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# Children as Victims of Divorce

by

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A new study out of the University of Stanford called "The Stanford Child Custody Study"<sup>1</sup> confirms what many judges and family law practitioners have known for a long time. This study of 1,100 divorcing families is a comprehensive study of child custody issues about the effects of divorce on children. The study revealed that some seventy percent of the couples either are still fighting after three years of divorce or are simply not communicating. The short-term and long-term psychological effects on children are still to be fully assessed but already we know that they are crippling at any age and are not confined to the age at which the divorce occurred. The effects linger through the developmental cycle of adolescence and in later life.<sup>2</sup> The surprise is that thirty percent of the couples are doing a credible job in communicating concerning the children and so are helpful in lessening the trauma of divorce for them. But even these minority couples only lessen the trauma by civil communication. They can not heal it completely.<sup>3</sup>

The effects of marital conflicts and divorce are never neutral on the emotional life of a child.<sup>4</sup> Their consequences are always foreseeable,<sup>5</sup> even if not measurable. According to studies done to date, most children tend to (or try to) protect themselves and develop their affective lives without being too influenced by parental insecurity brought about by conflicts and disruptions. But this attempt at self-protection does not always or even frequently succeed because the child internalizes the problem at the very moment when he needs to find in his familial environment the coherence to affirm himself.<sup>6</sup> The instability of family relationships, punctuated by increasing divorces which are becoming more and more frequent, bears witness to a growing destabilization of the child and of his or her difficulty in dealing with existence and with his own emotional equilibrium later on in life.<sup>7</sup>

Much of the trauma for children begins with constant arguments between the couple long before divorce proceedings.<sup>8</sup> Conjugal conflict or separation is more or less accepted by society at large and this has an effect even on children in stable marriages. Meeting other children in the same situation helps him realize that he is not alone or unique.

Even those who have no problems with their parents, worry about an eventual divorce when they meet so many of their friends who have gone through the trauma.<sup>9</sup> Instability has therefore reached all children in our society, both those from stable as well as from unstable homes.

For a child, family conflicts and separation of parents have long-term effects. Some break down under the shock and stress of separation. For still other children, problems and tension appear only many years later: during the adolescent crisis or during loving relationships or after the birth of their own children.<sup>10</sup> One should be as attentive to the child who seems not to be bothered by the separation of parents as the one who is, for the "sleeper effect." This is difficult to discern with any precision because of the paucity of empirical studies.

Marital conflicts should not directly concern children but all the research shows that the root cause of child trauma of divorce is directly related to the failure of parental concern and commitment to each other and then to the children.<sup>11</sup> A troubled marital relationship almost always produces a troubled child relationship.

Over the past few years, the representation and idealization of children has been transformed. We have traditionally viewed children as child-object and child-king. The child became the center around whom the family was built and which tended to his needs. Then there was the child-partner: children and adults were equal. They had the same interests and problems as adults. The child was seen as a small adult, so society has gone from child-partner to that of child-companion from whom an adult solicited affective gratification and validation. Later, children appeared as a response to the narcissistic need of parents. The child became more the sign of parental success and of their personal development than the expression of the future of the group. The child is the extension of the self and serves for a great many adults, as the people the adults were never able to be. The idealized child has priority over the real child.

While America has been proclaimed to be child oriented and while this may be true, our studies on the effects of divorce have shown us more and more that it is the quality of the man-woman relationship which directly affects the emotional state and mental health of children long after the divorce, perhaps even for a life-time. It is the preparation of and for marriage which is determinative in this regard. Intervention at the earliest possible time is not only ideal but imperative if we are to do more than simply apply palliative exercises during judicial intervention (from the lawyer's office through the court system). We need to emphasize marriage preparation courses and education for parenthood from the primary levels through higher education in cooperation with the churches, the healing professions and the media.<sup>12</sup> The ounce of prevention here is not only worth a pound of cure; without it, there is no cure.

