Second Edition

A Judge's Guide

Making Child-Centered Decisions in Custody Cases

ABA Child Custody
and Adoption
Pro Bono Project

ABA Center on Children
and the Law

The Child Focused Decision-Making Model

In addition to the age-specific information presented in this chapter, you should also consider certain preliminary factors when deciding a custody case. Additional factors, including parental substance abuse, domestic violence, and mental illness, will be discussed in **Chapter 4 and Chapter 6**.

The Child's Grief Process

It is difficult to determine what may be "in the best interests" of a child without first recognizing the child's grief process following a separation or divorce. Children experiencing a separation or divorce go through different stages of the grief process that may alternate between feelings of loss, denial, anger, anxiety, guilt, and relief. A child may become "stuck" in one of these stages, such as a prolonged inability to let go of a sense of anger or guilt over the parents' separation. If the evidence suggests that the child is having great difficulty adjusting to the separation, it is appropriate to insist on a referral to a mental health professional. Children may also benefit from participating in groups with other children grieving over their parents' separation and/or divorce.

Parents may be at a different stage in their own grief process and therefore may not be able to relate to what the child is experiencing. (For more information about the parent's grief process, see **Chapter 4.**) Moreover, the child's feelings of loss are usually quite different from a parent's sense of loss. The child's concrete losses may include the loss of contact with a parent, home, pet, neighborhood friend(s), and the extended family, as well as an awareness of a reduced standard of living. Sadly, many children also feel a fundamental loss of childhood innocence or the comforting belief that they will always be protected and taken care of by their parents. A child's sense of loss following the family's dissolution may last forever, but parents, the courts, and other professionals working with the family can do much to minimize or prevent further loss.

Temperament

Research has confirmed that, while environmental influence is critical, we are born with certain innate temperamental traits.[2] Temperament is essentially the way we tend to behave in response to new people, places, and other stimuli. A child's temperament, often noted as early as infancy, may range from fairly easy and adaptable to highly sensitive, intense, and more negative in mood. Parents and other primary caretakers can usually readily describe some of the temperamental characteristics of a child before the separation. This baseline information about a child's temperament should be considered in tailoring the appropriate parenting schedule. Once you are aware of the baseline of a child's temperament, you can ask questions to gather evidence about the child's current behavior. The behavior

during and after the separation, when compared with the baseline, may provide useful information. Consider the following scenarios:

- The parents of two-year old Brian describe his behavior in infancy as relatively calm and relaxed. Aside from occasional "meltdowns," he was and continues to be relatively receptive to new faces and experiences.

- The parents of two-year old Sam remember having difficulty calming their son during infancy. He would cry for long periods of time. As a toddler, he is slow to warm up to new people, and often anxious and withdrawn in new situations.

Even if these two children may have otherwise reached developmental milestones at the same time, their different temperaments need to be considered in making a scheduling determination.[3] A parenting schedule that may work for Brian, who appears more adaptable to change, may provoke anxiety in a child like Sam, who may be less flexible.

Resiliency

While this chapter notes the potential impact of divorce on development for each age group, it is not to suggest that all children experiencing a separation or divorce become dysfunctional. Many children surprise adults with their resiliency or their ability to "bounce back" from stressful transitions and continue to thrive in all areas of development. Again, this resiliency may be a function of temperament. Resiliency may also stem from certain environmental factors, such as a responsive support system of family, friends, and professionals. Likewise, how parents explain the divorce process and frame the change in either positive or negative terms play a role in the child's resiliency. Indeed, one of the purposes of this book is to demonstrate how you can promote the child's resiliency and coping skills during this major family transition.

Special Needs or Developmental Challenges

This chapter focuses on what is considered "normal" development for each age group and what potential impact separation and divorce can have on development. Of course, there are many children who do not seem to "fit" the developmental expectations for a certain age group or developmental consideration due to certain special needs, including physical or emotional disabilities. In these cases, you will need even more information to adequately effectuate a child custody agreement designed to meet the special needs of the child.

To gather specific information about the nature of the child's disability, you should obtain input from parents, special educators, physicians, physical

therapists, counselors, and other professionals involved in the child's care. Obtain copies of any professional evaluations. You also will need the following information from these individuals:

- The date of onset of the disability and the prognosis.
- How experts believe the disability impacts the child's development.
- The level of each parent's involvement in working with the child and his or her disability; i.e., father attends physical therapy with a child twice per week.
- The resources available for the child to address the losses, anger, fears, and other emotions related to having a disability; i.e., the child attends weekly group therapy with peers diagnosed with the same disability.
- How the parents communicate about the child's needs, including issues of transportation, special assistance, or direct work with the child. See **Chapter 4, Co-Parenting Skills.**

A Developmental Approach to Decision Making

Infancy – Birth to 18 Months

An infant is a tiny, wholly dependent human being. Highly vulnerable, infants need parents or other primary caregivers to respond in a consistent and predictable manner to their multiple needs. With a secure attachment to a nurturing caregiver, infants gain a sense of trust and confidence in the world that is essential to future development. If the world, however, seems chaotic and unpredictable, the infant may instead become insecure and anxious.

Developmental Considerations

Infants are not simply blank slates. Genetic and environmental factors need to be considered to truly understand infants and their particular needs. Temperament, as discussed earlier, plays an important role in how an infant perceives and reacts to the world. But research also confirms that the infant clearly benefits from early stimulation and interaction from caregivers, some claim even in utero, for intellectual and emotional development. The soft, high-pitched "parentese" and patient repetition of words is critical to the infant's language development.

Infants are sensorimotor beings. That is, through their senses they learn to control and interact with their environment. What may seem like small achievements to adults are monumental to children at this stage of development. A parent or other primary caregiver should reinforce and celebrate each milestone,

from tentative attempts to reach a mobile, to the shaking of a rattle, to turning over, to sitting up, to speaking first words and taking first steps.

Over the first three months of life, the infant usually forms an attachment to a parent, or to both parents, who have understood and consistently met their needs.[4] A primary caregiver is usually attuned at this time to the infant's particular pattern of eating, sleeping, changing, and playing. If this attachment is established, the infant can feel safe to trust others. Between eight and twelve months, however, the infant will typically experience bouts of "separation anxiety" or a fear of abandonment that tends to subside when the infant can cognitively grasp that the parent who seems to "disappear" will return.

The infant needs twenty-four hour protection. Attuned caregivers learn to distinguish cries of hunger, fatigue and pain, meet these needs, and protect the child from harm. In the first year, the infant needs frequent "well care" visits to the pediatrician to ensure proper growth and development. As infants become more mobile, parents and caregivers must constantly supervise and protect them from falling, putting dangerous objects in their mouths, and wandering off. The infant's environment should be adequately "baby-proofed" to prevent accidents.

In order for a parent to interpret a child's needs in a meaningful way, he or she must interact and connect emotionally in ways that convey that interaction to the infant. Such interaction requires validating the infant's feelings through speaking to them, holding them, and engaging them in ways that relate a parent's understanding.

