

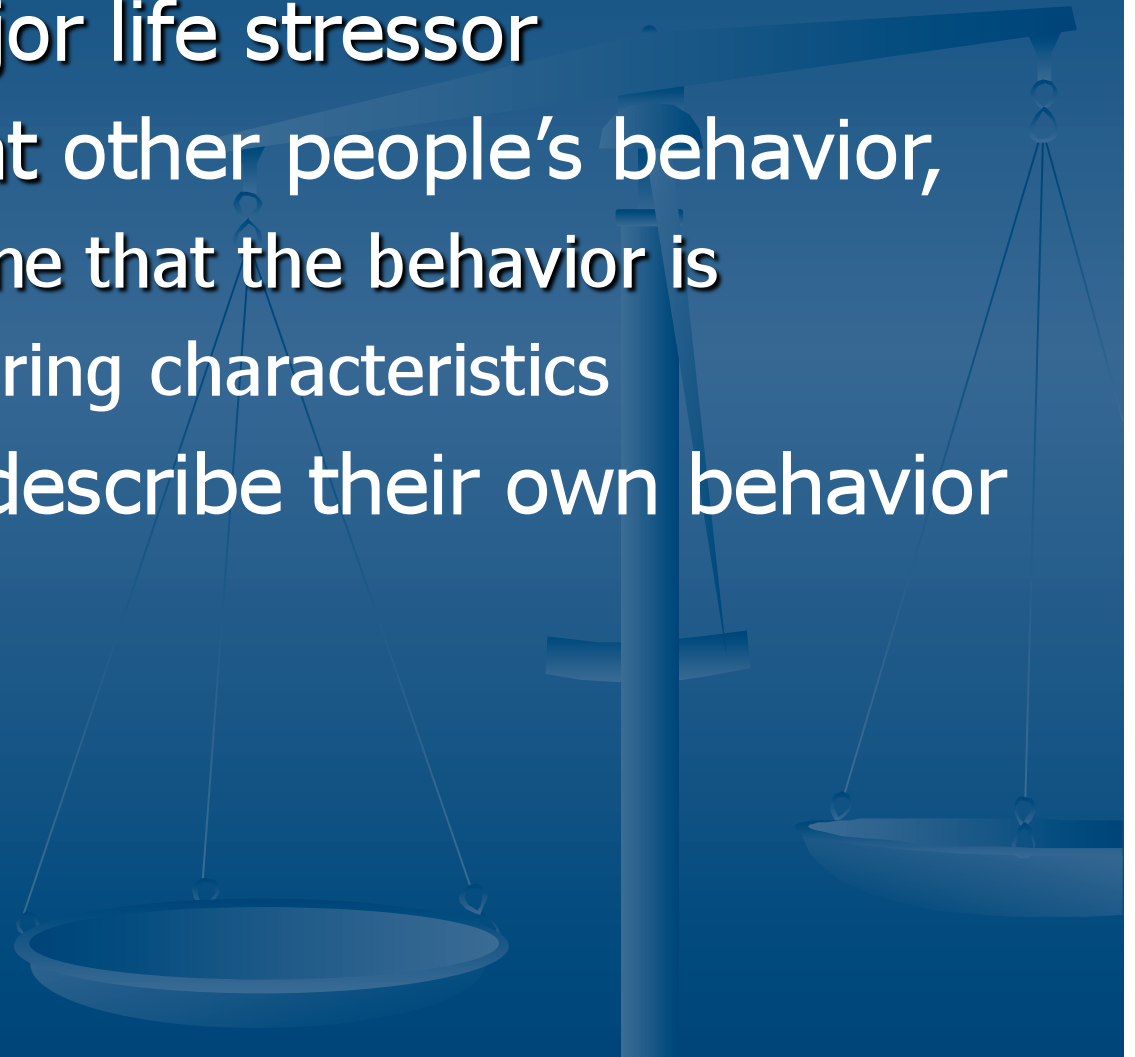
Mental Health and Medical Issues in Child Custody Cases



