

Dr Elizabeth Ellis summarised her review of psychological research of issues related to divorce conflict (A summary of "Divorce Wars" (APA Books, 2000) in a paper entitled "What have We Learned From 30 Years Of Divorce". She covered research results in a number of key areas.

Those that are relevant to this case are copied below:

I. WHAT ARE THE EFFECTS OF DIVORCE ON CHILDREN?

(1) In terms of the effects of divorce on children, as a group, we can conclude that divorce roughly doubles the rates of emotional and behavioral adjustment problems in children. Though the effect sizes are small, they are very consistent (see: Gregory, 1965; Hetherington, 1989; Hetherington, Cox, & Cox, 1985; Hetherington, Stanley-Hagan, & Anderson, 1989; Wallerstein, 1985; Wallerstein, 1991; Wallerstein & Blakeslee, 1989; Wallerstein & Kelly, 1980b; Zill, Morrison, & Coiro, 1993; Zimiles & Lee, 1991).

(2) The effects of divorce on boys appear to be more immediate and dramatic, especially in mother-headed households. These are increases in aggressive, disruptive, acting out behaviors. Boys in single-mother households are considered to be "developmentally vulnerable" and at risk for high levels of acting out behavior (Gregory, 1965; Kalter, 1977, 1987; Hetherington, 1989; Hetherington, Cox, & Cox, 1985; Warshak, 1992; Zaslow, 1988, 1989; Zimiles & Lee, 1991).

(3) The effects of divorce on girls (provided mother doesn't re-marry), are minimal, until adolescence. Girls of divorce show no increased risk of behavior problems, as compared with girls from intact families, until adolescence. Then, they show increased rates of running away, skipping school, sexual promiscuity, and acting out. These girls are more likely to drop out of school and become pregnant outside of marriage. This has been dubbed "the sleeper effect". (Allison & Furstenberg, 1989; Hetherington, 1989; Hetherington & Deur, 1971; Hetherington, 1991; Kalter, 1977; Kalter, et al., 1984; Hetherington, 1972, 1973).

(6) What seems to be transmitted to the children of divorce is a tendency toward lower rates of education, early marriage, living together before marriage, and a group of behaviors which can be described as: lower commitment to marriage, infidelity, problems with anger management, feelings of insecurity, neediness, demandingness, denial and blame, contempt, and poor conflict resolution skills (Amato, 1996; Hetherington, Bridges, Insabella, 1998).

II. WHAT IS THE MECHANISM THROUGH WHICH DIVORCE EXERTS A NEGATIVE EFFECT ON CHILDREN?

(7) The effects of divorce on children are not explained through parental loss or economic hardship. Children who lose a parent through a lengthy illness or even death fare better than the children of divorce, and economic status post-divorce is not a good predictor of children's adjustment. Mother's remarriage, which is associated with a higher standard of living, is not associated with improved outcomes for children (Amato & Keith, 1991; Rutter, 1971; Rutter, et al., 1976; Shaw & Emery, 1987).

(8) The effects of divorce on children occur largely through the effects of inter-parental conflict on children, both before and after the divorce (Amato & Keith, 1991; Amato & Rezac, 1994; Amato, Loomis, & Booth, 1995; Buchanan, Maccoby, & Dornbusch, 1991; Camara & Resnick, 1988, 1989; Emery, 1982; Kline, Johnston, & Tschann, 1991; Long, Slater, Forehand, & Fauber, 1988; Rutter, 1971).

This is one of the most consistent findings and the above reference list is abbreviated. Amato and Keith (1991) reviewed 15 studies. Emery (1982) reviewed over 20 studies, most of which are not listed above.

The "high conflict" factor predicts a poor parent-child relationship (#11), predicts the outcome of joint custody (#28), and predicts whether time with the non-custodial parent is beneficial or distressing (#38).

(9) Children and teens from divorced homes where there is no conflict, fare better than children and teens from intact homes where there is chronic conflict. On the surface, one would expect children to benefit from divorce based on this finding. However, in reality, the children of divorce seem to endure years of conflict prior to their parents' divorce; the conflict often continues unabated after the divorce, or even intensifies; and many parents go on to marry again and have highly conflicted remarriages. (Rutter, 1971; Long, Slater, Forehand, & Fauber, 1988; Camara & Resnick, 1988, 1989; Kline, Johnston, & Tschann, 1991; McCord & McCord, 1959).