How Divorce May Impact Development

Infants tend to absorb household tension, which is often most acute at the time of separation and divorce, through the sounds they hear and how they are handled. During this stressful time, a parent may handle the infant more anxiously or may be too distracted to interact with the infant in a playful, stimulating way. As a result, the infant may have difficulty securely attaching to the parent. Likewise, separation and divorce may require a change in primary caregivers or a shift to several caregivers during the family crisis. Without a secure attachment to a primary caregiver, the infant may become anxious, listless, depressed, and withdrawn.

An infant's sense of stability and trust also may be threatened by frequent changes in environment. Changes in households may also mean varying amounts of intellectual stimulation. For example, a parent may, for financial reasons, be unable to provide safe toys, books, and colorful objects to stimulate the child. In such cases, an increase in child support should be considered, subject to guideline limitations. A parent who is not attuned to infant development may also discourage the child from exploring the environment or mouthing certain safe objects as part of an important tactile experiment. Likewise, a parent may

underestimate the importance of interacting with the infant to encourage language development.

Gauging the impact of separation and divorce on the nonverbal infant involves careful observation. First, it is necessary to have a 'baseline assessment' of the infant's temperament from birth, usually revealed through parent and caregiver accounts of the infant's behavior prior to the separation. Testimony should then focus on any unusual changes in feeding, sleeping, and alert patterns that may be symptoms of stress. The infant experiencing stress, for example, is more likely to be irritable, harder to calm, and to react unpredictably to caregivers.

Special Considerations

In order to make a custody decision about an infant, you will need to hear evidence on issues such as temperament, attachment, safety and security, and acute signs of distress. You may obtain this information through the parents' testimony, the child's attorney and/or guardian ad litem, or from a court-ordered evaluation and/or home study. You should gather as much information as possible from individuals who have observed interactions between the infant and each parent or other primary caregivers. With a thorough understanding of the following issues as they relate to a particular child, you can draft an appropriate parenting plan.

- **Temperament.** Understanding the child's temperament will provide better insight into the particular child's needs. As discussed earlier, some infants may demonstrate a high tolerance for stimulation and changes in environment from birth. Others may be considered "colicky" in these beginning months or simply unable to handle significant change.

- **Attachment.** By three months, it is usually apparent who are the infant's primary caregiver(s). Decisions should focus on preserving and maintaining these primary attachments. You may wish to refer the family for a professional evaluation to assess attachment. There are mental health professionals who specialize in attachment assessments.

  At the same time, attachment theory should not be used to exclude an otherwise loving parent who has not been as consistently involved with an infant's daily needs prior to the separation.[5] Ideally, this parent can remain involved with short, frequent visits that can be adjusted later when the infant is developmentally ready or has formed a more secure attachment to the parent. The exact point at which an infant can handle overnight visits or shared physical custody, therefore, is variable and depends in large part on the infant's particular temperament and his or her need for a predictable, consistent environment. Some infants, for example,

become anxious when there are shifts in environment and care giving.

- **Safety and Security.** The abilities of infants are sometimes underestimated. A child may learn to roll over, crawl, or reach for things at unexpected times, resulting in dangerous situations. It is never premature to have safety measures in place.

- **Acute Signs of Distress.** In acquiring the above information, you may hear testimony that an infant is showing signs of acute stress. If such signs of distress are apparent, you may need to consult with medical and mental health professionals, and may need the parents to obtain consultation as well. Such symptoms may include the following:

  ♦ The infant is failing to thrive, i.e., the infant is extremely small for his or her age and is not reaching critical developmental milestones.

  ♦ The infant has sleeping difficulties.

  ♦ The infant has unusual feeding problems and/or rapid weight loss or gain.

  ♦ The infant exhibits a lack of interest in people and the environment.

  ♦ There is documented prenatal use of drugs or alcohol.

  ♦ The infant shows a lack of attachment, is disinterested in people, and/or is unresponsive to nurturing gestures.

  ♦ The infant is excessively irritable or hard to calm.

  ♦ There is risk for HIV/AIDS or other sexually transmitted diseases.

Parenting Considerations

Parenting an infant can be emotionally and physically exhausting. Often sleep deprived, parents must still respond to the infant's demands in a consistently loving way, while also attending to the outside pressures of work, household, and other family responsibilities. The stress associated with divorce can make this time even more chaotic and unsettling. Without adequate support, parents may find themselves in a vicious cycle: the infant may respond to the stress with more

frequent, unpredictable demands, while the parents may be too depleted to respond to these demands in a predictable, patient way.

If there are transitions involved, however, it is critical that co-parenting skills and communication are addressed in addition to the questions below. (See **Chapter 4, Assessing Co-Parenting Skills.**) It is also important for parents of children in this age group to be screened for any other potential parenting impairment, such as domestic violence, mental illness, or substance abuse, given the vulnerability of an infant. (See **Chapter 4, Assessing Co-Parenting Skills.**)

Information Needed to Assess Parenting in Relation to Developmental Needs

The following information should be obtained from parents, mental health professionals, court-appointed evaluators, teachers, physicians, and other professionals involved in meeting the physical, educational, and psychological needs of a child:

- How did each parent react to the pregnancy? What kind of prenatal care and nurturing took place?

- How does the parent respond to the infant's demands for predictability in eating, sleeping, and bathing? If not the daily caregiver, how does the parent remain involved, such as in bedtime rituals, bathing, and feeding, yet avoid overstimulating the infant?

- Does the parent provide a safe and stimulating environment in which the infant can master new skills and experience a sense of competence? What child-proofing measures were taken in each home to allow the child to safely explore?

- Does the parent seem aware and excited about the infant's growth and acquisition of new skills?

- How is the parent's physical and psychological health, and what support system does he or she have?

- How many caretakers are involved with the infant and what criteria were used in their selection?

- Has the parent attended a research-based parenting skills training program?

- If a parent is diagnosed with a substance abuse disorder or psychiatric disorder, has he or she sought treatment? If so, what has been the outcome of the treatment?

- Does the infant suffer from any particular medical or mental health problems? If so, how does each parent respond and adapt to the infant's special needs?

- How does each parent support the child's relationship with the other parent?

The Toddler-Preschool Aged Child (18 Months to 5 Years)

There is a period of remarkable growth in physical and intellectual development roughly between the ages of eighteen months and five years. While there might be significant differences between an eighteen-month old and a four-year old, they share many of the same developmental milestones and potential reactions to separation and divorce.

Developmental Considerations

The toddler first begins to assert independence in many daily tasks, often with a strident "Me do!" While often exasperating for a parent, this assertion of autonomy is critical for a healthy self-concept in a toddler. Each success, from eating with a spoon to riding a tricycle, bolsters the toddler-preschooler's sense of initiative and purpose. These developmental milestones are critical to success in the elementary school years.