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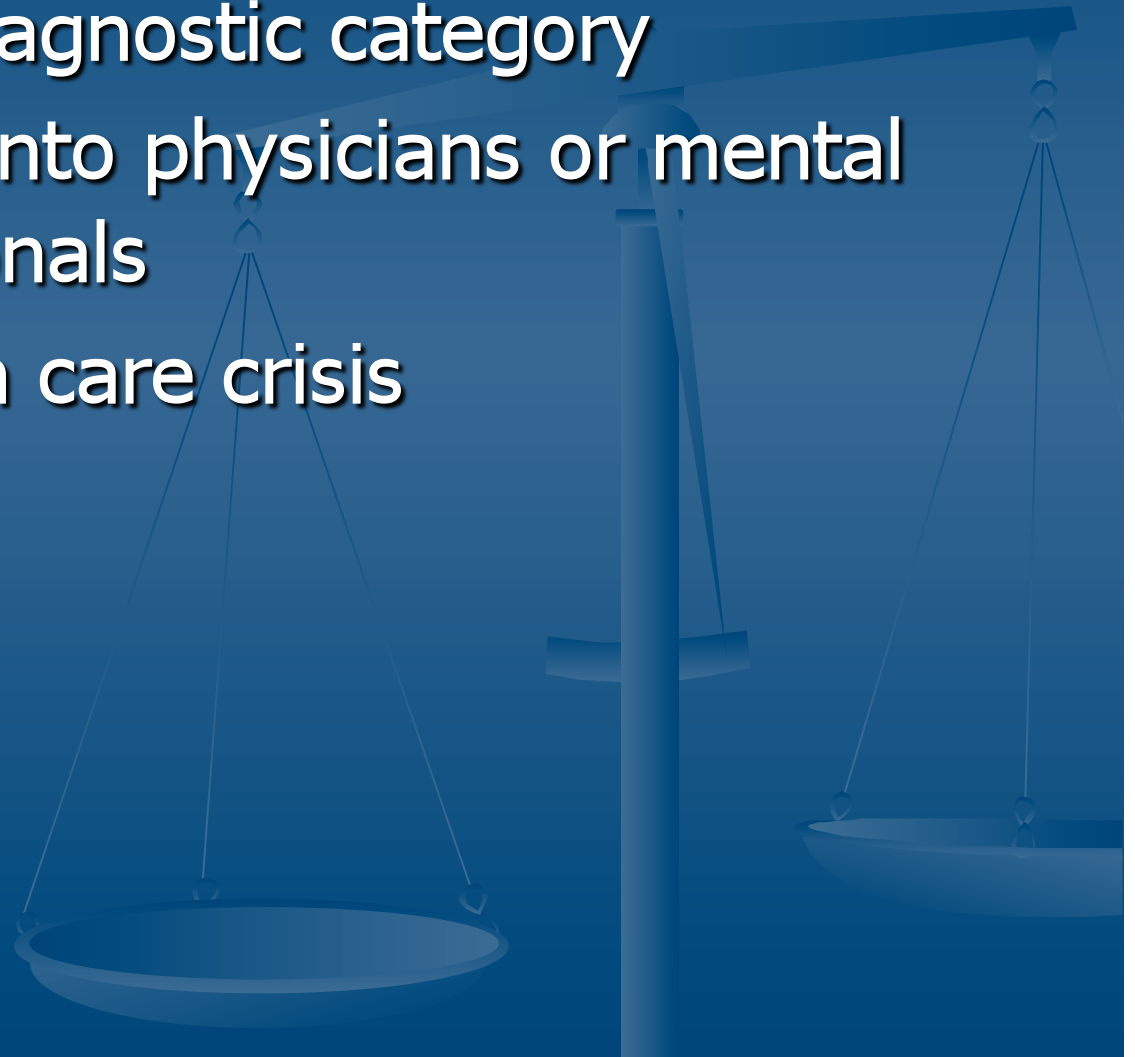
Context is Essential

- Divorce is a major life stressor
- When we look at other people's behavior,
We tend to assume that the behavior is
reflective of enduring characteristics
- People tend to describe their own behavior
as situational