Children of divorce then do not grow up without trauma. Since the child seems to have no one on whom to rely emotionally, he is emotionally desiccated and damaged. The parent from whom the child should draw emotional support is left bereft of emotional and loving support, particularly by fathers who leave early in the child's life.<sup>13</sup> This places a great, if not insurmountable, burden on the child. This also produces children who are or have aggressive or accelerated emotions, fragile personalities, are less resilient and whose subjectivity is poor because their

self-image is poor. This trauma may last years, if not for a lifetime.<sup>14</sup>

Very quickly, in traumatic circumstances, the child learns how to count only on himself, rather than on adults. On the surface, the child seems to succeed but in adolescence and even after adolescence, a few of these children crack altogether or retain immature conduct because they have never been psychologically allowed to grow up. Thus, child precociousness prepares for adult immaturity. Syndromes of dependency which develop around the absence of, or poisoning of, affectivity, are the signs of a distorted subjectivity. The environment of a child becomes insecure when they are alone too much or when they are left to fend emotionally for themselves as is often the case during divorce.<sup>15</sup>

The good or bad quality of a child's environment does not, of course, totally control the child's future but it does make its contribution, particularly in reference to the relationship others have with the child. The child uses the identifying ideals which are proposed to him and which have a great effect on his psychological development.<sup>16</sup> It is the absence or failure of those ideals before, during, and after divorce which causes the trauma of divorce on children.

The child always lives in the shadow of his parents. He is born, develops and lives in relation to them, psychologically, morally and emotionally, because he comes from them. Parents must recognize their child as a distinct person in order of filiation and of sexual difference. He grows in relation to them, in relation to what they tell him, say about him and about the things around him. Thanks to the coherence of what is said and lived between his parents, the child affirms himself, creates his image where he finds ever more perfection and unity. The verbal manipulation or enterprise of one or the other parent, have their effects on his psychic and moral unity which can be so transformed by the trauma of divorce that it can reorientate his personality.<sup>17</sup> In many cases, we can ask whether the child speaks for himself, or if his discourse is the expression of a view which he is reporting or at least longing for and which serves as references and stability in his own uncertainty. In any case, when this central reality of stability (parents) is missing or has been taken away by divorce, the trauma cannot be measured<sup>18</sup> as can be seen by any measure when we compare them with children from stable homes.

### The Family As The Foundation of Reality

The affective relation of the child with parental figures establishes the unity of his psychology, stabilizes himself and assures his vital and emotional contact with the outside world. He relies on this parental relationship to find relational modalities with others. When the parental relationship is threatened, the child's whole emotional equilibrium is in danger at every level. The child has need of the truth of his family in order to have access to the reality of the exterior word. The child then progressively interiorizes his social relations in the measure that the coherence and value of his family life are integrated. When they are severely disrupted by the divorce process, the situation is worse in all respects, even when the adjustment has been comparatively good.<sup>19,20</sup>

The child develops by a process of parental identification borrowed from the psychological dimensions of his parents and of his surroundings. He slowly

elaborates and develops the image of his parents (both are necessary) in order to create his own. His need (which dominates him), is to know that he is loved (passive love) more than to love (active Love). Only when this passive love is firmly established, can the child — and later, the adult — actively love.

Following an accumulation of events, impressions and reflections, originating from the trauma of divorce, many children conclude rightly or wrongly — that they are not loved. Their self esteem is diminished and they conclude that they are not worth much — a certitude which may be reenforced by daily life. (The absence of the other parent.<sup>21</sup>)

The child needs to situate himself in relation to the desire and the love which his parents have for him. This is crucial for this emotional stability. The child can obtain a response to this basic personal need only by means of the love which his parents have for each other since they are his paradigm of love and commitment. Most parents teach their children by their conduct: "We love each other so much that we have given you life." The child becomes assured and re-assured when he knows that his parents took such responsibility for him which in turn is founded on the love parents have for each other. All children fatally ask themselves one day or the other the following question: "Why was I born?" Today, they pose this primordial question amidst all the baggage around them: contraception, abortion, divorce — which they hear about all the time: "Did you want an abortion when I was in your belly?" They thus express their doubts inherent to their psychological development about the subject of their own proper origin in the desire of their parents toward them.<sup>22</sup> The trauma of divorce strengthens immensely that instability.