Rapid language development and imaginative play are the cornerstones of this age. While the toddler may first gesture to communicate, the preschooler may ask "Why?" and "What's that?" hundreds of times a day in an attempt to master more abstract concepts. Thinking, however, at this age is typically very egocentric and often "magical." Toddlers tend to believe that the world revolves around them and they have difficulty distinguishing between fantasy and reality. Preschoolers use imaginative play to test theories of reality and resolve issues of conflict and frustration.

For most of this developmental stage, the child's focus is on the parents or other primary caregivers. A toddler, for example, often experiences another bout of separation anxiety, particularly around the age of eighteen months. By preschool, however, the child's social sphere has expanded to include neighborhood playmates, babysitters, and teachers. While the toddler tends to engage in "parallel play" or simply plays alongside others, the preschooler begins to develop rudimentary social skills and interact with peers.

Safety is a major concern during the toddler-preschooler stage. Active and inquisitive, a child of this age needs almost constant supervision to avoid physical

harm. With gentle guidance, children of this age derive a sense of security by learning to control impulses in toilet training, aggression, and general behavior. They also thrive on the predictability and consistency of family rituals and routines.

How Divorce May Impact Development

The toddler-preschooler can be sensitive to even minor changes in routine or daily life, and therefore can have great difficulty adjusting to a separation or divorce. Because parents are the center of their universe, the toddler-preschooler often feels a profound sense of sadness and abandonment. It is not uncommon for children of this age to regress significantly during this time instead of reaching important developmental milestones. The child may start to "act out" or become excessively clingy.

The child's limited language skills and egocentric thinking make adjustment to parental separation particularly difficult. Most children at this age do not understand the concept of "divorce." It is also not uncommon for children this age to believe they are responsible for the separation because they were "bad" or misbehaved.

The child's safety and sense of security also may be compromised at this time. As the child moves between households, there may be lapses in supervision, lapses in communication about safety issues, or inconsistent preventative measures. There also may be a loss in self-control as the child tries to adapt to changes.

Special Considerations

In making a custody decision affecting a toddler-preschooler, you will need to hear evidence on the following issues:

- **Temperament.** A child can be particularly traumatized by changes in schedules, movement between households, and unpredictable contact with a parent. A lot, however, depends on the child's temperament and adaptability. How has the child coped with transitions in the past? What has helped them adjust to change? Some children, for example, need a certain security object, such as a blanket or stuffed animal, to ease their anxiety over a transition.

- **Attachment.** The toddler-preschooler is still fully dependent on certain primary caregivers for most of their needs. Secure attachments may already be formed with a parent, grandparent, or other adult care provider. Focus on how the divorce will impact the child's relationship with these caregivers at this time.

- **Safety and Security.** A toddler-preschooler may be more prone to accidents if his or her environment is not sufficiently

child-proofed, if there is a lapse in supervision, or if the child is off schedule due to family changes.

- **Behavioral Concerns.** Through testimony from relevant witnesses, you may hear of particular behaviors that signal a need for more professional intervention. These issues must be taken into consideration when drafting an appropriate parenting plan. Each of the following behaviors suggest that a toddler-preschooler is having a difficult time dealing with the stress of the separation or divorce:

  ♦ The child seems excessively clingy and anxious, especially during transitions.

  ♦ The child has no interest in exploring the environment.

  ♦ The child avoids eye contact, although this tendency may vary among cultures.

  ♦ The child refuses to eat or has difficulty sleeping.

  ♦ The child is having substantially more tantrums than is normal for the child.

In-Chambers Interview

At this age, the court sometimes seeks additional information directly from the child. It is important to keep in mind the following when conducting these interviews:

- Be flexible and have limited expectations or agendas when trying to interview a toddler or preschooler. In many cases, an interview may not be possible for this age group. In particular, a toddler has limited language skills and likely would not be comfortable speaking with a judge without a parent present or nearby. Have a qualified evaluator observe the parent-child interaction.

- If you choose to meet with a child of this age, try to fit into the child's schedule as much as possible. For example, a meeting should be scheduled only when the child is well rested and fed.

- Prior to the meeting, allow the child to safely explore the environment. It may be helpful to have a few small toys or crayons and paper. Respect and acknowledge any security objects, such as a blanket or stuffed animal that the child brings to the interview.

- Use simple words and brief explanations. At the same time, even toddlers may understand a lot despite the fact that they are not very verbal.

- Be aware of the child's difficulty understanding the concept of time and the sequence of events, especially if you discuss scheduled transitions between households. For example, even the idea of "the day after tomorrow" is a difficult concept. A four-year old, however, might understand the concept of "weekend" if it is explained as the days when Mommy and Daddy don't go to work.

Parenting Considerations

Parenting a toddler-preschooler is difficult and at times trying. During a stressful family transition, such as separation and divorce, a parent may have less time, energy, and patience to handle an active, exploring toddler or inquisitive preschooler. Unfortunately, without parental encouragement, a child may not acquire the sense of autonomy and initiative needed for further healthy development.

Ideally, the parents will recognize the toddler-preschooler's need for predictability and consistency, and will work together to minimize changes that may threaten the child's sense of security following the separation and divorce. If the parents have agreed to share time with the child, therefore, it is critical that they are able to communicate effectively. (See **Chapter 4, Assessing Co-Parenting Skills.**) Of course, change is inevitable, and a parent must be able to handle any regression in a patient and understanding way.

Information Needed to Assess Parenting in Relation to Developmental Needs

The following information should be obtained from parents, mental health professionals, court-appointed evaluators, teachers, physicians, and other professionals involved in meeting the physical, educational, and psychological needs of a child:

- Does the parent carefully balance the child's need for independence and initiative with the need for emotional and physical nurturance?
- What kinds of learning opportunities does the parent create for the child to master both physical and mental tasks, including language development?
- If the parent is working, are day care arrangements carefully selected and monitored to ensure that a safe and stimulating environment is provided for the child?
- Does the parent provide sufficient opportunities for the child to socialize with other children and supervise these activities in order to help the child learn self-control and social skills?

- Does the parent provide adequate supervision for the child? Has the parent, anticipating potential hazards at this age, carefully inspected and, if necessary, child-proofed areas in which the child will likely explore?
- Does the parent set expectations and rules that promote self-control and safety? Does the parent follow through in a consistent manner with consequences and rewards for the child's behavior?
- Does the parent set expectations and rules that promote self-control and safety? Does the parent follow through in a consistent manner with consequences and rewards for the child's behavior?
- Does the parent respect and attempt to maintain the child's need for routine and family ritual, and try to keep changes to a minimum, both between households and in general?
- Does the parent avoid demanding new levels of self-control and independence during times of increased stress? Does the parent respond to any regression and anxiety in a patient and understanding manner, yet still maintain appropriate standards of behavior and avoid yielding to the child's demands?
- Has the parent attended a research-based parenting skills training program?
- If a parent is diagnosed with a substance abuse disorder or psychiatric disorder, has he or she sought treatment? If so, what has been the outcome of the treatment?
- How does each parent support the child's relationship with the other parent?

