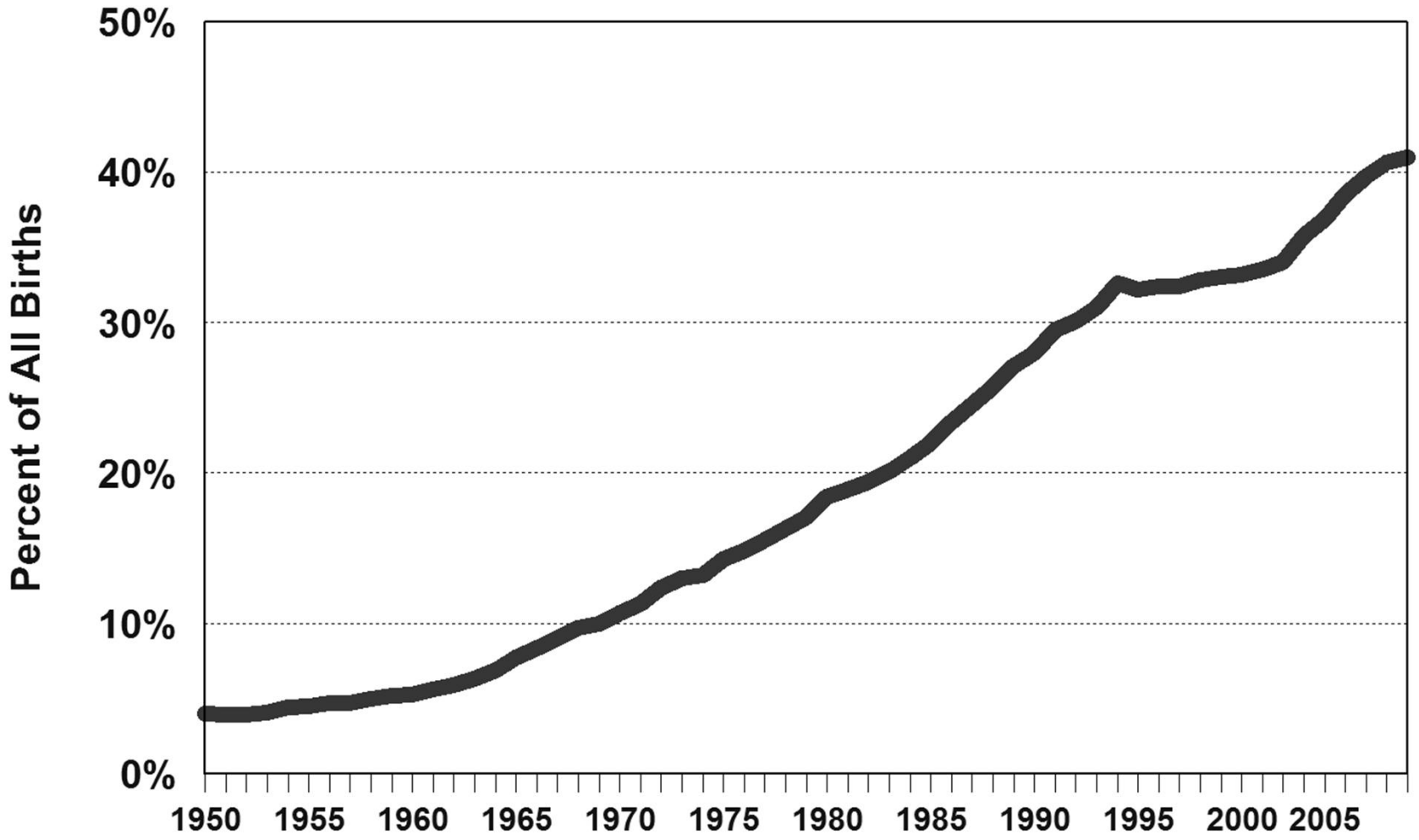
Risk of Divorce in 20 Years of Marriage:

By Ethnicity



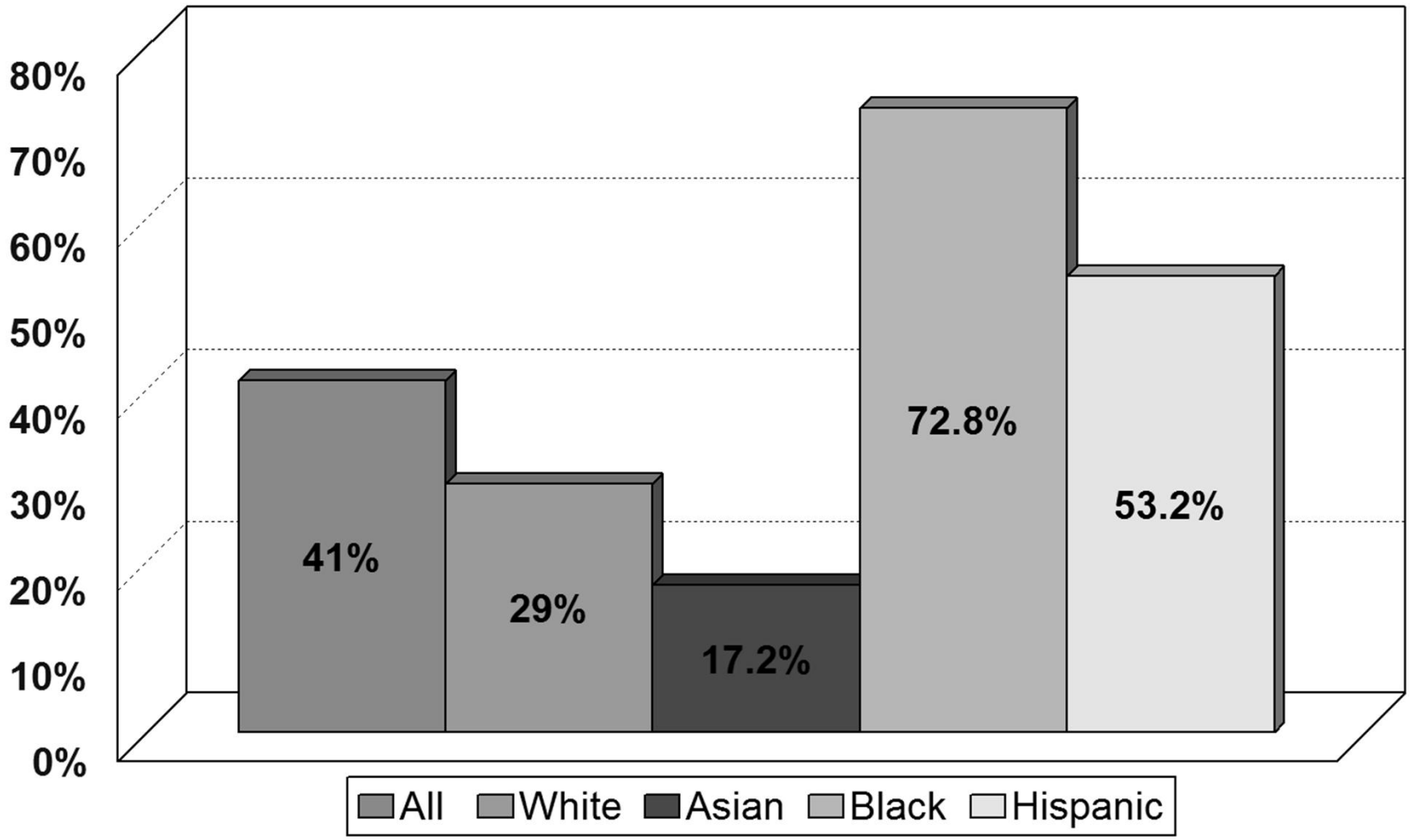
Based on Bramlett & Mosher 2001

U.S. Births to Unmarried Women 1950-2009

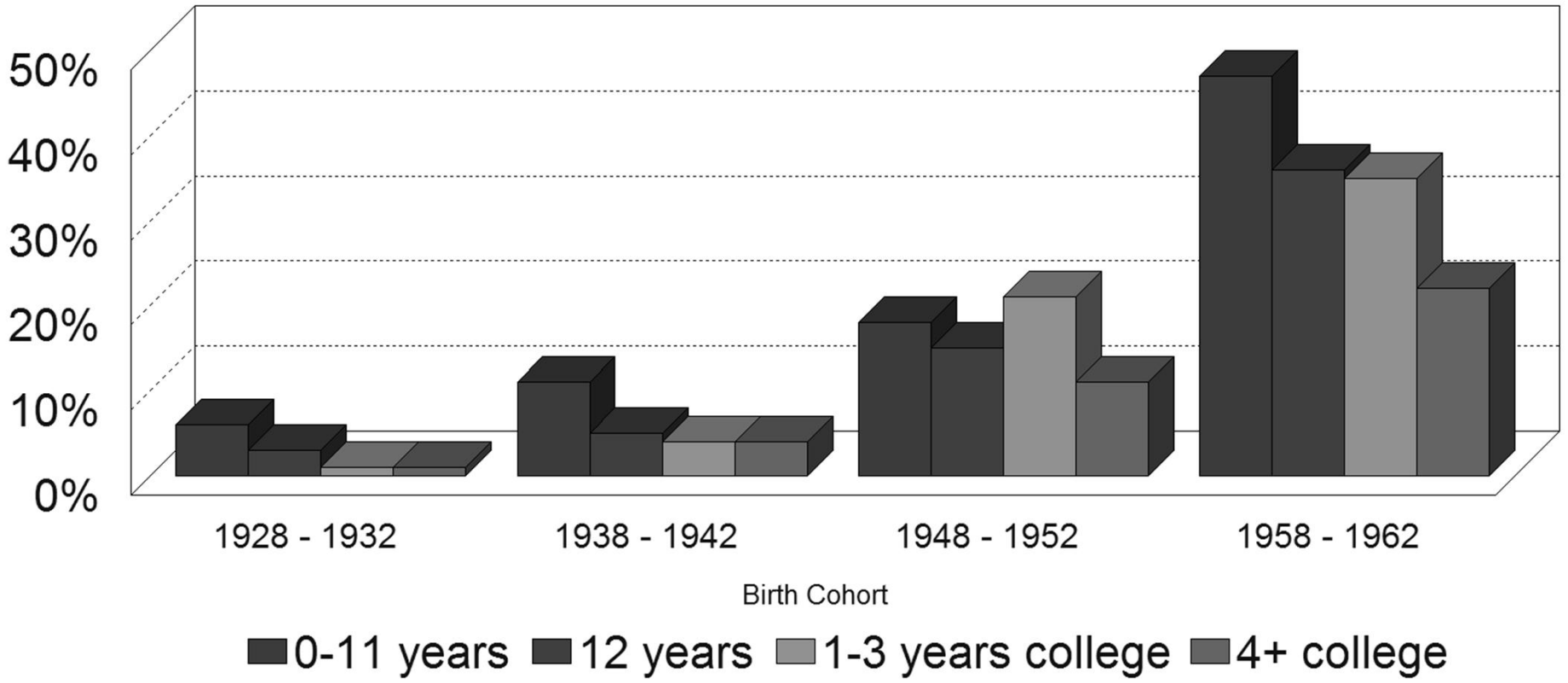


U.S. Births to Unmarried Women, 2009:

By Race

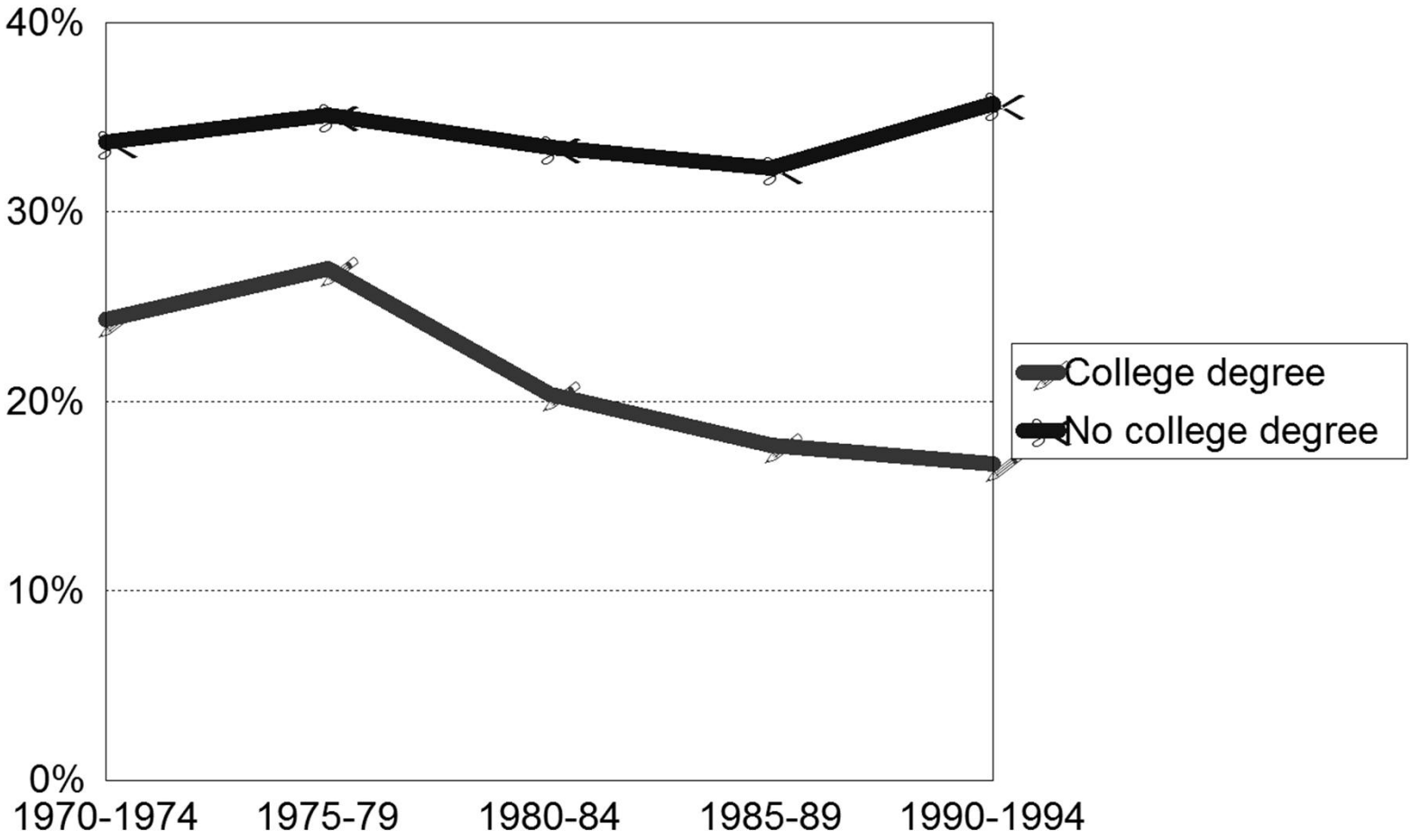


Cohabitation Before Age 25: By Birth Cohort and Years of Education

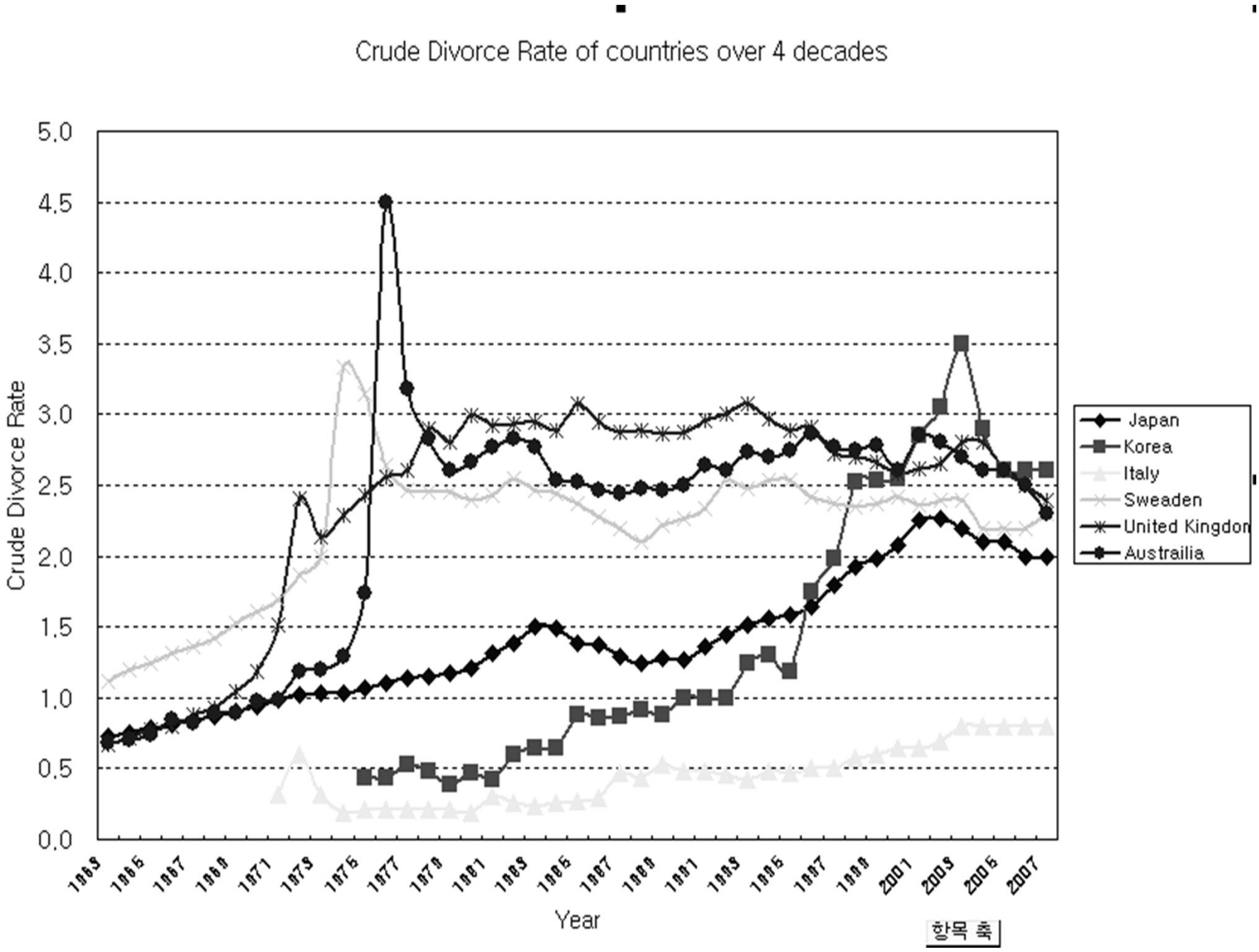


Based on: Bumpass, Sweet, & Cherlin, 1991

Percentage of Women's First Marriages Ending in Divorce within 10 Years

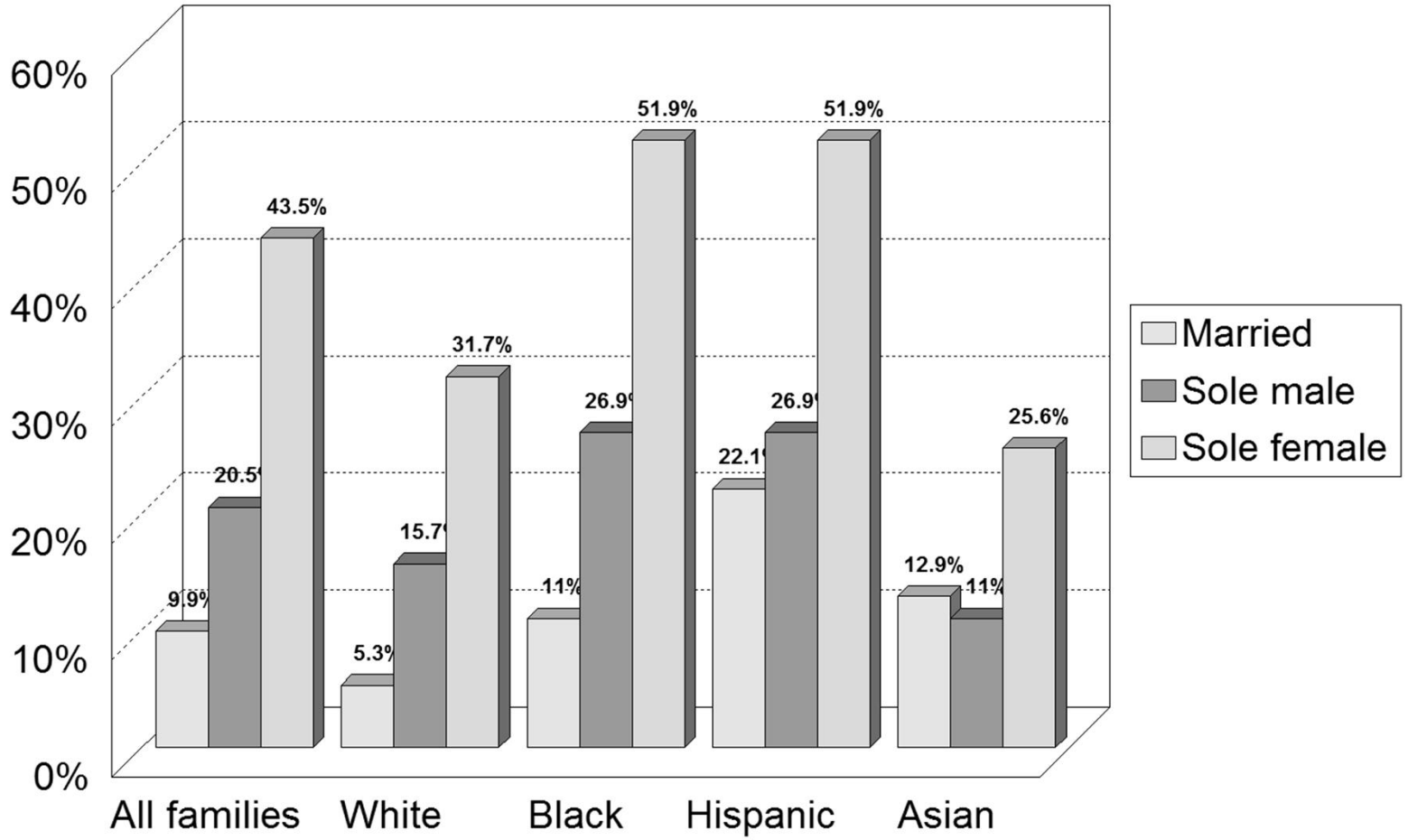


Martin, *Growing Evidence for a "Divorce Divide"*

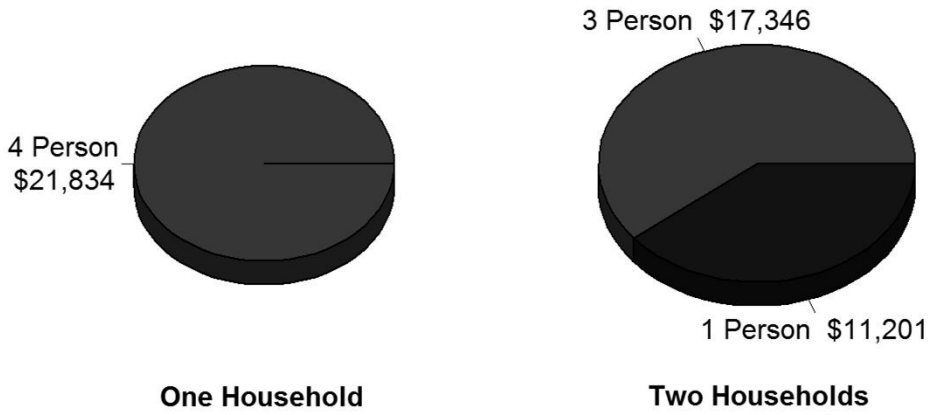

Crude Divorce Rate of countries over 4 decades
Crude Divorce Rate
5.0
4.5
4.0
3.5
3.0
2.5
2.0
1.5
1.0
0.5
0.0
1965
1966
1967
1968
1971
1973
1975
1977
1978
1981
1983
1985
1987
1988