### **The Child as Implicated in Conjugal Conflict**

All the behavior studies which we have show that the child never remains outside marital conflict. When such conflict exists, often the child considers himself the cause because he was "bad". The child finds his security and well-being in his parents, both parents. They assure him in his feeling of continuity in existence itself. When they are missing, or even when one is missing, the child asks himself what evil he could have done to be so punished. Conjugal conflicts and divorce are then perceived by children as a contradiction to the psychological work development in which they are engaged. The frequency of divorces therefore is not without its effects on the personalities of children and have resulted in considerable human cost in our society.<sup>23</sup> All the behavioral studies cited in this article are in agreement on this basic fact — without exception.

Divorce has become without doubt an easy solution to the problems of adults. PEople, through no-fault divorce, break a relationship without ever reaching the real problems of the relationship. These problems are never treated. We can get married and divorced in this society easier than getting a driver's license. In certain cases a separation is necessary but for the great majority of divorces, we should recognize that separation causes more difficulties later. We can always defend any one divorce, but at what price? The no fault divorce of the 70's has led to the terrible bind of easy divorce with all the problems mentioned above. We

are now beginning to see and understand the terrible price we must pay for the easy no fault divorce of the 70's — particularly for woman and children who become poorer and more destitute. In fact, divorce in a family leads to intergenerational easy divorce.<sup>24</sup> But divorce, once accepted in the mores of a people, becomes almost impossible to retreat from. It is urgent that we reflect on what our society is doing and to propose the means to be able to identify and treat affective tensions with which couples live. Often when the time of novelty of a new relationship has passed with another partner, nothing has changed; repressed questions make their reappearance under other forms. That is also why the incidence of second divorces are greater than first divorces (1:2; 1.5:2).<sup>25</sup>

This trauma is largely hidden because it so deeply touches the roots of affective and sexual life. The confusion of affective demands, often impossible to understand, explains why the majority of people do not always know how to negotiate and resolve conflicts. The mediation of custody issues mandated in all the Dallas Courts is a step in the right direction,<sup>26</sup> but one wonders just how effective such a procedure can be.

### **The Child At Risk From Parental Disassociation**

It is too facile, then, too reassuring to believe that it suffices to explain to a child that Mom and Dad no longer love each other and that it is better for all concerned that they separate and live new lives. The literature of divorce strongly suggests it is divorce itself which is the problem. It is important that the child understand clearly that his parents are not divorcing him and that they will continue to love him and remain his parents. In other words, the child thinks: how can I be sure that they won't fall out of love with me!? But one fools oneself by thinking that these rational considerations — which do have positive psychological effects — will be sufficient to resolve the affective problems of the child, then of the adolescent, caused by divorce. They will not. The child becomes a victim of relational conflicts of mother, father, judge and psychotherapist. To repeat: By the time the situation reaches the judicial system, the trauma to children has been caused. Intervention must begin much before this phase. It is error to think that judicial intervention, no matter how well meaning, is going to matter very much. By that time, the damage has been done to the child. For example, the District Courts in Dallas, Texas have mandated and ordered consideration of mediation whenever child custody is in dispute. A status report is then filed with the court. This would be valuable for determining what would probably be the outcome of any custody trial and therefore would avoid the further trauma of trial and of the custody trial. This in turn would avoid the further trauma of trial and of the debilitating expense for both parties. Unfortunately, such mediation does not get to the heart of the problem of the trauma of the children of divorce.

The child blames himself for the conflicts and the separation of his parents.<sup>27</sup> The child must know and have proof, in reality, that the affection of his parents towards him is intact. But this is seldom the case when he becomes trapped between the parents who tend to use him in their mutual struggle.<sup>28</sup> Divorce is another word for war on the child no matter how well it is handled.

The culpability of the child of divorce is purely imaginary but if he sees a correspondence between his imaginary culpability and the real situation (conflict of parents over him), the child will conclude that he is responsible for his parents' separation. Symptomatic behavior and attitudes develop around the divorce: aggressive conduct, self aggression, failure in school and elsewhere, self-hatred and poor self-image, theft, sexual permissiveness - as if the child wants to be punished for his responsibility in the separation of his parents.