The Early Elementary School-Aged Child (5 to 7 Years)

Picture the first day of school for a child: the yellow school bus, the carefully arranged desks, the sharpened pencils. Often, it is the first time the child has spent many hours away from family or other primary caregivers. Venturing out into the broader community for longer periods, the child may be excited, intimidated, and perhaps overwhelmed. A sense of security and competency still depends on the return to a loving and warm home environment. Early elementary school-aged children, roughly between the ages of five and seven, can have a particularly hard time adjusting to changes in the comforting rituals of family life that often occur with a divorce.

Developmental Considerations

These are the skill building years that help the child develop a critical sense of self-competence. The early elementary school-aged child will proudly demonstrate tying shoes, riding a two-wheeler, and eventually reading and writing ability. A parent's physical presence and psychological support reinforces the child's sense of mastery and accomplishment. Without this "I can do it" attitude, the child will have difficulty progressing to the next stage of development in the later elementary school years.

A child of this age still tends to judge situations rather superficially or from only one perspective. The world they perceive tends to be black and white with very few shades of gray. A strong sense of "fairness" or right and wrong emerges at this time. This rather rigid perception of the world and perceived social roles is usually evident in their imaginative play and interaction with new "playmates" or neighborhood and school friends.

In general, this age group exhibits more self-control and tends to follow through with established rules and consequences. Children of this age, however, are usually not able to conceptualize the complexity or potential danger of new situations and still need adult supervision. It is not uncommon for this age group to have nightmares and anxiety about both imagined and real dangers, and to need reassurance from parents.

How Divorce May Impact Development

Still egocentric, a child at this age often will say or believe "It's my fault that Mommy/Daddy left." Sometimes they will even pinpoint a specific event, such as "I'm no good at soccer" or "Mommy/Daddy got mad at me the other day for not cleaning my room." This kind of self-blame, of course, can have a negative effect on the child's sense of competency and self-esteem.

Likewise, a child of this age tends to see only one dimension of a given situation, including their parents' divorce. Steadfastly loyal, they are often quicker to condemn a parent they believe may have caused the separation. Their concrete thinking and tendency to have loyalty conflicts make them susceptible to parental suggestion or "brainwashing."[6] Their sense of loyalty and increasing ability to empathize also makes them particularly at risk for being a "parental child" following the separation or divorce. A "parental child" tends to worry excessively about a parent's well-being and will attempt to care for a parent to the exclusion of other age-appropriate activities.

Early elementary school-aged children also tend to cling to the hope that their parents will reconcile, even after parents start dating again or even remarry. Their perception of a parent's significant other or a stepparent is usually polarized. As in many of their favorite movies at this age, people tend to fall in "good" or "evil" categories. (See **Chapter 4, Stepparenting/Significant Others Issues**.)

Children also are unsettled by inconsistencies in rules and supervision between households following a divorce. In their black and white world, this age group has difficulty handling shades of gray. "That's not fair!" becomes the child's mantra for dealing with perceived inequities or inconsistencies. They are likely to experience loyalty conflicts at this time and feel torn by their intense feelings for each parent. At the same time, however, they may be quite adept at manipulating a situation in their favor and playing off each parent.

As mentioned earlier, it may be particularly difficult for a child of this age to adapt both to the transition into a more formal learning environment and to family change. The early elementary school-aged child still derives a sense of security in predictable family rituals and schedules. The common fears for this age group, including a fear of abandonment, can be exacerbated by the separation and further undermine their sense of security. "Who will take care of me if something happens to Mommy or Daddy?" Fear and anxiety may be particularly marked during transition times between households.

Special Considerations

It is important to acknowledge the child's perspective, yet look beyond the "black and white" to the shades of gray. For example, a child may have strong objection to a significant other or a stepparent even though in reality this person may offer critical support and understanding. Remember that children at this age often express a desire to see their parents back together despite all odds.

- **Be aware of suggestibility.** At this age, a child may be particularly prone to suggestibility or "brainwashing." Seek a professional referral if necessary.

- **Simplify the schedule.** Make sure that the parenting schedule is stated simply so that the child can understand it. Unless the child is particularly flexible, it is probably not the age to try creative parenting arrangements. Like the preschooler, the early elementary school-aged child still derives a sense of security from predictability and consistency in family routines. It is a good age for parents to use calendars to help the child predict daily and weekly activities and transitions.

- **Minimize change.** As stated before, there is a lot of change already taking place in the life of an early elementary school-aged child. Too many changes that interrupt established interests and activities can undermine a growing sense of competency.

- **Behavioral concerns.** What a judge learns about certain behaviors a child demonstrates, and how each parent is responding to the behaviors, will assist the court in developing an effective custody agreement. The following suggest that the child is depressed and/or caught in an unhealthy pattern of family dynamics, and may require a referral to a mental health professional for either individual or group counseling:

  - The child is shuttling messages between the parents in the role of "messenger."

- ♦ The child seems despondent, cries excessively, and seems uninterested in any peer or school activities.
- ♦ The child seems excessively burdened by new responsibilities and tries to "take care of" a parent.
- ♦ The child speaks negatively about a parent in a way that is not age-appropriate, and seems to mimic one parent's behavior and attitude.

In-Chambers Interview

You may wish to conduct an in-chambers interview with a child of this age. The following are age-appropriate tips for a successful interview:

- Reassure the child that he or she is not responsible for the separation and divorce.
- Allow the child to share excitement about new skills and/or let him or her draw or play with a puzzle during the session. There are books that attorneys can read with young children.[7]
- Ask open-ended questions that are parent neutral: "Let's talk about what you do when you are with each parent." Ask the same questions about both parents.
- Acknowledge that a child of this age may be experiencing a loyalty conflict and reassure the child that it is not their responsibility to decide where they should live.
- Find out what activities are most important to the child. What activities give the child a sense of mastery and purpose? Their enthusiasm is usually apparent.
- Recognize the child's sense of time at this age. Be as concrete as possible and speak in present terms. Relate a future event to an occasion or situation known to the child, such as "When school ends during the summer, you will live with your Mom/Dad."
- Draw out a child's feelings by using the third person or generalizing, such as "Some children feel sad when . . . "

Parenting Considerations

Despite a growing sense of competence, early elementary school-aged children need very involved, nurturing, and supportive parents. This time can be demanding for any parent, particularly one experiencing the emotional upheaval of divorce and the increased responsibility of being a single parent. Yet without

parental support, children of this age can miss social opportunities to interact with peers and/or lack the structure needed to meet the increased expectations of elementary school.

Because the early elementary school-aged child spends longer periods at school, you also may need evidence about the child from teachers and/or a school counselor to get a more complete picture.