(10) The type of conflict matters. Children do not appear to be affected much by conflict which is characterized by emotional distance and tension. They are more negatively affected by conflict that is open, attacking (both verbally and physically), and where the children are exposed to the conflict and caught up in it (Camara & Resnick, 1988, 1989; Emery, 1982; Kline, et al., 1991; Buchanan, Maccoby, & Dornbusch, 1991).

(11) The mechanism through which inter-parental conflict exerts its negative influence on the children of divorce is through a deterioration of the parent-child relationship. Second and third divorces deteriorate the parent-child relationship even further (Amato & Booth, 1996; Emery, 1982; Hess & Camara, 1979; Peterson & Zill, 1986; Kline, et al., 1991; Tschann, Johnston, Kline, & Wallerstein, 1989).

(12) The emotional stability, warmth, and consistency of the primary custodial parent is a strong factor in predicting children's adjustment to divorce. Children who reside with a parent who is emotionally unstable, depressed, and angry experience poorer outcomes (Emery, 1982; Hess & Camara, 1979; McCombs & Forehand, 1989; Thomas & Forehand, 1993; Tschann, Johnston, Kline, & Wallerstein, 1989; Wallerstein & Blakeslee, 1989).

(13) The effects of chronic conflict on children also exert their effect through inducing in the child a feeling of chronic stress, insecurity, and agitation (Davies & Cummings, 1994); shame, self-blame, and guilt (Grych & Fincham, 1993); a chronic sense of helplessness (Davies & Cummings, 1994); fears for their own physical safety (Davies & Cummings, 1994); a sense of rejection, neglect, unresponsiveness, and lack of interest in the child's well being (Davies & Cummings, 1994; Fauber, et al., 1990; Fantuzzo, et al., 1991; Johnston, 1992)

p 3

VI. DOES GENDER MATTER WHEN CONSIDERING PRIMARY RESIDENTIAL CUSTODY?

In general, yes.

(22) Boys as a group are happier and show lower rates of delinquency and school dropout in father-custody homes. (Camara & Resnick, 1988; Clarke-Stewart & Hayward, 1996; Gregory, 1965; Peterson & Zill, 1986; Santrock & Warshak, 1979; Warshak, 1996; Warshak & Santrock, 1983; Zimiles & Lee, 1991).

(23) Girls, as a group, are happier and show lower rates of delinquency and school dropout in mother-custody homes (Camara & Resnick, 1988; Clarke-Stewart & Hayward, 1996; Gregory, 1965; Peterson & Zill, 1986; Santrock & Warshak, 1979; Warshak, 1996; Warshak & Santrock, 1983; Zimiles & Lee, 1991).

These results are consistent and robust. There are no studies which find the reverse -

that children function better with the opposite-sex parent. However, some have suggested that this may be an artefact of demographic differences between mothers and fathers who are primary custodial parents, e.g., fathers who pursue and are awarded custody are generally more educated, more affluent, have more professional occupations, and have been more involved with their children.

VIII. IS JOINT CUSTODY BETTER FOR CHILDREN?

(25) Parents who share child rearing in joint custody arrangements (the type of "joint" custody is frequently unspecified) are generally happy with it and satisfied with it. They report that children see their father more often. Mothers report feeling less overwhelmed (Pearson & Thoennes, 1990; Rothberg, 1983; Luepnitz, 1986).

(26) Reports on whether parents litigate less often with joint custody or have less conflict are less clear. Some studies report lower rates of re-litigation (Luepnitz, 1986; Ilfield, Ilfield, & Alexander, 1982); some report higher rates of re-litigation (Albiston, Maccoby, & Mnookin 1990; some studies found no differences (Koel, et al., 1988; Pearson & Thoennes, 1990).

(27) Children's emotional adjustment is not associated with custodial arrangement (Steinman, 1981; Luepnitz, 1986; Kline, et al., 1989; Pearson & Theonnes, 1990; Johnston, 1995).

This is one of the most robust findings in the literature. Johnston (1995) reviewed 14 studies and concluded that there were few, if any, differences in the adjustment of children by virtue of the type of custodial arrangement in which they lived.

P 6

X. HOW GOOD ARE THE PSYCHOLOGICAL TESTS WHICH ARE USED IN CUSTODY EVALUATIONS?

(31) Though psychological tests are widely used in custody evaluations, their use in this context is, for the most part, highly spurious and scientifically unsupportable (Brodzinsky, 1993; Grisso, 1986; Hawthorne, 2000; Heinze & Grisso, 1996; Melton, Petrila, Poythress, & Slobogin, 1997; Weithorn & Grisso, 1987).

