
The current norms for divorce are foolish and unrealistic. The expectation is that hurt and disappointed and angry people will part amicably, be friendly, share their neighbourhood and their children, find a new spouse and a new life in the same vicinity and support the children of the first and second and third marriages with equal willingness.

Re children the expectation is that they will believe the platitudes that they are given, that they will blame no one, that they will happily give up weekends and vacations to see their parents until they reach their maturity and that they will make no judgements. Fat chance. Does anyone in the system know anything about children? Or talk with them candidly?

Email from Judith Wallerstein to Carol Bruch
(Feb. 13, 2005; quoted with permission)

**CONTINUITY AND STABILITY IN THE CHILD'S CUSTODIAL
RELATIONSHIP**

- **The primary caretaker presumption: A child's best interest will be served if physical custody is awarded to the adult who has been supplying most of its day-to-day care.**
- **The doctrine that maintaining the status quo serves a child's best interests.**
- **The changed circumstances rule: An order may be modified only if there are substantial changed circumstances.**

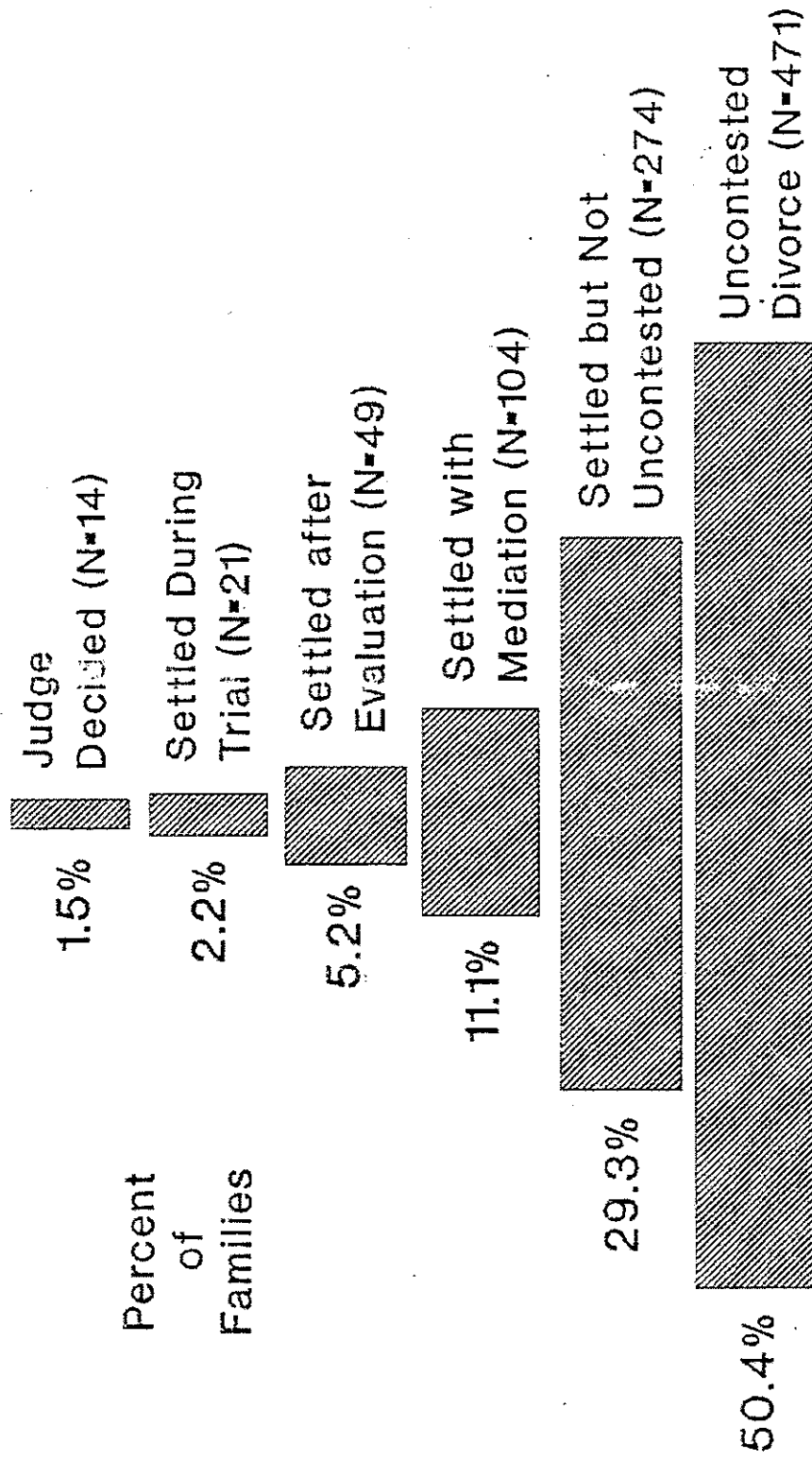
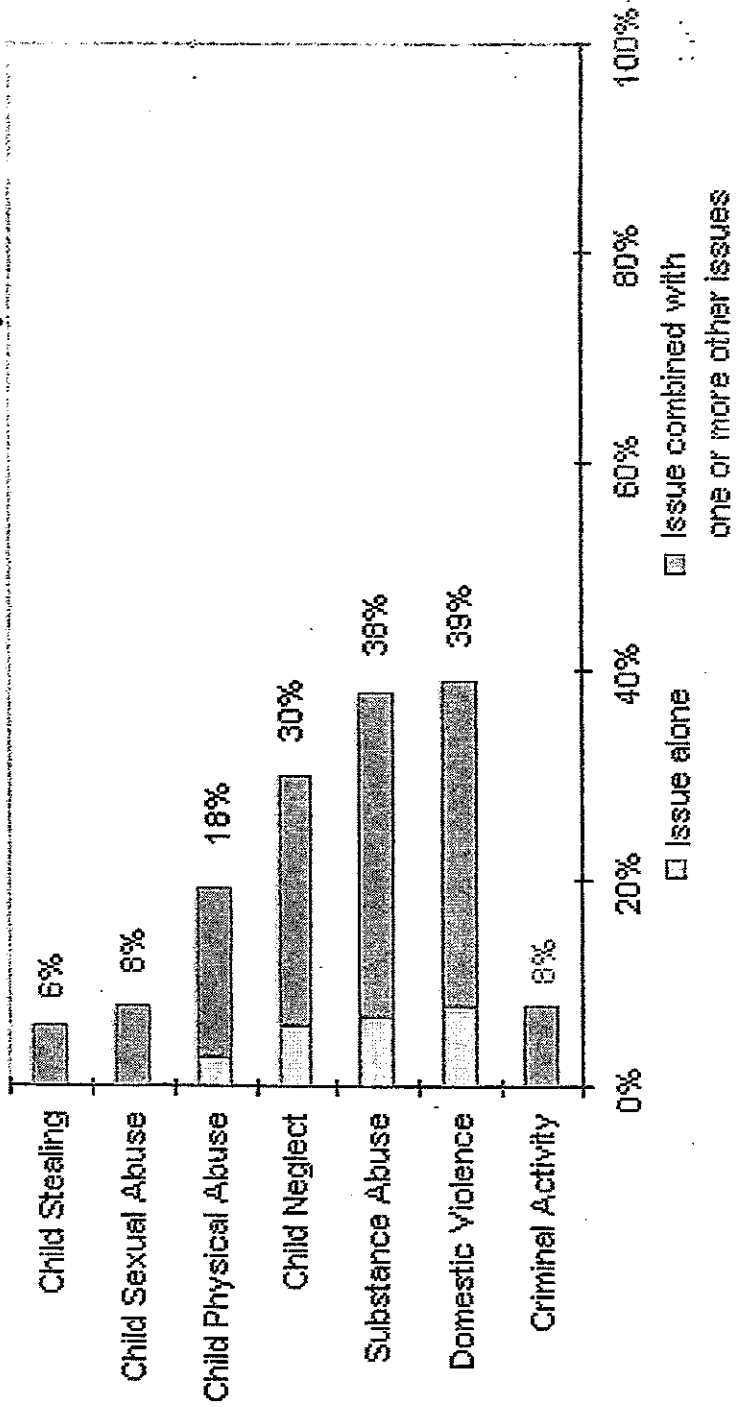