Information Needed to Assess Parenting in Relation to Developmental Needs

The following information should be obtained from parents, mental health professionals, court-appointed evaluators, teachers, physicians, and other professionals involved in meeting the physical, educational, and psychological needs of a child:

- How is the parent involved in the child's community, school, and religious activities?
- Does the parent provide the child with time and a place to do homework, as well as provide assistance when needed?
- Does the parent communicate with teachers, coaches, and leaders?
- How does the parent handle academic difficulties that may require assessment, intervention, financial resources, and individual help?
- Does the parent model and reinforce important social skills, such as communication, problem solving, empathy, and conflict resolution?
- Does the parent arrange for the child to visit friends and have friends over?
- Does the parent demonstrate flexibility in the designated time with the child when the child has important peer activities and events, such as a birthday party?
- If the parent is working outside the home, has he or she arranged for before- and after-school care?
- Knowing a child of this age experiences loyalty conflicts, how does the parent assure the child of a loving relationship with the other parent?
- Has the parent attended a research-based parenting skills program?

- If parent is diagnosed with a substance abuse disorder or psychiatric disorder, has he or she sought treatment? If so, what has been the outcome of the treatment?

The Older Elementary School-Aged Child (8 to 10 Years)

As the child progresses through elementary school, there are new developmental challenges. This age group typically faces more challenging schoolwork and becomes more involved in school and community activities. At this age, friends and peer relationships serve to validate the child's sense of self-worth. The impact of separation and divorce, therefore, may be very different for a nine-year old than it is for a six-year old.

Developmental Considerations

According to Erickson, this is the critical age of "industry" or productivity as the child adjusts to more challenging schoolwork and increasing extracurricular activities. Often for the first time, an older elementary school-aged child is capable of assuming more responsibility and taking care of basic needs. Of course, they are by no means entirely self-sufficient; a child of this age is still heavily dependent on the parents' emotional and physical support. It is during this time that parents provide a critical model of productivity and gender identification.

Older elementary school children need a supportive learning environment at home as they face increasing academic challenges. The child must master abstract concepts, memorize material, complete homework assignments on a regular basis, and utilize organizational skills. Learning difficulties sometimes emerge at this time and need professional attention.

Not quite as dependent on parental approval, older elementary school-aged children start to gravitate toward a few close friends who serve as barometers of their own competency and who tend to validate their sense of self-worth. Despite the relatively egocentric thinking at this age, the older elementary school-aged child demonstrates increased empathy and caring in these more sustained relationships.

A child of this age can be active, curious, and sometimes mischievous. Although independent in many respects, the child still needs adequate adult supervision and reinforcement of rules, expectations, and consequences. It is also at this time that the child has more realistic fears about the safety of loved ones and the potential loss of one or both parents. They need reassurance to maintain a sense of security.

How Divorce May Impact Development

Because they are still rather egocentric, older elementary school-aged children may believe that they are somehow responsible for the separation and divorce. They may even believe they somehow "failed." This sense of failure may pervade their daily activities. Likewise, the changes often involved in divorce, such as a move or

new financial worries, may mean the child must withdraw from certain peer activities they once enjoyed. Divorce, therefore, can significantly affect the older elementary school- aged child's sense of competency and productivity.

It is not uncommon for a teacher to notice that the child seems to have lost interest in school or has difficulty concentrating after the separation. It may be difficult to achieve a stable learning environment at home amidst the chaos of family separation. A parent may be too distracted to ensure the child completes homework and to monitor progress. There may be a lack of continuity and supervision between households.

In addition, important friendships may be disrupted by a move after the separation or divorce, or simply because of a parent's inability or unwillingness to host a child's friends or provide transportation. Again, these relationships are a critical part of social development.

Because older elementary school-aged children have developed some capacity for empathy, they are more likely to feel their parent's sadness and to worry about or attempt to take care of a parent. Because of their sense of loyalty and fairness, children at this age often feel pressured to make their relationships with each parent as "equal" as possible in terms of love, affection, and time. They become acutely aware of the dynamics of the parental relationship during the separation and divorce, and often eavesdrop on conversations as a way of feeling more in control.

A child at this stage of development may experience a host of worries about safety and security as family rituals and routines are disrupted. Preoccupied with his parent's safety and well-being, he may wonder "Who will take care of me?" The older elementary school-aged child will pick up on financial concerns as well, asking, "Will we have enough food, clothing, a home, etc.?"

Special Considerations

The following issues should be considered in cases involving older elementary school-aged children:

- **Scheduling.** When drafting appropriate parenting plans, you must consider how best to keep a child's life organized. Ensure that a custody agreement allows for carefully orchestrated transitions to keep the child organized and on top of schoolwork. It is hard to feel competent and productive when assignments are lost or misplaced between households. At this stage, it is easy for children to fall behind in their schoolwork, leading to difficulty transitioning into middle school. How will parents help the child stay organized?

- **Productivity.** How does the custody agreement allow for the child to feel the most productive? Is he or she energized by soccer? Inspired by art? In what ways will the separation and divorce impact these activities? Is there a way to ensure continued involvement in these activities, including with appropriate child support orders?

- **Recognize special friendships and relationships.** A child cannot be assured that these friendships can be sustained following a separation or divorce, but they should still be acknowledged and respected. If the court recognizes the developmental importance of these budding friendships, parents may try to find creative ways to foster them. (See **Chapter 4, Parenting Seminars.**)

- **Behavioral concerns.** Each of the following may warrant a referral to a mental health professional for either individual or group counseling:

  - ♦ The child seems to take care of a parent and to assume responsibilities that are not age appropriate.
  - ♦ The child has withdrawn from activities and appears apathetic.
  - ♦ The child cannot name any close friends or refers to friends in the past tense.
  - ♦ The child seems to be falling behind peers in school, i.e., child is still having difficulty learning to read.
  - ♦ The child is a "messenger" or seems caught in the middle.
  - ♦ The child is unable to discuss what activities he or she prefers with each parent out of a fear of disloyalty or betrayal.
  - ♦ The child seems very distressed about ongoing parental conflict.

In-Chambers Interview

You may wish to conduct an in-chambers interview with a child of this age. The following are age-appropriate tips for a successful interview:

- Remember that children of this age, because of their sense of loyalty and fairness, may ask you to allow them to see parents for equal amounts of time. This option may be unworkable for a

number of reasons, including the parent's inability to communicate effectively. Children are often relieved to hear that it is not their responsibility to make such a decision.

- For rapport building: Ask the child about favorite school subjects, extracurricular activities, or hobbies. What kinds of activities does the child like to do with a parent? What are the names of the child's friends?

- Ask the child what has changed since the separation. How has it affected friendships, activities, and schoolwork?

- Assess whether the child has assumed a parental role. How is time spent with the parent? What does the child do after coming home from school? Note if the child tends to take care of a parent or assumes too many responsibilities.

- Be aware that the child may surprise you with a fairly clear understanding of the divorce process from overhearing the parents' discussions. It may be fairly clear after interviewing the child and assessing co-parenting skills that the child is also a "messenger" or tends to shuttle notes and messages between parents. Sometimes the child encourages this dynamic as a way of feeling more empowered and productive. In any event, this situation is not appropriate for a child and should be noted with a "red flag" to be addressed by a mental health professional.