1991
1993
1995
1997
1998
2001
2003
2005
2007
Year
항목 축
Japan
Korea
Italy
Sweaden
United Kingdon
Austrailia

STRESS

Children Living in Poverty by Family Status and Ethnicity: U.S Census, 2008

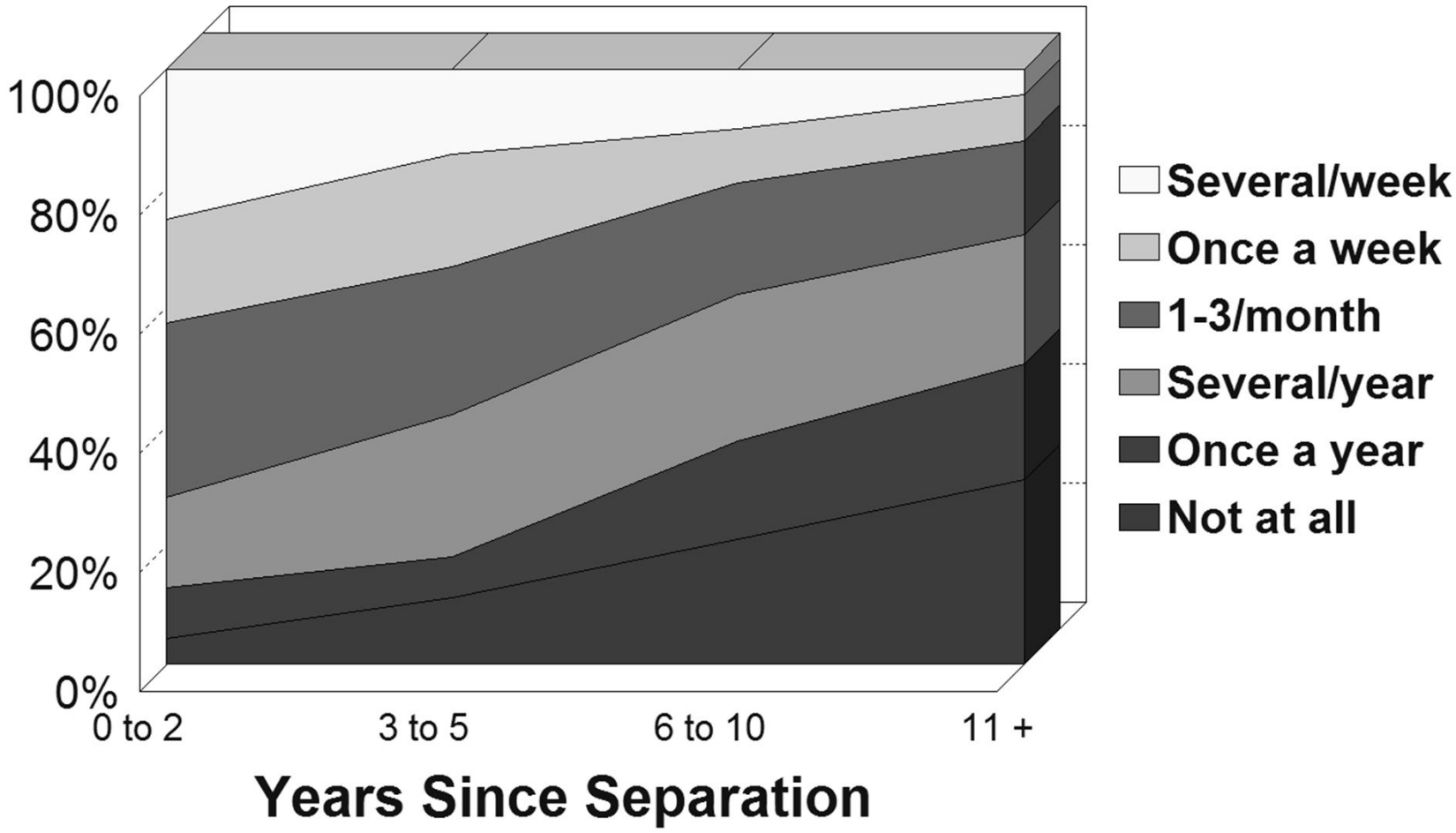


Lost Economies of Scale



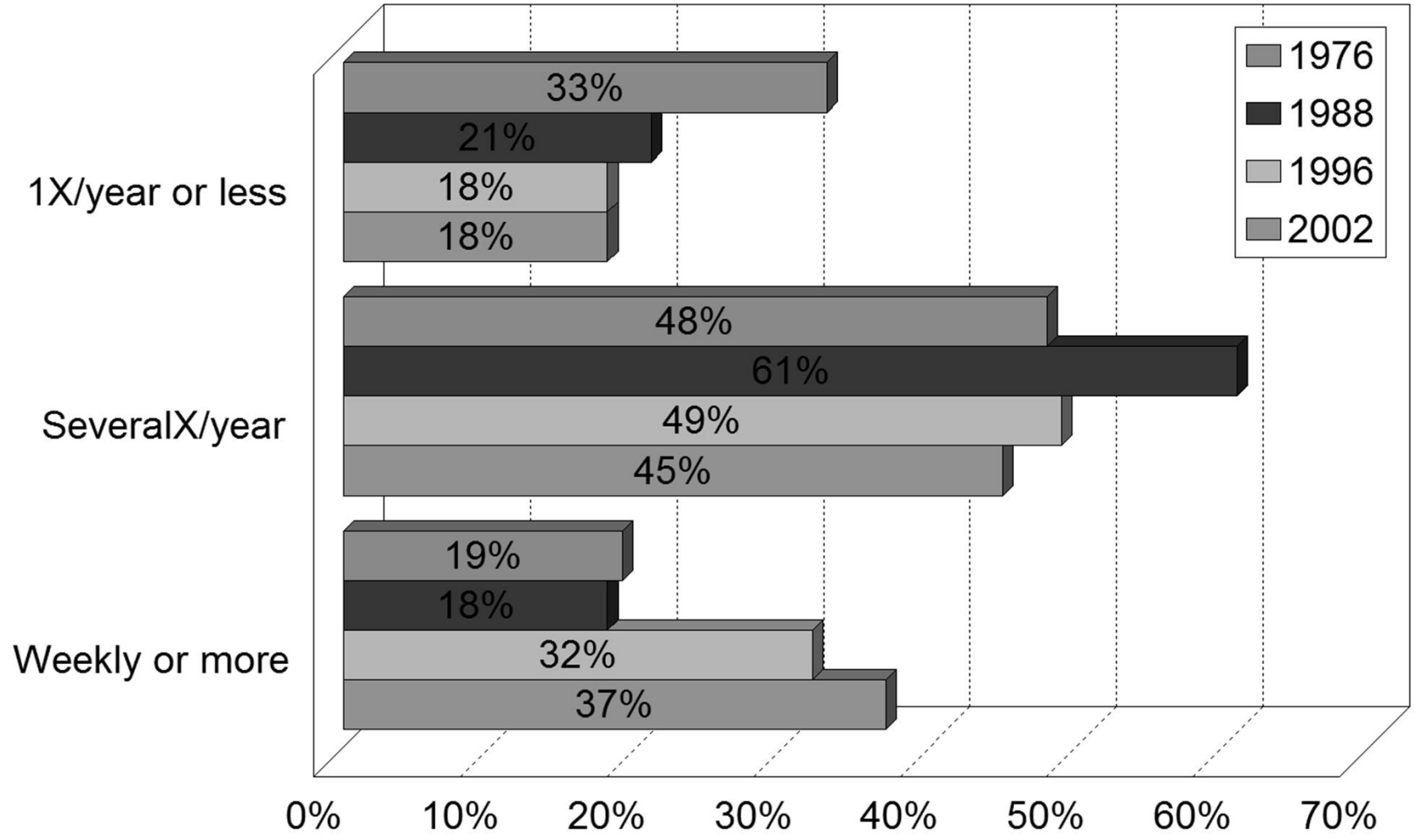
Using official U.S. poverty thresholds for 2008, this figure illustrates that income needs rise as a result of divorce and lost economies of scale. At the poverty level, parents with two children would need over 30% *more* income to maintain the *same* standard of living ($28,547/$21,834).

