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Deconstructing the Impact of Divorce on Children

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I. Introduction

Through the news media, religious organizations, and talk shows, American culture has convinced us that divorce has short-term and long-term negative effects on children. To suggest otherwise may create discomfort. Nobel Prize winner Daniel Kahneman described limitations in thinking when he wrote that we have an "excessive confidence in what we believe we know and our apparent inability to acknowledge the full extent of our ignorance."[1] Cognitive dissonance theory suggests that if we hold a belief but are presented with information that contradicts that belief, we must remove the discomfort we feel by either altering our belief system or ignoring the new information. But what if the new information is accurate? What if divorce is not the main culprit in why some children have difficulty postdivorce?

There is a significant amount of research on the impact of divorce on children. Since the 1970s, there has been a tremendous increase in studies focusing on children's adjustment to divorce. A search of the American Psychological Association's PsycNET, a database of journal articles, dissertations, books and book chapters, yielded 203 publications using the keywords divorce, adjustment, and children from 1980 to 1989, 239 between 1990, and 1999, and 125 from 2000 to 2009. In contrast, in the 1970s there were only twenty-five citations. Most of the early studies had methodological flaws, which calls their results into question.[2] Some flaws

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1. DANIEL KAHNEMAN, THINKING FAST AND SLOW 14 (2011).

2. Richard A. Kulka & Helen Weingarten, *The Long-Term Effects of Parental Divorce in Childhood on Adjustment*, 35 J. SOC. ISSUES 50, 51 (1979).

led to inaccurate conclusions being drawn from the studies.[3] For example, many studies in connection with single parents do not distinguish between families where there was a single parent due to divorce or where there was a single parent due to death.[4] Over the last few decades, researchers have used more advanced methodologies and statistical procedures.[5] The advancement in methodologies[6] and statistical analyses,[7] combined with the proliferation of research, has led to a more accurate understanding of our knowledge of the impact of divorce on children.

Because many attorneys and judges have a limited understanding of the scientific method,[8] they have trouble evaluating whether research is of a high quality or not. This limited understanding can lead to acceptance of research results as fact, without a proper analysis of the underlying methodology. Without knowledge about science, distinguishing fact from advocacy becomes more difficult.[9] A greater understanding of the process of scientific research can lead to a more thorough understanding of how to evaluate the quality of research and the conclusions drawn from the studies.[10]

The purpose of this article is three-fold. The first goal is to help attorneys and judges gain a greater understanding of scientific research by addressing problems in earlier studies. Attorneys will be better able to assess research as it may apply to individual fact patterns. Second, current trends in the research will be presented regarding the impact of divorce on children. Science-based conclusions about the impact of divorce on children have changed over time. Specifically, it is argued that it is not the divorce itself that causes significant emotional difficulties post-divorce, but five other factors that may be present concurrent with divorce. Third,

3. Paul R. Amato, *Life-Span Adjustment of Children to Their Parents' Divorce*, 4 FUTURE OF CHILDREN 143, 144 (1994).

4. *See* Kulka & Weingarten, *supra* note 2 (reviewing problems associated with several studies).

5. *See* JOHN W. CRESWELL, HOW SAGE HAS SHAPED RESEARCH METHODS: A 40-YEAR HISTORY 16 (2009) (describing the progression of the advancement of research methodologies over several decades).

6. *See* Amato, *supra* note 3, at 145 (providing a description of changes in methodology, including the use of meta-analysis). *See also* E. Mavis Hetherington & Margaret Stanley-Hagan, *The Adjustment of Children with Divorced Parents: A Risk and Resiliency Perspective,* 40 J. CHILD PSYCHOL. & PSYCHIATRY 129, 130 (1999) (describing methodological flaws of early studies and advantages of recent studies).

7. *See* Hetherington & Stanley-Hagan, *supra* note 6 (describing the use of cluster analysis and structural equation modeling).

8. Sophia Gatowksi et al., *Asking the Gatekeepers: A National Survey of Judges on Judging Expert Evidence in a Post*-Daubert *World,* 25 LAW & HUMAN BEH. 433, 454 (2001).

9. DAVID L. FAIGMAN, LEGAL ALCHEMY: THE USE AND MISUSE OF SCIENCE IN THE LAW 54, 194 (1999). *See also* Robert F. Kelly & Sarah H. Ramsey, *Assessing Social Science Studies: Eleven Tips for Judges and Lawyers*, 40 FAM. L.Q. 367 (2006).

10. C. R. KOTHARI, RESEARCH METHODOLOGY: RESEARCH TECHNIQUES 10 (2d ed. 1990).

recommendations for attorneys and judges will be provided, including changes in the legal process that may be used to decrease the negative impact of divorce and its aftermath.

II. Better Research Design and Analysis, More Trustworthy Conclusions

The conventional wisdom is that divorce has a severe negative impact on children. This belief is prevalent and likely based on research conducted decades ago when many researchers concluded children were significantly harmed by divorce.[11] E. Mavis Hetherington, a noted researcher, stated that most researchers viewed the single-parent family as pathogenic.[12] This was at a time when researchers used less advanced methodologies. Many early studies had methodological flaws.[13] Some of the studies were qualitative in nature,[14] meaning children or their parents, usually their mothers, were asked how they felt about the divorce or how their children were coping with the divorce, but there was no quantifiable measurement of the children's responses. Based upon these qualitative answers, researchers concluded that divorce causes significant harm to children.[15] In addition to being difficult to replicate, these methodologies relied heavily upon the accuracy of the parent's reports of their children's difficulties, which may not be accurate representations of their problems.[16] Other researchers used quantitative rather than qualitative meth-

11. E. Mavis Hetherington, *Divorce: A Child's Perspective,* 34 AM. PSYCHOL. 851 (1979); Judith S. Wallerstein & Joan B. Kelly, *The Effects of Parental Divorce: Experiences of the Child in Early Latency,* 46 AM. J. ORTHOPSYCHIATRY 31 (1976); Lawrence A. Kurdek & Albert E. Siesky, Jr., *An Interview Study of Parents' Perceptions of Their Children's Reactions and Adjustments to Divorce,* 3 J. DIVORCE 5 (1979); Arthur D. Sororsky, *The Psychological Effects of Divorce on Adolescents,* 12 ADOLESCENCE 123, 134 (1977); Judith S. Wallerstein & Joan B. Kelly, *The Effects of Parental Divorce: Experiences of the Child in Later Latency,* 46 AM. J. ORTHOPSYCHIATRY 20 (1976).

12. Hetherington, *supra* note 11, at 857.

13. *See* David H. Demo & Alan C. Acock, *The Impact of Divorce on Children,* 50 J. MARRIAGE & FAM. 619, 640 (1988) (describing limitations of prior research).

14. Kurdek & Siesky, Jr., *supra* note 11, at 6; Rhona Rosen, *Some Crucial Issues Concerning Children of Divorce,* 3 (2) J. DIVORCE 19, 20 (1979); Wallerstein & Kelly, *supra* note 11.

15. Wallerstein & Kelly, *supra* note 11. Judith S. Wallerstein & Joan B. Kelly, *The Effects of Parental Divorce: Experiences of the Preschool Child,* 14 J. AM. ACAD. CHILD PSYCHIATRY 600, 615 (1975).