Parenting Considerations

Parenting this age group often means being both a taxi driver and a cheerleader. The parent may feel somewhat sidelined by the child's increasing need to be with certain friends. At the same time, the child desperately needs the support of parents to feel productive, not only by providing transportation, but to be there to watch a game or to share in a school achievement. The parent also plays a critical role in helping the child overcome a sense of failure.

Parenting an older elementary school-aged child through a separation and divorce poses specific challenges. Their increasing ability to empathize makes them at special risk for experiencing loyalty conflicts, putting themselves in the middle of parental conflict, or siding with one parent over the other. Parents of this age group need to work hard to prevent their child from becoming so overly involved and worried about the family situation that they are unable to remain productive in school and other peer activities. Parents also must maintain and nurture important peer relationships if at all possible.

Information Needed to Assess Parenting in Relation to Developmental Needs

The following information should be obtained from parents, mental health professionals, court-appointed evaluators, teachers, physicians, and other professionals involved in meeting the physical, educational, and psychological needs of a child:

- How does the parent encourage the child's need for productivity and self-reliance by supporting and facilitating involvement in activities?
- Does the parent seem to recognize the importance of peer friendships and foster these relationships?
- Is the parent aware of the child's academic progress, mastery of material, completion of homework, and any behavioral difficulties in school? How does the parent keep the child organized during the shift between homes and to school?
- Does the parent reserve time alone with the child and share the child's meaningful activities and interests?
- Does the child have sufficient "downtime" to relax and recharge or is the child overscheduled with activities?
- Does the parent acknowledge difficulties yet emphasize that the child need not feel responsible for the parent's well-being?
- How does the parent minimize loyalty conflicts or prevent the child from feeling compelled to take sides?
- Does the parent avoid dwelling on financial or legal concerns with the child or within the child's earshot?
- Does the parent adhere to a parenting schedule as discussed with the child and does the parent arrive promptly?
- How does each parent support the child's relationship with the other parent?
- Does the parent discuss the child's concerns about death or injury to a parent and options for care of the child?
- Has the parent attended a research-based, parenting skills training program?

- If a parent is diagnosed with a substance abuse disorder or psychiatric disorder, has he or she sought treatment? If so, what has been the outcome of the treatment?

The Middle School-Aged Child (11 to 13 Years)

Developmentally, the middle school years can be awkward and sometimes even painful for a child. Eager for approval and validation from peers, the middle school-aged child tries desperately to "fit in" with the crowd. Tumultuous change, both internally and externally, is the trademark of this age. Given these rapid changes, the further upheaval caused by separation and divorce in the family can be particularly traumatic for the younger adolescent.

Developmental Considerations

The middle school-aged child experiences a great deal of awkwardness as multiple changes occur at different rates. A middle school-aged girl may look like a fifteen-year old without the emotional development of an older adolescent. With further changes in sexual development, intellectual growth, and interpersonal growth, the middle school-aged child often feels caught between wanting to grow up quickly and fearing what is going to happen next.

Adolescents at this stage of development are very self-scrutinizing. Enormous energy is invested in peer relationships and the struggle to "fit in" and belong. Awareness of any differences with the "in" crowd is extremely painful. Unfortunately, the need to be accepted often supersedes the need to be considerate and empathic. With a supportive home base, however, children at this age can still feel acceptance and comfort despite the superficial and often harsh peer interactions that characterize this period.

As peer relationships take center stage, middle school-aged children appear to relegate their parents to minor, supporting roles in their lives. Sometimes, they may even wish the parents were invisible, particularly in the presence of peers. While loath to admit it, however, the child still desperately needs parental support and guidance through these difficult years.

Children of this age like to exercise their newly developing abstract reasoning skills and may appear rather argumentative. With so many changes taking place in their lives, middle school-aged children also tend to be rather forgetful, disorganized, and impulsive at times. Despite sailing through elementary school, some children may have learning problems that emerge in middle school and need appropriate attention.

It is not uncommon at this age for the younger adolescent to be left alone for longer periods of time. Judgment, however, is variable and safety may be challenged by the need for peer acceptance. Children this age may still fear being alone but may not admit it. If not adequately supervised, the younger adolescent

may be vulnerable to experimentation with alcohol, drugs, early sexual relationships, and truancy.

How Divorce May Impact Development

Acutely self-conscious, middle school-aged children often feel ashamed and embarrassed by their parents' divorce and will mask their feelings by saying, "It's not my problem, I'm cool with it." Despite the high divorce rate, they often feel isolated and alone. They may fear peer rejection and withdraw from age-appropriate activities.

Unlike many younger children, middle school-aged children are somewhat less likely to blame themselves for the separation and divorce because they can reason more abstractly. They rarely, however, understand the complexity of their parent's relationships. Instead, they tend to have a rigid conception of the relationship and may hold one parent more responsible for the failure of the marriage.

The sense of disorganization that children this age normally experience is often compounded by the upheaval of the separation and divorce.[8] Assignments and favorite articles of clothing are frequently lost between shifts in households. The child may now have difficulty even finding a consistently quiet place to study and get organized.

Juggling even more responsibilities after a separation, parents may overestimate the middle school-aged child's independence and leave him alone for longer periods of time, sometimes to care for younger siblings. The child, wanting to appear mature, may mask feelings of insecurity or fear. Likewise, unsupervised time may leave the younger adolescent susceptible to unhealthy peer influences, such as drugs, alcohol, sex, and truancy.

Special Considerations

There are many issues to consider with a middle school-aged child, including the following:

- **Empathize.** As the judge, it is important to keep the concerns of the child at the forefront. Try to remember your own middle school years. You may readily identify with the awkwardness of this age and the consuming influence of peers. These reflections will assist the court in formulating effective custody agreements. This attitude may in turn be passed on to the parents.

- **Minimize change.** This age is already riddled with change both internally and externally. An abrupt move, reduced standard of living, and other dramatic changes following a separation or divorce may overwhelm a middle school-aged child. If transitions between households are made, ensure that parents communicate and help the child stay organized.

- **Neutralize absolute thinking.** It is not uncommon for a child at this age to have strong opinions about the separation and exactly which parent is to blame. Stepparents and significant others introduced to the child will receive the same treatment, labeled as good or bad. Recognize that the child gains a sense of control over change and unsettling ambiguity by seeing things in black and white terms. Instead of taking statements at face value, however, probe beneath the surface. If the child expresses feelings of anger towards one parent, ask the child to share an example of a situation when he or she has experienced this emotion most strongly.

- **Behavioral concerns.** Each of the following behaviors may necessitate a referral to a mental health professional:

  - ♦ The younger adolescent seems withdrawn and uninterested in peer activities.
  - ♦ The younger adolescent has excessive responsibilities and has assumed a caretaker role.
  - ♦ The younger adolescent is spending too much unsupervised time alone.
  - ♦ The younger adolescent is falling behind in school, failing to complete assignments, or is truant.
  - ♦ The younger adolescent and/or peer group is experimenting with recreational drugs, alcohol, or other destructive behaviors.
  - ♦ The younger adolescent dramatically shifts peer groups and drops old friendships.

