



High Conflict Child Arrangement Disputes

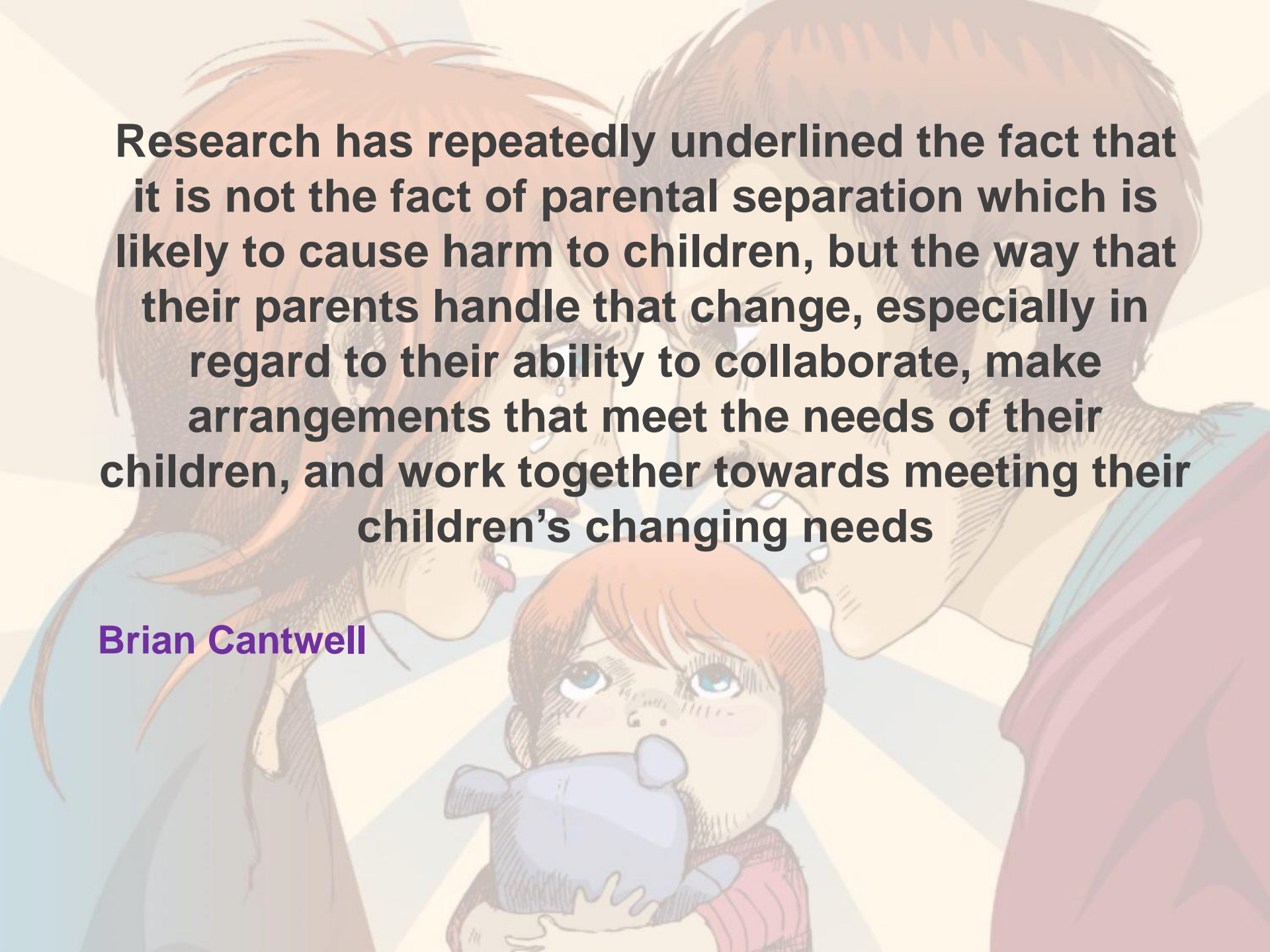
Off The Shelf Training

NIS 2016/17

- ▶ This workshop will explore:
 - ▶ The family dynamics, with focus on what it means for the child
 - ▶ '*Parental Alienation*' and how the term has come to be used
 - ▶ Consideration of the weight placed on children's expressed wishes and feelings
 - ▶ Some research background to these types of cases
 - ▶ Practice advice in managing this type of case

High Conflict Child Arrangements Disputes



A stylized illustration of a family. A woman with long brown hair is on the left, looking down at a young girl. A man with short brown hair is on the right, looking down at the same girl. The girl has short brown hair and is holding a blue stuffed animal. The background is a light yellow with faint, stylized rays of light.