16. *See* Berthold Berg & Robert Kelly, *The Measured Self-Esteem of Children from Broken, Rejected, and Accepted Families,* 2 J. DIVORCE 363, 367 (1979) (discussing how parents of divorced children may identify their children as having difficulties in order to get help for themselves when the child may have no more difficulties than they did an at earlier point in time); *See also* Carolyn Moore Newberger et al., *Mothers of Sexually Abused Children: Trauma and Repair in Longitudinal Perspective,* 63 AM. J. ORTHOPSYCHIATRY 92 (1993) (finding that there was a significant discrepancy between mothers' reports of their children's symptoms and direct

ods. These researchers compared children from divorced parents to children from married parents on a variety of behavioral and emotional measures.[17] These measures assessed features such as acting out problems,[18] depression[19] and self-esteem.[20] While this methodology may be more trustworthy than the qualitative method previously described, there were limits to some of the analyses and research designs.[21] Some of these early studies did not take into account preexisting functioning of the children[22] or control for other variables, such as socioeconomic status,[23] that may better explain why children of divorce showed more behavioral or emotional problems following the divorce than children in intact families. Other studies used divorced families where a significant proportion of the parents had serious psychological difficulties.[24]

Judith Wallerstein, one of the most well-known researchers and writers on the impact of divorce on children, presents a good example of how the field began to look beyond divorce as the cause for children's adjustment problems. Wallerstein, using data from a study that began in 1971, suggested that there are long-lasting, serious problems for children of divorced families.[25] Several researchers, however, have found significant flaws in her research design and interpretation that have led to her conclusions being challenged.[26] Wallerstein and Lewis's 2004 study, based on forty-five families, has been described as stating the outcomes for chil-

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assessment of the children's functioning). *See also* Paul R. Amato, *Reconciling Divergent Perspectives: Judith Wallerstein, Quantitative Family Research and Children of Divorce,* 52 FAM. REL. 332, 333 (2003).

17. Andrew J. Cherlin et al, *Longitudinal Studies of Effects of Divorce on Children in Great Britain and the United States,* 252 AM. ASSOC. ADVANCEMENT SCI. 1386, 1387 (1991); K. Alison Clarke-Stewart et al., *Effects of Parental Separation and Divorce on Very Young Children,* 14 J. FAM. PSYCHOL. 304, 310 (2000).

18. Alison Clarke-Stewart et al., *supra* note 17.

19. E. Mavis Hetherington, *An Overview of the Virginia Longitudinal Study of Divorce and Remarriage with a Focus on Early Adolescence,* 7 J. FAM. PSYCHOL. 39, 41 (1993).

20. *Id.*; Ingunn Storksen et al., *Adolescents with a Childhood Experience of Parental Divorce: A Longitudinal Study of Mental Health and Adjustment,* 28 J. ADOL. 725, 730 (2005).

22. *See* Amato, *supra* note 3, at 143 (reviewing problems with methodology); *See* Demo & Acock, *supra* note 13, (describing methodological problems).

22. *See* Kula & Weingarten, *supra* note 2 (assessing premorbid functioning not done).

23. *Id.*; Rosen, *supra* note 14, at 19.

24. Judith S. Wallerstein & Joan B. Kelly, *Effects of Divorce on the Visiting Father-Child Relationship,* 137 AM. J. PSYCHIATRY 1534, 1535 (1980).

25. Wallerstein & Kelly, *supra* note 15; Judith S. Wallerstein & Julia M. Lewis, *The Unexpected Legacy of Divorce: Report of a 25-Year Study,* 21 PSYCHOANAL. PSYCHOL. 353, 367 (2004).

26. Amato, *supra* note 16, at 332; Andrew J. Cherlin, *Going to Extremes: Family Structure, Children's Well-Being and Social Science,* 36 DEMOGRAPHY 421, 423 (1999); Robert M. Gordon, *The Doom and Gloom of Divorce Research: Comment on Wallerstein and Lewis* (2004) 22 PSYCHOANAL. PSYCHOL. 450, 451 (2005).

dren of divorce as "doom and gloom." Wallerstein and Lewis attributed the subsequent psychological problems in the children to the divorce, rather than to the psychopathology of the parents, the trauma of the parenting, or the conflict in the marriage.[27] There are alternative hypothesis for why the children from divorced families in their study showed more difficulties than children whose parents did not divorce. A significant proportion of the parents in Wallerstein's study had serious psychological problems at the start of her study. Furthermore, there was no comparison group.[28]

Judges and attorneys need to be aware that a researcher's values and conceptualizations about divorce impact research design.[29] Much of the literature on the impact of divorce on children appears biased and "ideologically driven" towards focusing on the negative impact on children.[30] Much of the early research assumed that a two-parent family is necessary for successful socialization and that divorce is a traumatic event.[31] If researchers see divorce as a disaster for children, then their measurement strategies may be biased toward this conclusion.[32] Many researchers focus on the negative impact of divorce on children and do not assess for strengths.[33] Thus, assumptions or beliefs of the researchers about divorce impact their research design, the questions posed, and the assessments used.

Over time, researchers have used more advanced analyses and research designs when comparing children from intact families to children from families where the parents divorced.[34] Modern designs create data that lead to more reliable analyses, resulting in more trustworthy conclusions. Researchers began to better statistically control for factors that in prior research were often not considered.[35] For example, some earlier studies concluded that divorce caused children to have higher rates of emotional and behavioral problems, but failed to take into account the impact of high levels of parental conflict.[36] When parental conflict was statistically con-

27. Gordon, *supra* note 26.

28. Amato, *supra* note 16, at 333.

29. Korrel W. Kanoy & Jo Lynn Cunningham, *Consensus or Confusion in Research on Children and Divorce: Conceptual and Methodological Issues,* 7 J. DIVORCE 45, 46 (1984).

30. Demo & Acock, *supra* note 13, at 627.

31. Hetherington & Stanley-Hagan, *supra* note 6.

32. Kanoy & Cunningham, *supra* note 29, at 48.

33. Elaine Blechman, *Are Children with One Parent at Psychological Risk? A Methodological Review,* 44 J. MARRIAGE & FAM. 179, 189 (1982).

34. *See* Amato, *supra* note 3, at 144 (discussing meta-analysis); *See* Hetherington & Stanley-Hagan, *supra* note 6 (discussing the use of cluster analysis and structural equation modeling in recent research).

35. *See* Hetherington & Stanley-Hagan, *supra* note 6 (describing recent studies addressing mediating and moderating variables).

36. *See* Demo & Acock, *supra* note 13, at 619; *See* Judith Desimone-Luis et al., *Children of Separation and Divorce: Factors Influencing Adjustment,* 3 J. DIVORCE 37 (1979) (controlling of parental conflict not conducted).

trolled in studies, it became clear that much of the negative impact of the divorce on children was a result of parental conflict, or other factors, rather than the divorce itself.[37] Yet, even when a factor is statistically controlled, or when matched controls are used (e.g., a family of divorce is matched financially with an intact family, with the idea being that one can conclude differences are not in part due to financial issues), it does not mean that this factor can be entirely ruled out.[38] While these advances in design are an improvement over previous research designs, they are not infallible.

Researchers may now find different results because of changes in society. Divorce has become more socially acceptable, and children may feel less stigmatized. This, combined with it being easier to obtain help from others in similar situations, may contribute to children's being less affected by divorce now than in the past. With divorce being easier to obtain now than in the past, it is likely that couples who divorced several decades ago had more significant problems and conflict than do many divorcing families today.[39] Some of the earlier studies may have found children to have more significant problems, in part, related to problems with research design and, in part, related to differences in society when those studies were conducted.