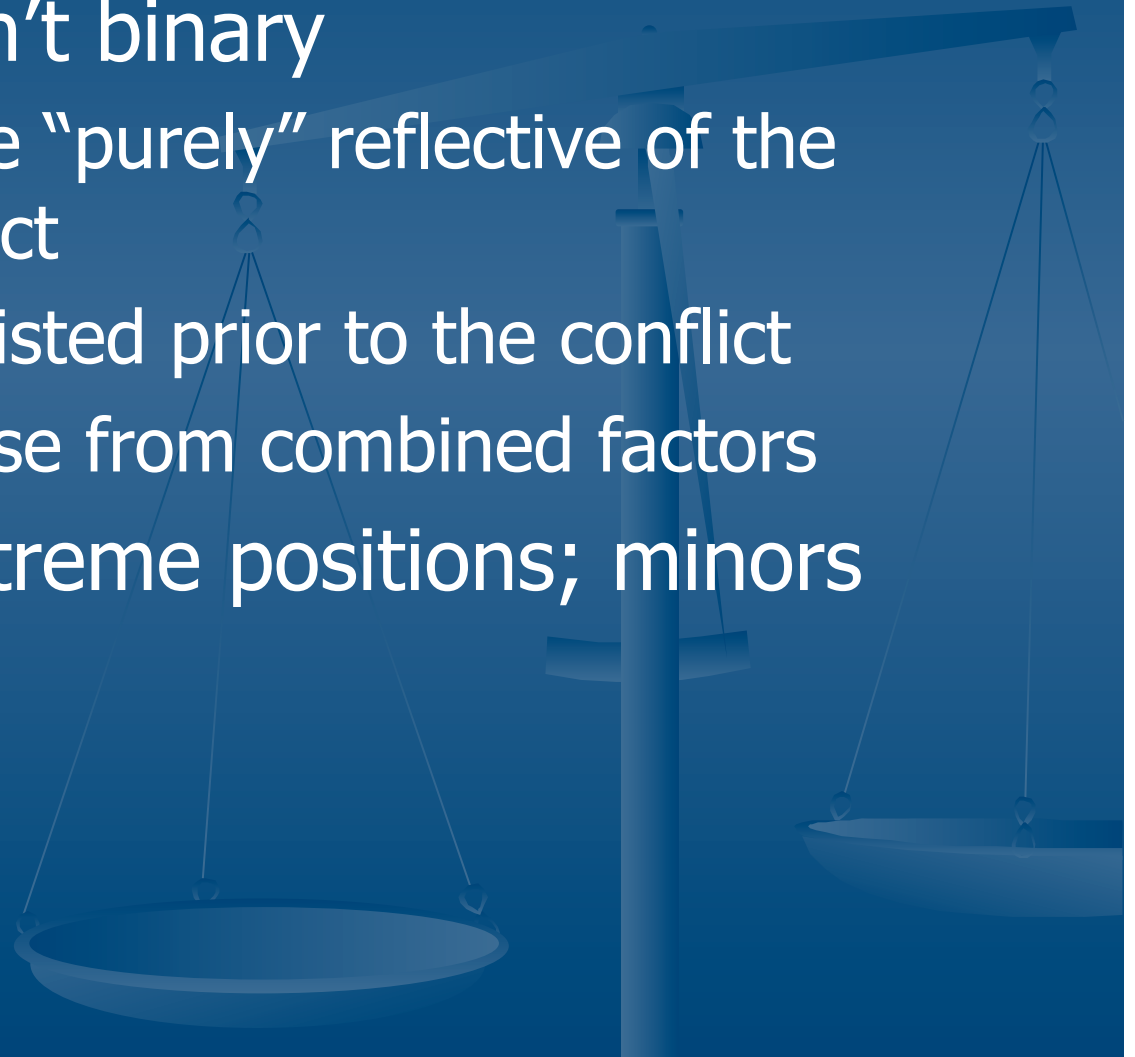
This section will not...