Figure 7.2 Conflict pyramid for custody and visitation issues. (There were 933 cases in which the parents had divorced by September 1989, and where there was also information concerning physical custody outcomes in the court record.)

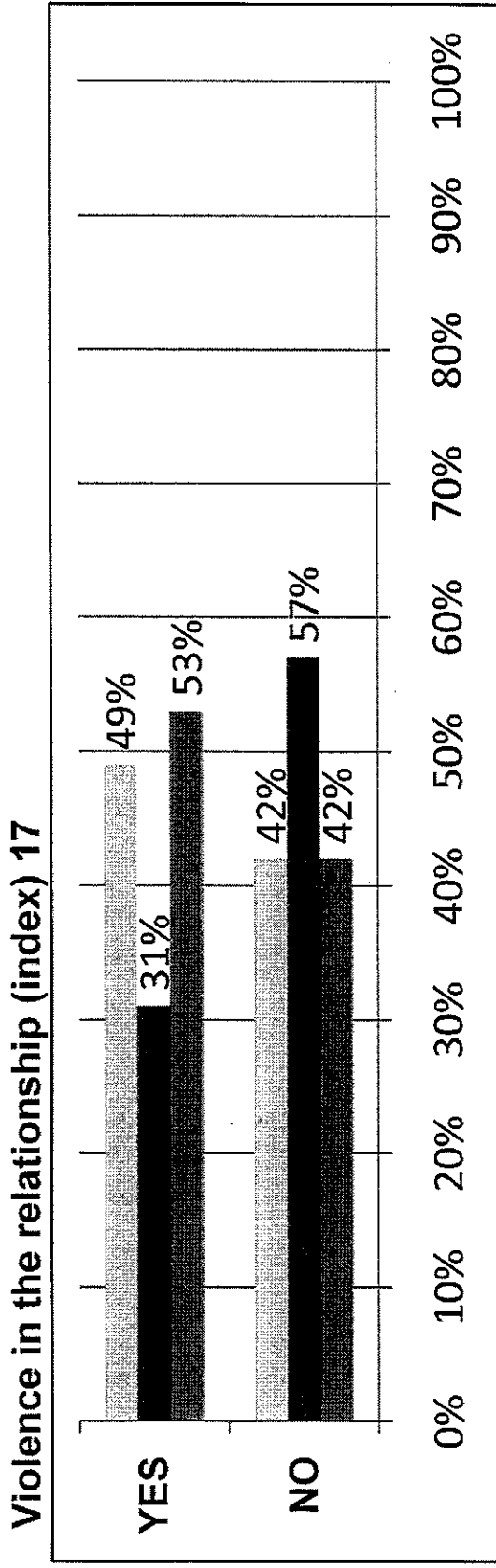
Figure 4
Mediation Client Profile
Percent of Sessions Where Serious Family Issues Were Raised