Attorneys and judges need to understand that how researchers design and implement their study impacts the results and conclusions drawn from their data. This requires an evaluation of the methodology the researchers used before accepting the conclusions drawn. To assess whether conclusions of research are trustworthy, one must analyze the research design.[40] Methodology in research design and analysis will continue to evolve over time. As researchers have improved their methodologies over the past few decades, the result has been a better understanding of the impact of divorce on children.

37. *See* Paul R. Amato, *The Consequences of Divorce for Adults and Children,* 62 J. MARRIAGE & FAM. 1269 (2000); *See* Joan B. Kelly & Robert E. Emery, *Children's Adjustment Following Divorce: Risk and Resilience Perspectives,* 52 FAM. REL. 352 (2003).

38. Blechman, *supra* note 33, at 181.

39. Amato, *supra* note 3, at 149 (discussing that as divorce became more common, adults' attitudes toward divorce are more accepting and, as a result, children feel less stigmatized. In addition, the social and legal barriers to divorce were greater in the past and, thus, those who divorced decades ago likely had more serious problems and higher conflict prior to separation. Also, divorce was likely more acrimonious prior to no-fault divorces being allowed. As a result, children of divorced parents may have been exposed to more problematic family systems than many are today).

40. KOTHARI, *supra* note 10.

III. The Impact of Divorce on Children

Trends in the research suggest that several conclusions can be drawn regarding the impact of divorce on children. First, divorce and the changes associated with it are stressful to parents and children.[41] If the stressors are not compounded by ongoing or new stressors, children are able to cope and adapt.[42] Recent researchers report that initially children of divorced families do have more emotional and behavioral problems than children from high-conflict, nondivorced families[43] This is a function of stress related to the initial divorce.[44] As the stressors decrease and children adjust to the changes in their lives, however, children's difficulties decrease. In fact, as children adjust to the divorce, they do better as compared to children of high-conflict, nondivorced families.[45] When divorce involves a move that lowers stress, these children appear as well adjusted as children in intact families, who were not subjected to high levels of conflict, and they appear better in some areas than children in high-conflict families where the parents remain married.[46] Current trends in the research supports the notion that divorce causes an increase in stress with a short-term negative impact on children's functioning.[47] This does not mean, however, that children will have long-term psychological difficulties.

Second, while children may be impacted long-term by divorce,[48] much of the literature suggests that most children do not have long-term psychological difficulties[49] and most children adjust and cope reasonably well.[50] In fact, most children of divorce are not distinguishable from their peers whose parents did not divorce in regard to behavioral and emotional difficulties.[51] Only 25% of children whose parents divorce have serious long-term problems in adulthood (10% of children whose parents remain married have long-term problems).[52] Thus, 75% of children of divorce do not have more emotional or behavioral problems than most peers from

41. Amato, *supra* note 3, at 147; Kelly & Emery, *supra* note 37.

42. Hetherington & Stanley-Hagan, *supra* note 6.

43. *Id.* (reviewing studies showing this effect).

44. Amato, *supra* note 37; Paul R. Amato, *Research on Divorce: Continuing Trends and New Developments,* 72 J. MARRIAGE & FAM. 650, 656 (2010).

45. Hetherington & Stanley-Hagan, *supra* note 6, at 133.

46. *See* Hetherington & Stanley-Hagan, *supra* note 6 (summarizing the research supporting this).

47. *See* Amato, *supra* note 37 (reviewing the research on stress and divorce).

48. Kelly & Emery, *supra* note 37, at 359.

49. *Id.* at 357 (summarizing studies indicating that most children of divorced parents are not different from their peers whose parents remained married).

50. EILEEN MAVIS HETHERINGTON & JOHN KELLY, FOR BETTER OR FOR WORSE: DIVORCE RECONSIDERED 149 (2003).

51. *See* Kelly & Emery, *supra* note 37, at 352 (summarizing research on impact of divorce).

52. HETHERINGTON & KELLY, *supra* note 50, at 150.

nondivorced families. Of the 25% who do have difficulties, it is argued that their difficulties are not solely due to divorce, but rather to factors associated with the divorce. One study found that children whose parents divorced were at risk for having problems post-divorce, but that by age twenty-three, there was not much difference between them as compared to other adults whose parents remained married.[53] Specifically, 11% of children whose parents divorced scored in the clinical range for mental health problems at age twenty-three, whereas only 8% of children scored in this range whose parents remained married; overall, a fairly small difference. This suggests that children of parents who divorced do not have a much higher frequency of mental health problems than their nondivorced counterparts. Overall, the majority of children of divorce fall in the normal range on measures of psychological and cognitive functioning.[54]

Third, while children of divorce do not necessarily have more long-term psychological difficulties than children from nondivorced families, it does not mean that they are not impacted by the divorce. Two researchers state that, "painful memories and experiences may be a lasting residue of the divorce."[55] They add that, "it is important to distinguish pain or distress about parental divorce from longer term psychological symptoms or pathology. Clearly, divorce can create lingering feelings of sadness, longing, worry, and regret that coexist with competent psychological and social functioning."[56] Some authors have compared this to children who lose a parent.[57] Children who lose a parent may feel they missed out by not having a parent available to them, but it does not mean they will grow up with serious psychological difficulties. Many college students reported painful memories and feelings about their parents' divorce, but also reported having few psychological symptoms.[58] Not having psychological difficulties as a result of divorce does not mean that children are not impacted by the divorce long-term. While most college students cope well with divorce, it does not mean that they do not feel their childhood was the same as their nondivorced peers.

Five factors have emerged to explain much of the variance in children's

53. P. Lindsay Chase-Lansdale et al., *The Long-Term Effects of Parental Divorce on the Mental Health of Young Adults: A Developmental Perspective,* 66 CHILD DEV. 1614 (1995).

54. *See* Mary F. Whiteside & Betsy Jane Becker, *Parental Factors and the Young Child's Postdivorce Adjustment: A Meta-analysis with Implications for Parenting Arrangements,* 14 J. FAM. PSYCHOL. 5 (2000) (reviewing prior studies and using meta-analysis of prior studies to draw conclusions); Lisa Laumann-Billings & Robert E. Emery, *Distress Among Young Adults from Divorced Families,* 14 J. FAM. PSYCHOL. 671, 678 (2000).

55. Kelly & Emery, *supra* note 37, at 359.

56. *Id.*

57. *See* Amato, *supra* note 3, at 144 (reviewing research and discussing the impact of parental death on children and its similarities to divorce).

58. Laumann-Billings & Emery, *supra* note 54.

adjustment to divorce. After coping with the initial stress of the divorce, these five factors account for why some children have significant difficulty postdivorce. 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. The next factor is the mental health of the parents. The third factor is the involvement of the nonmain caregiver. Fourth is the financial impact divorce has on the family. The fifth factor is the children's own perception or appraisal of external events. Two different children may appraise their parents' arguing differently, and, as a result, respond to their parents' behavior differently.[59] The remainder of this section will focus on these five factors.

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.[60] 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.[61] 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.[62] More

59. *See* E. MARK CUMMINGS & PATRICK T. DAVIES, MARITAL CONFLICT AND CHILDREN: AN EMOTIONAL SECURITY PERSPECTIVE 1 (2011) (reviewing research and describing the impact of children's appraisal of events).

60. *See* Marsha Kline Pruett et al., *Family and Legal Indicators of Child Adjustment to Divorce Among Families with Young Children,* 17 J. FAM. PSYCHOL. 169, 176 (2003) (reviewing the studies showing the impact of conflict and their results from the current study support this).