There is a second reason. The child constructs the integral components of his personality starting with his unified relationship to his parents.<sup>29</sup> If this is missing, there develops an internal disharmony. This internal disharmony or disunity is not systematic but most children pass through some form of crippling sequence when they learn about the separation of their parents. Some of them actually want to die because they feel they have no future. The child must have an internal coherence to integrate his self-unity or, in the case of divorce, his dis-union. If not, there is a hiatus or fissure in the child's life and personality<sup>30</sup> which sometimes affects the child for the rest of his life.

Through this rupture of divorce is also played out the social reality of the child and his relationship with others. If there is profound doubt that he can have confidence and trust in his parental relationship, how can he relate to or trust others? The outside world can then appear as dangerous, uncertain and threatening. Much adult immaturity in regard to love and commitment can be traced to this source. According to the individual, this process will be more or less difficult when he begins to confront reality. Very often the child wants to restore the broken relationship between his parents. Some will do anything to bring this about. But it most always fails and it becomes a continuous source of guilt for the child.<sup>31</sup>

### **After The Parental Separation**

When a man and woman separate, they are not free from their parental duties. But the child has a tendency to believe that their bonds with him are also broken, that his very existence is nullified. At the moment of separation a decision must be made to have the child live with one or the other parent. The child must realize that his parents retain full responsibility for him. They will no longer live under the same roof but his parents will always be responsible for him.<sup>32</sup> All the practices of using the children to get at the other parents must be vigorously condemned: speaking ill of the other, running the other down, continuing arguments and just plain not speaking or being civil to each other.

Before making a decision, many think that the judge has an obligation to speak to the child of a more or less mature age (12-16), to determine the child's desire. The Texas Family Code says "That upon application of any party, the Court shall confer with a child 12 years of age or older and may confer with a child under 12 . . ." (S14.07[c]). It is deep, psychological error to have the child participate in the judicial process. Such a participation is devastating. What we are really doing is placing a responsibility of choice on the child rather than on the adults concerned. Before the age of 12, this practice should be entirely excluded. But even after 12, society seems to think that the child can make such decisions much as any adult.

The adults concerned, not knowing what to do, place this terrible burden on the child. It is unacceptable to place any child in a position of judging his parents and to say which is the "better" for him. This is all the more difficult in that the child hopes to see his parents reunited again someday.<sup>33</sup> Such choice only increases the guilt of the child. This choice may even seem to the child as if he or she were killing the rejected parent.

The parents in their turn hope "to be chosen" by the child. This becomes even more difficult when the child is equally loved by two men or two women (father/stepfather, mother/stepmother). When we ask the child to choose between his parents, he does not know what to say or do. The only thing we succeed in doing is to compound his guilt. We confer on him a power which can be extremely disastrous for the child. Parents or the judicial system risk placing the child in a painful position. It can even seem to some children that they are being called upon to kill one parent, effectively excluding that parent from their lives. With whom then should the child be confided? This remains an awesome problem because, as the empirical studies show, the non-custodial parent usually is lost to the relationship with the child.

### The Needs of The Child

According to age and sex, the mother or the father will be the best choice. Before the age of 3-4, psychologists readily agree that the child should generally remain with the mother, but this is not without its problems.<sup>34</sup> It may be that such a choice is more cultural. But the fact is that custody is awarded to mothers in more than 90% of the cases.

In any case, it is society which must decide on objective criteria for placement. This is called in American law "the best interest of the child" but that must be understood in its broadest meaning after the age of four: stability, economics, traditional primary caregiver, future plans, age and sex, educational and travel advantages, role model of parents. No one has yet been able to give a satisfactory definition to this criterion.

In function of age, for example, the child will have need of one parent more than the other parent at different ages without such a choice being seen as a rejection of the other parent. These alternatives are necessary for the child in order for the child to construct his parental images and his sexual identity, particularly at the moment of adolescence.

