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Paradoxical Expectation

The ability to support the other parent-child relationship is a statutory factor in Colorado in considering the best interests of the child in parental responsibility and parenting time cases, as it is in other states. It is a factor listed in the Uniform Marriage and Divorce Act. The factor is routinely measured in parenting evaluations and considered by the court in making decisions about parenting plans. It is often assumed that not supporting the other parent opens the door to considering the assignment of sole decision making to one parent and treating it as an important factor in apportioning parenting time. The process of not supporting the other parent, perhaps derogating him or her as a person and parent, usually accompanies inter-parental conflict. The research literature on conflict and child adjustment following divorce is complex (Kelly & Emery, 2003), but children generally do worse when they are exposed to conflict. Evaluators and courts again often assume high conflict translates to not ordering shared decision making and the decision to designate a primary residential parent.

The measurement of this "support other" factor presents the Court and parenting evaluators with a bit of a logical quandary. The expectation that the parents will be reasonably supportive of the other at the time of their divorce may be unrealistic. The assumption that parents can be mutually supportive and think wisely about the needs of the child while they are embattled seems to be a paradoxical expectation, especially among litigating parents, who represent the most extreme sub-group of divorcing parents. Some commentators have criticized the approach of giving high weight to the support-other-parent factor. For example, the Florida custody statute states: "The parent who is more likely to allow the child frequent and continuing contact with the nonresidential parent" [FLA. STAT. § 61.13(3)(a) (1995)]. Dore (2004) asserts the "friendly parent doctrine" is flawed when it is given this factor is adorned with controlling weight in the hands of judicial discretion. This commentator cites emerging case law that discount the factor in certain contexts such as when there has been domestic violence or child maltreatment.

At the time of separation and divorce, conflict and hostility between parents is normative. Research suggests this reality may continue for the majority of divorcing partners for two years before dissipating and emotional disengagement occurs (Hetherington & Kelly, 2002). The research literature shows the percentage of divorcing couples who report a high degree of conflict is very substantial. (Kelly & Emery, 2003). Inter-parental conflict and hostility usually translates to a lack of support for the other parent-child relationships, lack of corroborative parenting, and

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main responsibility. Fair play is indeed a primary value, and if boys and girls are to have an equal opportunity to participate in competitive sports, then the rules must be the same for both. However, there are risks involved in competitive sports, and these risks are not the same for both genders. Girls are less likely to suffer serious injury, and the risk of serious injury is greater for boys. This is due to the differences in body structure and the way that the genders are socialized to engage in physical activity. The risk of injury is greater for boys, and this is reflected in the higher rate of injury for boys.

Coaches and parents should be aware of these risks and take steps to mitigate them. This includes providing appropriate training and equipment, and ensuring that the rules and regulations are followed. It is also important to provide medical care and support in case of injury. By taking these steps, we can help to ensure that boys and girls have an equal opportunity to participate in competitive sports, while also protecting the health and safety of all participants.
Gatekeeping Continued

Tight support affected child adjustment. They found degree of parental involvement is what makes a difference. This is consistent with the broader research literature that children show the best long-term development when they have access to both parents and quality relationships without exposure to high conflict (Amato & Sobolewski, 2001).

As with most general variables, it is useful to construct a bipolar continuum to understand how gatekeeping impacts family process. I propose gatekeeping is inevitable for both parents and should viewed as varying along a continuum of responsible gatekeeping to very restrictive gatekeeping. The behaviors of the parents may range from proactive, collaborative parenting to interfering with physical access to the children, withholding information, voicing negative statements about the other parent, and generally being uncooperative. Child abduction would be the most severe form and child alienation also occupying the negative end of the continuum. A high percentage of parents engage in a parallel parenting form and this would fall in the middle.

Measuring Other Parent Support

As with other relevant factors, evaluators should measure other parent support and gatekeeping using a multi-method approach. Verbal responses and observations in the forensic interview are a main source of data. Sometimes the parent who holds a negative attitude cannot help themselves. In a recent evaluation, during the parent-child observation session, the dad paused and starting criticizing the other parent in front of the children. Most litigating parents would know this would not create a favorable impression. Most evaluators have the experience of the parent saying, "I don't mean to be critical. She is the mother of my children, after all, but..." The negativity then follows. Collateral interview data are essential. In a recent case the teacher said, "the hostility between the parents was so clear, it was so tense; I insisted on separate parent-teacher conferences." The evaluator should look for data on this factor when she conducts a careful investigation by looking for multiple data sources (Austin & Kirkpatrick, 2004). The behavioral component of gatekeeping has do with providing child information to the other parent; talking negatively about the other parent in front of the children, including overheard telephone conversations; and not cooperating with physical access to the child. Nonverbal behaviors can also communicate a message to the children. The evaluator should try to confirm assertions about interference or noncompliance with the parenting time arrangement and the other aspects of restrictiveness or negativity. Relatively unbiased third parties usually are the best sources (Austin, 2002). E-mail exchanges may be a helpful source of data.

I have found it helpful to use self-report measures of parenting perceptions. The PSI has a spousal support scale. The Parenting Alliance Measure (Abidin, 1999) offers descriptive data on how the parent views the other parent's competence and how well they can work together. The Parenting Satisfaction Survey (Guidubaldi & Clemenshaw, 1994). These test data all measure perceived support from the other parent. The Court will find this helpful on the parent's attitudes towards the other parent, but the most important data will be the behavioral data on allowing access, exposing the children to negative commentary about the other parent, and providing information to the other parent.

How to Weight the Other Parent Support in Parenting Evaluations?

In light of the preliminary data from Pratt et al. (2003) and research on the frequency of moderate to high conflict in the first two years after separation and at the time of custody litigation, it is unrealistic to think the parents will be highly supportive of one another. The attitudinal data is not predictive. In cases of partner violence is expected and the estimates of partner violence among litigating parents are quite revealing, 70% in one study (Navmark, Harrell & Salem, 1995). The level of parental involvement is most predictive of child adjustment though it is expected the residential parent's attitude partly determines the level of other parent involvement. There may be a few litigating parents who can compartmentalize the parenting from other contentious issues, but usually the dispute is about perceptions of parenting or the parenting plan. I therefore propose that only the behavioral components of the factor and of gatekeeping should be weighted. If the parent has a very negative attitude towards the other parent, including the parent's competence as a parent, and communicates this to the evaluator in the interview and screening test results, but cooperates with the parenting plan and does not expose the children to her negative attitude behaviorally, then it should not be negatively weighted. It is normative! The evaluator should be looking for parents, while they are expected to be hostile and negative towards each other in

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the context of litigation, can be cooperative concerning access and sharing information and try to shield the children from the conflict. Bad-mouthing the other parent in the process of the evaluation is to be expected, but interfering with physical access to and information about the child and verbal derogation of the other parent is predictive of negative effects on the child. The creative task for the evaluator and court is to see past the cloud of conflict in aftermath of divorce and make predictions about corroboration and gatekeeping in the long-run.

References