61. *See* CUMMINGS & DAVIES, *supra* note 59 (reviewing prior studies). *See also* Patrick T. Davies & E. Mark Cummings, *Marital Conflict and Child Adjustment: An Emotional Security Hypothesis,* 116 PSYCHOL. BULL. 387 (1994) (reviewing eleven studies on the impact of marital conflict).

62. Joan B. Kelly, *Children's Adjustment in Conflicted Marriage and Divorce: A Decade Review of Research,* 39 J. AM. ACAD. CHILD & ADOL. PSYCHIATRY 963 (2000). *Id.* (reviewing research on the impact of conflict focused on children).

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.[63] Children whose parents argue but can resolve the conflict positively do better than children whose parents do not resolve the conflict well.[64] Also, children's perceptions matter, irrespective of the actual conflict the children witness.[65] While parental conflict can account for many of the postdivorce adjustment difficulties, it is not an entirely straightforward construct.

Parental conflict also tends to be associated with other problems. For example, parental conflict can be a precursor to poorer parent-child relationships and, after divorce, is associated with less discipline.[66] Intense and persistent marital conflict undermines parenting, and hostile parenting styles can lead to more social, emotional, and behavioral problems in children and adolescents.[67] One study found that parental acceptance and discipline were most affected by high levels of conflict. This association was stronger for middle childhood children and adolescents than younger children.[68]

One researcher reported on a number of studies comparing mothers in low-conflict marriages to mothers in high-conflict marriages.[69] Mothers in high-conflict marriages were less empathic and warm to their children, were less affectionate, were harsher and more coercive in their discipline, and were more rejecting. In high-conflict marriages, fathers were more likely to withdraw from parenting and from their children. Fathers' interactions with their kids tended to be more intrusive and insensitive. Also, levels of interparental conflict have been found to be associated with parental depression. Higher levels of interparental conflict may result in increased parental depression, which, in turn, may negatively impact the children.[70] Interparental conflict that results in parental depression may

63. *See* CUMMINGS & DAVIES, *supra* note 59 (reviewing prior studies).

64. *Id.* (reviewing prior studies and explaining their results).

65. *See id.*

66. *See* Kelly, *supra* note 62, at 963 (reviewing research on the impact of conflict focused on children and mediating variables).

67. *See* Joan B. Kelly, *Risk and Protective Factors Associated with Child and Adolescent Adjustment Following Separation and Divorce in* PARENTING PLAN EVALUATIONS: APPLIED RESEARCH FOR THE FAMILY COURT 49 (Kuehnle & Drozd eds., 2012) (reviewing research on the impact of conflict on parents' functioning and its relationship to child outcomes).

68. Ambika Krishnakumar & Cheryl Buehler, *Interparental Conflict and Parenting Behaviors: A Metal-analytic Review,* 49 FAM. REL. 25, 30 (2000).

69. *See* Kelly*, supra* note 67 (reviewing research on the impact of conflict on parents' functioning and its relationship to child outcomes).

70. Katherine H. Shelton & Gordon T. Harold, *Interparental Conflict, Negative Parenting, and Children's Adjustment: Bridging Links Between Parents' Depression and Children's Psychological Distress,* 22 J. FAM. PSYCHOL. 712, 720 (2008).

limit a parent's ability to be responsive to the children.

The research is mixed as to the type of problems that result from high levels of conflict. Studies have found varying effects of parental conflict post-divorce on children. 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.[71] Other studies have found some differential effects based on the child's age and gender,[72] but there are not consistent findings in this area. It also is likely that there are a number of variables that impact how conflict may affect boys and girls differently, as well as older and younger children. For example, Amato and Rezac hypothesized that children's contact with nonresident fathers would decrease child behavior problems when interparental conflict is low, but would increase the behavior problems when conflict is high.[73] Their results gave support to this hypothesis for boys, but not for girls. Another study found that parental warmth postdivorce had a positive impact on reducing the incidence of a child's externalizing problems. However, the relationship between mother and child warmth and the child's internalizing problems varied as a function of parental conflict and the warmth between the child and the other parent.[74] Thus, research findings are at times inconsistent because various moderating variables are used in different studies. A variety of factors impact children beyond interparental conflict, including a child's own appraisal of the conflict.[75] Some studies take some of these related issues into account, while others do not and reach different conclusions. This leads to an apparent inconsistency that does not exist. For example, if a study controls for parental conflict and finds that children of divorced parents do not differ from children of married parents, and another study does not control for parental conflict and finds that children of divorce have more behavioral problems than children of married parents, it may appear that there is conflicting research. Paying close attention to the methodology will help clarify apparent inconsistencies. In fact, these types of studies show the complexity of how children are impacted by factors related to the divorce and not just

71. Heather A. Turner & Kathleen Kopiec, *Exposure to Interparental Conflict and Psychological Disorder Among Young Adults,* 27 J. FAM. ISSUES 131 (2006).

72. *See* Krishnakumar & Buehler, *supra* note 68 (reviewing prior research and summarizing their meta-analytic results); Paul R. Amato & Sandra J. Rezac, *Contact with Nonresident Parents, Interparental Conflict, and Children's Behavior,* 15 J. FAM. ISSUES 191, 203 (1994).

73. Amato & Rezac, *supra* note 72.

74. Irwin Sandler et al., *Effects of Father and Mother Parenting on Children's Mental Health in High- and Low-Conflict Divorces,* 46 FAM. CT. REV. 282, 291 (2008).

75. *See* CUMMINGS & DAVIES, *supra* note 59 (reviewing the influence and impact of children's perceptions of parental behavior).

the divorce itself. It also demonstrates the need for future research to continue to decipher all of the different variables that impact children post-divorce and how much each contributes to post-divorce adjustment.

It is not just direct conflict post-divorce that creates problems for children. Some studies have found that marital conflict predivorce is a better predictor of post-divorce adjustment than post-divorce conflict.[76] Overall, there is a high level of consistency in the finding that parental conflict pre- and post-divorce that puts the children in the middle increases the likelihood that a child will have post-divorce adjustment difficulties. Research has shown that exposure to high levels of parental conflict negatively impacts children's internalized and externalized behaviors,[77] shame,[78] social skills, and distress.[79] One can conclude that as the level of conflict that children witness (pre- and post-divorce) and their involvement in the conflict increases, there is an increased likelihood of post-divorce internalized and externalized adjustment problems.

B. Parent's Mental Health/Parenting Style

A second consistent finding in the research, and one that helps explain why children whose parents divorce may have more difficulties than parents who remain married, is related to their mental health and parenting style. Divorce is stressful[80] and parents often find they have less support immediately following the divorce.[81] They are adjusting to the changes that have occurred. Parents often have to redevelop a sense of who they are and learn to balance work, family, and social needs in a new manner. Some parents may be returning to the work force for the first time in years, while others find they need to work more to pay the bills. Parents who are angry about the divorce, the change in their lifestyle, and are stressed and overwhelmed, are more likely to have difficulty parenting their children and monitoring them.[82]

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76. Alan Booth & Paul R. Amato, *Parental Predivorce Relations and Offspring Postdivorce Well-Being,* 63 J. MARRIAGE & FAM. 197, 210 (2006); Marsha Kline Pruett et al., *The Long Shadow of Marital Conflict: A Model of Children's Postdivorce Adjustment,* 53 J. MARRIAGE & FAM. 297, 305 (1991).

77. Cheryl Buehler et al., *Interparental Conflict Styles and Youth Problem Behaviors: A Two-Sample Replication Study,* 60 J. MARRIAGE & FAM. 119, 125 (1998).

78. John H. Grych & Frank D. Fincham, *Children's Appraisals of Marital Conflict: Initial Investigations of the Cognitive-Contextual Framework,* 64 CHILD DEV. 215, 227 (1993).