The problem, as we have seen, is in the male-female relationship of the couple. The heart of the problem is there. This relationship is the paradigm and exemplar of love, commitment, security, man-woman relationship for the child. It is this relationship which has failed and it is this failure which is at the heart of the trauma for children in divorce. If divorce takes place, there is not much which the judicial system can do to ameliorate the situation. Even the most amicable post divorce cooperation between the divorcing couple cannot avoid the trauma. In fact, as we have seen from the empirical studies above, a divorce usually means *de facto* demise of the non-custodial parent. If these studies are borne out, we need to rethink the whole notion of visitation other than economic responsibility.

In the meanwhile, parents and judge both must intervene in the basic decision.



Once the decision is made, the non-custodial parent may see himself as inadequate but the child must be made to see that the decision was not *against* one or the other parent but *was a decision best for the child*. He must be given the reasons for this clearly and unemotionally. This does not obviate all the problems already mentioned since affective interests are such that passion obscures reason and predisposes many people to act because of their psychological sufferings.

This is why the role of the judge is important as well. He or she needs assistance from specialists in psychology but neither the judge nor parents are free from unconscious desires, needs and implications. Judges should ask themselves some basic questions as well: How do they feel about divorce? What of their own maternity-paternity? Their own sexual identity? Their relationship to their children or to children in general? How do they view the judicial process in matters of custody? These questions can be quite revealing, especially when the judge views himself as "objective" in the matter of judging facts and law. His own personal life and views can be such as to disturb, perhaps even influence, his/her role as judge.

The experiences of divorce-separation are always dangerous and traumatic for children because they find themselves exposed to the affective needs and movements of adults; they are less protected and often they are personally involved in the conflict which will affect them for years to come, perhaps for their entire lives. When parents separate, the child easily breaks down in many ways: he becomes or can become sad, aggressive, sexually promiscuous, less proficient in his school work. It is then important to speak with the child to have him verbalize what he is going through because in introducing a disunity within the child, we introduce him into a grieving process because, in losing his parental cohesion, he loses part of himself.

The child will not often have the means to express what he is feeling. His words risk being an echo of what was told him or a desire to please the one whom he is with or who has power over him. In other words, the word of a child in conflict does not necessarily come from him/her. Such a child assimilates the word coming from elsewhere in order to avoid pain or other terrible separations. This mechanism is common among children of divorce. It is not always easy for the child in conflict to speak about his interest without thinking of his parents because his psychological life depends in great part on theirs. The child should not be involved in the conflict between parents nor in their divorce. That should not be the affair of children.

But it is - hence the tragedy. To take account of the word of the child in conflict does not consist in asking him to take sides, still less to decide between two adults; rather it consists in understanding what he has need of to grow and be nourished affectively. The more we listen to the child, the more we permit him/her to speak openly and honestly about his pain and suffering, the less traumatic the divorce process. We say "less" traumatic because the trauma always remains.

When the child has to live in the very difficult situation of separation and divorce, he must stay in his place as a child and not be involved in the marital struggle. We must do all in our power to help bring this about. Only in that way can the child hope to be freed to grow affectively with a modicum of stability and mental health. But if, on the contrary, parental conflicts make him part of their

conflict, as part of their suffering, then divorce will appear to the child as the impossibility of being loved, as the inability to trust others and finally, as the inability to love himself.

### Conclusion

The conclusions from this study for attorneys who deal with divorce and family issues are limited. These empirical studies clearly indicate that the divorce from a legal perspective is only the last stage of a far greater problem: The man-woman relationship in the marriage. The attorney will generally find that the relationship has been deteriorating for some time and concomitant with that, the trauma to the children in that family as well. What the attorney can do is usually in the area of damage control so as to at least not increase that trauma for all concerned by the adversarial nature of the divorcing process.

But this does not mean that what the attorney and the judicial system can do is meaningless. On the contrary. When a couple (or party) comes to an attorney, it may well be that the parties seek help, a counselor. The attorney should examine carefully to see whether this is the case. If so, he should have at hand a list of good marriage counsellors to whom he/she can direct the parties. Attorneys have a moral obligation, it seems to me, to try and reconcile couples whenever humanly possible for the sake of the couple and above all for their children, the most innocent parties in the whole process.

