

The Impact of Contentious Litigation and Unnecessary Delay on Children and Families

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Special Topic Seminar: Child Custody
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Credentials

- Licensed Psychologist
- Owner of Next Step Psychology, PLLC in Apex, NC
- Undergraduate Degree: McGill University
- Graduate Degrees (Master's and Doctorate of Philosophy): University of South Carolina
- Pre-doctoral Internship and Postdoctoral Fellowship: Johns Hopkins School of Medicine
- Over 20 years experience working with children and families.

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Disclaimer/Disclosure

- Goal of Presentation: Educational only. No warranty, guarantee, or representation is made as to the accuracy or sufficiency of the information shared in this live presentation for your specific case circumstances.
- What Can You Do? You are encouraged to seek practice-specific advice from appropriate sources before the crafting and entry of an order. Collect all perspectives in writing. Pro tip: consider your biases when making decisions.
- **I have no conflicts of interest with any groups identified in this training.**

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Services Provided

- Family Therapy
- Individual Therapy
- Expert Witness
- Expert Consultant
- Therapy for Parent-Child Contact Problems
- Coparenting Consultation by Consent
- Parent Coordination
- Psychological Assessment of children and college aged students (non-forensic evaluations)
- Recently completed Parenting Plan Evaluation Training

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Impact of Contentious Litigation (on children and their families)



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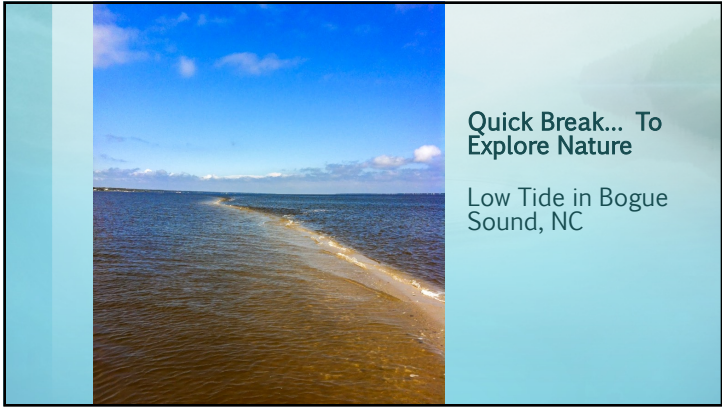
High Conflict Case

(per Article 5. Parenting Coordinator. § 50-90. Definitions.)

High-conflict case. – A child custody action involving minor children brought under Article 1 of this Chapter where the parties demonstrate an ongoing pattern of any of the following:

- a. Excessive litigation.
- b. Anger and distrust.
- c. Verbal abuse.
- d. Physical aggression or threats of physical aggression.
- e. Difficulty communicating about and cooperating in the care of the minor children.
- f. Conditions that in the discretion of the court warrant the appointment of a parenting coordinator.

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Beach Trip vs. Trip to Snowy Mountains...

• Are total opposites! NO question about it. End of story.

	Beach	Mountains
Temperature	Hot	Cold
Clothing needed	A few items	Many items
Activities	Water based	Snow based
Season	Summer vibes	Winter vibes
Things to Guard Against	Sunburns; dehydration	Frostbite; windburn
Noise Level	Rhythmic Noise	Quiet

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Beach Trip vs. Trip to Snowy Mountains...

- Both:
 - Involve water, at different states
 - Outdoors
 - Mother Nature oversees both
 - Are home to trees, animals, insects, etc.
 - Allow for many activities
 - Provide opportunity for many sports
 - Therapeutic/Feature the Beauty of Nature

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Are they really that different?