79. *See* Davies & Cummings, *supra* note 61 (reviewing the impact of conflict on children's distress).

80. Hetherington, *supra* note 19.

81. Amato, *supra* note 37, at 1272.

82. E. Mavis Hetherington, *Presidential Address: Families, Lies and Videotapes,* 1 J. RES. ADOLESCENCE 32, 3233 (1991).

During the first two years post-divorce, parents may have deterioration in their parenting which can negatively impact their children.[83] One researcher found that one year post-divorce mothers were more inconsistent in their discipline than nondivorced mothers. Given that studies often include children whose parents have divorced in the past two years, it is not surprising that children of divorce are reported to have more difficulties than children whose parents remain married. Furthermore, it is vital to note that most studies are cross-sectional in nature, which means that one cannot assume causality.[84] That is, the results are typically correlational in nature, showing an association between factors, but that does not mean they are causally linked.

Children whose parents have authoritative parenting styles, characterized by warmth, supportiveness, and appropriate limit-setting and control, have fewer difficulties than children of parents with an authoritarian or permissive parenting style. Parents' parenting style post-divorce is related to child outcomes. For example, one study found in its meta-analysis that authoritative parenting was positively associated with children's academic success and negatively related to externalized and internalized problems.[85] One year later, other researchers also published results of a meta-analysis showing that authoritative parenting styles for fathers were associated with better child functioning.[86] Parenting style and parenting skills are clearly risk factors or buffers that can impact how children cope with divorce. Others found that parents of to-be-divorced families, that is, families not yet divorced, but eventually divorced, had more difficulties in child-care practices before the divorce than parents who did not divorce.[87] One study states that parents who divorce may have more difficulty in their relationships with their children because marital discord may distract parents, as well as cause them to be preoccupied and less emotionally available to their children.[88] Conversely, others found mothers who encouraged their children's academic skills helped mediate the negative impact of family transitions and that, generally, effective parenting mediated the impact of family transitions on children's emotional adjustment

83. *See* E. Mavis Hetherington et al., *What Matters? What Does Not? Five Perspectives on the Association Between Marital Transitions and Children's Adjustment,* 53 AM. PSYCHOL. 167 (1998).

84. *See* Amato, *supra* note 3.

85. Paul R. Amato & Joan G. Gilbreth, *Nonresident Fathers and Children's Well-Being: A Meta-analysis,* 61 J. MARRIAGE & FAM. 557, 568 (1999).

86. Whiteside & Becker, *supra* note 54, at 21.

87. Daniel S. Shaw et al., *Parental Functioning and Children's Adjustment in Families of Divorce: A Prospective Study,* 21 J. ABNORMAL CHILD PSYCHOL. 119, 131 (1993).

88. Paul R. Amato & Alan Booth, *A Prospective Study of Divorce and Parent-Child Relationships,* 58 J. MARRIAGE & FAM. 356, 363 (1996).

and acting out behavior.[89] Part of the reason for some children having more problems after the divorce may be related to their parents' style of parenting, pre- and post-divorce. At the same time, good parenting practices can help moderate some of the potential negative impact of divorce-related issues.

A parent's mental health, particularly for mothers, has been shown to be related to the children's functioning. It has been well documented that maternal depression is linked to increases in children's internalized and externalized problem behaviors.[90] One of the reasons mothers are often studied is because they are often the main caregivers for children. This does not mean that paternal depressive features do not impact children. Both paternal and maternal depression has been linked with negative childhood outcomes. However, the reason for the negative impact may be different for mothers than fathers. There is evidence that maternal depressive symptoms affect children's internalized symptoms through problematic parenting, whereas paternal depressive symptoms contribute to parental negativity, which contributes to maternal negative parenting. The end result is that parental depression can increase in child internalizing problems.[91] While it is clear that children whose parents are depressed are at risk for increased problems, those problem may be related to depressed mothers' difficulties in parenting. This same study also found that a father's negative parenting impacted children's asthma activity. While mothers' depressive features impact children, fathers' behaviors impact them as well, although it may not always be in the same manner.

As described above, parents with mental health problems often demonstrate poorer parenting. It is not the diagnosis that causes the problems, but the impact the disorder has upon parenting. One study found that maternal psychological symptoms were the best predictor of negative changes in the mother-child relationship.[92] Interestingly, this study found that the best predictor of a negative change in the father-child relationship was parental conflict. The results showed that negative changes in each parent's relationship with their child was predictive of greater externalizing and internalizing problems in young children. A subsequent study

89. Charles R. Martinez, Jr., & Marion S. Forgatch, *Adjusting to Change: Linking Family Structure Transitions with Parenting and Boys' Adjustment,* 16 J. FAM. PSYCHOL. 107, 115 (2002).

90. *See* Kristin Turney, *Chronic and Proximate Depression Among Mothers: Implications for Child Well-Being,* 73 J. MARRIAGE & FAM. 149, 150 (2011) (reviewing research on the impact of maternal depression on children).

91. Jung Ha Lim et al., *Effects of Paternal and Maternal Depressive Symptoms on Child Internalizing Symptoms and Asthma Disease Activity: Mediation by Interparental Negativity and Parenting,* 25 J. FAM. PSYCHOL. 137, 144 (2011).

92. Pruett et al., *supra* note 60, at 176.

found that higher levels of paternal and maternal depression were associated not only with marital conflict, but also with less parental warmth, more psychological control in parenting, and higher levels of externalized and internalized symptoms.[93]

Children whose parents divorce are at an increased risk for problematic behaviors. The divorce itself, however, does not cause these difficulties; rather, factors related to the divorce account for these outcomes. Interparental conflict, as well as parenting styles and mental health can negatively impact children. In summary, a parent's mental health impacts children. The research suggests that problems in a mother's mental health have a greater negative impact on children than their father's mental health. This is likely because most studies include children that primarily reside with their mother and, thus, are exposed to their mother and her problems more. It is likely that, in families where fathers are the main caregiver for the children, it would be fathers' mental health that would have a greater negative influence on children than their mothers' mental health. At the same time, it is clear that parents' mental health impacts children as a result of deterioration in parenting and exposure of children to conflict and these issues impact how involved the children are with their parents. The mental health of the parents is one of the main factors that impacts children directly and indirectly post-divorce.

C. Father Involvement

Father involvement with his children post-divorce is one of the more heavily researched areas in the past two decades.[94] Father involvement, rather than mother involvement, is often a focus of research since most children post-divorce live primarily with their mothers and questions frequently focus on how much to involve the nonresidential parent. If society was different and most children lived with their fathers post-divorce, then understanding the impact of mother's involvement would likely be a main focus. The importance of father involvement is not meant to suggest or minimize the important role of the mother. Rather, there is a great deal of research on how children function post-divorce when they live primarily with their mother. Because this is still the standard in our society, it is not typically considered a separate topic. On the other hand, father involvement is. Unfortunately, early research often had poor

93. E. Mark Cummings et al., *Towards a Family Process Model of Maternal and Paternal Depressive Symptoms: Exploring Multiple Relations with Child and Family Functioning,* 46 J. CHILD PSYCHOL. PSYCHIATRY 479, 482 (2005).