- Review every diagnostic category
- Turn attorneys into physicians or mental health professionals
- Solve the health care crisis



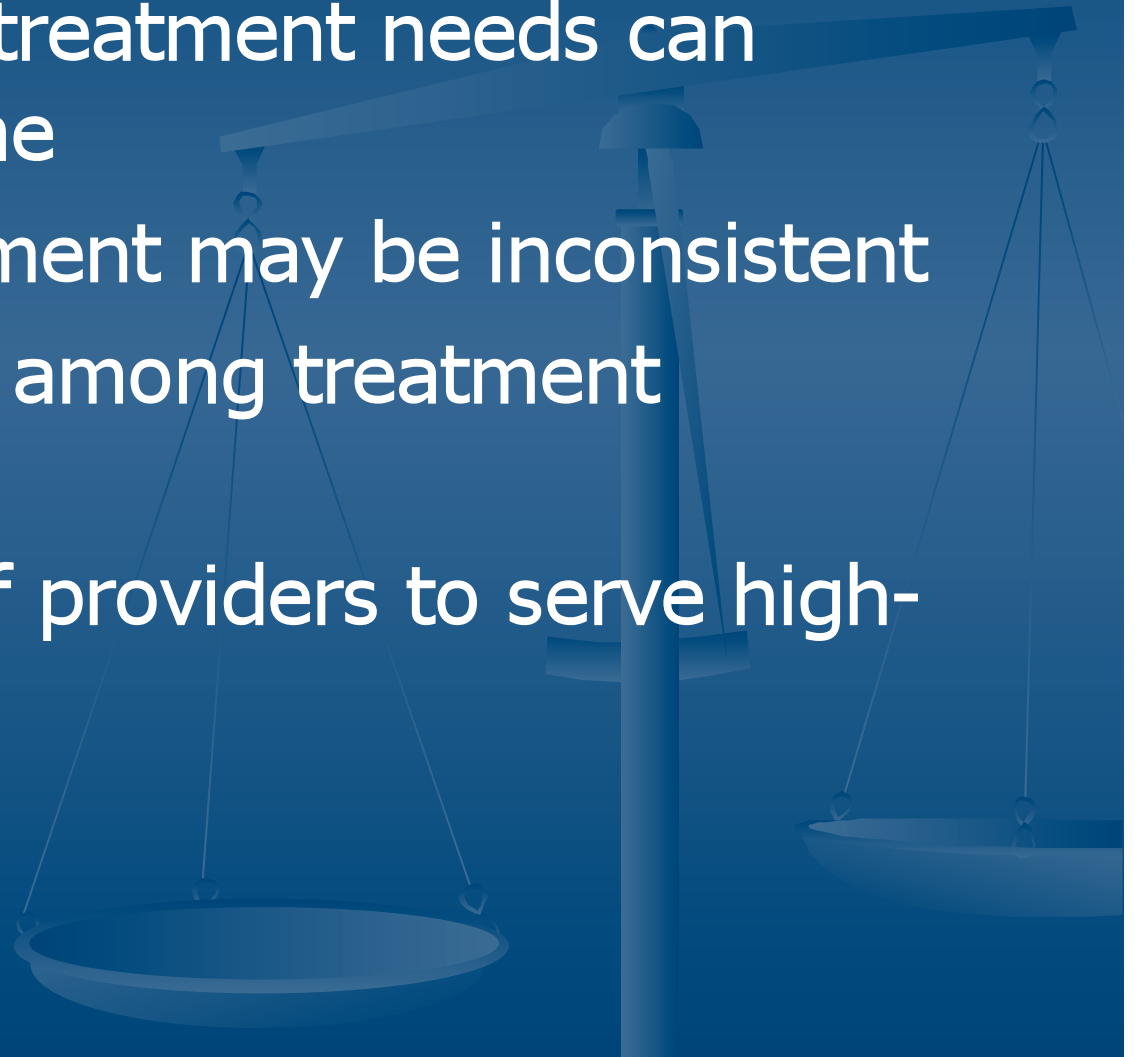
Complexities of assessment during divorce

- Possibilities aren't binary
 - Some issues are "purely" reflective of the parenting conflict
 - Some issues existed prior to the conflict
 - Many issues arise from combined factors
- Parents take extreme positions; minors counsel cannot



