

Prepared by Arnold Shewald PhD  
for House Judiciary Committee

**PART TWO: EXCERPTED PORTIONS FROM SEVERAL SCHOLARLY PAPERS  
AND ARTICLES REGARDING THE EFFECTS OF PARENTAL  
CONFLICT ON CHILDREN, SPECIFICALLY AS IT RELATES TO  
DIVORCE.**

**Children of Divorce**<sup>1</sup>

Daniel S. Shaw & Erin M. Ingoldsby<sup>2</sup>

Interparental conflict. Although clinicians have postulated an association between parental conflict and maladjustment in children for many years (Baruch & Wilcox, 1944; Minuchin; 1974), empirical attention to the effects of parental discord on children has increased only in the last two decade. From these recent controlled studies and from earlier reports of "broken" families, interparental conflict has been consistently identified as a major source of behavior problems in children across a wide array of family structures and settings (for reviews see Davies & Cummings, 1994; Grych & Fincham, 1990), including divorced and separated families (Hetherington et al., 1978). There is some evidence to suggest that parental conflict is the most salient influence on children's adjustment to divorce. In a recent meta-analysis, Amato and Keith (1991) compared the relative efficacy of three variables (parental absence, economic disadvantage, and parental conflict) to mediate the effects of divorce on children's adjustment. Although moderate effect sizes were found for both parental absence and economic disadvantage, parental conflict accounted for more of the negative consequences of divorce.

Studies involving between-family comparisons support the notion that separation per se is not necessarily as important to children's later development as the quality of the parents' relationship with one another. First, comparisons between two-parent and conflict-free, divorced families consistently have reported that children in the latter group have fewer emotional difficulties (Gibson, 1969; Hetherington, Cox, & Cox, 1979; McCord, McCord, & Thurber, 1962; Rutter, 1979). Second, several investigators have reported children from divorced families to experience more behavioral problems than children from families where a father has died (Douglas, Ross, Hammond, & Mulligan, 1966; Glueck & Glueck, 1950; Gregory, 1965).

---

<sup>1</sup> Originally published in the *Handbook of Prescriptive Treatments for Children and Adolescents* (1999).

<sup>2</sup> Daniel S. Shaw is the Director of the Pitt Parents and Children Laboratory and a Professor and Chair of the Department of Psychology at the University of Pittsburgh. Erin M. Ingoldsby is an Assistant Professor of Psychology at the University of Utah

## **Identifying Children's Stress-Responses to Divorce**<sup>3</sup>

Daniel Pickar, Ph.D.<sup>4</sup>

Conflict between parents is perhaps the most serious stressor a child encounters during this phase. During the initial stages of divorce, parents spend less time with their children and are less sensitive to their children's needs. In most crisis situations, parents instinctively protect their children; but in the crisis of divorce, parents are frequently preoccupied with their own problems. This diminished capacity is quite difficult for children, who often feel the most needy, sad, and anxious during the initial stages of divorce.

In the "short-term aftermath stage," which can last up to two years, the turmoil and shock of the first stage gives way to a deepening recognition of the realities of divorce. Conflict and hostility between parents continue to be common and serious sources of stress for children. Older children are frequently used by their parents as allies, pawns, or go-betweens. Many parents try to burden their children with private, adult aspects of the divorce.

---

<sup>3</sup> Originally published in *Sonoma Medicine*, volume 54, number 3 (Summer 2003).

<sup>4</sup> Dr. Pickar is a child psychologist at Kaiser Santa Rosa and in private practice.

## Personality Traits of Parents And Developmental Needs of Children in High-Conflict Families<sup>5</sup>

Philip M. Stahl, Ph.D.<sup>6</sup>

### Children's Reactions to Parental Conflict

The extent of children's reactions is dependent on many variables, including:

- the age of the child,
- the intensity and chronicity of the conflict,
- the degree of violence or fear of violence associated with the conflict,
- the degree and length of time in to which the child has been exposed to all of the conflict or just fragments of it, and
- the psychological health of the child.

In general, a history of aggression and conflict in the family has been strongly and consistently associated with emotional, behavior, and social problems in children. While children from these families have more adjustment problems than normally expected, the range for individuals is broad. Kline, Johnston, & Tschann (1991) and Johnston (1994) suggest that a good parent-child relationship can buffer children from interparental conflict. Individual characteristics of the child (e.g. a more adaptable temperament or better coping skills) may help the child be more resilient to the conflict. Johnston (1994) found that "an association between joint custody / frequent access and poorer child adjustment appears to be confined to divorces that are termed 'high-conflict'."