(32) There are only a few tests which have demonstrated validity and usefulness in custody evaluations. These are: the Child Abuse Potential Inventory (Milner, 1990); Parent Child Relationship Inventory (Gerard, 1994); the Parenting Stress Index (Abidin, 1990); and the Children's Reports of Parental Behavior (Schaefer, 1965).

XI. WHAT FACTORS ARE CONSIDERED MOST IMPORTANT IN MAKING RECOMMENDATIONS FOR CUSTODY?

(33) In making recommendations for custody, both judges and mental health professionals place high value on the parent's stability and the presence of alcoholism. However, mental health professionals tend to place higher value on the children's bond with the parent and the children's wishes; judges tend to place greater emphasis on issues such as whether the parent is cohabiting, whether the parent is gay, whether the parent has had an affair, etc. In other words, judges may come at these issues with a more conservative bent and a focus on what society may consider to be "moral character" issues (Lowery,

1981; Felner, et al., 1985; Sorenson & Goldman, 1989; Reidy, Silver, & Carlson, 1989; Keilin & Bloom, 1986; Ackerman & Ackerman, 1997).

P 6

XII. HOW DOES PARTICIPATING IN A CUSTODY EVALUATION IMPACT CHILDREN?

(34) Studies of the impact on children who have been the subject of custody disputes are surprising. They consistently indicate that participating in the evaluation does not appear to be associated with poor outcomes but rather with higher self esteem and a greater sense of control (Ash & Guyer, 1986; Fulton, 1979; Wolman & Taylor, 1991).

P 7

XV. DON'T MOST CHILDREN BENEFIT FROM AS MUCH TIME AS POSSIBLE WITH THE NON CUSTODIAL PARENT?

(37) Children do not necessarily benefit from more time with the non-custodial parent. If there are high levels of inter-parental conflict, children may exhibit more adjustment problems with increased contact with the non-custodial parent. (Amato & Rezac, 1994; Ash & Guyer, 1986; Baydar, 1988; Bray & Berger, 1990; Furstenberg, Morgan, & Allison, 1987; Healey, Malley, & Stewart, 1990; Hess & Camara, 1979; Hetherington & Parke, 1979; Hodges, Wechsler, & Ballantine, 1979; Johnston, Kline, & Tschann, 1989; Kalter, Kloner, Schreier, & Okla, 1989; King, 1994; Kline, Johnston, & Tschann, 1991; Kurdek & Berg, 1983; A. M. Thomas & Forehand, 1993; Wallerstein & Corbin, 1989; Zill, 1988). This is one of the most robust findings in the research literature. I have compiled 17 studies at this time in which no association is found between frequency and length of visitations with non-custodial dad and children's emotional/behavioral adjustment. It is troubling, but remarkably consistent.

(38) Children seem to benefit from increased time with the non-custodial parent when certain conditions are met: low levels of inter-parental conflict and a warm, consistent relationship with the non-custodial parent. They benefit from authoritative parenting with the non-resident parent (i.e., advice and help with projects, supervision of homework; discipline)... In other words, how often fathers see their children is less important than what they actually do with them. (Amato & Gilbreath, 1999; Clarke-Stewart & Hayward, 1996; Hetherington, Cox, & Cox, 1982).

P 8

XVI. WHAT CAN WE SAY ABOUT HOW CHILDREN COPE WITH VISITATION DISPUTES AND INTER-PARENTAL CONFLICT?

(39) There are some broad, but consistent patterns in children's coping styles. Young children (3 to 8), respond with intense physical and emotional distress. Early elementary children responded with somatic symptoms, avoidance, and active intervention. Late elementary and early middle school age children tend to decrease feelings of distress as they enter into alignments with one parent (Cummings, et al., 1984; Johnston & Campbell, 1988; Johnston, Campbell, & Mayes, 1985; Johnston, Gonzalez, & Campbell, 1987; Johnston, et al., 1989)

p 8

XVII. WHAT ARE FACTORS WITHIN THE CHILD WHICH PREDICT GOOD AND BAD OUTCOMES FROM DIVORCE AND POST-DIVORCE CONFLICT?

(40) The child's temperament is a strong factor in predicting poor outcomes to divorce and various visitation arrangements. Children with disruptive, acting-out temperaments experience poorer outcomes than those with easy temperaments. (Block, Block, & Gjerde, 1986; Hetherington, 1991; Kasen, et al., 1996; Grych & Fincham, 1997).