Research has repeatedly underlined the fact that it is not the fact of parental separation which is likely to cause harm to children, but the way that their parents handle that change, especially in regard to their ability to collaborate, make arrangements that meet the needs of their children, and work together towards meeting their children's changing needs

Brian Cantwell

Practitioners must seek to understand the dynamic in the parental relationship prior to making recommendations and evidence this on the case file

Practitioners should understand the **risks** in the conflict and must actively consider if and how domestic abuse features

The Domestic Abuse Practice Pathway provides a structured, focused and stepped framework for assessing DA risk

Domestic Abuse Practice Pathway

Fundamentally the question is:

Is the child being exposed to domestic abuse, high conflict or both?

Risks in high conflict cases



Risk to Spending Time in High Conflict Cases

Undue influence of the resident parent over a child, against the other, with the result that the relationship between that child and the non-resident parent breaks down or is danger of breaking down



High Conflict Cases

- ▶ Typically these cases feature:
 - ▶ Breakdown of child's relationship with their Non-Resident Parent (NRP)
 - ▶ Allegations of risk or impaired parenting capacity from the Resident Parent (RP)
 - ▶ The absence of findings/evidence to the contrary has little or no effect on RP's intractable opposition to any contact between the child and the NRP
 - ▶ Expressed resistance by the child to contact with their NRP
 - ▶ Protracted proceedings – often 16.4 or Enforcement Order cases



Parental Alienation Syndrome (PAS)

This term has come to be used inappropriately. It is described as a Syndrome – a label coined in the US by Richard Gardner a psychiatrist in 1985, who coined the term to describe his clinical impressions of cases he believed involved false allegations of child sexual abuse.

However his work consisted largely of anecdotal evidence, it lacked credible research, and has no scientific evidence. Cafcass staff should be careful in using the term '*parental alienation*'



Parental Alienation

- ▶ In recent years parental alienation syndrome has been alleged in many cases where a child refuses to see a NRP and it has drifted into popular use. In some cases by a parent seeking to exercise power and control over the other
- ▶ Cafcass practitioner's should be careful using these terms, as it risks confusion. That is not to say a child cannot be alienated by one parent against another
- ▶ The key issue for the Cafcass practitioner is the impact for the child. It is the task of an FCA to determine if the RP is unduly influencing the child or acting responsibly to protect





**What is your experience of cases involving
alienation?
Consider the causes of this?**

Some Relevant Research

Typologies

Cantwell typology of parents in conflict

- ▶ **Temporarily dysfunctional** – history of good parenting, collaboration; some awareness of impact of conflict on children; some willingness to accept help
- ▶ **Significantly conflicted** – quite volatile, history of poor communication – genuinely wish resolution but find it difficult to achieve – need tight clear contracts
- ▶ **Stuck in conflict** – unconscious interest in keeping it going- great difficulty in putting children's needs first – need firm court and social work control



Stuck parents (Brian Cantwell)

- ▶ The term 'stuck' both refers to parents who have become lodged in legal proceedings for a period of time and also parents who are emotionally 'stuck' in their personal conflict
- ▶ Invariably, there are long and complicated histories in these cases that serve to explain the conflict
- ▶ Parents will often be unable or unwilling to give up conflict because it serves a purpose in terms of managing other emotional issues in their lives



How Is A Rejected Parent Like An Earthworm?

An earthworm is objectively a completely benign creature that many people happen to find disgusting. The earthworm does not have teeth or claws or venom

It cannot run or fly or swim

No one has ever been injured or killed by an earthworm

Some people are, nonetheless, so entirely terrified of the creatures that they will not leave their homes for fear of seeing one



Cognitive-behavioral Methods In High-conflict Divorce: Systematic Desensitization Adapted To Parent-child Reunification Interventions Benjamin D. Garber

A caregiver's direct instruction about the dangers of the feared object, the child's exposure to a caregiver's fears of that object, and/or the child's direct experience of danger from or associated with that object.