Father-Child Contact After Separation: By Length of Time Since Separation



Based on Seltzer, 1991

Nonresident Divorced Father Contact



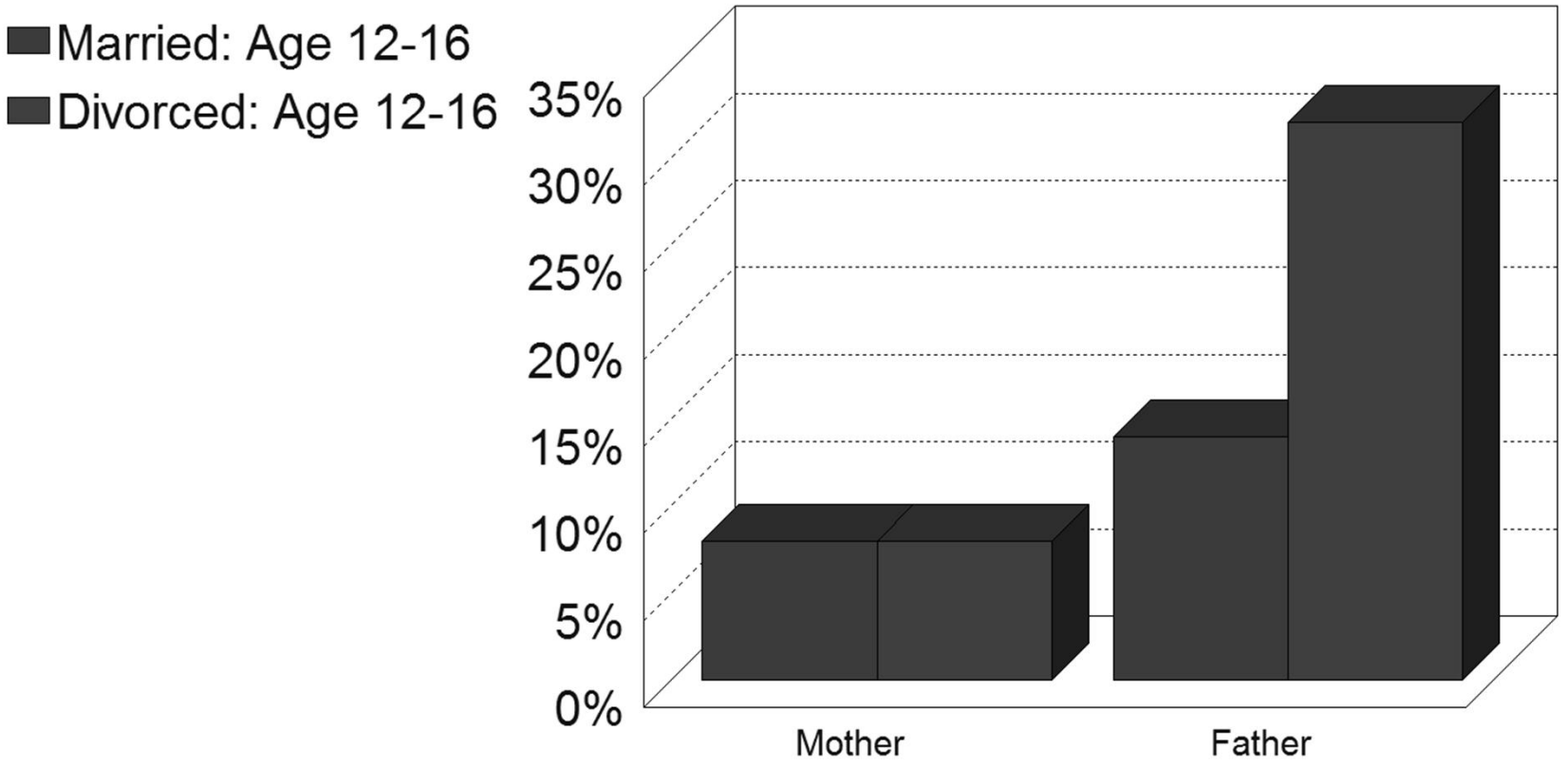
Amato, Meyers, & Emery (2009)

1976 = National Survey of Children; 1988 = National Survey of Families and Households;
1996 = National Longitudinal Survey of Youth; 2002 = National Survey of America's Families

Quality of Parent-Child Relationships

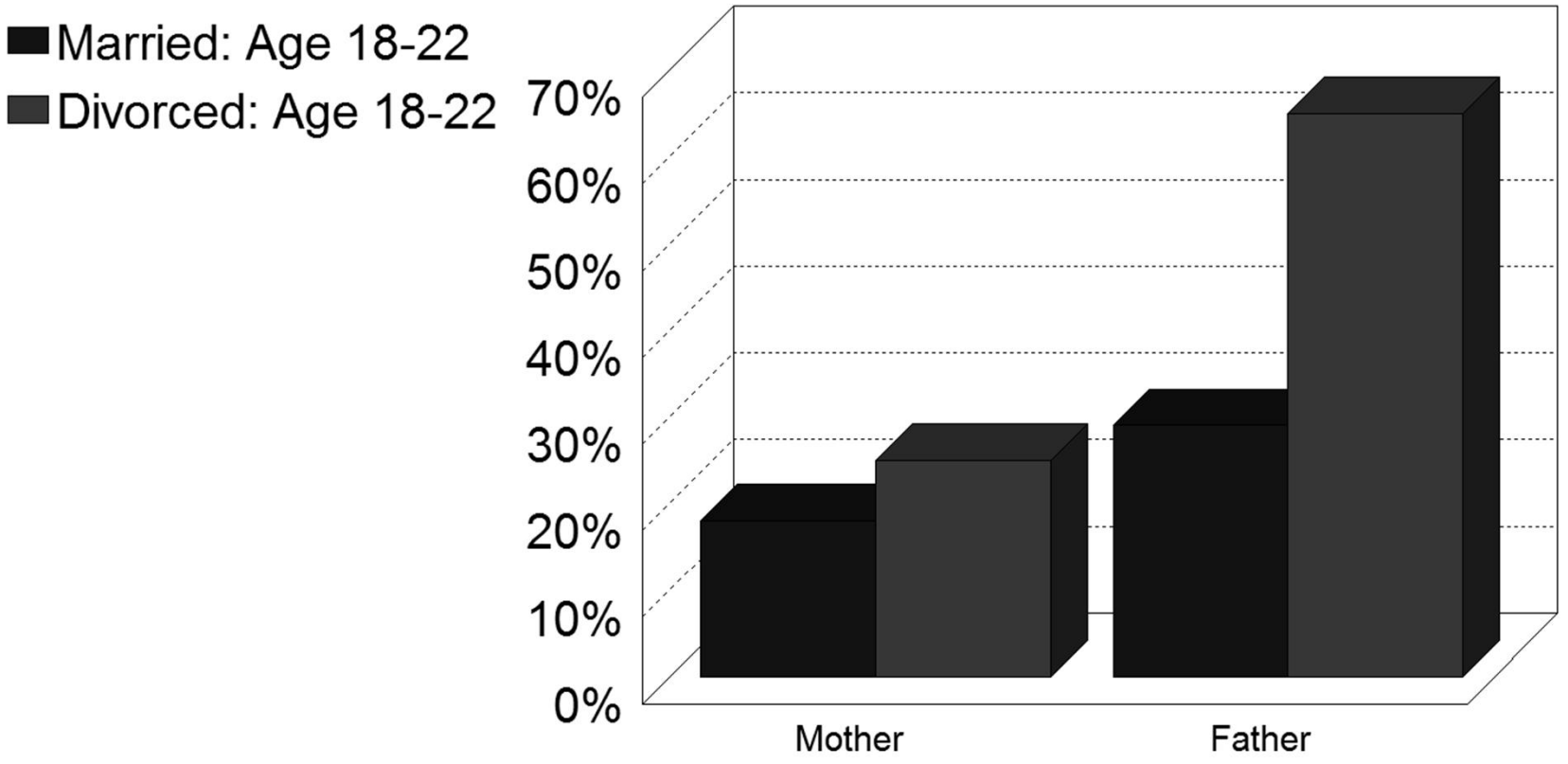
- "Yes" to two of four is a GOOD relationship
  - Satisfied with affection from parent
  - Enjoy doing things with parent
  - Want to be like parent
  - Feel close to parent

Percentage of Children with Poor Relationships with Mothers and Fathers: Age 12 to 16



Based on: Zill, Morrison, & Coiro, 1993

Percentage of Children with Poor Relationships with Mothers and Fathers: Married Versus Divorced at Age 18 to 22



Based on: Zill, Morrison, & Coiro, 1993

ASSOCIATED PRESS

George T. Brooks reportedly used a backhoe to knock down the back wall of his two-story, Dutch colonial house.

Day in Court Leads to Attack on House

Husband Acts After Wife Is Given Temporary Possession of Home

Husband Acts After Wife Is Given Temporary Possession of Home

Associated Press

MILLERS TAVERN, Va.—After a judge gave his estranged wife temporary possession of the couple's house, George T. Brooks jumped on his backhoe and began knocking down the brick building, authorities said.

Brooks vowed as he left Circuit Court that his wife would never get the house, Essex County Sheriff Daimon Davis said.

