

Working with Children of High-Conflict Divorce: How Psychologists Help, How Psychologists Hurt

Stephen Carter, Ph.D., Registered Psychologist (Alberta)

While Statistics Canada (2023) lists the 2020 age-adjusted divorce rate is 6.8 per thousand married persons, it also reports that the 30-year total divorce rate is 25.6% of all marriages. This does not take into account the number of separations taking place from unmarried couples with children. With such a high rate of divorce in society and the impact on children, divorce education is sadly lacking in the majority of counselling/therapy training programs. One interdisciplinary organization, the Association of Family and Conciliation Courts (AFCC), leads the way in providing research and training for psychologists, lawyers, and the judiciary.

Many divorces are viewed to be “desk divorces” meaning that the parents figure out the majority of things on their own or with the help of lawyers and simply submit a document to be endorsed. A smaller percent of couples may go to court once for a single issue while another small percent, the high-conflict divorce, make multiple court applications over many years, backing up the court system (Coates, et al, 2004, Kirkland & Kirkland, 2006) to the extent that it may take a year or more for a matter to get to trial.

The damaging effect of children exposed to family conflict, both pre-and post-divorce, includes:

- Higher rates of anxiety, depression, disruptive behaviour and increased likelihood of being abusive in their own adult relationships (Grychm 2005).
- Increased emotional distress (Ayoub, et al, 1999).
- The loss of a cohesive support community (Blank & Ney, 2006).
- Lower levels of school achievement, social adjustment and difficulties in relationships with siblings, parents, and peers; risk of dropping out; higher risk of drug use, substance abuse and adult criminal behaviour; lower marital quality as adults. (Bacon & McKenzie, 2004).

Further, as there is an increased risk among high-conflict divorce of false allegations of spousal/parental abuse or violence (Austin, 2000), young children may grow up as “victims of abuse” in cases where no actual maltreatment took place.

When working with separated/divorced/never-married parents in conflict, “supportive counselling” methods may not only provide no assistance but may exacerbate the conflict.

Directive, systemic-based interventions such as family restructuring therapy which has a strong problem-solving/future focus provide one alternative for controlling conflict and moving the family toward resolution (Carter, 2011). When children of divorce reject one parent, the rallying cry of the rejected parent is that their child has been deliberately alienated from them, which if true, is seen to be a form of child abuse. However, current models of reject/refuse dynamics show that such child behaviour is complex and multidimensional.

Psychologists working with families of divorce—either the parents, parent-child combinations, or the children individually—can be extremely beneficial. However, psychologists unfamiliar

with the dynamics of high-conflict divorce can also escalate the difficulties for the family and for the children.

To work with families of divorce, the basic skill of working with people through grief and loss is required. However, if you conceptualize a divorce as an onion, each layer you peel back represents a different form of loss which can include financial stability, residence, friendships, community activities, access to extended family supports, family traditions, children's time with one or both parents, etc.

Along with basic knowledge of family structure/function and divorce, there are some specific do's and don'ts that are essential for your work with children of divorce. These will be explored in the next issue of *Psymposium*. See full references and article [here](#).

Working with Children: How Psychologists Help

1. Understand Custody

Custody does not mean who the child is living with, it means who has legal decision-making powers. In the absence of a Court order stating that one person has control and decision-making, you must assume joint custody, that both parents have equal say and equal rights. Also note that for a court order to be valid it generally requires a seal (stamp) from the court and a signature; otherwise, it is just a piece of paper.

2. Understand High Conflict

Just because one parent says horrible things about the other parent does not mean that they are true. Often the high-conflict personality presents as far more interesting, has a sense of urgency, and expects the psychologist to come in as a helper/hero which can be destructive to the well-being of the child. If a child does disclose abuse or risks to safety, psychologists have the same duty to report that you would have for any child. False allegations do occur within the context of a custody dispute, but it is up to Child Protection professionals to determine that.

3. Help Children Cope with Grief and Loss

Often, children in divorce, especially high-conflict divorce, lose their main support group: their parents. Children need to know that grief reactions are normal and that they will get through it. Children also need to know that it is not their job to select which parent is right or which parent to live with: that is a parental decision. A divorce adjustment group may be helpful for children.

4. Avoid Taking Sides

Do not automatically accept what one parent says about the other. Grieving/angry individuals often have a strong revisionist view of history, and they look back at even positive events as warning signs they should have seen. Children caught in the middle will often accept the view that their “preferred parent” tells them without questioning and completely refuse to accept the rejected parent. Keep in mind that the high-conflict scenario fits perfectly with the young teens’

conceptualization of relationships in that when they end, there is always someone to blame, and there is a simple theme of the villain and the victim.

When speaking with parents about their child, make sure you say exactly the same thing to both parents and document the discussion you had with them. A strength for psychologists is their empathy; however, in working with high-conflict divorce, a weakness may also be empathy. That is, by striving to be empathetic, you may inadvertently reinforce each parent's negative beliefs about the other parent and lead them to think that you are on their side.

5. Educate the Parents

An important focus for psychologists is to educate the parents about the effect of conflict on children and avoid pointing a finger at one parent as the sole source of conflict. At times, this means honestly telling the parent how they may be contributing to the problem and what they can do to focus on the child. Parents may tell you things they have done to "help" the child such as showing the child emails from the other parent or telling them of their parent's infidelity. A handout that can be used for parents can state:

It is important to note that in general, children from divorced families have more adjustment difficulties than children from intact families, regardless of the custody arrangements. In addition, the phenomenon referred to as the "sleeper effect" suggests that negative impacts of divorce on children might not become manifest until adolescence.