Even when the relationship is over and a divorce inevitable, the Dallas experience of meditation, conciliation and/or arbitration can immensely help the couple to relate civilly and charitably for the sake of their children. Trauma is thereby not compounded, more understanding is garnered, the couple voluntarily accede to orders and decrees (which is ideal) and much cost is avoided. The more we can do to improve the relationship between the man and the woman by this process of mediation, the less trauma there will be for the children involved in divorce. But the greatest trauma to the already psychologically injured children, these studies show, is the adversarial process of the custody battle. It is therefore extremely important for the attorney to point out this clear and convincing evidence to the couple through these behavioral studies. It is imperative to convince the couple that some other form of non-adversarial process (mediation, consolation, arbitration) is to be preferred *for the sake of their children*.

From this point of view, the Dallas experiment in the mandatory consideration of non-adversarial means in all custody cases is worthy of consideration by other family courts not only in Texas but throughout the nation. In this way, all parties are fully advised of the psychological, emotional and economic costs of a full-blown custody battle. While under the Constitution such adversarial litigation cannot be forbidden, it can be discouraged by showing the couple all the human and economic costs involved in such a proceeding. Such mediation might just begin to take custody disputes out of the adversarial domain where they should never have been in the first place.

## REFERENCES

1. Stanford U. Press and National Endowment For Humanities (1991). This study joins the other empirical studies listed below but its conclusions are the same. (E. Maccoby and R. Mnookin)
2. J. Wallerstein, "The Long Term Effects of Divorce on Children" 30 *J. Am. Acad. Child Adolesc. Psychiatry* (May, 1991), 358 The whole article should be consulted as a summary of most of the empirical and behavior studies to date on the children of divorce, up to 15 years after divorce.
3. It may very well be that the wounds from divorce trauma on children are never healed, judging by the "sleeper" effect of divorce on children late in life. See Wallerstein, *Art. Cit. supra* note #1 at 358; See also the 10 year study in Wallerstein and Corbin, "Daughters of Divorce", *Am. J. Orthopsychiatry* (1989) 593-604; Kaltor, "Long Term Effects of Divorce on Children", *56 Am. J. Orthopsychiatry* (1987), 587-600.
4. Concluding her review of the behavioral and clinical studies over the past 15 years, Wallerstein observes: "The research concluded that typically, the child of divorce is a party to a continuum that begins with parents' failure to sustain love and commitment, proceeds through the emotional turmoil and dislocation of the divorce process, and continues to overshadow the years of the aftermath; that the long-term, experienced psychological consequences emerge developmentally on center stage when the young person is at the threshold of adulthood and contemplates the major life decisions of love, commitment and marriage" Wallerstein, *Art Cit., supra*, note #1, p. 354
5. Of its very nature, divorce as it affects children is rooted *aliter*. Fundamentally, children's "trauma is a product of the failure of the relationship between the man and the woman who model for the child the reliability of love and commitment." Wallerstein, *Art Cit.*, p. 350. This is extremely important for any improvement in postdivorce trauma on children. By the time couples enter the court system, it may already be too late for preventing trauma, only ameliorate it. This suggests that the trauma of divorce and its prevention must be addressed much earlier than at the judicial intervention period (church, education, media, etc.). The most enlightened divorce mediation will not reach this trauma; It can only try to pick up the pieces and expectations should not be great.
6. The problem here is that the trauma of divorce begins sometimes years before the actual divorce. By the time of divorce, children have spent years in the midst of great turmoil and feeling utterly abandoned by parents which is bound to traumatize them for life. See Block, Block and Gjerde, "The personality of Children Prior to Divorce," *57 Child Dev.* (1986) 827-840. All divorces are preceded by some form - at least - of emotional withdrawal of parents from each other. Else there would be no divorce.
7. All the studies already mentioned and those to follow are in agreement with this statement and as the number of divorces increase in our society, so will the child trauma in divorce cases also increase.
8. Block, Block and Gjerde, *Art. Cit., supra*, note #6 at 831-834.
9. "The shadow of divorce thus profoundly affects even the children of marriages that are considered stable and enduring," Wallerstein, *Art. Cit., supra*, note #2, at 351.
10. It is apparent that a significant number of children who experienced their parents' divorce at age 4 will enter their adolescence many years later under a severe handicap. The cared for, adjusted children who will enter adolescence well supported are in the great minority. See Rutter, "Psychosocial resilience and protective mechanisms", *57 Am. J. Orthopsychiatry* (1987), 316-329.
11. See note #5, *supra*
12. The studies here are so numerous that it is difficult to name a few. See Emery, *Marriage, Divorce and Children's Adjustment*. Beverly Hills, Ca., Sage. (1988); Wallerstein and Blakeslee, *Second Chances* (New Year, 1989), pp. 277-308; Glen and Kramer, "The Psychological Well-being of adult children of divorce" *47 J. of Marriage and the Family* (1985), 905-912; Glen and Shalton, "Pre-adult background variables and divorce," *45 J. of Marriage and the Family* (1983), 405-410; Hetherington, "Coping with family transitions," *60 Child Dev.* (1989), 1-14; Hetherington -Stanley - Hagen - Anderson, "Marital Transitions", *44 Am. Psychol.* (1989), 303-312; Mueller and Pope, "Marital Instability" *39 J. of Marriage and Family* (1977), 83-93; Watson, "The Children of Aramageddon", *21 Syracuse L. Rev.* (1969), 231-239, ek.
13. See the studies by Furstenberg, Morgan and Allsion, "Parental participation and children's well being after marital dissolution" *52 Am. Soc. Rev.* (1987), 695-701 The authors claim that their