Very young children may be partially protected from the negative effects of conflict because they do not fully appreciate the conflict experience, but even they are susceptible to emotional distress, somatic complaints and regression in their development. Older pre-school children may be more likely to understand the conflicts and the feelings of their parents. Their reactions may include regression, confusion, sadness, low self-esteem and fear. They may avoid peer relationships and withdraw from their care-givers.

School-aged children are much more likely to have a range of reactions, starting with guilt. Children of this age often feel responsible for the conflicts of their parents. They show a greater frequency of externalizing (aggressive or delinquent) and internalizing (withdrawn or anxious) behaviors. This is a group that is highly susceptible to school problems, regression, and poor self-esteem (Johnston, Kline, & Tschann [1989]). When there is violence associated with the high-conflict, boys in particular are at risk for delinquent acting out.

Adolescents who have been exposed to conflict and violence tend to be aggressive and have multiple behavior problems, including truancy, problems with authority, and revenge-seeking behaviors. They are at risk for drug abuse, promiscuity, social alienation, delinquency, and school failure. They may attach to destructive peer groups and gangs as a substitute for the family. Internalizing adolescents may feel suicidal, emotionally constricted, and numb to the pain that they feel.

---

<sup>5</sup> This article is excerpted and adapted from Philip Stahl's books *Complex Issues in Child Custody Evaluations* (1999) and *Parenting After Divorce* (2000). It was published in the Academy of Certified Family Law Specialists Newsletter, Winter Issue, 1999, Number 3, pp. 8 - 16.

<sup>6</sup> Philip Stahl, Ph.D., ABPP (Forensic) is a licensed psychologist.

## Deconstructing the Impact of Divorce on Children<sup>7</sup>

Sol R. Rappaport<sup>8</sup>

Five factors have emerged to explain much of the variance in children's adjustment to divorce. After coping with the initial stress of the divorce, these five factors account for why some children have significant difficulty post-divorce. The divorce itself is not what causes long-term psychological difficulties for some children. Four of the five factors are associated with the divorce, while the fifth factor has to do with the individual differences of the children. The first factor is the level of conflict between the parents, the children's exposure to the conflict, and the children's perception of the parents' resolution of the conflict...

### A. Parental Conflict

One of the most studied areas of divorce is the impact of parental conflict on children. It is well documented that when children witness parental conflict, it increases the likelihood of a child's having postdivorce adjustment issues. The more intense the conflict between the parents, the more likely children are to have internalized (e.g., depression) and externalized (e.g., acting out) problems. There also is evidence, however, that it is not just witnessing conflict between parents, but being put in the middle of the conflict that causes harm. Children whose parents put them in the middle of ongoing unresolved conflict face an increased risk of difficulties postdivorce. Research shows that the type of conflict, the child's level of exposure to it, and whether the child is the focus of the conflict affects a child's postdivorce adjustment. Marital conflict that focuses on the child is more predictive of childhood adjustment problems as compared to intense conflict that is not focused on the child. More recent research indicates that it is not just the conflict the children witness or are in the middle of, but also how parents resolve their conflict.<sup>7</sup> Children whose parents argue but can resolve the conflict positively do better than children whose parents do not resolve the conflict well. Also, children's perceptions matter, irrespective of the actual conflict the children witness. While parental conflict can account for many of the postdivorce adjustment difficulties, it is not an entirely straightforward construct...

One study found that exposure to nonviolent interparental conflict increased the likelihood of a young adult having post-divorce problems related to depression and alcohol abuse, even after controlling for demographic factors...

---

<sup>7</sup> Published in *Family Law Quarterly*, Vol. 47, No. 3 (Fall 2013) p. 353–378.

<sup>8</sup> Clinical and forensic psychologist and partner in Counseling Connections, a group private practice in Libertyville, Illinois.

**EMOTIONAL DISTRESS IN CHILDREN  
OF HIGH-CONFLICT DIVORCE**

**The Impact of Marital Conflict and Violence<sup>9</sup>**

Catherine C. Ayoub, Robin M. Deutsch, and Andronicki Maraganore<sup>10</sup>

Interparental conflict has been consistently identified as a significant predictor of adjustment difficulties in children following divorce (Amato & Keith, 1991; Grych & Fmcham, 1990; Guidubaldi et al., 1986; Jacobson, 1978; Johnston et al., 1987). Multiple aspects of interparental conflict have been hypothesized as leading to poorer outcomes in children of divorced parents. First, the level of interparental conflict has been found to be associated with child development. More specifically, research has shown that as the level of interparental conflict increases, the number of emotional and behavioral difficulties that children exhibit also increase (Sales et al., 1992). This finding extends to interparental conflict occurring before the marital disruption as well as conflict at the time of and after the divorce (Amato, 1993; Jekielek, 1998). The duration of conflict has been found to be associated with the child's emotional and behavioral reaction. For example, Johnston et al. (1935) found that as the length of time parents are in conflict increases, so does the risk of behavioral and psychological difficulties for their children...