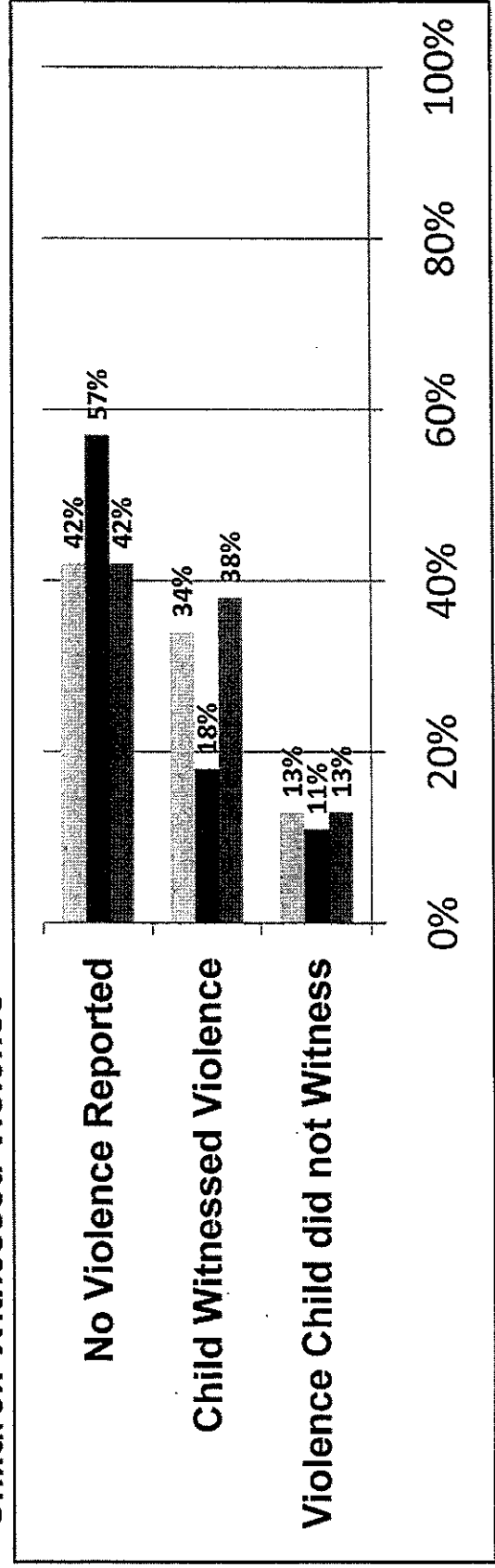
Data Source: 1991 Snapshot Study (weighted data) conducted by Statewide Office of Family Court Services, Administrative Office of the Courts, Judicial Council of California: Counties not reporting, Del Norte, Glenn, Nevada, Placer, San Benito, Sonoma, and Stanislaus.

2003 Client Baseline Study: Summary Findings

Table 4. Domestic Violence and Supervised Visitation



Children Witnessed Violence



Mothers Reports
 Father Reports
 Total Households

For Better or For Worse

DIVORCE RECONSIDERED

E. Mavis Hetherington AND *John Kelly*

W.W. Norton & Company (2002)
NEW YORK • LONDON

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Risk and Protective Factors in the Family

The Invaluable Role of Good Parenting

Parenting is not only the most important but often the sole protective social factor in a very young child's life. But even six years after divorce, when our ten-year-olds were beginning to have access to other potential buffering factors outside the family, we found that a custodial parent—which in most cases meant a mother—remained the first line of defense against the stresses of postnuclear family life.

For Better or For Worse

DIVORCE RECONSIDERED

E. Mavis Hetherington and John Kelly

W.W. Norton & Company (2002)
NEW YORK • LONDON

It is the quality of the relationship between the non-residential parent and child rather than sheer frequency of visitation that is most important. And in many cases, that relationship is less than ideal.

THE DANGERS OF CONFLICTED CO-PARENTING. . . the only childhood stress greater than having two married parents who fight all the time is having two divorced parents who fight all the time.

Dividing the Child

Social and Legal Dilemmas of Custody

Eleanor E. Maccoby and Robert H. Mnookin

with Charlene E. Depner and H. Elizabeth Peters

Harvard University Press Cambridge, Massachusetts London, England 1992

- 247

Our data indicate that it is more difficult for parents to sustain a cooperative relationship—and more likely that they will be in conflict over the children—if their children are quite young, or if they have more than one child. We infer that whatever family circumstances make child-rearing more difficult will exacerbate parental conflict and reduce the chances of successful post-divorce cooperation.

p. 172

It may well be that the attitudes and behavior of fathers, more than those of mothers, will provide the key to understanding better how families with high legal conflict differ. We saw that the two variables most significantly related to legal conflict were the father's concern over the child's well-being in the mother's household and the father's hostility toward the mother.