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High Conflict



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Examples of High Conflict Behaviors

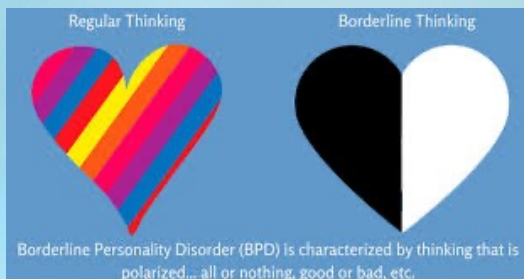
- Lack of trust/hostility between two people
- Elevated levels of anger
- Willingness and/or desire to engage in repeated litigation
- Project blame onto others
- Focus on desired outcomes that benefit them first and foremost
- Refusal to openly cooperate or communicate
- May allege abuse
- May sabotage parent-child relationships
- May seek control
- Focus on Parent's Rights as opposed to Children's Best Interests

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Personality Disorders

- Cluster A
 - Paranoid Personality Disorder
 - Schizoid Personality Disorder
 - Schizotypal Personality Disorder
- Cluster B
 - Antisocial Personality Disorder
 - Borderline Personality Disorder
 - Histrionic Personality Disorder
 - Narcissistic Personality Disorder
- Cluster C
 - Avoidant Personality Disorder
 - Dependent Personality Disorder
 - Obsessive Compulsive Personality Disorder

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Teenager's perspective and experience living in a high conflict family system.

Photo used with permission of the artist. Artist aware of the capacity in which the picture is being used and consented to its usage.

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Potential Causes of High Conflict Behavior

- Dysfunctional marital relationships
- Mental health disorder(s) in either or both parents
- Childhood upbringing/background/history (Unresolved childhood trauma)
- History of exposure to or engagement in criminal behavior
- Substance misuse
- Intimate Partner Violence (including coercive control)
- Domestic Violence (perpetrator, victim, or observer)
- History or child abuse or neglect

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Possible Impact of High Conflict Divorce on Children

- Home environment lacking warmth and nurturance
- Infrequent opportunities for validation
- Conditional experiences and opportunities
- Impaired parental competency
- Distracted parenting
- Children may not be prioritized
- Children may be viewed as and treated like property
- Coping strategies healthy vs. unhealthy?
- Adjustment-boundaries?
- Academic achievement (high achieving vs. self sabotaging?)

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Possible Impact of High Conflict Divorce on Children, continued.

- Self-esteem issues
- Psychological distress
- Depression
- Delinquency
- Substance misuse
- Sexual precocity
- Suicidal behaviors
- Difficulties with forming secure attachments and deep relationship connections

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Results of High Conflict Divorce on Children

- Frequent failure to prioritize the child's best interests.
- May create a binary view of the family system (good/bad; right/wrong; win/lose).
- Reduces the family system to a single label (viewed through a singular lens).
- Fails to appreciate the complex dynamics and richness of the unique family system
- Potential draining of financial resources
- Lack of emotional support /availability to children
- Increases in stress, anxiety, and possible resentment

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Sorting out complex family dynamics can be complicated...but, let's not leave it up to chance!



"Whoever she runs to wins custody."

CartoonStock.com

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Potential Child Factors to Consider

- **Safety** (abuse, neglect, emotional, psychological, sexual, financial), IPV, Substance Misuse
- **Individual Factors** (age, personality, and temperament, languages spoken, religions practiced, developmental stage, adjustment and resiliency, medical diagnoses, any individual needs)
- **Family Relationship Dynamics** (historically with each parent, currently with each parent, sibling(s), extended family, community/peer connections; nationality and citizenship of parents and the children)
- **Parent's Individual Factors** (mental health stability, capacity, boundaries, judgement, financial resources, responsibilities, employment, social capital, languages spoken)
- **Parent's support for relationship** (communication skills, openly supports coparent's rules/decision making, gatekeeping: adaptive or not, facilitative or restrictive, protective)

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Logistics

- Just because you can does not mean you should.
- Parents are at liberty to divorce and live within the convenience of a home they establish. Children's parents divorce and they must operate within the arrangements set by their parents and/or the Court.
- Distance between homes
- Medical care/administration of medication or individualized services
- Proximity of friends, community relationships, school, sports
- Extent to which parent's calendars align
- Religious practice, holiday celebrations, value and belief systems, membership in any organizations
- Exchange logistics
- Children's items requiring transfer
- Whenever possible, ask "why" (many parents responses are adult focused and not child focused).