(41) Boys with difficult temperaments fare very poorly with divorce, and these boys can be identified as young as age 3 (Amato & Booth, 1996; Block, Block, & Gjerde, 1986; Cherlin, et al., 1991; Jouriles, et al., 1991). This seems to be due to a complex interaction between the genetic transmission of certain temperament factors, poor parenting, high levels of marital conflict, and even the destructive effect of the boys' behavior on what was already a poor marriage.

(42) Cognitive style is also a factor. Children who can "reframe" the divorce in a positive way do better than those who don't (Radovanovic, 1993). Similarly, those children who appraise the divorce with a sense of lack of control, a sense of loss, feelings of helplessness, and self-critical feelings, fare much more poorly following divorce and/or post-divorce conflict (Lengua & Sandler, 1996; Sandler, Tein & West, 1994).

NOTE these are children who suffer in high conflict divorces

P 8

XVIII. IS PARENTAL ALIENATION SYNDROME A VALID PHENOMENA? IS IT THE SAME THING AS BRAINWASHING? IS IT SIMPLY AN ATTACK ON MOTHERS?

(43) Parental alienation syndrome is a predictable response in children exposed to high levels of inter-parental conflict. It serves to reduce high levels of stress, fear, and cognitive dissonance through a firm alliance with one parent and the exclusion of contact with the other parent (Gardner, 1982; Garrity & Baris, 1994; Johnston, 1993; Johnston & Campbell, 1988; Johnston & Roseby, 1997; Lampel, 1996; Racusin, Copans, & Mills, 1994; Rand, 1997).

(44) P.A.S also has many features in common with folie a deux - a more dependent and submissive individual takes on the world-view of a more dominant individual due to dependency, enmeshment, concern for the emotional distress of the dominant person, and poor capacity to reality test. The disorder is most often improved by separation of the parties. The most common parent-child duo in cases of folie a deux are motherdaughter pairs (Deutsch, 1938; Gralnick, 1942; Dewhurst & Todd, 1956; Soni & Rockley, 1974; Sacks, 1988; Munro, 1986; Brooks, 1987; Dippel, Kempel, & Berger, 1991, Mentjoux, van Houten, & Koolman, 1993).

(45) P.A.S. is most often a problem of mother-daughter pairs (Dunne & Hedrick, 1994);

mother-son alignments (Wallerstein & Kelly, 1980b); or mother-daughter and mother-son pairs equally (Racusin, Copans, & Mills, 1994).

(46) Clinicians and researchers differ as to suitable treatments for P.A.S. Some lean toward swift intervention through the courts in extreme cases and separation of the enmeshed mother-child pair (Gardner, 1992; Cartwright, 1993; Lund, 1995; Kopetski, 1991). Others strongly oppose separation of the mother-child pair (Garrity & Baris, 1994; Johnston & Roseby, 1997). All agree with Dunne & Hedrick (1994) that traditional methods of treatment are ineffective in severe, intractable cases.

XX. HOW COMMON ARE FALSE ALLEGATIONS OF SEXUAL ABUSE IN CUSTODY DISPUTES?

(49) In intractable cases, where experts are called in to conduct evaluations, rates of sexual abuse allegations being declared false or unfounded are 55% (Benedek & Schetky, 1985); 36% (Green, 1986); 50% (Thoennes & Tjaden, 1990, 160 cases); 75% (Wakefield & Underwager, 1991, 500 cases); 77% (Dwyer, 1986). P 9

XXI. WHAT IS THE MOST COMMON PROFILE OF A MOTHER WHO MAKES

A FALSE ACCUSATION OF SEXUAL ABUSE IN A CUSTODY DISPUTE?

(50) Various writers agree that this individual most commonly meets criteria for a diagnosis of personality disorder - hysterical, borderline, passive aggressive, or paranoid personality. For such an individual, believing in the accusation fits into a cognitive schema in which the accuser is a victim of a malicious husband, the child is an extension of the accuser, and thus the child is a victim also (Benedek & Schetky, 1985; Blush & Ross, 1987; Bresee, Stearns, Bess, & Packet, 1986; Elterman & Ehrenberg, 1991; Green, 1986; Klajner-Diamond, et al., 1987; Mikkelsen, Guthell, & Emens, 1992; Wakefield & Underwager, 1991).

Pp 9-10