By the time Davis, two deputies and two state troopers had arrived, the man had used the machine to tear away the back wall of the two-story, Dutch colonial house and was starting to work on the garage, Davis said.

"It was the wildest thing I've seen in my 16 years here," the sheriff said of the Feb. 5 incident. "No question, he was going to knock it down."

Davis and the other officers ordered Brooks off the excavating machine at gunpoint.

Brooks, who is in his fifties, was charged with trespassing after authorities decided they couldn't charge him with destruction of private property because he owns the house jointly with his wife, Davis said.

Brooks was released on his own recognizance.

Damage to the house was estimated at $25,000, Davis said. The house is valued at $100,000, he said.

Brooks apparently had been planning to move out of the house when the judge gave his wife, Sandra, temporary possession of it.

Sandra Brooks had filed for divorce in October 1991 and had not been living with Brooks since July 12, 1991, according to court papers.

Brooks is scheduled to be tried on the trespassing charge in Juvenile and Domestic Relations District Court on March 8, authorities said.

Millers Tavern is 35 miles northeast of Richmond.

July 12, 2006. Dr. Nicholas Bartha, 66, blows up Manhattan townhouse after sending ex-wife email:

“You will be transformed from a gold digger into an ash and rubble digger.”

Conflict Can Be Constructive

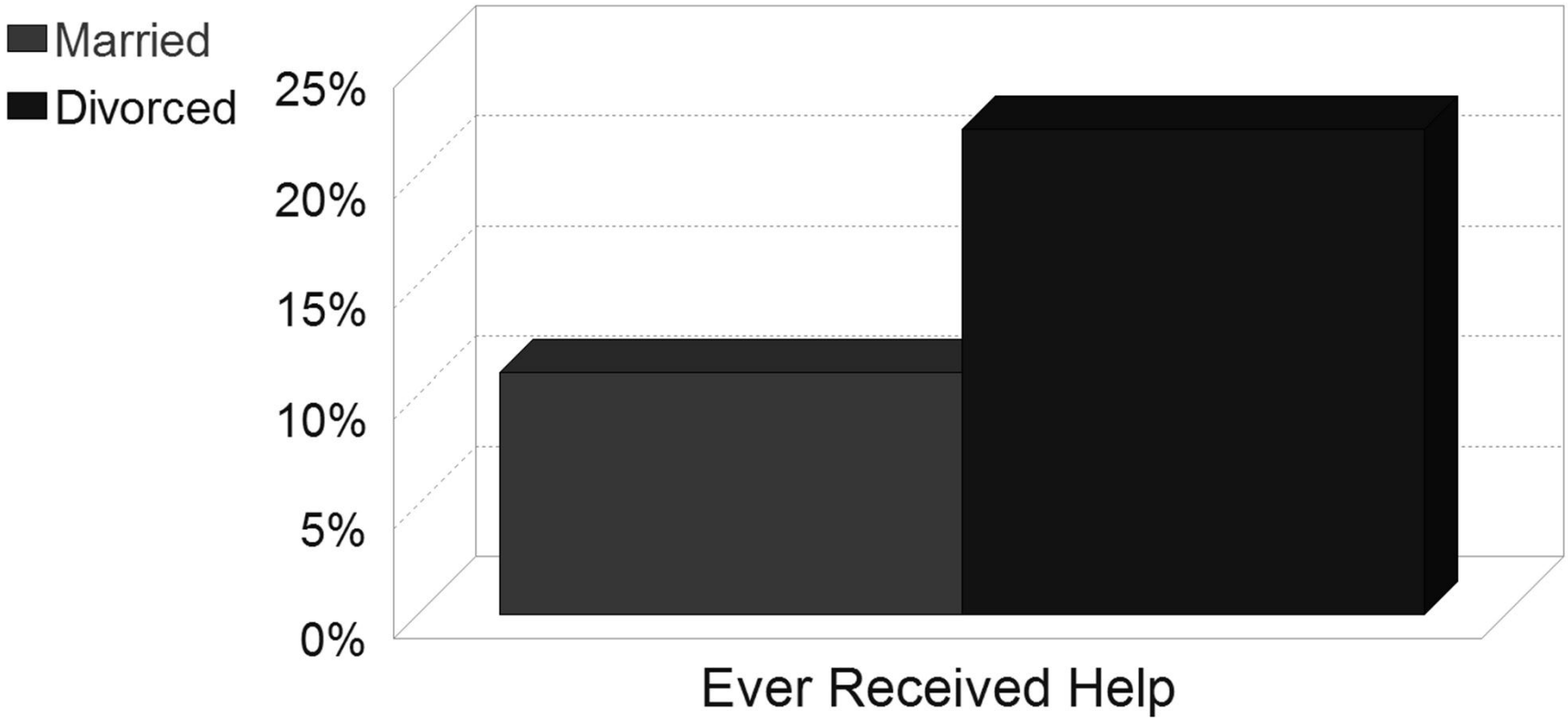
- Contained between parents
- Less intense emotionally/physically
- Resolved
- Not about children or childrearing
- Does not involve the child
  - Not in front of or around child
  - No carrying messages, deriding other parent, asking child to take sides, making child scapegoat or mediator, letting child use conflict to take advantage, asking child to make adult decisions (e.g., where to live)
- See Cummings & Davies (2010)

RISK… RESILIENCE

The Controversy

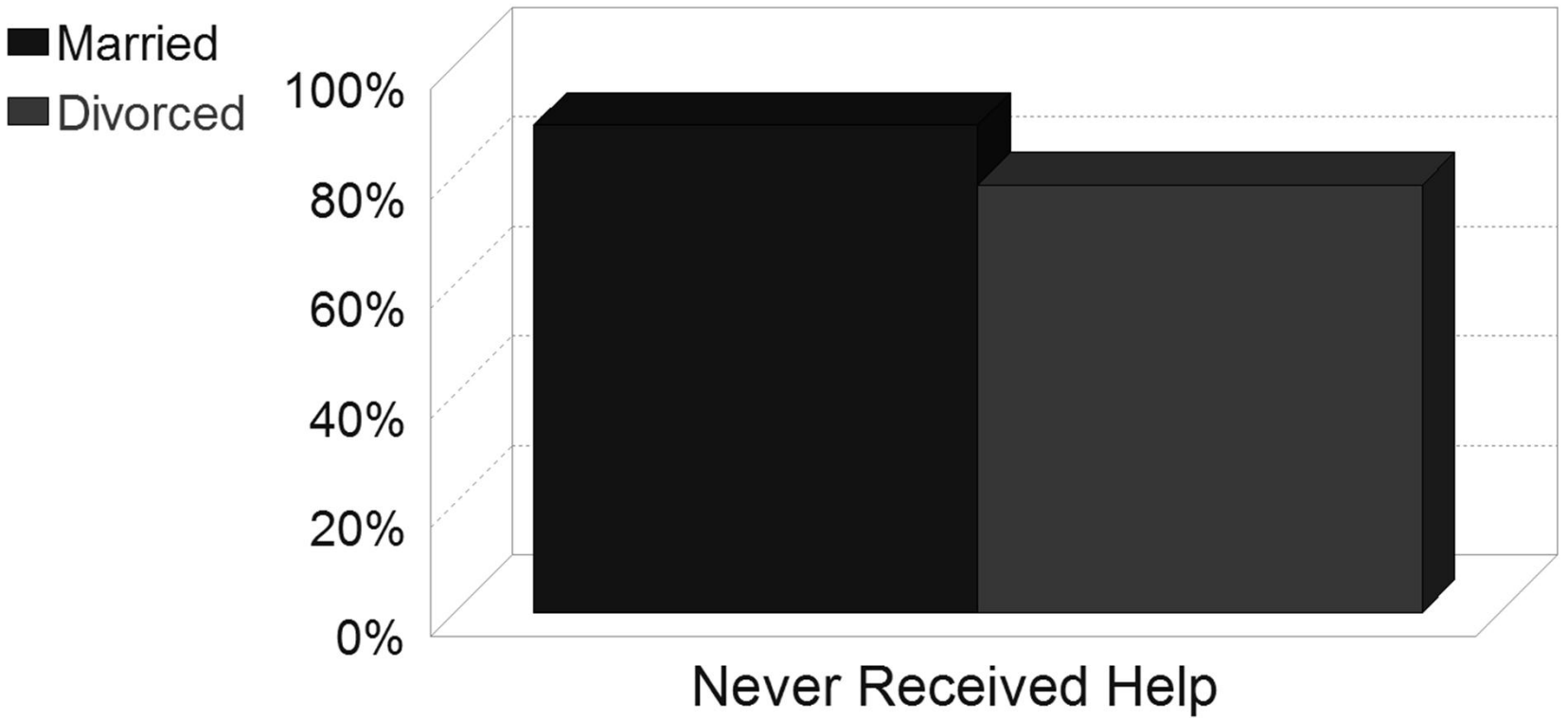
- Children of divorce are doomed
- Children of divorce are resilient
- Is this really an either/or question?