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Practical Ways to Support Children

- Encourage parents to be selfless (not selfish)
- Remove ability of one parent to control the other's household
- Provide duplicates of necessary and important materials/equipment
- Remove phone calls to non-custodial parent
- Consider giving one parent legal decision making
- Set boundaries on the ability of non-custodial parent to be present in school/volunteer on sports teams/etc.
- Limit parenting to legal guardians of the child (restrict ability of significant others or step parents to parent children involved in high conflict situations)
- Ensure court order is clear and specific
- Child does not go to school where parent is on staff or has a strong presence

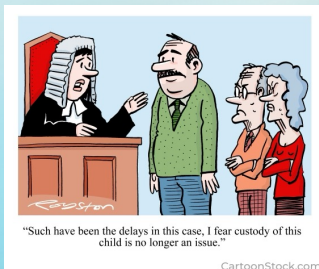
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Practical Ways to Support Children, continued

- Consider a clause in a permanent custody order securing the child's educational placement through the parent's address. Consider the high probability of each parent relocating and the potential impact on the children's education.
- Ensure children's extracurricular activities cannot be unilaterally stopped.
- Ensure the children's professional providers (e.g., tutors, coaches, babysitters, therapist, dentist, pediatrician, etc.) cannot be unilaterally changed. Consider a provision stating no changes can be made absent direction from the Court, from a parent coordinator, or absent both parents' agreement in writing.
- Build in split payment mechanisms to avoid disruption of services due to nonpayment.
- Consider children's abilities to secure a driver's license, part time employment, use technology, and receive support to attain developmental milestones and "rights of passage."

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Impact of Unnecessary Delay of Entry of Order



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Results of Unnecessary Delay of Entry of Order

- Any or all of the following may be disrupted/problematic:
- Children's education
- Children's extracurricular activities
- Parental mental health issues
- Levels of parental stress
- Acrimony between parents
- Co-parenting decision making skills
- Parental communication skills (collaborative approach vs. hostile)
- Confidence in ability (or desire) to coparent
- Parent child dysfunctional relationships
- Parental emotional expectations of child

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Big Picture View

- Opportunity for dangerous situations to unfold
- Allows opportunity for things to go awry
- Leaves people stuck in a space of lack of agreement
- Children miss opportunities
- Patterns of problematic behavior become further engrained
- Management and treatment become more challenging as time passes
- People have a longer period of time to behave in unsavory ways
- Parent Child Contact Problems may become further entrenched
- Opportunity for people to rewrite history (e.g., revise text message strings, email chains, etc)
- Decisions take one “no” or two “yeses”

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Impact of Unnecessary Delay of Entry of Order

- Impact on the Children
- Impact on the Professionals
- Impact on the Parents

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Impact on the Child

- Continued focus on parents rights vs. child's best interests
- Parent child relationship issues
- Can create strain, and stress the relationship, may create irreparable relationship damage
- Children miss out on opportunities because of parental discord
- Can create more change and disruption for children

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Impact on the Professional Team

- Pull consent for treatment of the child
- File a board complaint
- Attempts to split the treatment team
- Makes attempts to get the professional to align with them
- Strategic use of therapy
- Professionals are handling crises of the week, or clinical fires, instead of providing treatment
- Exhaustion/burnout while you attempt to keep families from falling apart

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Impact on the Parent

- Keeps parents in an adversarial position for an extended period of time
- Me. vs. Them attitude
- Some parents do not cope well under stress, and this becomes their child's issue
- Parents may be tempted to "follow the order" when it suits them, and not when it does not.
- Distorted view of court room experience, which gives (false) sense of empowerment
- Uses resources (time and money) better spent on children on fueling ongoing discord

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Possible remedies to ease Delay of Entry of Order

- Find a good enough solution
- Almost any action is better than inaction
- Box in behavior to the best of your ability
- Assign families tasks to complete and review their progress
- Appoint a professional to help guide the family to a healthier way of functioning
- Consider children's ages and how an order will grow with them
- Add a provision addressing parenting time provided parents are within your assigned county, and a provision if relocation is probable based on profession/family support systems/other factors.