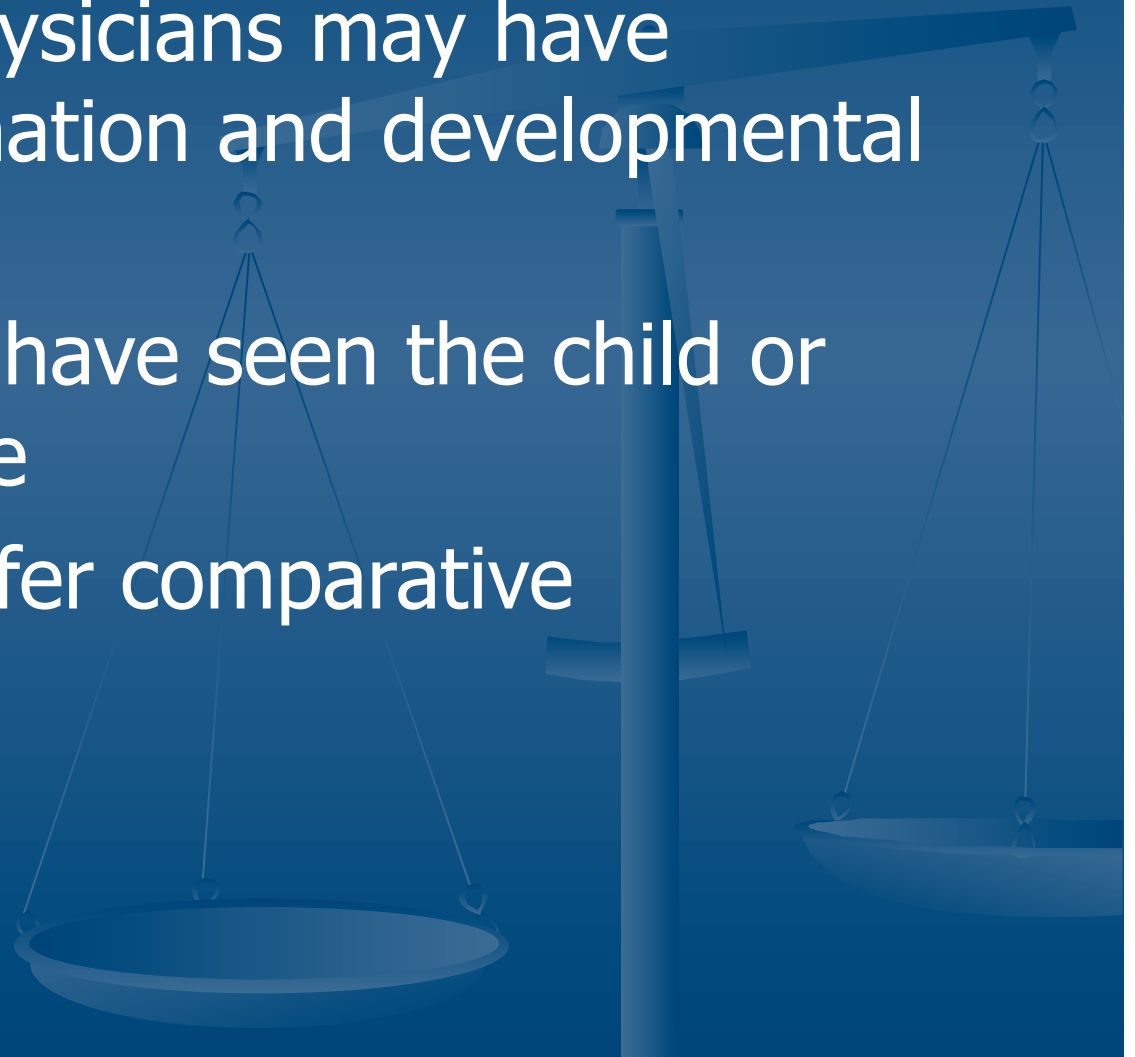
Complexities of Assessment ^[2]

- Symptoms and treatment needs can change over time
- Quality of treatment may be inconsistent
- “Tribal warfare” among treatment providers
- Unwillingness of providers to serve high-conflict families