In-Chambers Interview

An in-chambers interview may be appropriate with children of this age. You may want to consider the following points:

- Explain the role and the purpose of the interview clearly. Children of this age tend to exaggerate their sense of responsibility. They may assume that in talking to you they are being asked to make a definitive decision about what will happen to them following the separation or divorce.

- Assess whether the younger adolescent is assuming too many adult responsibilities following the separation and may be at risk for

becoming a "parental child." The child may even be encouraging this unhealthy dynamic because it gives them a sense of control.

- How does the younger adolescent report progress in school and homework completion? Is there a consistent place in each household in which the younger adolescent can work independently yet still have a parent available for help?

- How organized does the younger adolescent feel? Does he worry excessively about losing something or forgetting to transport something between households? Does he feel like he has enough privacy?

- How much time does the younger adolescent spend unsupervised in each home and how comfortable is he or she with these arrangements?

- What kind of peer activities does the younger adolescent participate in? How does he or she spend time with friends? Is the time spent with friends unsupervised or is an adult nearby?

Parenting Considerations

The middle school years typically pose a challenge for parents. Seemingly overnight, their relatively eager-to-please child awakens to question every family decision and take issue with standing house rules. Peers seem to replace the parents as authority figures. With as much patience as they can muster, parents need to view these challenges as part of normal development and gently steer their child through this awkward age. Separation and divorce can make the job of parenting the middle school-aged child even more difficult.

Information Needed to Assess Parenting in Relation to Developmental Needs

The following information should be obtained from parents, mental health professionals, court-appointed evaluators, teachers, physicians, and other professionals involved in meeting the physical, educational, and psychological needs of a child:

- Is the parent able to contain hostility and negative discussion about the separation in the presence of the child? Does the parent recognize the younger adolescent's sensitivity to criticism at this stage of self-doubt?

- Is the parent aware of the child's need for close peer relationships and their intense interest in belonging to a peer group? How flexible and supportive is the parent of peer relationships and activities?

- Is the parent aware of the child's school functioning? Is the parent involved with teacher conferences? Is the parent aware of any special learning needs and addressing them?
- How does the parent help the child remain organized and have a predictable study area and time, particularly between households?
- How does the parent include the younger adolescent in setting limits, deciding consequences, and ensuring enforcement?
- Does the parent know the younger adolescent's friends and friends' parents? How does the parent utilize this network to address and handle any safety concerns?
- How does each parent support the child's relationship with the other parent?
- Has the parent attended a research-based parenting skills training program?
- If a parent is diagnosed with a substance abuse disorder or psychiatric disorder, has he or she sought treatment? If so, what has been the outcome of treatment?

The Adolescent or High School-Aged Child (14 to 18 Years)

This age is typified by the phrase "one foot out the door, one foot in the door." One moment, the adult-looking adolescent seems ready to conquer the world and to live independently. At other times, the vulnerable child emerges, still needing safety, security, and unconditional love from family. Despite being older and taller, adolescents can experience the impact of divorce just as acutely as any other age group. Given the developmental paradox of adolescence, you must balance the adolescents' need for independence with the potential vulnerability and specific needs of this age group.

Developmental Considerations

At this stage of development, the adolescent has normally achieved a sense of identity in relation to family, peers, teachers, and employers. While their future in the broader world is unclear, however, they still must make major decisions, particularly about college and careers, which will impact the rest of their lives.

Cognitively, the adolescent can see multiple aspects of a problem and creatively solve them, as well as brainstorm, analyze, and synthesize events and situations. At the same time, however, they are more likely to be risk takers when evaluating decisions. In addition, some adolescents may need specialized help with learning

difficulties that interfere with cognitive ability and result in inconsistent or poor school performance.

Socially, adolescents no longer need a huge peer group in order to feel accepted. They instead tend to have a few close friendships, including more intimate and romantic encounters. Typically, the adolescent will move away from rigid cliques and socialize with friends from different peer groups. If exposed to healthy role models during their development, adolescents are capable of empathizing with others, resolving relationship problems, and expressing emotions.

Despite increasing independence, however, adolescents still need supervision to ensure their safety and security. They need to be active participants in the discipline process and included in family discussions of rules and limit setting.

How Divorce May Impact Development

As with all children, adolescents may experience a sense of abandonment and rejection following a separation that negatively impacts their self-esteem. Adolescents may struggle to maintain a sense of identity in the face of family upheaval and new relationship patterns. As a result, they may lack confidence to assert independence in the outside world. Likewise, without guidance, support, and input from significant others, adolescents may fail to fully evaluate the consequences of their choices and make impulsive decisions concerning their future.

On a more positive note, adolescents usually have the cognitive ability to understand the true complexity of what happened between their parents without the tendency to pin blame on either one. The emotional impact, however, can still interfere with intellectual functioning. It is not uncommon following a separation for the adolescent to have difficulty concentrating in school or even attending school because of family upheaval. Often reminded "child support ends at eighteen," the adolescent may abandon future goals and aspirations or put them on hold indefinitely. Likewise, if learning difficulties are not addressed, the adolescent may enter adulthood with a sense of failure and hopelessness.

Adolescents often assume an adult caretaker role in the family after a separation, taking care of both the parents and the younger siblings. Suppressing their own needs, they may withdraw from their own peer group and outside support system. Adolescents may also have an unhealthy perception of relationships because of exposure to parental conflict. It is not uncommon for adolescents to become threatened and insecure about their own sexuality when they see parents entering new relationships following the divorce.

Adolescents experience an intense grief process following separation or divorce and yet are often less closely supervised because of the family upheaval. This combination of factors makes them more vulnerable to substance and alcohol use and abuse, unhealthy sexual behaviors, and other "acting out" behaviors. Some

adolescents, for example, may feel rejected by a parent and search for other outside relationships as alternative sources of love and intimacy. This search can increase the adolescent's risk for teenage pregnancy and/or contracting certain sexually transmitted diseases. Adolescents who have experienced parental rejection may also be more prone to remain in abusive relationships and buy into the belief that they are somehow "less than deserving."

Special Considerations

It is important that adolescents feel heard during the legal proceedings. You will want to consider several issues, including the following:

- **Strike a balance.** An adolescent should express his or her views via testimony, a court-appointed attorney, or an in camera interview. At the same time, however, you should make clear that it is not their responsibility to make a decision about what is in their best interests. Respect the adolescent's cognitive ability and independence, yet understand that it is a vulnerable time and the adolescent still needs significant protection.

- **Look beyond the façade.** To really understand a particular adolescent's needs, it is critical to look beyond courtroom demeanor and static assessments of behavior. Adolescents experiencing the grief process following separation and divorce may exhibit a range of emotions, from intense anger to profound sadness. Academic reports and psychological assessments noting trends in performance and behavior are most valuable.