How children react to interparental conflict is unclear; there is substantial inconsistency in the research literature on this topic. For example, Johnston et al. (1987) found that children from high-conflict divorced families exhibit more externalizing (aggression, conduct disorders) problems than do children from low-conflict divorced families. A few studies did not support this conclusion. There, interparental conflict was found to be associated with internalizing (depression, anxiety) problems in children (Johnston et al., 1985). Finally, some studies have shown that children exposed to high interparental conflict display both internalizing and externalizing problems (Jaffe, Wolfe, Mlson, & Zak, 1986)...

The children of high-conflict divorce are at increased risk for psychological maladjustment, including depression and anxiety, and aggression. For the adults, marital discord is associated for a subset of people with psychiatric disorders including depression (Rutter & Rutter, 1993). Psychiatric disorder in parents, like substance abuse, has the potential to interfere with the capacity to parent effectively...

Families with high marital conflict are more likely to have children with high levels of emotional distress...

---

<sup>9</sup> Originally published in *Family Court Review*, Volume 37, Issue 3, pages 297–315, July 1999.

<sup>10</sup> Catherine C. Ayoub, R.N., M.N., Ed. D. a nurse practitioner and a licensed psychologist, is a senior staff member at the Children and the Law Program at Massachusetts General Hospital and director of psychology at the Boston Juvenile Court Clinic. She is an assistant professor at Harvard Medical School and the Harvard Graduate School of Education. Robin M. Deutsch, Ph. D., is a licensed psychologist, senior staff member and director of training at the Children and the Law Program at Massachusetts General Hospital; director of training and clinical services at the County Juvenile Court Clinic; and instructor in psychology at Harvard Medical School. Andronicki Maraganore, Ed.M., is a doctoral student in human development and psychology at the Harvard Graduate School of Education.

A broad overview of our findings reinforces prior findings in the literature (Amato & Keith, 1991; Grych & Fincham, 1990; Jekielek, 1998) that indicate the tremendous negative influence of marital conflict on the emotional well-being of the child caught in an acrimonious divorce or custody battle. The negative impact of this conflict is not diminished by the child's age and does not take a backseat to other serious problems experienced by the child, including child maltreatment, the presence of a mentally ill or substance-abusing mother, or the experience of witnessing physical violence between parents...

**DON'T FORGET THE CHILDREN:**  
**COURT PROTECTION FROM PARENTAL CONFLICT IS IN**  
**THE BEST INTERESTS OF CHILDREN**<sup>11</sup>

Milfred D. Dale<sup>12</sup>

EXPOSURE TO CONFLICT THREATENS THE BEST INTERESTS OF CHILDREN

Conflict is the enemy. Early views that divorce negatively impacts children have been replaced with more accurate notions that parental conflict is the culprit. High-conflict custody cases seriously harm the children involved. Children caught in the middle of high-conflict cases face perpetual emotional turmoil. For several decades, protecting children from conflict has been a central goal for social policy and system reform in child custody matters. The state's involvement in families post-divorce reflects its *parens patriae* obligations for protecting those most vulnerable and unable to protect themselves within the context of divorce and parental relationship dissolution. Numerous reforms have identified conflict as the enemy of children and transformed the court's role from faultfinder to that of conflict manager, settlement facilitator, or administrator of therapeutic jurisprudence...

“Conflict” is a multifaceted factor that can come at different times and from different sources. The type of conflict, the child's level of exposure to it, and whether the child is the focus of the conflict affect a child's post-divorce adjustment. For example, in many cases, pre-divorce marital conflict can be a better predictor of post-divorce adjustment than post-divorce conflict. Even when motions are filed in court, conflict has often continued to harm children. One expert commentator noted:

Entering a courthouse to ask a judge to decide a parenting plan for children communicates an inability for one or both parents to work together in the best interests of children. . . . [B]y the time most parents face a judge, one can safely assume that they have had access to many friends, family members, counselors, lawyers, parent education programs, or mediators who have told them to work out their differences. Countless people would have told them that, while they are separating as intimate partners, they will be parents forever. Many people have told them that conflict hurts children. By this stage of appearing in court, the average parent should be starting to appreciate the emotional and financial costs of litigation...

---

<sup>11</sup> Originally published in *Family Court Review*, Special Issue: Commentary on IAALS' Honoring Families Initiative: Courts and Communities Helping Families in Transition Arising from Separation or Divorce, Volume 52, Issue 4, pages 648–654, October 2014.

<sup>12</sup> Milfred D. (“Bud”) Dale is an attorney and psychologist in independent practice in Topeka, Kansas.