94. Robert D. Harris, *A Meta-analysis on Father Involvement and Early Childhood Social-Emotional Development* (2010), steinhardt.nyu.edu/opus/issues/2010/spring/father_childhood_development.

research designs and did not differentiate well between different types of father involvement.[95] For example, early studies did not differentiate well between the effects of different amounts of father involvement. Some studies simply assessed children's adjustment and sought to determine how it correlated with frequency of visits without considering length of visits.[96] A father who saw his children three times each week, even if it was just for dinner, was considered to have more visits and to be more involved than a father who saw his children one to two times each week, but each time included one to two overnight stays. Early studies failing to adequately define father involvement make the results of these studies less useful and trustworthy.

Recent studies have improved research designs. These studies have done a better job of defining parenting time in a manner that is more consistent with a parent's actual involvement. Researchers have increased their controlling of other variables, such as parental conflict and parental mental health. These changes have led to recent studies being of higher quality with results that can be more readily understood and applied. These studies have found the amount and type of father involvement can have a significant impact upon children post-divorce. Overall, the studies show that when fathers are actively engaged with their children in a positive manner and have sufficient time with them post-divorce, children are likely to do better.[97]

Two questions are often asked regarding father involvement. Does the amount of time matter? Or, is it the quality of the parent-child relationship and paternal parenting? The answers are yes and yes. While some studies have found that the amount of time is not related to childhood outcome,[98] other studies indicate it is.[99] When the studies are viewed as a whole, the following conclusions can be drawn: First, without an adequate amount of parenting time, it is difficult to develop and maintain a positive parent-child relationship. Parenting time is a necessary, but not sufficient, condition related to adjustment for children post-divorce. Second, if adequate parenting time is given and fathers are actively involved in their children's

95. *See* William F. Fabricius et al., *Custody and Parenting Time: Links to Family Relationships and Well-Being After Divorce*, *in* THE ROLE OF THE FATHER IN CHILD DEVELOPMENT 201 (Lamb ed., 5th ed. 2010).

96. *See* Joan B. Kelly, *Children's Living Arrangements Following Separation and Divorce: Insights from Empirical and Clinical Research,* 46 FAM. PROCESS 35, 44 (2006) (describing problems with using frequency of parenting time, rather than amount of parenting time, to determine parental involvement).

97. *See* Fabricius et al., *supra* note 95 (reviewing research on the impact of parental involvement for children).

98. Amato & Gilbreth, *supra* note 85, at 557.

99. *See* Fabricius et al., *supra* note 95 (reviewing meta-analysis by Amato and other studies).

lives in a positive manner, this may ameliorate some of the possible negative effects found in children post-divorce.

Fathers who are actively involved with their children post-divorce have children who are more likely to flourish in a variety of ways. A meta-analysis of sixty-three studies found that children who had a positive and close relationship with their fathers benefitted from this relationship. Specifically, when fathers were actively involved by helping with homework, school projects, and providing authoritative parenting, children did better, not just emotionally and behaviorally, but also academically when compared to children whose fathers were not as involved.[100] Another recent study found that adolescents with weak ties to their mothers showed fewer externalizing problems and were less likely to act out at school if they had strong ties to their nonresident father than if they had weak ties to both parents.[101] There is a strong basis to argue that if a nonresident parent can provide authoritative parenting and is actively involved in their children's lives, it helps children adjust post-divorce. This does not mean that every child will benefit from having a more involved father. Abusive and/or neglectful fathers that exhibit significant deficits in parenting may not help children do better post-divorce and, in fact, may contribute to their children having more problems post-divorce.

Children and adolescents frequently report wanting to be actively involved with their fathers. One early study found the majority of children reported the loss of involvement of the nonresident parent was the most negative aspect of the divorce.[102] More recent studies report similar findings. In an assessment of over 800 college students approximately ten years after the divorce, researchers found many wished they had more time with their fathers.[103] Seventy percent said they would have preferred an equal time schedule. Also of interest, 93% of children who had a shared-parenting arrangement indicated it was the best for them. Three years later, data showed that as children increased their feelings of closeness with their father post-divorce (which was also associated with their increased time with them), there was no decrease in their feelings of closeness to their mother.[104] As their time with their father increased up to 50%, there was a decrease in their level of anger toward their father. Interestingly, there was no relationship between these changes and their

100. Amato & Gilbreth, *supra* note 85, at 569.

101. Valarie King & Juliana M. Sobolewski, *Nonresident Fathers' Contributions to Adolescent Well-Being,* 68 J. MARRIAGE & FAM. 537 (2006).

102. *See* Kelly, *supra* note 96, at 43 (reviewing studies supporting this claim).

103. William V. Fabricius & Jeff A. Hall, *Young Adults' Perspectives on Divorce Living Arrangements,* 38 FAM. & CONCILIATION CTS. REV. 446 (2000).

104. William V. Fabricius, *Listening to Children of Divorce: New Findings that Diverge from Wallerstein, Lewis, and Blakeslee,* 52 FAM. REL. 385, 389 (2003).

level of anger toward their mother. As children spent more time with their father and were less angry toward them, there was no increase in anger toward their mother. Overall, when a parent has a child living with them most of the time, increasing the parenting time for the other parent up to 50% is not related to any risk of harm to the first parent's relationship with their child. In fact, increasing the less involved parent's parenting time is correlated with improvements in that parent's relationship with the child with no change in the residential parent's relationship with the child.[105]

Finally, research indicates that when fathers are more involved with their children, they are more consistent in providing financial support to their children. The reasons for this connection are unclear. It may be that parents who pay more support are more likely to be involved with their children, or that those parents who are more involved are more willing to pay support. There may also be some unknown other factor that might explain the association.[106] Increasing children's finances has other benefits to them besides more money.

D. The Financial Impact of Divorce and Its Effect on Children

When parents divorce, they are forced to create two households with often no change in income. There are two mortgages or rent payments, two sets of electric, gas, cable and water bills. Inevitably, many intact families find it hard to survive on two incomes. Thus, the increased financial pressures of supporting two separate households postdivorce (plus paying legal bills) adds to parental stress. One study found that in America approximately 55% of separated or divorced women with children under the age of six live below the poverty line.[107] A more recent study found that approximately one fifth (21.5%) of custodial mothers who divorced in the prior twelve months live in poverty—and living with them are children of all ages, not just children under the age of six, as compared to 10.4% of married women. This is almost twice as high as the overall poverty rate.[108] Separating or divorcing mothers are 2.83 times more likely to be below the poverty line than those that remain married.[109]

105. *See* William V. Fabricius et al., *Parenting Time, Parent Conflict, Parent-Child Relationships, and Children's Physical Health in* PARENTING PLAN EVALUATIONS 188 *(*reviewing his previous studies and others*).*

106. Paul R. Amato et al., *Changes in Nonresident Father-Child Contact from 1976 to 2002,* 58 FAM. REL. 41, 50 (2009).

107. Jay D. Teachman & Kathleen M. Paasch, *Financial Impact of Divorce on Children and Their Families,* 4 CHILDREN AND DIVORCE 63, 64 (1994).

108. *Marital Events of Americans:* 2009 U.S. Census Bureau 9 (2011).

109. Patrick F. Fagan et al., *Marriage and Economic Well-Being: The Economy of the Family Rises or Falls with Marriage,* Marriage & Religion Research Institute Executive Summary 2 (2011).

Furthermore, following divorce, the parent with custody experiences a significant decrease in family income.[110] Clearly, parents have much fewer financial resources available to them immediately after the divorce. The increased stress that this creates adds to a parent's feelings of being overwhelmed by all that is occurring.