- **Put safeguards in place.** Adolescents, more so than any age group, are the most likely to be overlooked during the divorce process because of their adult-like characteristics. Their future, however, hangs in the balance and should not be dismissed simply because they are approaching legal age. As stated above, adolescents experiencing the emotional roller coaster of parental separation may be more susceptible to engaging in unhealthy behaviors. Research indicates that they are also more prone to clinical depression than younger children of divorce.[9] It is critical, therefore, that appropriate support, such as counseling, structure, and supervision be in place at this time.

- **Probe beneath the surface.** For example, it is not uncommon for adolescents to request to live and be closer to a particular parent, especially before leaving home and setting out on their own. Sometimes the adolescent wants to be closer to the same sex parent or feels more validated and supported by one parent. Sometimes the adolescent is simply trying to evade one

parent's closer supervision and discipline. Distinguish between normal developmental needs and the adolescent's best interests.

- **Behavioral concerns.** Each of the following requires a referral to a mental health professional for either individual or group counseling:

  - ♦ The adolescent remains extremely angry and acts out anger.
  - ♦ The adolescent seems apathetic and has no plans for the future.
  - ♦ The adolescent appears extremely anxious about the future following the divorce.
  - ♦ The adolescent is sleeping a lot and has no interest in peer activities.
  - ♦ The adolescent has assumed a parental role following the divorce and is taking care of a parent and/or younger siblings.
  - ♦ There are indications that the adolescent has resorted to recreational drugs, alcohol, or other destructive behaviors.

In-Chambers Interview

When conducting an in-chambers interview, consider the following strategies:

- Find a way to show respect for the adolescent's independence, such as a choice of when to meet or where to sit during an interview.
- Ask the adolescent to take you through a typical day in his or her life. What kinds of responsibilities does he or she have in and outside the home? What kind of encouragement and support does he or she receive to be independent and responsible?
- How does the adolescent see the future: "Where do you hope to be next year at this time; two years down the road; five to ten years down the road?" How does each parent support these goals? Note the adolescent's body language during the interview. Does he or she seem weighted down or optimistic about the future?
- Adolescents are usually acutely aware of how future plans may be affected by school performance. Assess how the adolescent is doing in school without making them feel more pressured.

Instead ask general questions about what courses the adolescent is taking and what interests them.

- How does the adolescent perceive his or her parents' relationship? How does this perception affect the adolescent's relationships outside the family? Who does the adolescent spend the most time with outside the family and how do they spend their time together?

Parenting Considerations

Parenting an older adolescent or high school-aged youth requires a delicate balance. On one hand, the older adolescent is still a child inside an adult body. The parent needs to be there to comfort, support, and guide the adolescent into adulthood and through the maze of difficult life decisions. On the other hand, the parent needs to permit independence for the sake of the adolescent's future growth and development.

Divorce often disrupts the adolescent's sense of security and rootedness at this critical juncture. As a result, there is a risk that the adolescent may either withdraw into the family situation or become prematurely independent. A parent, for example, may be unable to "let go" and give the adolescent an appropriate level of independence because the divorce compounds the sense of loss. It is critical for the parent to promote the adolescent's independence while still offering guidance and setting limits.

Information Needed to Assess Parenting in Relation to Developmental Needs

The following information should be obtained from parents, mental health professionals, court-appointed evaluators, teachers, physicians, and other professionals involved in meeting the physical, educational, and psychological needs of a child:

- How does the parent express unconditional love through time spent with the adolescent, affection, and acknowledgement of the adolescent's milestones?

- Does the parent support the adolescent's participation in age-appropriate activities, to include financial, transportation, and psychological support? Does the parent attend events that the adolescent wants the parent to attend?

- How well informed is the parent of the adolescent's school attendance, standardized and special testing, and history of report cards? Is the parent aware of changes in academic performance?

- How does the parent reassure the child that the parent will be supportive of the child's future? Does the parent help the

adolescent evaluate and assess decisions about the adolescent's future and help the child plan financially?

- If the parent has a new adult relationship, is he or she introduced to the adolescent with discretion and sensitivity? Does the parent set age-appropriate and relationship-appropriate boundaries between the parent's partner and the adolescent?

- What rules and consequences has the parent established? How is the adolescent included in discussions about discipline? Is the parent there when the adolescent is supposed to return home?

- How does the parent discuss sexuality, healthy relationships, and other factors that may impact the adolescent, such as substance abuse, sexually transmitted diseases, and gangs?

- How does each parent support the adolescent's relationship with the other parent?

- Has the parent attended a research-based parenting skills training program?

- If a parent is diagnosed with a substance abuse disorder or psychiatric disorder, has he or she sought treatment? If so, what has been the outcome of the treatment?

[1] JUDITH WALLERSTEIN & SANDRA BLAKESLEE, SECOND CHANCES: MEN, WOMEN AND CHILDREN A DECADE AFTER DIVORCE (Ticknor and Fields 1989); Andrew J. Cherlin, et al., *Longitudinal Studies of Effects of Divorce on Children in Great Britain and the States,* 252 SCIENCE 1386, 1386-89 (1998); Paul Amato, *Life-Span Adjustment of Children to Their Parents' Divorce,* 4 THE FUTURE OF CHILDREN: CHILDREN AND DIVORCE 143, 150-51 (1994).

[2] WILLIAM B. CAREY & SEAN C. MCDEVITT, COPING WITH CHILDREN'S TEMPERAMENT: A GUIDE FOR PROFESSIONALS (Basic Books 1995).

[3] JANET R. JOHNSTON ET AL., IMPASSES OF DIVORCE: THE DYNAMICS AND RESOLUTION OF FAMILY CONFLICT (Free Press 1999) (children with more difficult temperaments may not adapt as well to a visitation schedule with frequent transitions between households).

[4] *See generally* JOHN BOWLBY, A SECURE BASE: PARENT - CHILD ATTACHMENTS AND HEALTHY HUMAN DEVELOPMENT (Brunner Mazel 1988).

[5] *See generally* MARGARET MAHLER, THE PSYCHOLOGICAL BIRTH OF THE HUMAN INFANT: SYMBIOSIS AND INDIVIDUATION (Basic Books 1989).

[6] *See, e.g.,* STANLEY S. CLAWAR & BRYNNE V. RIVLIN, CHILDREN HELD HOSTAGE: DEALING WITH PROGRAMMED AND BRAINWASHED CHILDREN (American Bar Association 1991).

[7] RISA J. GARON, SNOWMAN: A KID'S GUIDE TO COMING TO TERMS WITH SEPARATION AND DIVORCE (Children of Separation and Divorce Center, Inc. 2000).

[8] *See generally* Allan L. Reiss et al., *Brain Development, Gender, and IQ in Children: A volumetric imaging study*, 119 BRAIN 1763, 1763-74 (1996); Nitin Gogtay et al., *Dynamic Mapping of Human Cortical Development during Childhood through Early Adulthood*, 101 PNAS 8174, 8174-79 (2004).

[9] *See generally* MARGARET MAHLER, ON HUMAN SYMBIOSIS AND THE VICISSITUDES OF INDIVIDUATION: INFANTILE PSYCHOSES (International Universities Press 1968).