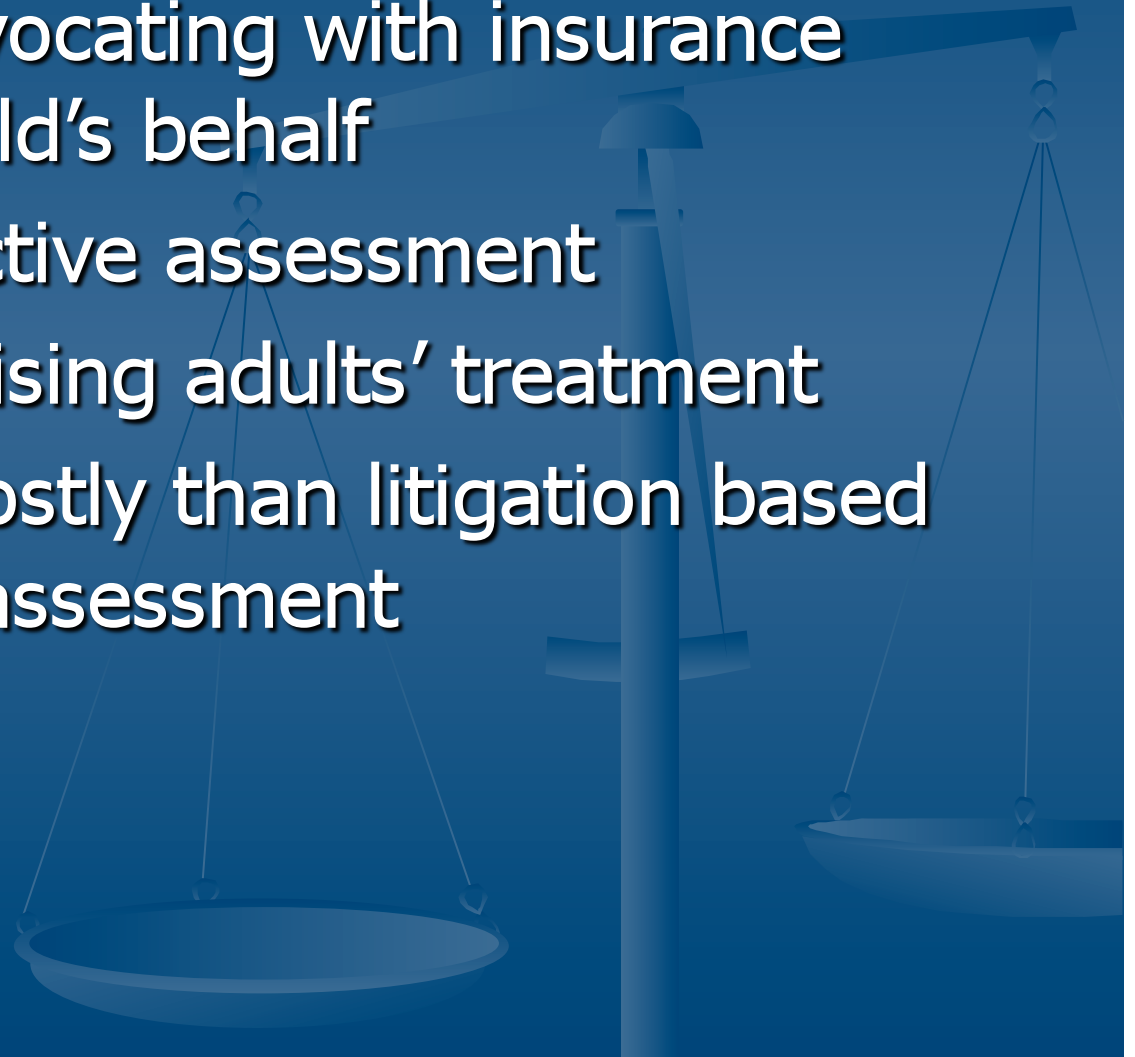
Consult Current Professionals

- Primary care physicians may have historical information and developmental knowledge
- Therapists may have seen the child or parent over time
- Teachers can offer comparative information