The child who is told that earthworms are dangerous, who sees that her mother is terrified of earthworms, and/or who associates trauma with earthworms may well become a scoleciphobe (afraid of earthworms)

Cognitive-behavioral Methods In High-conflict Divorce: Systematic Desensitization Adapted To Parent–child Reunification Interventions Benjamin D. Garber



The Chameleon Child

- ▶ Children become triangulated into their parents' conflicts due to disaffection, estrangement, and enmeshment
- ▶ These dynamics account for some children's alliance with one parent and rejection of the other

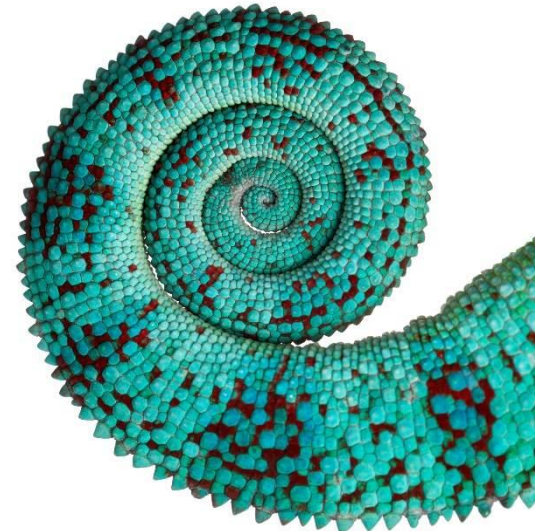
The Chameleon Child: Children as Actors in the High Conflict Divorce Drama
BENJAMIN D. GARBER

The Chameleon Child

Recognising that some children adapt, chameleon-like, to the parent they are with:

- ▶ Consider interviewing the child once while in each parent's care with special attention to whether and how the child's presentation changes, as a function of social context, can be helpful in understanding the child's views

The Chameleon Child: Children as Actors in the High Conflict Divorce Drama BENJAMIN D. GARBER



What is the developmental cost of the child's chameleon-like adaptation

As one 16-year-old put it

“ you sort of change, depending what house you're at. I don't know about other people, but I find that I'm a different person at a different house”

Children's Wishes and Feelings

Kirk Weir, child and adolescent psychiatrist, explores the reliability of some children's ascertainable wishes and feelings* He finds:

- ▶ Ascertainable wishes and feelings can't be relied upon in high conflict situations
- ▶ Research evidence which suggests, despite stated views to the contrary, most children had a positive experience where contact took place

***High-conflict contact disputes: evidence of the extreme unreliability of some children's ascertainable wishes and feelings / WEIR, Kirk Family Court Review 49(4), October 2011 pp. 788-800**



“In a study of adults who claimed to have suffered alienation from a parent during childhood some reported that as children they had felt unable to openly express a wish to see the NRP and had secretly hoped that someone else would make the decision for them (Baker, 2007).”

Discussion

How have you been able to support children in this position?

What practice wisdom can you share?



The Child's Position in High Conflict cases

- ▶ The child can experience conflicted loyalties which increase with separation, when hostility continues
- ▶ This conflict can create guilt as expressing love for one parent may feel like a betrayal of the other.
- ▶ The child can express unreasonable negative beliefs about the NRP disproportionate to their actual experience with that parent
- ▶ The child may live in an environment where the RP and wider family members e.g. grandparents and new partners, may express vociferous negative opinion of the NRP

CONTACT DISPUTE SIEVE

One parent has inflicted physical +/- or emotional abuse on the other parent +/- or child

The presence of a psychiatric disorder in the child +/- or one/both parents in the absence of significant abuse

1. Fact Finding
2. Treatment
3. Mediation

One or both parents have lost sight of the child's emotional needs (in absence of significant abuse or psychiatric disorder)

1. Expert
2. Treatment
3. Mediation

1. Contact has stopped
2. Younger children
3. Benevolent non-resident parent

1. Contact has stopped
2. Older children
3. Long history of coercive exploitative relationship &
4. Failed attempts to help

1. Change of residence
2. Therapy
3. Mediation

Some contact continuing

1. Psycho-education
2. Expert
3. Bespoke insight oriented approaches
4. Mediation

1. Punitive measures
2. Withdrawal and damage limitation

- ▶ A clinical psychologist is available every Wednesday
- ▶ To make a referral, email NIS requesting a referral form. The referral must be agreed with your Service Manager and the referral form returned no less than three days in advance of the consultation date.