Dividing the Child

Eleanor E. Maccoby and Robert H. Mnookin

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the case that parents with cooperative relationships will more frequently choose dual residence; nor is it true that once dual arrangements are adopted, conflicted parents become cooperative.

In sum, we found that former spouses obviously have a great deal of difficulty doing business together with respect to the children.

It does not appear to be

CB-5

Wallerstein, Judith and Sandra Blakeslee. Second Chances: Men, Women, and Children a Decade After Divorce. New York: Ticknor & Fields, 1989.

Frequent Transitions Are a Problem

p. 270 As the researchers "examined the children's lives, it soon became clear that the amount of time spent in either household is not the critical issue, but *the sheer frequency of transitions between households can be upsetting....* Frequent transitions, we have learned, matter to children, for they introduce disruptions and require many new adaptations in a brief period of time" [emphasis added.]

Joint Custody Is Not Necessarily Best for All Children

p. 271 "Two years after divorce, children raised in joint custody households are no better adjusted than children raised in sole custody homes.... Joint custody children show neither less disturbance nor better social adjustment than sole custody children. Unfortunately, joint custody does not minimize the negative impact of divorce on children during the early post-divorce years." Other factors appear to have more influence on adjustment.

1

Quality of Relationship, Not Frequency of Visits, Is Critical Factor

p. 302 "The nature of the father-child relationship, and not the frequency of visiting, is what most influences the child's psychological development."

p. 238 "Frequency of visiting is not related to outcome.... What counts is not the quantity of time but the extent to which the father and child have been able to maintain a relationship in which the child feels valued."

Joan B. Kelly and Michael E. Lamb, *Using Child Development Research to Make Appropriate Custody and Access Decisions for Young Children*, 38 FAM. & CONCILIATION CTS. REV. 297, 304 (2000):

To be responsive to the infant's psychological needs, the parenting schedules adopted for children younger than 2 or 3 must involve more transitions, rather than fewer, to ensure the continuity of both [parental] relationships and the child's security and comfort during a time of great change [i.e., the parents' separation or divorce]. . . . To minimize the deleterious impact of extended separations from either parent, there should be more frequent transitions than would perhaps be desirable with older children.

Judith Solomon and Zeynep Biringen, *Another Look at the Developmental Research: Commentary on Kelly and Lamb's "Using Child Development Research to Make Appropriate Custody and Access Decisions for Young Children,"* 39 FAM. CT. REV. 355 359 (2001):

Kelly and Lamb make [the above-quoted] recommendations for custody and access with a provocative claim that has *no* empirical foundation.

Norval Glenn and David Blankenhorn, "Does Moving After Divorce Damage Kids?," available at <http://www.americanvalues.org>; <http://www.thelizlibrary.org>., discussing Sanford L. Braver, Ira M. Ellman and William V. Fabricius, *Relocation of Children After Divorce and Children's Best Interests: New Evidence and Legal Considerations*, 17 J. FAM. PSYCHOLOGY 206 (2003):

Assertion: Braver et al. state, "Our data cannot establish with certainty that moves cause children significant harm."

Fact: The study lacks a pre-move baseline. With no information about the condition of children before the move, it is impossible to show whether the move benefited or harmed them.

Assertion: Braver et al. claim that relocation does not improve the condition of children.

Fact: Once again, without a pre-move baseline the study reveals nothing – and can reveal nothing – about this issue. The study does, however, show that as to the students Braver et al. surveyed, "there were no differences among those . . . who remained in the same community and those who moved with the custodial mother."

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