Parents often cannot survive on their decreased income and often have to work more. This results in children of divorce spending more time in day care and being less likely to be taken care of by their father when their mother is at work.[111] Part of the negative impact some children experience following their parents' divorce is a result of the added financial strain on parents and a decrease in parental supervision and involvement. Not only must parents work longer hours, but also children may have less opportunities for activities due to limited family resources to pay for them. Results from the National Institute of Child Health and Human Development study of early childcare lend support to the significant impact economics have upon children post-divorce.[112] This study consisted of more than 1,200 children, ages zero to three from intact, never married, separated, and divorced families. One aspect of the study, which included 340 families, assessed how children were functioning at fifteen, twenty-four, and thirty-six months of age. The results showed significant differences between children of divorced parents and those of intact families.[113] When family income and maternal education were statistically controlled, however, children from separated or divorced families performed no worse than children from intact families at the age of thirty-six months. Even at fifteen and twenty-four months of age, differences in social ability, behavioral problems, and positive and negative behavior with the mother were significantly reduced when maternal education and family income were statistically controlled. Cognitive functioning at fifteen and twenty-four months was the main variable that was still significant at these ages, even after maternal education and family income were controlled. The divorced parents in this study divorced prior to their child being thirty-six months of age. It is likely that the negative impact on cognitive functioning of children at the ages of fifteen and twenty-four months is more related to the divorce being more recent and to the significant changes the children were undergoing at the time.[114] It should also

110. *See id.* (showing a 52% decrease in income); *See also* MARIANNE E. PAGE, WILL YOU MISS ME WHEN I AM GONE? THE ECONOMIC CONSEQUENCES OF ABSENT PARENTS 17 (2002) (showing a 42% decrease in income).

111. *See* Pruett et al., *supra* note 60 (reviewing research).

112. Clarke-Stewart et al., *supra* note 17, at 304.

113. *Id.* at 321.

114. *Id.* at 322.

be noted that the one significant factor that still remained, cognitive ability, is something that can be quite variable among young children. The results of this study support the argument that part of the negative impact that children experience post-divorce is directly related to the economic changes in the parents. These economic changes can lead to higher levels of parental stress and less supervision or support for their children.

E. Children Have Their Own Contributions as Well—Appraisal and Perception

Children respond in various manners to changes in their life, including divorce. There are several reasons why children post-divorce may have difficulty coping with the changes that have occurred. However, not all of the reasons some children do well and others do not do well post-divorce are a result of outside influences. Children, themselves, contribute to their own functioning. Children bring their own coping skills and temperament to dealing with the divorce. Children with better coping and stress management skills and a better temperament are likely to have less difficulty post-divorce than children with less developed skills and a more challenging temperament.[115] Some children handle transitions better than others, regardless of the support given to them. These children will likely handle the transitions between parents' houses better. Research has supported that children who have an easy temperament, are competent, and have other positive features are more likely to evoke support from others and are more able to adapt to stressful life experiences.[116]

Although not directly related to research on children of divorce, Cumming and Davies are two of the more prominent authors on children's own perceptions, and their recent book provides an excellent summary of the research in this area.[117] They discuss some of the research on the impact of children's exposure to conflict. They state that with "repeated exposure to angry, hostile, and unresolved disputes between parents, children are thought to become increasingly likely to perceive parental conflicts as threatening."[118] It goes on to state that this increase in appraisal of threat can predispose children to an increased risk for adjustment problems. Further, "[i]ncreasing feelings of guilt, shame, helplessness, and poor self-worth—outgrowths of these appraisal processes—may develop

115. *See* CUMMINGS & DAVIES, *supra* note 59 (discussing the influence of children's perception and temperament and the impact of these on children's adjustment to divorce).

116. Eileen Mavis Hetherington, *Coping with Family Transitions: Winners, Losers, and Survivors,* 60 CHILD DEV. 1, 11 (1989).

117. *See* CUMMINGS & DAVIES, *supra* note 59 (discussing children's perceptions and how those perceptions impact their interpretation of events and functioning).

118. *Id*. at 47.

into broader patterns of adjustment problems."[119] Extrapolating this to divorce situations, children who tend to blame themselves more for the divorce have an increased risk of adjustment problems. Other research has shown support for their conclusions. For example, a recent study found that adolescents' cognitive appraisals and coping strategies when exposed to interparental conflict were related to internalizing and externalizing problems.[120] There are several other studies that also tie children's appraisal and self-blame to adjustment problems.[121] Optimism has also been found to be a mediator between interparental conflict and child adjustment.[122] Children's temperament has been found to be related to health. For example, a study of 413 fifth-grade students in Tehran found that children's temperament and appraisal of interparental conflict impacted their physical and psychosocial health.[123]

Studies directly related to divorce adjustment have also found that perception impacts functioning.[124] For example, young adults were asked about their spiritual responses to their parents' divorce.[125] The authors controlled for general religiousness and spirituality, and still found that those young adults who perceived their parents' divorce as a desecration or sacred loss reported higher levels of anxiety, depression and painful feelings about the divorce.[126] There is no reason to think that children and adolescents would not have a similar response. Thus, children's own attributes and perceptions impact how they respond to external situations. Yet, this area of the research has not been studied as much. There is a wealth of research on the impact of external factors on children of divorce, but much less on what children themselves bring to the table and what contributions they make in relation to how they cope with various external stressors. One

119. *Id.*

120. *See* Shelton & Harold, *supra* note 70, at 720–21. Katharine H. Shelton & Gordon T. Harold, *Pathways Between Interparental Conflict and Adolescent Psychological Adjustment: Bridging Links through Children's Cognitive Appraisals and Coping Strategies,* 28 J. EARLY ADOL. 555 (2008).

121. *See* Andree Siffert et al., *Marital Conflict an Early Adolescents' Self-Evaluation: The Role of Parenting Quality and Early Adolescents' Appraisals,* 41 J. YOUTH ADOLESCENCE 749 (2012); Andree Fortin et al., *Children's Appraisals as Mediators of the Relationship Between Domestic Violence and Child Adjustment,* 26 VIOLENCE VICTIMS 377 (2011).

122. Julia Howe Robinson, *Interparental Conflict and Child Adjustment: The Role of Child Optimism,* 71 DISSERTATION ABSTRACTS INT'L 1353 (2009).

123. Fatemah Gharenbaghy & Maryam Aguilar-Vafaie, *The Role of Marital Conflict and Family Emotional Security in Children's Physical and Psychosocial Health,* 15 IRANIAN J. PSYCHIATRY & CLIN. PSYCHOL. 359 (2010).

124. Heidi L. Warner et al., *When Parents Break Sacred Vows: The Role of Spiritual Appraisals, Coping and Struggles in Young Adults' Adjustment to Parental Divorce,* 1 PSYCHOL. REL. SPIRITUALITY 233, 244 (2009).

125. *Id.* at 237.

126. *Id*. at 244.

area that has only recently begun to be studied is that of genetics. Some children may be genetically inclined to better respond to some situations than other children. Regardless, children's and adolescents' appraisal of events, as well as their temperament and coping skills mediate how they respond to divorce and some of its associated features, such as parental conflict and transitions.

IV. Conclusions

Over the course of history, divorce has been viewed as pathogenic for children.[127] For a variety of reasons, the media and the general community tends to view divorce as bad. Many people assume that divorce will severely impact children in a negative manner. The research does not bear this out. Is it possible the research is too simplistic, and more advanced studies would show that more children are negatively impacted by divorce than current research suggests? Yes. Is it possible that the general community's and media's assumptions are wrong and that divorce does not negatively impact nearly as many people as believed and not as severely? Yes. So what's the truth?

