

## **DIVORCE**

### **Getting Kids Out Of The Cross Fire**

Heaven help those children whose separated parents are involved in a litigious parenting dispute. Not only might the children have to contend with possible sub-standard parenting as often alleged in various forms, but many children are also subject to the parental stress and anger during the process - at times very intensely expressed. Furthermore, the children may be subject to parental pressures to align with one parent and may even be placed in the untenable position of being asked to outright choose one parent over the other.

This can be disastrous for the child presently and as they grow to become adults. Children are dependent upon their parents for safety, love and security. They form their own identity in relation to both their parents. Experiencing one parent as "bad" runs the risk of sending the message that they are half bad too. As such this can undermine a child's identity and self-worth. With regard to safety, love and security and given dependence upon the parents, children can suffer anxiety if they feel their parent's well-being is threatened. *If my mom or dad is hurt, who will protect and look after me?*

Often children experience their parents stress and this wreaks havoc with their ability to concentrate and attend to the demands of school. This side effect of the parental dispute is sometimes used to support a claim of one parent as better than the other. As such, it is very important to separate issues of children's distress from necessarily being caused by one parent versus a consequence of the structural situation in which they live.

Litigation, although at times necessary, can serve to entrench parents in their position and escalate their interpersonal conflict. Throughout the volley of affidavits, parents seek to exonerate themselves from the allegations of the other while frequently intensifying their attack at the same time. *Not only am I not as bad as alleged, but s/he is even worse than I originally stated... and I can prove it.* In pursuit of proof some parents go to great lengths to enlist family, friends and other neutral third parties to proffer affidavits in support of their position. The lines get drawn and woe-be-tide for the child who doesn't adhere to the battle lines and discriminate between allies and foes. Thus, otherwise neutral turf for the child becomes tainted ground and the child's world of safe areas lessens. In these situations and again structurally, children are at greater risk of emotional harm. Likewise with the increase of emotional tension, the child's ability to function and perform appropriately can be compromised. As such,

young children who were toilet trained now soil themselves and school age children wind up diagnosed with Attention Deficit Disorder. Hence unresolved, on-going parenting disputes are intrinsically contrary to the well-being of children.

The objective when faced with contentious post separation parenting planning is to resolve matters as expeditiously as possible. Whereas some litigants delay as a strategy to develop a "status quo" in order to win their position, this at the same time prolongs a tension filled situation for children. Rather, the following is suggested as alternatives to on-going litigation in the interest of the children:

1. Whenever possible, tone down the rhetoric. Try to avoid statements that only inflame the other party. Escalation of a parent's upset or anger is seldom in a child's best interest. Spare children the emotional intensity and toxicity.
2. Consider mediation or other collaborative approaches as alternatives to litigation. These strategies are generally accessible in a more timely fashion than the courts. Further, through a mediation process, the parents minimize the risk of losing control to the will of the court. If there are clinical concerns then consider adding a trusted family counselor or family trained professional to the team for consultation.
3. If it appears that parents are still unable to find a solution outside of the courts, get an assessment as early as possible. Assessment recommendations often lead to settlement. While the assessor does not hold definitive power per se, it is known that the opinion of the assessor tends to be influential in court. With the writing on the wall and yet an opportunity to still negotiate, the assessment can be pivotal to a more timely resolution. As an added benefit, a good assessor will educate the parents on the children's issues during the assessment, which in turn can be therapeutic.

It is vital for parents, lawyers and others involved in parenting disputes to understand children's psychological vulnerability as an inherent consequence of ongoing parenting disputes. Let's get kids out of the cross fire. Consider the suggested alternatives to facilitate a quicker resolution that in turn can allow parents and children to then get on with their lives.

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