Consider a Clinical Psychologist Consultation to help clarify the issues and plan the work



Working with Children in High Conflict Cases

The Child's Voice

- ▶ Where resistance to contact is inappropriate the RP may misuse the child's voice to achieve their own ends
- ▶ Practitioners must use care in their analysis of the child's wishes and feelings.
- ▶ Analysis should take account of the impact of the conflict and the difficulties they are likely to have in expressing their underlying hopes and feelings
- ▶ Observing contact can be extremely helpful and important in these circumstances. The time spent with the NRP should be sufficient to enable a meaningful meeting (at least 2hrs)



Working with the Child

- ▶ When speaking to children it is important to check they understand that the dispute is between their parents and that it is for the court and not them, to decide what is best for them.
- ▶ Scaling questions can set the scene and enable you to go on to ask what it would take to move forward.
E.g.
 - ▶ Question: “ On a scale of 1 -10 how much would you like to see your father?”
 - ▶ Answer: “2”
 - ▶ Followed up with
 - ▶ Question: “*What would need to happen to move this to a 6?*”





How is the child coping?

The extent to which the child's presentation shifts as a function of which parent is present will inform questions about how the child is coping with family stresses and will yield hypotheses about the developmental costs of those choices



Later, debriefing alone with the child after the sequence of observations is complete

- ▶ Unique opportunity to probe the child's perspective on the similarities and differences between the two parent-child dyads
- ▶ The child's experience of the co-parent relationship, and the child's means of coping with associated stresses



The Child's Word Choice.

Can provide important clues relevant to the distinction between alienation and chameleon - like adaptation.

The child whose presentation has been scripted or coached and the child who is echoing a selfish parent's thoughts about another is likely to use rote phrases and uncharacteristic language, which the child may not even understand

(Drozd & Olesen, 2004; Johnston et al., 2005).

By contrast

The child who is resonating with the resident parent's affect may struggle to put emotions into words and, when the child succeeds, will do so in words that are more clearly the child's own

This child's affect is an echo, unscripted, and in need of words

(Drozd & Olesen, 2004; Johnston et al., 2005).

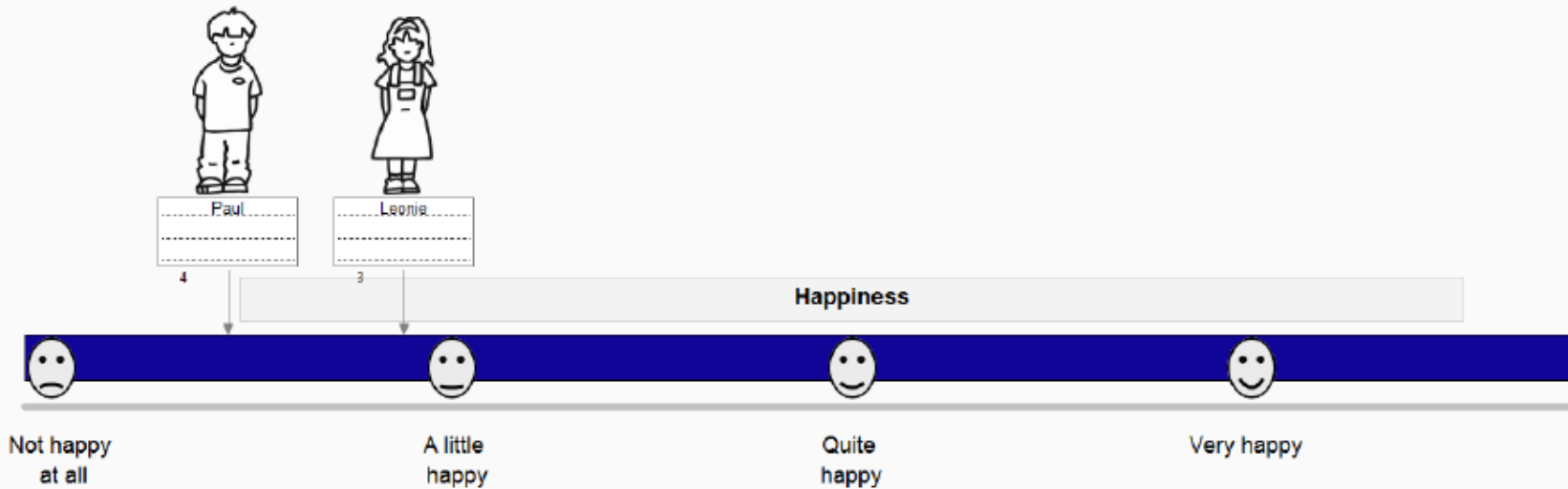
What EIP Tools help working with children?