Chances of Receiving Psychological Help: 12-16 Year Old Children



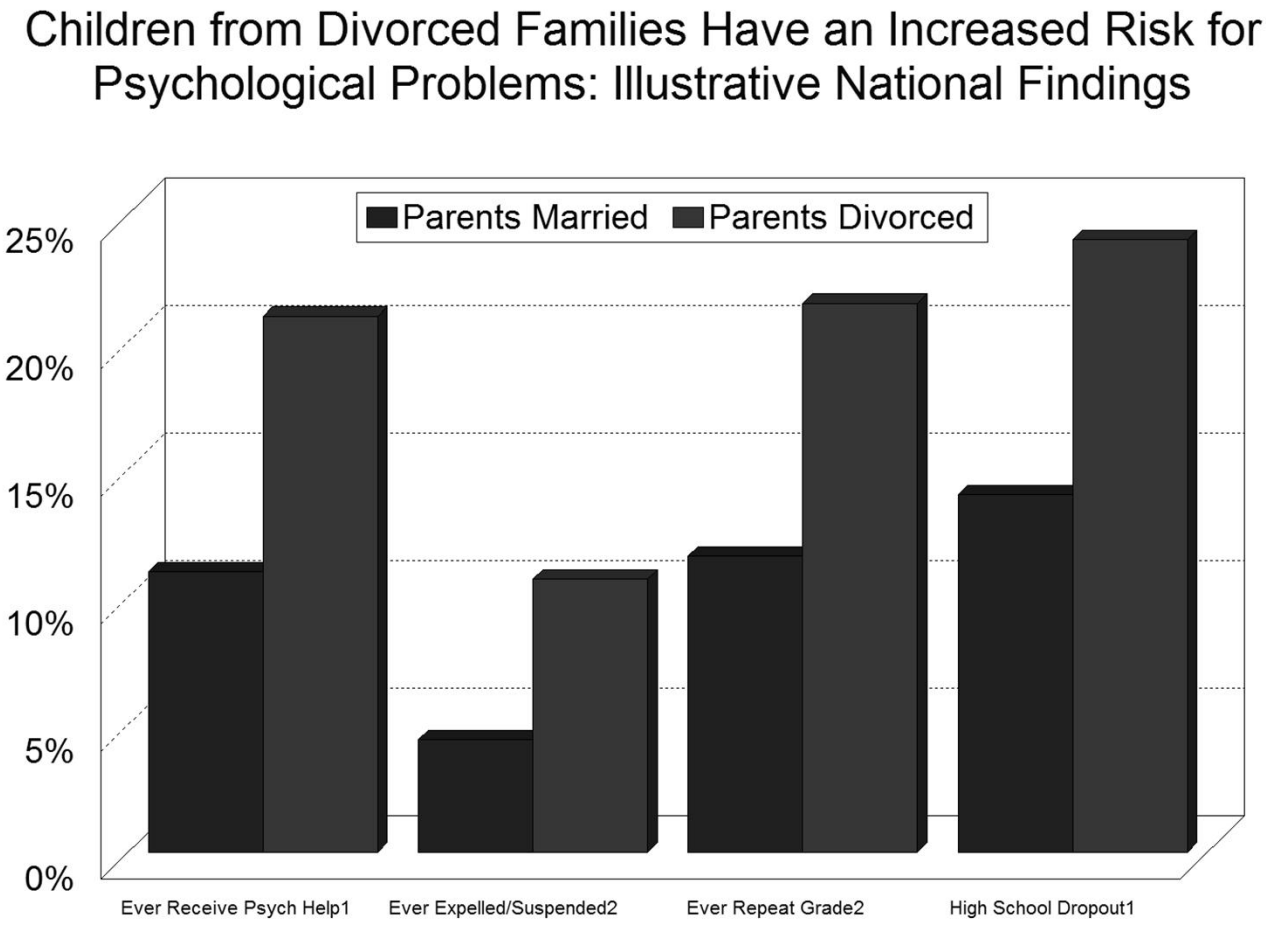
Source: Zill, Morrison, & Coiro, 1993

Chances of Never Receiving Help:
12-16 Year Olds from Divorced and Married Families



Source: Zill, Morrison, & Coiro, 1993

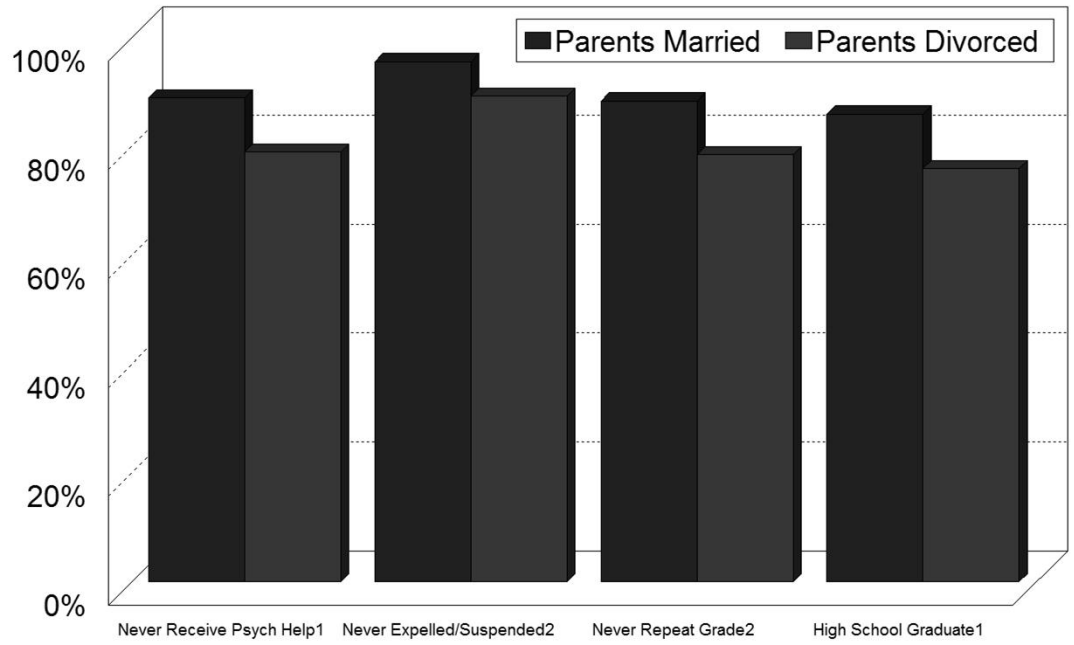
The Pattern Holds for Most Measures…



[1]Zill et al., 1993; [2]Dawson, 1991; Evidence on four illustrative outcomes shows that divorce is associated with an increased risk -- often a doubling -- of the likelihood that children will have psychological or behavioral problems.

Some Children Are At Risk, Most Are Resilient,

Most Children from Divorced Families Are Resilient:
Same Data Portraying Postive Outcomes



[1]Zill et al., 1993; [2]Dawson, 1991; Redrawn graphs of data from previous slide show that most children from divorced families do not have psychological or behavioral problems.

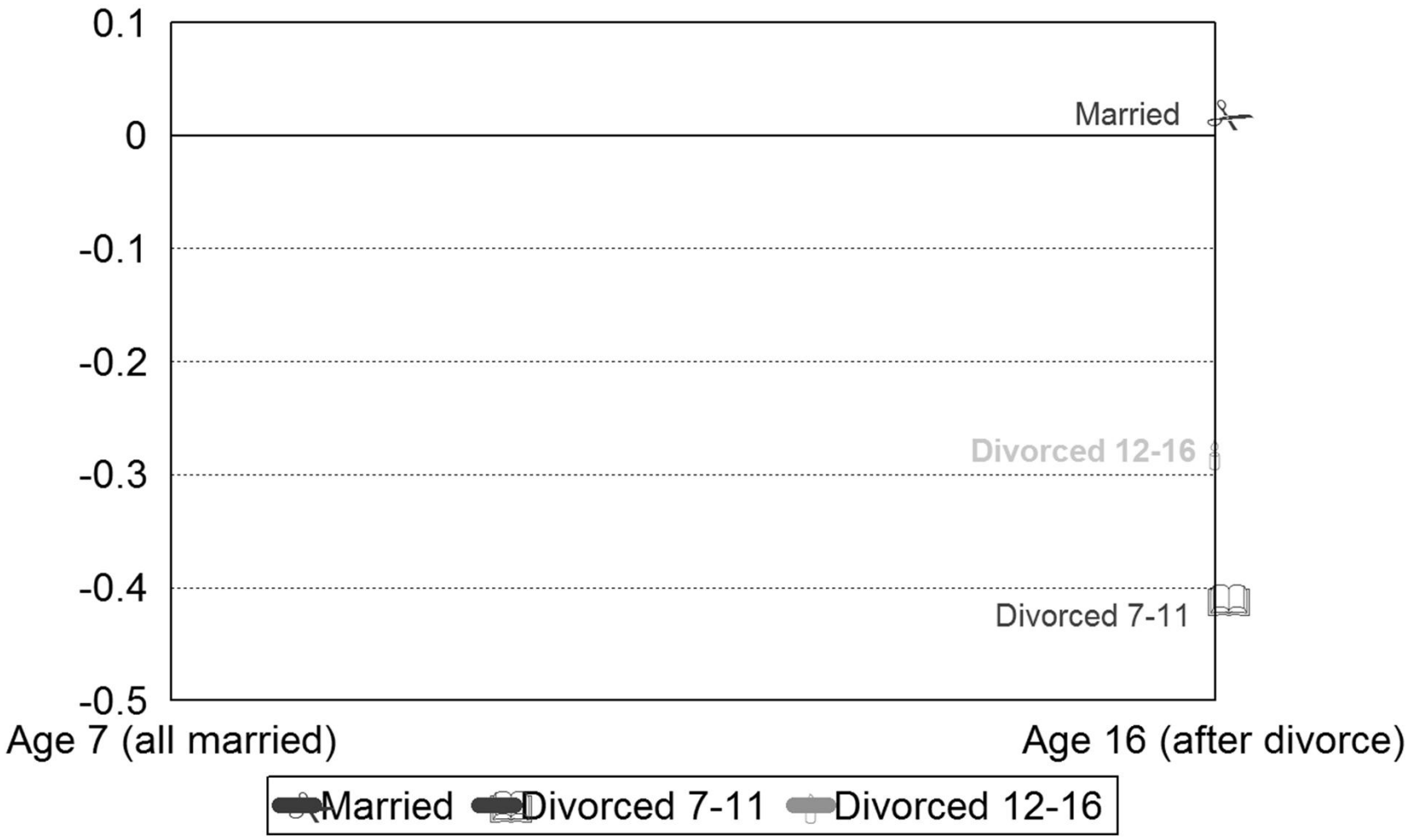
Coming Soon*: Resilience Is Not Invulnerability*

Effect Sizes of Divorce for Different Child Outcomes

Child Outcome	*Effect size*
Academic achievement	.16***
Conduct	.22***
Psychological adjustment	.21***
Self-concept	.12**
Social relations	.15***

