

2012-2013

Dear Custody Judge:

I am writing this letter in support of a joint legal custody arrangement with physical custody of 50-50 whenever feasible and practical. Of course, this recommendation assumes that there is no child protective supervision of one of the parents or that a parent has been evaluated to be socially deviant or mentally impaired to any degree that parenting or any childrearing will be compromised.

I am making this recommendation based upon my 43 years of professional experience working with families and children, my initial 24 years as a social worker and then as an administrator in New York's foster care system and subsequently for 19 years as a family therapist currently in private practice, specifically focused on parents and children of high-conflict divorce. In my professional career, I have worked with several thousand children who had been placed in foster care and, in my practice as a family therapist, with more than 500 children who have experienced their parent's high conflict divorce.

Based on my vast experience and expertise with these populations, I have arrived at the conclusion that both parents must remain substantially and meaningfully involved with their child for the child to obtain optimal development and functioning and likely to escape serious mental health and behavioral symptoms in coming months and years. This conclusion has been validated by extensive research, including but not limited to, the research that was offered in support of Arizona's recently enacted *Shared Parenting Law*. Additionally, I have further determined that when the residential parent marginalizes the nonresidential parent with decreased parenting time, it is frequently none other than an alienating maneuver----with the goal being to eradicate the nonresidential parent from the child's life. Any effort, therefore, by the residential parent to object to equal, or at least substantial, parenting time for the other parent should at least raise a question as to the residential parent's recognition of the importance of the other parent to the child.

In further support of my shared parenting recommendation, let me state emphatically that the customary visitation arrangement for the nonresidential parent to have every other weekend and one night during the week in parenting time garners absolutely no evidence-based or anecdotal support and no scientific research for serving the best interests of the child. It is unclear how this customary arrangement has gained such wide acceptance other than to hypothesize that it

developed from the contention that children need stability. I would question, however, that stability with one's bed would trump the stability of the relationship with the nonresidential parent. After all, the child indeed had had a relationship with this parent on daily basis prior to the parents' separation. It is therefore logical to conclude that the child would be harmed by only marginal participation of and input from this parent. Furthermore, children do not perceive their parents' separation as an issue confined to the marital relationship. They do perceive it, more pertinently, as abandonment of them by their nonresidential parent. The child's object constancy is consequently undermined thereby creating issues with trust and self-confidence.

Moreover, the customary visitation/parenting arrangement conveys to children that the residential parent is more vital and important to them, possesses more authority, and is probably entitled to garner more respect. The self-esteem of the child of the same gender as the nonresidential parent will likely be diminished as a result. And the child of the same gender as the residential parent will likely develop a sense of superiority over the other gender. Indeed, it has been my decades-long experience that residential parents become empowered by the imbalance in time with their children in their favor because this justifies their sense of entitlement to make unilateral decisions regarding their children's education, medical care, and social activities----and not always in the best interests of the child. As a family therapist who was trained by the world-renowned and highly respected child psychiatrist, Salvador Minuchin, I have accepted his determination that the best outcome for children usually results from decisions made with equal input by each parent. My practice has confirmed that, when parents make a joint decision for their child, they rarely made an incorrect or bad decision; and likewise, a incorrect or bad decision has almost always been the result of a unilateral decision by one parent----a decision that was either contrary to the opinions of the other parent or simply made secretly from the other parent.

Having thus expressed these concerns for the marginalization of the nonresidential parent, what parenting arrangement does this therapist instead recommend? I will first offer the opinions of my professional mental health colleagues whom I had interviewed for my book published on 4/3/12, *The Parental Alienation Syndrome: A Family Therapy and Collaborative Systems Approach to Amelioration*.

Raymond Havlicek, PhD., is one of these esteemed experts. He is a forensic and clinical psychologist who is a Diplomat of the American Board of Professional Psychology and a Fellow at the American Academy of Clinical Psychology. He is a founding member of the Parent Coordinator Association of New York. Dr. Havlicek has completed hundreds of child custody evaluations for Supreme and Family Courts throughout New York State. He is currently developing an educational program for upstate New York judges concerning issues of child custody and parental alienation. In response to my request for his opinion regarding the importance of both parents providing meaningful input and involvement in the child's life, he asserted, "*The trust that children place in **both** parents is to their*

mental health what the foundation is to a building. If you undermine that trust, there is no stability."

Amy Baker holds a Ph.D. in developmental psychology with a specialization in early social and emotional development. She is the Director of Research at the Vincent J. Fontana Center for Child Protection at the New York Foundling. Dr. Baker maintained in her interview for my book that children really want and need a meaningful relationship with both parents. In her book, *Adult Children of Parental Alienation Syndrome*, she summarized her research on the devastating effects to children when a parent is eradicated from their lives resulting from high-conflict divorce. Briefly summarized for purposes of this letter, Dr. Baker's research concluded that these children suffer from serious bouts with depression, problems with low self-esteem, substance abuse, issues with trust and intimacy, and poor interpersonal relationships----all in much higher rates than the general population.