Multiple studies have demonstrated the negative effects of parental conflict on children. It has been reported that when high-conflict parental behaviour is combined with child alienation, the risk to the well-being of the child is even greater.

It is not the physical presence of one or two parents in the lives of the child that makes a difference, rather it is the quality of interactions the child has with the parents they are involved with. In contrast, other authors state that children love, need, and want both parents.

Children growing up in two-parent families can be significantly damaged if relationships are inappropriate or abusive with one or both parents.

Adjustment difficulties that are possible for children of divorce include increased rates of drug and alcohol use, school and community behavioural problems, school performance difficulties, interpersonal relationship difficulties with members of the opposite sex, precocious sexual activity, and a more negative view of marriage. As adults, children of divorce may experience lower levels of occupational attainment and higher rates of divorce.

Recent neurological studies have demonstrated that children exposed to parental conflict can develop structural brain damage which leads to impaired emotional regulation.

No aspect of development would suggest a 12, 13, 14 or 15-year-old has “adult” thought or decision-making ability. This is why there are laws pertaining to driving, attending school, drinking alcohol, marriage, and voting. It is up to the parents to make the “tough” decisions for their child by not forcing the child to make developmentally inappropriate decisions.

6. Encourage Normalcy

Routines provide security while multiple changes create stress. Work with the parents to help them understand appropriate family roles and describe the child and adolescent grief reactions to the parents. In pre-separation circumstances, while children are involved with their parents in a variety of activities, they also have their own extracurricular activities and time with peers. After separation, some parents insist that the child spends all their time with them to make up for not having daily contact and the child’s natural supports can be withheld from them.

7. Separate the Issues

In working with the children of divorce, allow them to discuss “child issues” and give them coping strategies. When children of divorce raise adult issues, help them to realize that issues between their parents are not something they have to become involved with. At times, I have told

children I am working with that if their parents expect them to pass messages back and forth, it is my recommendation that the parents put all messages in writing and that the child charges the parent one dollar per word and five dollars for every bad word for passing the message. This form of humorous/blunt intervention can sometimes help parents see the inappropriate role the children are in.

7. Assist Other Professionals Working with the Family

If appropriate consents are obtained from both parents or through a court order, share information with other professionals, such as a psychologist working with the parents or someone conducting a custody assessment. If you are worried about how your statements will be taken, you can audio record your side of the conversation or keep copies of any written communication. Unfortunately, by the very nature of working with individuals involved in high-conflict divorce, the two sides are highly polarized, and your comments should be focused on how the conflict is affecting the child without pointing at which parent is causing the problem.

Working with Children: How Psychologists Hurt

1. Writing Letters to/for Lawyers or Parents

To write a letter to one of the lawyers is to give one side ammunition against the other. You need the consent of both parents to write a letter. Copies of any letter written should be given to both parents. Better yet, set up in advance that when you are working with children of divorce, you will not write letters and confidentiality will be protected for the child.

Never write a letter stating that the child should not have to see one of their parents, or that one child should have more time with one parent, or that a parent presents a risk to the child if your role is that of the psychologist for the child or the parents. In Alberta, here is the relevant practice principle that psychologists follow:

Sufficient Professional Knowledge

5.6 A psychologist shall not render an opinion about a person that has, or could have, implications for that person's rights or personal interests without having direct and substantial professional contact with that person, including an informed consent process and formal or general assessment. 5.7 A psychologist shall not render an opinion or make a statement about a parent or guardian that has, or could have, implications for the parent or guardian's rights or personal interests without having direct and substantial professional contact, including an informed consent process and formal or general assessment of the person who is the subject of the opinion or statement being made.

While this standard applies to psychologists practicing in Alberta, it is an essential guideline that all psychologists should follow to not inadvertently impact the rights of a parent if you have not formally assessed that parent after a thorough informed consent process, or in some cases if you have not even met the parent. To do so could open you up to both professional discipline or the risk of a lawsuit.

2. Allowing One Parent to Be “Cut Out”

Each parent is viewed to be the “50% owner” of the child and neither parent has exclusive decision-making for the child. A psychologist should not see a child, provide access to records,

write reports, or take any action based on one parent only, unless there is a filed, fully executed court order stating that one parent has exclusive power for making decisions. At a practical level, even if a parent has a court order stating that they can make medical decisions, that may not be good enough to allow a child to enter therapy. A highly misused concept that some psychologists use to justify seeing the child without the other parent's permission is stating that the child is a mature minor. The irony of this is that the psychologist relies on the consent of one parent for the child to attend counselling which implies the child does need that parent's permission but tries to justify that the child is mature enough to make the choice of not having the other parent's permission.

3. The Truth, the Whole Truth...

Do not give one parent one piece of information and different information to the other parent. The best policy is openness and if information creates difficulties, it is up to the parents to deal with it. By selectively giving information to one parent only you are adding fuel to the fire and increasing conflict which can increase the chance of damage to the child.

4. Taking Sides

By taking sides, you have acted as judge, jury, and assessor, often based on the statements of one person or possibly the statements of an alienated/aligned child. Your best defense is to follow any existing court orders and to keep information open to both sides. Further, sometimes one parent is prohibited by court order from having contact with the child and it would be highly

inappropriate for a psychologist to allow that parent to have clandestine visits, phone calls or to pass messages back and forth between the child and the parent.

In conclusion, despite the increasing number of divorces and the proportionally (or perhaps exponentially) increasing number of high-conflict divorces, psychologist education for working with high-conflict families is unfortunately lacking. This is also one of the areas where psychologists find themselves at greatest risk for complaints to the regulatory body. The psychologists' best protection is being aware of and strictly following all professional guidelines including getting sufficient supervision/mentoring/education before entering into work with such families.

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