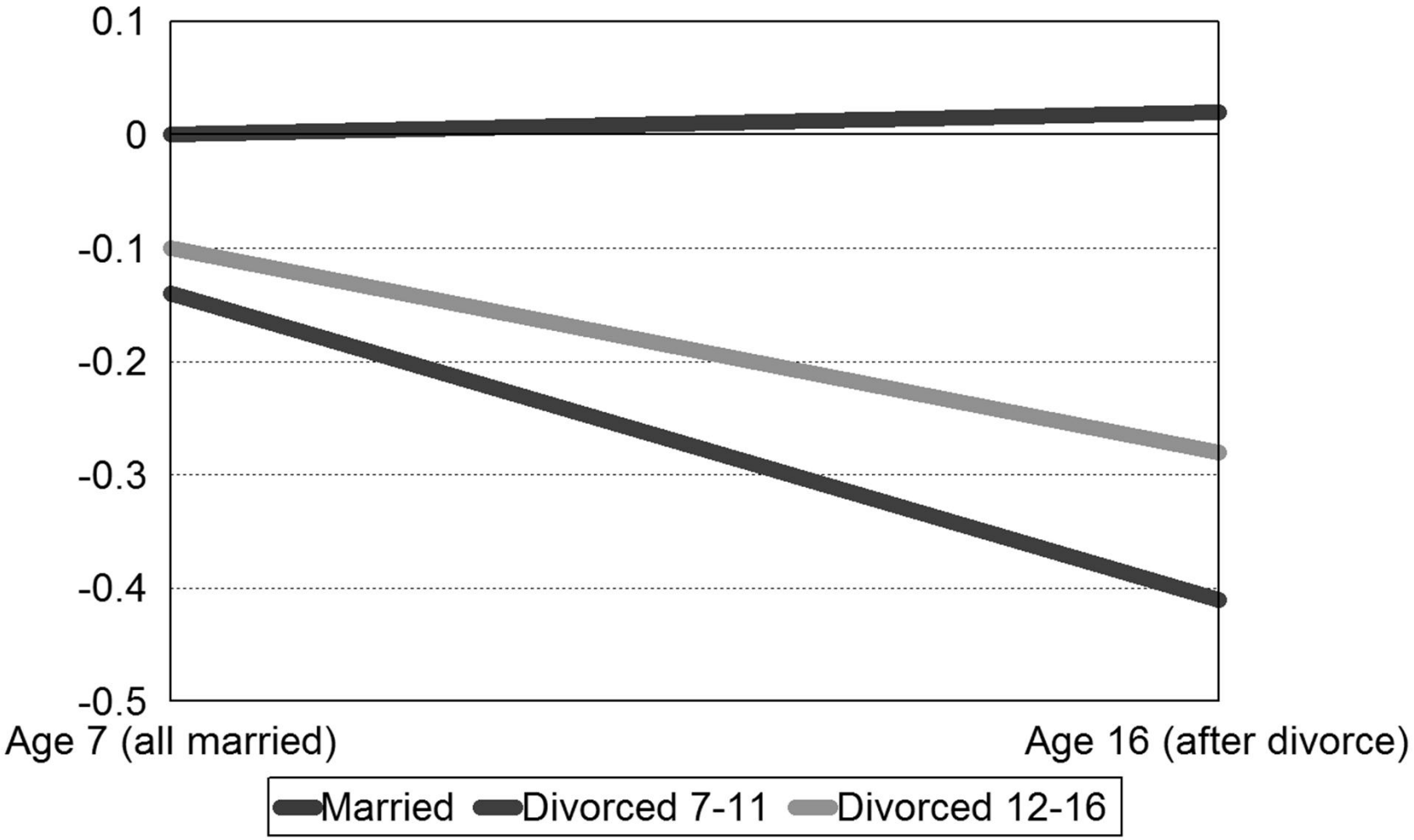
From Amato, 2001

Math Scores: Before and After Divorce



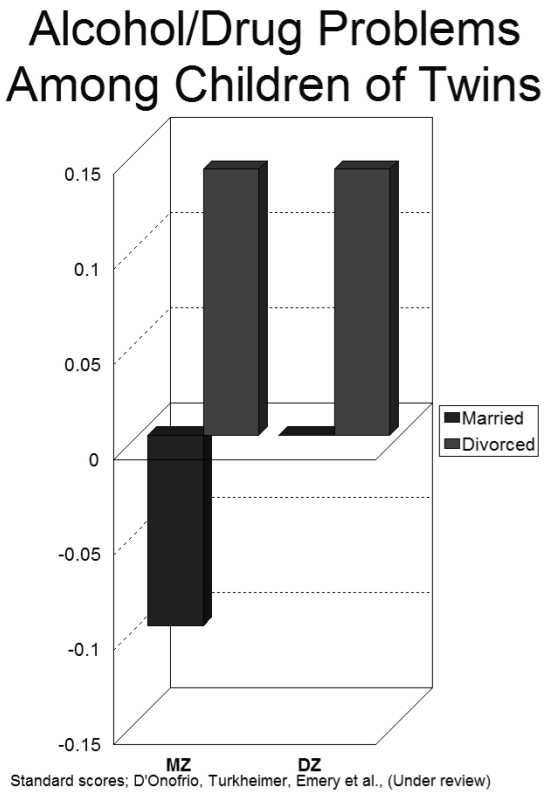
Elliot and Richards, 1991

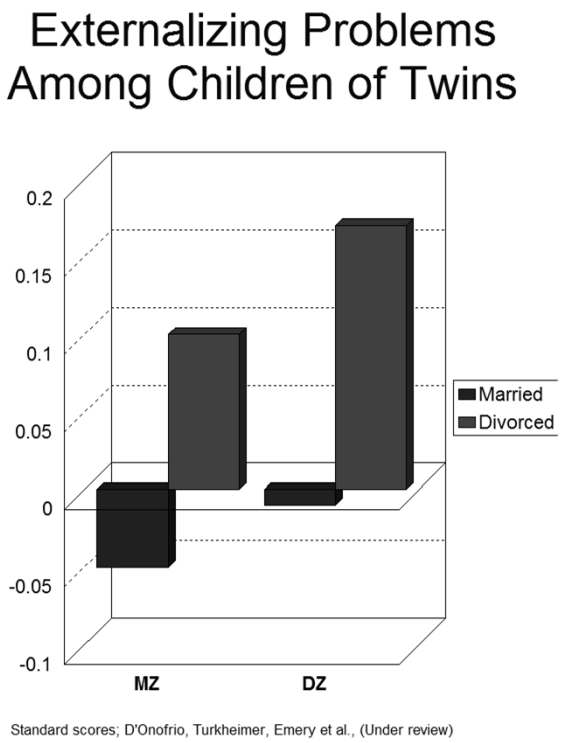
Math Scores: Before and After Divorce

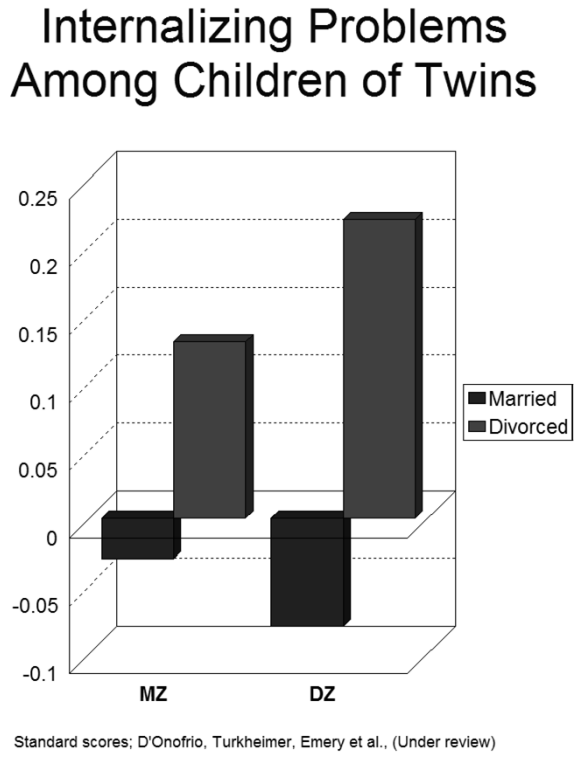


Elliot and Richards, 1991

Findings from a Sample of 2,527 Australian Twins







Resilience is *Not* "Parentification"

- Shelly Tuer Martin's emotional caretaking scale:
  - "I often feel more like my mother's parent than her child."
  - "My mother really needs my support to manage things in her life."
  - "Part of my job in my family is taking care of my mother."
  - "My mother thinks of me as her best friend."
  - "I had to grow up too fast and didn't get a chance just to be a kid."
- Predicts depression among college women (Tuer)
- Among male/female adolescents associated with (Peris et al., 2009)
  - *Low* ratings of parental warmth
  - Increased marital conflict
  - Increased likelihood of child intervention in conflict (on laboratory measure)

The Forest… and the Trees

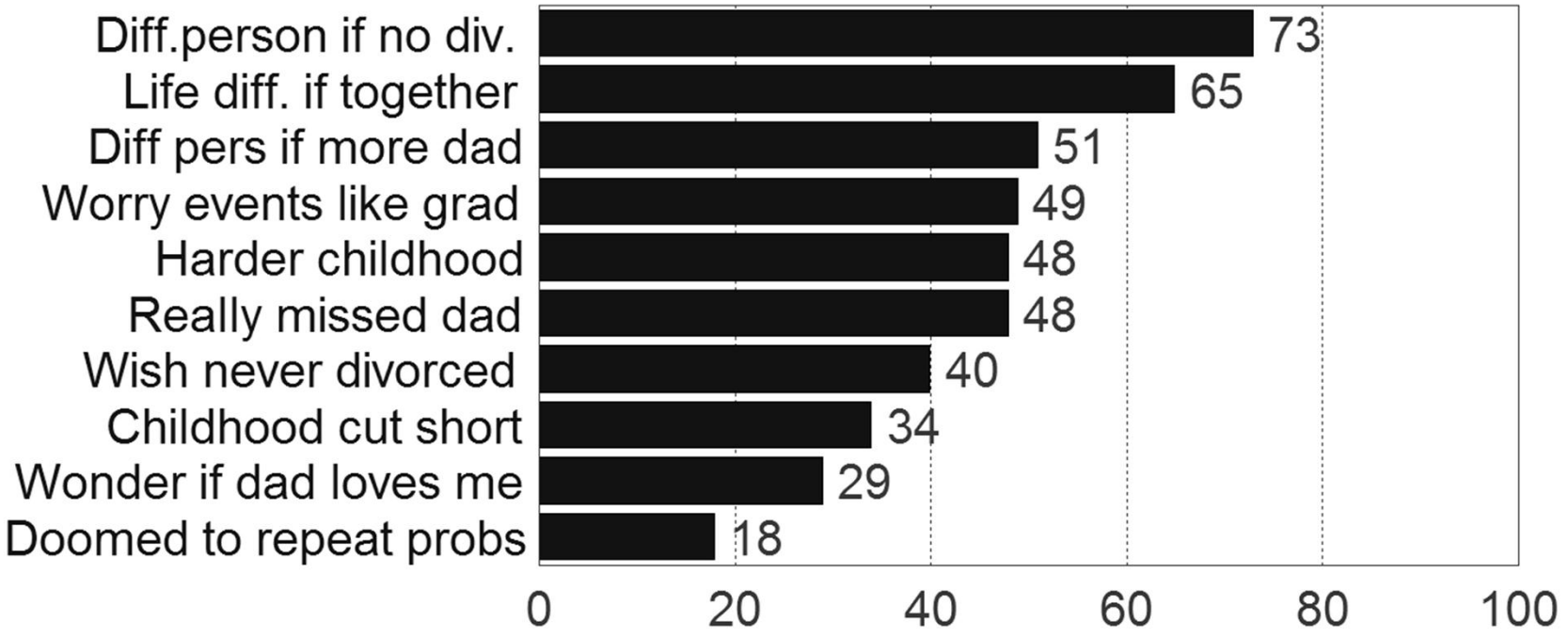
- Resilient students crying in my office