Barbara Burkhard, Ph.D., co-founded Child and Family Psychological Services, P.C., Smithtown, New York, with Jane Albertson-Kelly, Ph.D. This agency provides research-informed therapy for children and families. It has a contract with Suffolk County Department of Social Services to provide therapeutic child/parent visits and evaluations of parents who have been accused of abuse and neglect. They also receive referrals from Suffolk County Supreme and Family Courts for custody evaluations, therapeutic visitation, reunification therapy, and forensic mental health evaluations and risk assessments. Both Dr. Burkhard and Dr. Kelly affirmed, *"Children generally benefit from a relationship with each parent with respect to the attainment of healthy long-term relationships and for their optimal social, psychological, and cognitive development."*

As a long-time family therapist, I could not agree more with these respected doctors regarding the importance of both parents playing an active role in their children's lives. All the recent research indicates that children who have a parent either absent from their lives or only marginally involved develop very poor outcomes. And I suggest referring to the book, *Fatherneed*, by child psychiatrist, Kyle Pruitt, in which he summarizes the alarming research by Yale University when a father is only minimally involved in his children's lives or were completely eradicated from his children's lives. Dr. Pruitt conveys that when fathers are absent or only minimally involved, children have a significantly high vulnerability to acting out behaviors, dropping out of school, suicidal ideation and other serious mental disorders, engaging in sexually inappropriate activities, and other serious issues. Other research indicates the following alarming statistics to children resulting from father-deprivation: 72% of all teenage murders, 60% of rapists, 70% of kids incarcerated, twice as likely to quit school, 11 times more likely to be violent, 3 out of 4 suicides, 80% of adolescents in psychiatric hospitals, 90% of runaways. The conclusion is that *"Father-deprivation is a more reliable predictor of criminal activity than race, environment or poverty."* (National Fatherhood Initiative, US Bureau of Census, FBI)

I am unequivocal----as are my colleagues who specialize in children of high-conflict divorce----that the same findings would apply to the eradication or minimization of a mother from a child's life. We are already beginning to develop this research about mothers now that more fathers are receiving residential custody.

And the research that supported Arizona's recently enacted shared parenting law validates that children of divorce have the best outcomes when there is shared parenting, with physical custody as close as possible to 50/50. This research further revealed that children of divorce would have expressed their desire for equal time with their nonresidential parent had they felt free to express their feelings and opinions. (*Finley; McIntosh & Chisholm; Tippins & Wittmann; Michael Lamb; Braver, Fabricus & Ellman; Fabricus & Luecken; Schwartz & Finley; Fabricus & Hall; Finley & Schwartz.*)

The child of a high-conflict divorce is like a rope in a tug of war between her/his parents. And just like the rope, the child will also unravel. Children of high-conflict divorce feel a loyalty to the residential parent due to their utter dependency on that parent. Taking their cue from their residential parent, who many times is hostile to their other parent, these children will not likely express their instinctual yearning and need for a relationship with their nonresidential parent. Asking these children to decide about their relationship with their nonresidential parent exacerbates this impossible and detrimental situation and leaves them with no good options: it is a double-bind situation in which they cannot have both parents because they know that seeking a relationship with their nonresidential parent will be perceived as an act of betrayal by their residential parent.

When the above referenced dynamic had been first observed by the child psychiatrists who later founded the family therapy movement, they documented it on the psychiatric ward when observing their psychotic child patients during family visits. In the extreme situation, this family dynamic, labeled by these psychiatrists as the "pathological triangle," as per Dr. Murray Bowen, does indeed lead to serious mental disorders in the child. I have seen the serious detrimental effects to children in my own practice as a result of the triangulation. Unfortunately, due to the influences that technology has now afforded the younger population, I am seeing socio-pathology instead of psychosis in this population. We have an obligation to help these children by extricating them from having to choose and express their desire for meaningful time with their nonresidential parent.

In my professional opinion, the child of high-conflict divorce needs to be extricated from this triangulation, which is exacerbated by the burden to decide about what relationship to have or not with the nonresidential parent. The professionals who intervene in child custody and visitation must make these decisions for them in favor of shared parenting and substantial parenting time with the nonresidential parent as close as practical to 50/50 physical custody. This is the responsibility with which we are charged as professionals who intervene in child custody and visitation.

I am enclosing with this Amicus Brief my Professional Resume/Curriculum Vitae (CV). Please feel free to contact me with any questions.

Respectfully submitted,

Linda Gottlieb, LMFT, LCSW-r