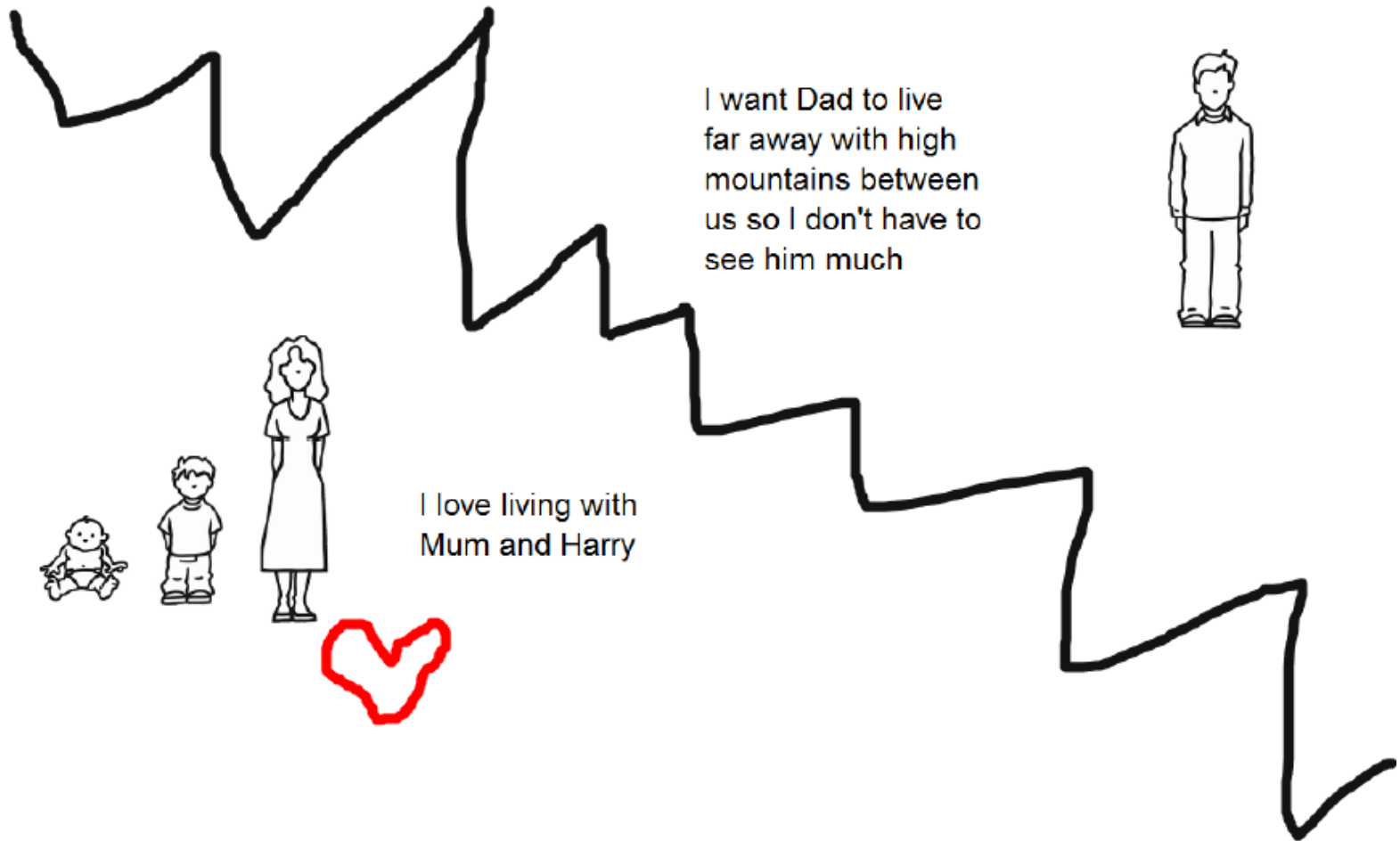
▶ Children's beliefs about parental divorce tool