studies reveal that 23% of the postdivorce fathers had no contact with their children during the previous five years and that another 20% had not seen their children during the entire previous year. Furstenberg and Nord conclude that "Marital dissolution effectively destroys ongoing relationship between children and the biological parent living outside the home in a majority of families." "Parenting Apart", 47 *J. of Marriage and Family* 893; 902 (my emphasis).

14. See note #5, *supra*

15. These are the results of two studies: Block, Block and Gjerde, *supra*, note #6; and that of Wallerstein, "Children of Divorce: repeat of a ten year follow up of early latency-age children" 57 *Am. J. Orthopsychiatry* (1987), 199-211

16. It is, of course, when these exemplars and models of love and commitment are absent and in conflict, that is directly responsible for the trauma in the children of divorce. Even after ten years following divorce, the predominant feelings of these children as they looked back over the post divorce years was: restrained sadness, remaining resentment at their parents and a wistful sense of having missed out on growing up in an intact family. See Wallerstein, *Art. Cit. supra*, note #15.

17. See note #2 *supra*, pp 208-209

18. See the six year follow up study by Hetherington and Arasteh, eds. *The Impact of Divorce, Single Parenting and Step Parenting on Children*. (Hillsdale, N.J. 1989)

19. The studies of Furstenberg *et al* show that those children who had experienced marital dissolution were significantly worse off than those who did not in almost all measurable areas. Guidubaldi's studies show the same results in school behavior, dependency, anxiety, aggression, withdrawal, inattention and loss of control. See "Differences in Children's divorce adjustment across grade level and gender" in *Children of Divorce*, eds S. Wolchick, P. Karoly (Lexington, MA: 1988), pp 185-231.

20. This is the sum of the Wallerstein studies in her 15 year study-follow up on children of divorce with J.B. Kelly, *Surviving the Breakup* (New Yale, 1980), pp 20-85.

21. See the study and follow up study in this respect of Johnson *et al*. The children he studied (100) appeared vacant, joyless and withdrawn. Particularly children who had witnessed physical aggression between the parents, there were manifestations of chaotic attitudes, suicidal pre-occupation, sudden and severe aggression, outbursts and near infantile regression. Johnson and Kleine, "Ongoing Post-divorce Conflict" 59 *Am. J. Orthopsychiatry* (1989), 576-592.