- What researchers don't measure but parents worry about: Emotional pain
  - See MacDonald & Leary (2005)

PAIN

Some of Young Adult's Painful Beliefs About Divorce

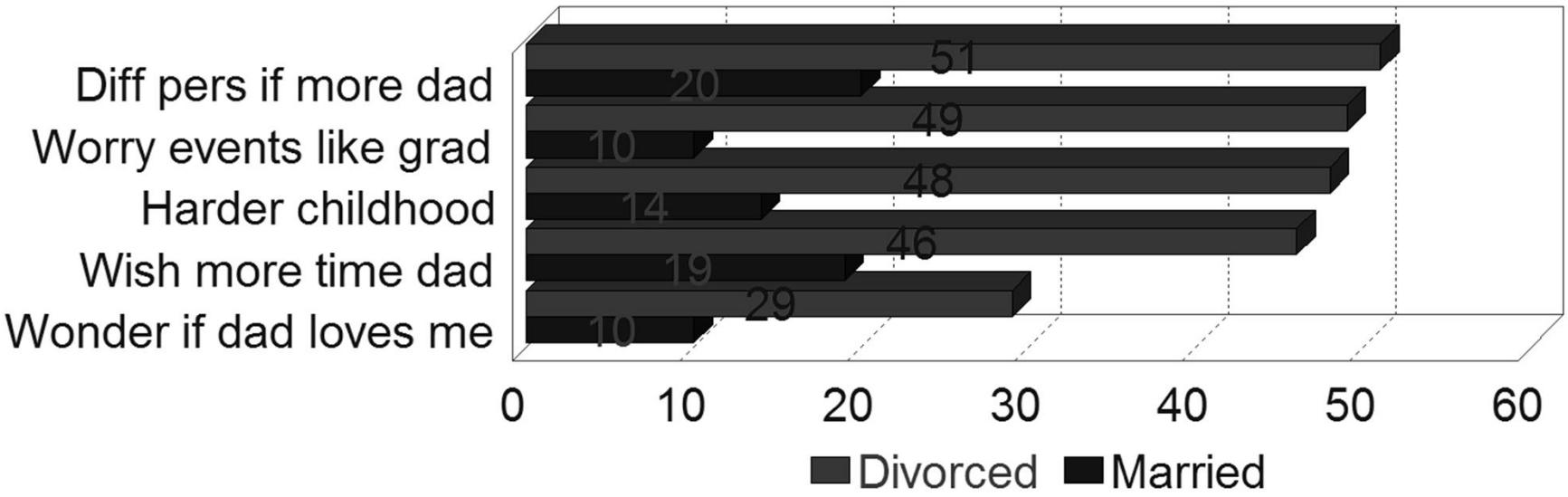
Percentage of 100 well-adjusted college students who agreed or strongly agreed



Billings and Emery, 2000

Painful Beliefs About Childhood:

Divorced versus Married



Percent agree or strongly agree; based on Billings and Emery, 2000;

Parents Determine Risk or Resilience

Parents can lessen but not eliminate children's pain.

And parents shouldn't try to eliminate it…

Children should be allowed to grieve.

Predictors of Children's Positive Divorce Adjustment

Four key factors:

- Good relationship with one parent
- Little or controlled conflict
- Economic stability
- A good relationship with other parent

Compromises

- Want to promote all four factors
- But sometimes can't; so listed in order of importance to children's emotional well-being
- Example: If conflict cannot be contained, children do better with relatively little contact with one parent
  - Less contact but also less conflict exposure
- Joint physical custody and custody battles
  - Right solution for wrong cases (in custody contest)
  - Joint physical is best and worst for kids

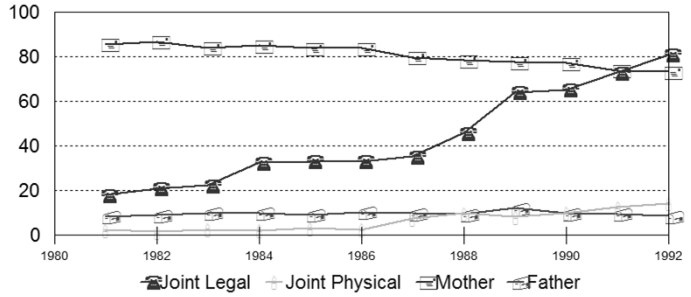
Joint Custody

- Joint legal custody (shared decision making)
  - Shared: religion, education, elective medical care
  - Independent: day to day parenting
  - Need: communication method for coordinating mid-level parenting issues (e.g., medication, serious discipline)
- Joint physical custody (shared time with child)
  - Some define as 50/50
  - Most research defines as 25-30%
  - As do many state laws in child support statutes
- Some states have/are considering joint physical presumptions
  - Generally have not passed; exceptions: WI
    - Individual judges', evaluators, psychologists', parents' varying interpretations
  - Australia, Belgium enacted a nation-wide presumptions

Joint Legal Custody Normative

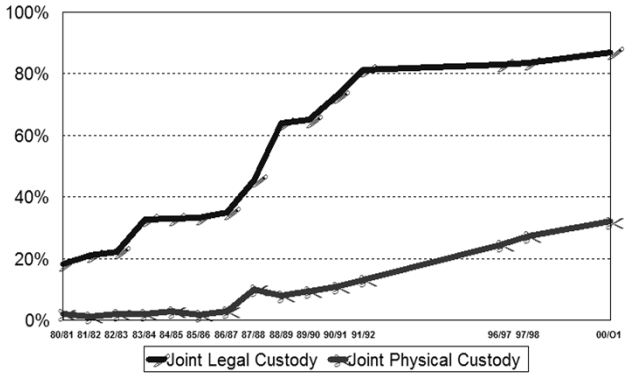
- Joint legal creates benefits, not problems:
  - More contact
  - More child support
- Joint legal is the norm
  - Why should one parent automatically *lose* legal custody?
- Joint physical is *not* the norm
  - Agreements differ from practice
  - Berger (2008), WI Poverty Inst.
  - Less stable over time

Joint Legal and Physical Custody:
Wisconsin Divorce Filings 1980 to 1992



Data were collected across calendar years, thus 1981 refers to 1980-81 etc

Growth of Joint Legal and Physical Custody:
Wisconsin 1980-2001



Does Joint Custody Benefit Children?

- Bauserman (2002) meta-analysis
  - 33 studies: Children better adjusted in joint custody
- The "Chicken McNugget" problem
  - Apples and oranges: Self-selection into joint custody
    - Random assignment: The "magic" of science
  - Effect size .23 (equivalent to 520 v. 500 SAT)
  - 22 of 33 studies unpublished (21 unpublished dissertations)
  - Joint legal (.22) same benefits as joint physical (.29)
    - Could use to argue joint legal is "good enough"?
  - No interaction with conflict
    - Less conflict in joint custody (self selection evidence)
    - Best studies (including mine) find interaction with conflict
    - Joint custody best and worst arrangement
- Also inconsistent with father contact research

Nonresident Father Involvement and Child Well Being

Child well-being	Pay support	Contact amount	Feel close	Authoritative father
Academic success	.09***	.03*	.06*	.15***
Externalizing problems	-.08***	-.02	-.05*	-.11***
Internalizing problems	-.01	-.03*	-.07*	-.12

Based on Amato & Gilbreth, 1999, meta-analysis of 63 studies

My Bottom Lines on Joint Custody

- Joint legal custody should be the default norm
- Joint physical custody is the best – and the worst – arrangement for children
  - Best when parents contain conflict, manage logistics
    - Willing parents should be encouraged to try and make joint physical work
  - Worse when it puts children in a war zone
    - Wrong solution for judges hearing contested cases
- Demographically, the exception rather than the rule
- Joint physical custody is being misused
  - To trade for lower child support payments
    - 52 overnights in Indiana; 164 overnights in North Dakota
  - To settle high conflict cases

A couple who separated after 40 years of marriage split their house in two -- literally.

The husband cut the house in two. "It is the strangest thing I've ever seen," said May Titthara, who wrote about the case for The Phnom Penh Post, an English-language newspaper in the Cambodian capital. "People there never saw this happen in a divorce. It is very interesting for them." The husband and wife had been living together in the house in a village in the Prey Veng province of southern **Cambodia**, roughly 50 miles (80 km) from the capital. The couple would not talk to the newspaper, but the village chief told May Titthara that the husband was angry because his wife wouldn't tend to him when he was ill. Last week, the husband and his friends moved his belongings to one side of the house -- and sawed and chiseled it off, said the reporter, who interviewed the village chief and neighbors. The couple also divided their property into four sections: for themselves and their two children. Because the couple side-stepped the provincial courts when they parted ways, their unusual resolution could pose a problem later, said Prak Phin, a lawyer for Legal Support for Child and Women in the province. "This was a not a legal divorce. It never went to the court," he said. "If they have disagreements in the future, they will not have a legal (recourse)." The man moved his part of the house to his parents' property, May Titthara said. He lives with his parents, while the wife continues to reside in her precariously perched, upright half.

Solomon's Sword

Then said the king, The one saith, This is my son that liveth, and thy son is the dead: and the other saith, Nay; but thy son is the dead, and my son is the living. And the king said, Bring me a sword. And they brought a sword before the king. And the king said, Divide the living child in two, and give half to the one, and half to the other. Then spake the woman whose the living child was unto the king, for her bowels yearned upon her son, and she said, O my lord, give her the living child, and in no wise slay it. But the other said, Let it be neither mine nor thine, but divide it. Then the king answered and said, Give her the living child, and in no wise slay it: she is the mother thereof. And all Israel heard of the judgment which the king had judged; and they feared the king: for they saw that the wisdom of God was in him, to do judgment.