

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

UNC School of Government Special Topic Seminar: Child Custody

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Impact of Contentious Litigation on children and families

Definition High Conflict

- Extreme lack of trust/hostility between parents
- Elevated levels of anger
- Willingness and desire to engage in repeated litigation
- Project blame onto others
- Refusal to cooperate or communicate
- Allege abuse
- Sabotage parent-child relationships

Potential Causes of High Conflict Behavior

- Dysfunctional marital relationships
- Mental health disorder(s) in either or both parent
- Childhood upbringing/background/history
- Criminal backgrounds
- Substance abuse
- Domestic violence
- Child abuse

Possible Impact of High Conflict Divorce on Children

- Impaired parental competency
- Distracted parenting
- Children are not prioritized
- Coping strategies
- Adjustment
- Academic achievement
- Self-esteem issues
- Psychological distress
- Depression
- Delinquency
- Substance abuse
- Sexual precocity

- Suicidal behavior

Results of High Conflict Divorce on Children (also, see table Children of Divorce: Best and Worst Outcomes)

- Parents show an inability to recognize the best interests of their children. Failure to prioritize the child's needs.
- Instead, prioritization on winning and making sure the other side will "suffer" or "lose".
- Draining of financial resources
- Lack of emotional support / availability
- Increases in stress, anxiety
- Often seen as anger, aggression, or even hate.

Physical Impact of Childhood Stress

- Winning, A., Glymour, M., McCormick, M., Gilsanz, P., and Kubzanksy, L. (2015). Psychological Distress Among the Life Course and Cardiometabolic Risk: Findings from the 1958 British Birth Cohort Study. *Journal of the American College of Cardiology*. Vol 66 (14). 1577-86.

Practical Ways to Support Children

- 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

Impact of Unnecessary Delay of Entry of Order

- Any or all of the following may be disrupted / problematic:
- 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 co-parent
- Parent child dysfunctional relationships
- Parents emotional expectations of child

Impact of Unnecessary Delay of Entry of Order

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