22. Mueller and Pope, "Marital Instability" 39 *J. of Marriage and Family* (1977) 83-93.

23. "The earlier view of divorce as a short-lived crisis understood within the familiar paradigm of crisis theory has given way to a more sober appraisal, accompanied by rising concern that a significant number of children suffer long-term, perhaps permanent detrimental effects from divorce, and that others experience submerged effects that may appear years later." Wallerstein, *Art Cit. supra* note #2, at 358.

24. Several researchers have formed "inter generational transmission of marital instability." That is, the children of divorce are more likely to divorce during their own adulthood than children raised in stable families. In fact, there is no evidence in these studies that the negative effects of divorce diminish with age. Glenn and Kramer found that the divorce and separation rate for white female children of divorce was 60% greater than for white females of intact families. "The marriages and divorces of the children of divorce" 49 *J. of Marriage and the Family* (1987), 811-825. See also Kalka and Weingarten, "The long term effects of parental divorce in childhood on adult adjustment," 35 *J. of Social Issues* (1979), 50-78.

25. Glenn and Kramer, *art cit. supra*, note #24 at 820-821.

26. D. Miller, "Alternative Dispute Resolution" State Bar of Texas. *Advanced Family Law Seminar* (1990), pp. mm 1-19. While the author cites the advantages of ADR in economic and psychological advantages for the divorcing couple, nothing is said there of the trauma of custody dispute on the children as a further trauma of emotional separation and the divorce itself.

27. Evidence for this is ubiquitous. Aberrational behavior is a direct cause of this feeling of guilt and shame which causes behavioral problems in children. See the study of Guidubaldi, *art cit. supra*, note #19 and references to this in each study cited in the paper.

28. The study of Johnson *et al supra*, note #21 seems to indicate as much.

29. After a 10 year study of children of divorce, almost all the young women "Confronted issues of love, commitment and marriage with anxiety, sometimes with great concern about betrayal,

abandonment, and not being loved." J. Wallerstein, *art cit.*, *supra*, notes #2, at p. 353.

30. Rutter, "Psychosocial resilience and protective mechanisms," *57 Am. J. Orthopsychiatry* (1987), 316-329. Some children use various mechanisms to deny or escape the reality and pain of divorce. Most common is the fantasy of their parents coming back together as a family again.

31. These long term effects of the broken relationship with parents - the primary exemplars of love and commitment - have only been hinted at in the above mentioned behavioral studies. There is enough evidence in these studies, however, to sustain the truth of the remarks in the text.

32. Some of the empirical studies cited *supra* tend to show that contact with the non-custodial parent is not always in the best interest of the child, particularly when there has been a contest between the parties. In fact, "the findings indicate that recommending or ordering joint custody or frequent visitation in these contested cases is contraindicated." Johnston, Klene and Tschann, "Ongoing post divorce conflict" *59 Am. J. Orthopsychiatry* (1989) p. 590.

33. This fantasy is a mechanism of denial used by the child to deal with the pain of separation and rejection. To attempt to involve the child directly in the process of choosing (and therefore "Killing off" or not choosing the other) is cruel and unproductive.

34. In all the behavioral studies we have studied *supra*, the quality of the post - divorce child's life is dependent on the relationship he or she has with the primary care giver, most often the mother. But studies have shown some problems here. For example, Kalter, using his developmental framework, has proposed that the effects of divorce on adolescent girls may be especially grave because "identifications with mother carry with them pervasive and painful sense of having been inadequate and involved in a centrally important heterosexual relationship. This dynamic is most salient when a mother herself experiences the divorce as a rejection and abandonment," Kalter, "Long term effects of divorce on Children," *57 Am. J. Orthopsychiatry* (1987) at 597. Even the most recent report by the National Commission on Children, *Beyond Rhetoric: A New American Agenda for Children and Families* (Sen. John D. Rockefeller IV Gov't Printing Office, 1991) does not come to grips with the central problem of the trauma of divorced children and the effective breakup of the family.

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