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Questions / Comments

- Thank you!



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Resource List

- AFCC and NCJFCJ. (2022). Joint statement on parent-child contact problems. Retrieved from <https://www.afccnet.org/Resource-Center/Center-for-Excellence-in-Family-Court-Practice/afcc-and-ncjfcj-joint-statement-on-parent-child-contact-problems>
- AFCC Task Force on Court-involved Therapy. (2009). Guidelines for court-involved therapy. *Family Court Review*, 49(3), 564–581 <https://doi.org/10.1111/j.1744-1617.2011.01393.x>
- AFCC. (2016). Guidelines for examining intimate partner violence: A supplement to the AFCC model standards of practice for child custody. Retrieved from [https://www.afccnet.org/Portals/0/PDF/Guidelines%20for%20Examining%20Intimate%20Partner%20Violence%20\(1\).pdf?ver=7/EXH-wzs2Ykb1qUJS6ULA%3D%3D](https://www.afccnet.org/Portals/0/PDF/Guidelines%20for%20Examining%20Intimate%20Partner%20Violence%20(1).pdf?ver=7/EXH-wzs2Ykb1qUJS6ULA%3D%3D)

35

Resource List, continued.

- Article 5. Parenting Coordinator. (2024, April 11). North Carolina General Assembly. https://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_50/Article_5.pdf
- Drozd, L. M., Deutsch, R. M., & Donner, D. A. (2020). Parenting coordination in cases involving intimate partner violence. *Family Court Review*, 58(3), 774–792. <https://doi.org/10.1111/fcre.12512>
- Drozd, L.M., Saini, M. & Carson (2022) *An evidence-informed decision tree for intervening in Parent-child contact problems*, Association of Family and Conciliation Courts annual conference, Chicago.

36

Resource List, continued.

- Fidnick, L. S., Koch, K. A., Greenberg, L. R., & Sullivan, M. (2011). Association of family and conciliation courts white paper guidelines for court-involved therapy: A best practice approach for mental health professionals. *Family Court Review*, **49**(3), 557–563. <https://doi.org/10.1111/j.1744-1617.2011.01401.x>
- Joyce, A. N. (2016). High-Conflict Divorce: A form of Child Neglect. *Family Court Review*, **54**(4), 642–656. <https://doi.org/10.1111/fcre.12249>
- PSYPACTMap - Psychology Interjurisdictional Compact (PSYPACT) (2024, April 11) Psypact.org <https://psypact.org/mpage/psypactmap>
- Saini, M.A., Deutsch, R.M. & Drozd, L.M. (2024). Defining Points and Transformative Turns in Family Violence, Parenting, and Coparenting Disputes. *Family Court Review*, **62** (1), 146-159. <https://doi.org/10.1111/fcre.12770>

37

Resource List, continued.

- Sullivan, M.J., Pruett, M.K. & Johnston, J. (2024) Parent-child contact problems: Family Violence and parental alienating behaviors either/or, neither/nor, both/and, one in the same? *Family Court Review*, **62** (1), 68-85 <https://doi.org/10.1111/fcre.12764>
- Walters, M. G., & Friedlander, S. (2016). When a child rejects a parent: Working with the intractable resist/refuse dynamic. *Family Court Review*, **54**(3), 424–445. <https://doi.org/10.1111/fcre.12238>
- Wilson, A.E. & Pruett, M.K. (2023). Conclusion: Mental health and legal responses to the adolescent mental health crisis: Raising the bar on best interests and promoting family connectedness in divorcing families. *Family Court Review*, **61** (1), 538–544. <https://doi.org/10.1111/fcre.12727>

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