Based on current research, it appears that about 20% to 25% of children post-divorce have severe problems.[128] Approximately 75% to 80% do not have significant psychological difficulties. Most children do well post-divorce and do not seem different than their peers who are from intact families. While children may still miss the ideal family and have some negative feelings about their parents' divorce as Emery has found,[129] this is no different than children who experience other difficult childhood events, such as the death of a parent. Having a stressful and challenging event in childhood does not mean, however, that a child will develop significant psychological difficulties

The research on the impact of divorce on children shows that when children have difficulties post-divorce it is related to specific factors that are associated with divorce, but are not a result of the divorce itself. When the negative aspect of these factors is managed well, children will likely do better post-divorce. While the main variables found in the research were presented in this article, there may be other variables that also impact children post-divorce. For any given family, how much each factor impacts the child will vary. For example, in high-conflict families, parental fighting may have the greatest negative impact on the children. Whereas in anoth-

127. Hetherington, *supra* note 11, at 857.

128. Eileen Mavis Hetherington, *Social Support and the Adjustment of Children in Divorced and Remarried Families,* 10 CHILDHOOD 217, 220 (2003).

129. *See* Kelly & Emery, *supra* note 37 (reviewing research on the impact of divorce on children).

er family, where the parents get along well but reduced finances force them to relocate to a less desirable area and a main caregiver must return to work, financial issues may have the greatest negative impact on children.

Finally, if one accepts the research and belief that approximately 25% of children from parents who divorce have problems and that only 10% of children from intact families have difficulties,[130] then what accounts for the 15% differential? Based on a review of the research, it is clear that whether children thrive or founder may not be due to the divorce itself, but rather: (1) the level of conflict between parents, (2) children's exposure to the conflict—including whether parents involve their children in the fighting, (3) parents' inability to meet their children's needs, (4) parents' mental health, (5) the financial impact of the divorce, and (6) children's own perceptions about the divorce. If there is a 15% differential, then most of this is likely accounted for by the above factors, the children's exposure to it, leaving little left for divorce, in and of itself, as being a significant cause of harm to children. Furthermore, as has been pointed out by others,[131] most children of divorce are indistinguishable from their peers whose parents did not divorce. In conclusion, it is argued that these five factors account for why some children have significant emotional or behavioral problems post-divorce and that it is not the divorce itself that causes these difficulties.

V. Recommendations

First and foremost, it is vital that attorneys and judges educate parents about the negative impact of conflict upon their children. Providing education to parents during divorce on a variety of issues is part of an attorney's and judge's responsibility. Attorneys might require clients to read certain materials as part of the retainer agreement. For example, parents may benefit from reading a book such as *Mom's House Dad's House* by Isolini Ricci.[132] While not every parent may benefit from this, some will learn enough from it to alter how they interact with their spouse and child post-divorce. Attorneys can also help their clients settle cases rather than go to trial, as trials often result in increasing the level of conflict between the parents,[133] often to an irreparable degree. While parent education

130. HETHERINGTON & KELLY, *supra* note 50, at 150.

131. *See* Kelly & Emery, *supra* note 37, at 352 (reviewing research of Amato, Chase-Lansdale et al., Emery, Hetherington, and others supporting this).

132. ISOLINI RICCI, MOM'S HOUSE, DAD'S HOUSE: MAKING TWO HOMES FOR YOUR CHILD 1 (1997).

133. David A. Sbarra & Robert E. Emery, *Deeper into Divorce: Using Actor-Partner Analyses to Explore Systemic Differences in Coparenting Conflict Following Custody Dispute Resolution,* 22 J. FAM. PSYCHOL. 144 (2008).

classes that many parents attend prior to divorce provide information on conflict, this is not enough. Although parents do not always have the financial resources, another recommendation, especially in high conflict cases, is to have parents work with a parent coordinator, mediator, therapist or life coach that has both experience working with divorced couples and knowledge of the legal system. If parents would meet with one of these professionals post-decree, even if only once per month for three months, it may lead to helping them not only work together, but also to understanding more about how conflict harms children and help them develop new ways for managing their conflict.

The use of a therapist can also be helpful to provide support for parents going through divorce. As described in this article, parenting skills are often diminished for a while post-divorce and having a professional not only provide emotional support, but also give guidance for how to develop a functioning new household and manage the stress and new role that he or she is encountering can help parents do their jobs better. Ultimately, this will benefit children. Furthermore, for those parents with significant mental health issues, having the support and help of a therapist during this transitional time can provide not only a great deal of support, but also help build parenting skills as well as coping skills. Aside from therapeutic services, attorneys can support parents' involvement in support groups or talk with them about the need to have a strong social support network and the benefit this can have for them and their children.

Given that children's own appraisal of events impacts adjustment and functioning, having children who are struggling post-divorce participate in individual or group treatment can be beneficial. Programs have been designed specifically to help children cope with divorce, and results are positive for the impact of these programs on children.[134] These programs can assist children in altering their perceptions of events, improve coping skills, and provide support during a time of transition.

Of great importance is paying closer attention to finances. Clearly, the changes in parents' financial situations post-divorce impact both the parents' and the child's functioning. This is likely most relevant to the parent who is the main caregiver for the child. Because of this, more attention needs to be paid to making sure that the parent who is the main caregiver has as much financial stability as possible. This can help reduce the parent's level of stress, which can have a direct effect on the parent's and child's functioning. Furthermore, it may allow the main caregiver not to

134. *See* Rachel A. Haine et al., *Changing the Legacy of Divorce: Evidence from Prevention Programs and Future Directions,* 52 FAM. REL. 397 (2003) (reviewing the positive impact of group treatment programs for parents and children).

have to increase work hours. This can often mean fewer changes for the child or children and more direct supervision by a parent.

A change in statutes can also have a positive effect on minimizing conflict between parents. Parents often get caught up in the concept of joint versus sole custody in regards to decision making. For purposes of this discussion, joint and sole custody refers only to making major decisions for children, such as health care, education, religious education, and after-school activities. Parents often argue about these issues. It is recommended that statutes remove these terms from their vocabulary. Rather than call one parent a sole custodian, or say both parents have joint custody, it would be more helpful if statutes allowed parenting plans to describe which parent makes which decisions alone, which decisions must be made jointly and which decisions are made by one parent, but with consideration of the other parent's wishes. Often parents get hung up on having joint custody when it's the phrase that means more to them than who actually makes the decisions. Banning these phrases may help decrease conflict between parents and actually help attorneys resolve cases quicker.

Another term that should be banned is "visitation." Parents are often insulted that they have visitation with their children. Children do not visit their parents; they live with them at different times. The term "visitation" is offensive to some parents and may make reaching a parenting plan agreement more difficult. Attorneys often use technical legal terms in agreements without realizing that these terms may actually slow the settlement process. It is better to use the term "parenting time," rather than visitation. That way, each parent has parenting time with the children, even if one parent has significantly less time. The same holds true for the concept of "residential parent." There is not one residential parent. Both parents are usually residential parents, but the amount of time each child spends at the residence may vary. Again, rather than label one parent as the residential parent, which may be required by statute or recommended by attorneys, it would be better to outline the parenting time each child spends with each parent without having to label one as the residential parent. This may mean altering statutes to remove this phrase.

Terms and phrases that increase conflict or interfere in parents' abilities to reach agreements ultimately can negatively impact children. There is a benefit to altering statutes to remove problematic phrases and changing how parenting plans are written. This may help parents come to agreements sooner, decrease conflict between them, and contribute to the parents being more likely to work together post-decree. Healthy parents with healthy parenting styles contribute to children who adjust to the divorce better and are higher functioning.