A series of questions which have a yes or no answer. This tool has a scoring system which helps to identify problematic beliefs held by the child. Where a child is expressing hostile views to a non-resident parent this can help to narrow the issues.



This Much enables you to create custom scaling question templates or use some already created ones. Guidance on use can be found in MySkills





Back Drop enables you to allow the child to express their views in a variety of ways importing pictures. Guidance on use can be found on MySkills.



Working with Parents in High Conflict Cases

Working with Parents

These can be challenging and difficult cases to manage.

- ▶ The ability of a parent to see the issues from their child's perspective and understand their needs maybe undermined by their hostility to the other parent.
- ▶ Make a plan and determine your approach and identify the right tools for the case. Case planning can really help you remain clear and focused.
- ▶ Use a solution focused approach
- ▶ In TA terms practitioners should remain in the adult role (neutral and in charge)



Interviews

From each parent in separate meetings

- ▶ Hear their own individual accounts of their relationship and family history
- ▶ What might have begun well, of what went wrong, and
- ▶ What each feels they tried to do to improve the situation for the child
- ▶ Assess the insight of each parent into the impact on the child of their separation and their current dispute about contact.
- ▶ Each parent's wishes in relation to contact

Margaret DeJong and Hilary Davies

Department of Child & Adolescent Mental Health, Great Ormond Street Hospital, UK.

Questioning Style

- ▶ A conversational style often takes longer and does not result in clear information.
- ▶ Series of questions aimed at getting the facts.
- ▶ Positively framed questions usually lead to more constructive responses, which assists in identifying parental hostility.
- ▶ *“How can you help your child have a positive relationship with (NRP)?”*
- ▶ *“What might you need to do differently to support your child go to his (NRP)?”*
- ▶ *“What sort of activities does your child most enjoy?”*
- ▶ *“What would you need (NRP) to do so that you would feel comfortable with your child spending time with them?”*



What tools help when working with parents



- ▶ Tool for parental concerns about their child

5 direct questions, useful in starting to narrow the issues.

- ▶ Tool for parenting knowledge and style

This tool looks into various aspects of parenting and has a range of questions covering children from birth to adolescence. Practitioner's could consider sending this out prior to interview. It can help a practitioner determine if a parent can understand their child's needs according to their age and stage of development



Tools for use following interview to inform analysis

- ▶ Safe Contact Indicator. This tool assists the practitioner in determining if contact is likely to be safe and beneficial for the child. Some cases have an element of allegation against the non-resident parent. This tool helps to assess if such a risk needs to be considered. Safety of a child in contact is the main priority.
- ▶ Impact of parental conflict tool A really helpful tool in helping the practitioner to determine the level of a child's resistance. Usefully used following an interview to sort out practitioner's thoughts.



Case Analysis in High Conflict Cases

- ▶ Safety first. You must explicitly identify and analyse all identified risks to ensure **safe and beneficial** contact can take place
- ▶ Assess the output of the tools and interviews to identify the typology of the conflict
- ▶ Be neutral in describing and analysing each parent's position
- ▶ Consider if the child's expressed negative beliefs are in line with their earlier life experiences
- ▶ Recommendations should be in line with analysis of the case issues in the short, medium and longer term.



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- ▶ A Monitoring Order may be indicated in this type of case where contact is re-established but not embedded
 - ▶ Use and reference tools to support your analysis and recommendations