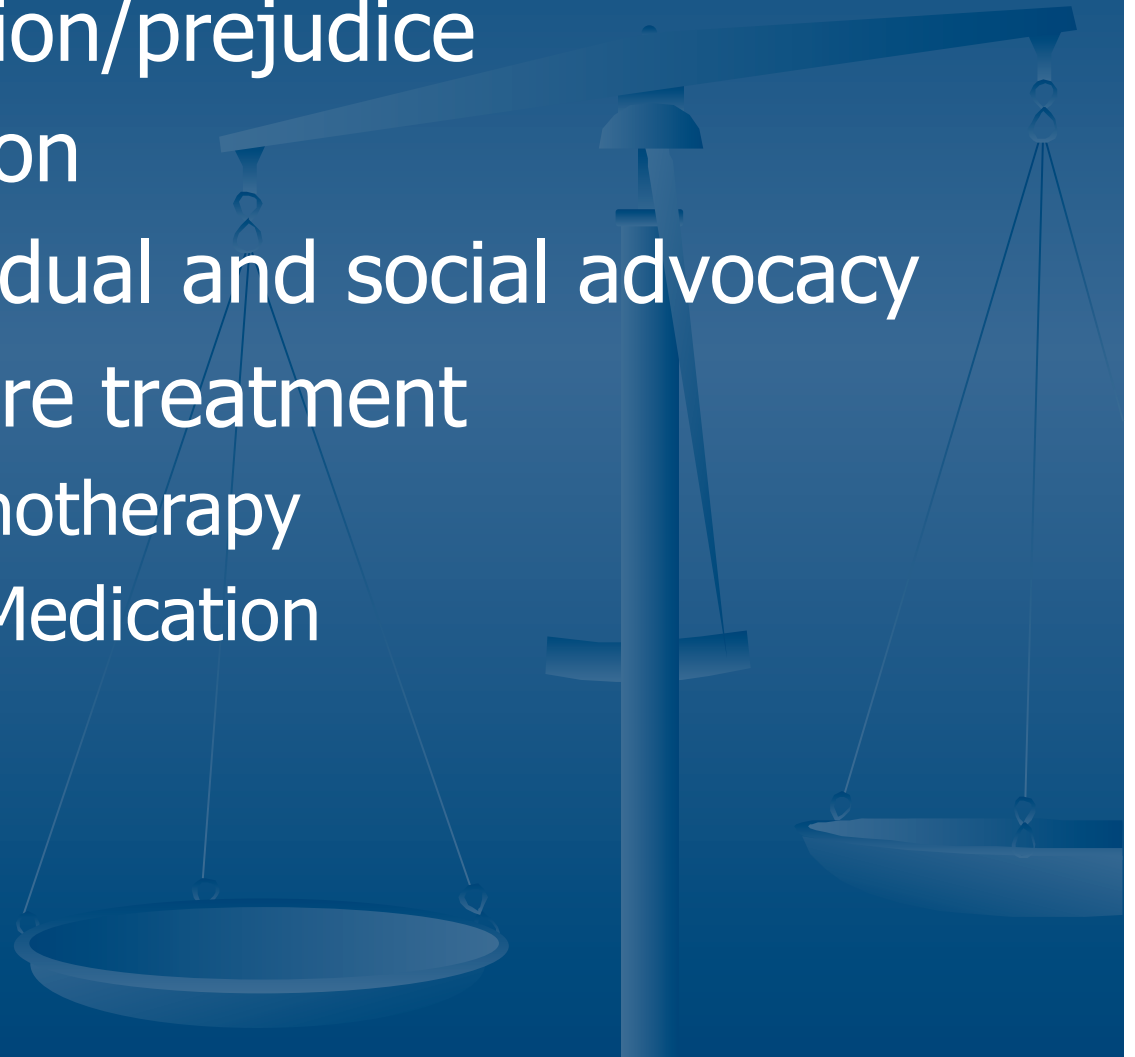
Consider Additional Assessments

- May require advocating with insurance company on child's behalf
- May allow objective assessment
- Avoid compromising adults' treatment
- Often far less costly than litigation based on inadequate assessment



Sources of Bias

- Overgeneralization/prejudice
- Dated information
- Confusing individual and social advocacy
- Generalizations re treatment
 - Models of psychotherapy
 - For or Against Medication



Diagnoses and Parenting

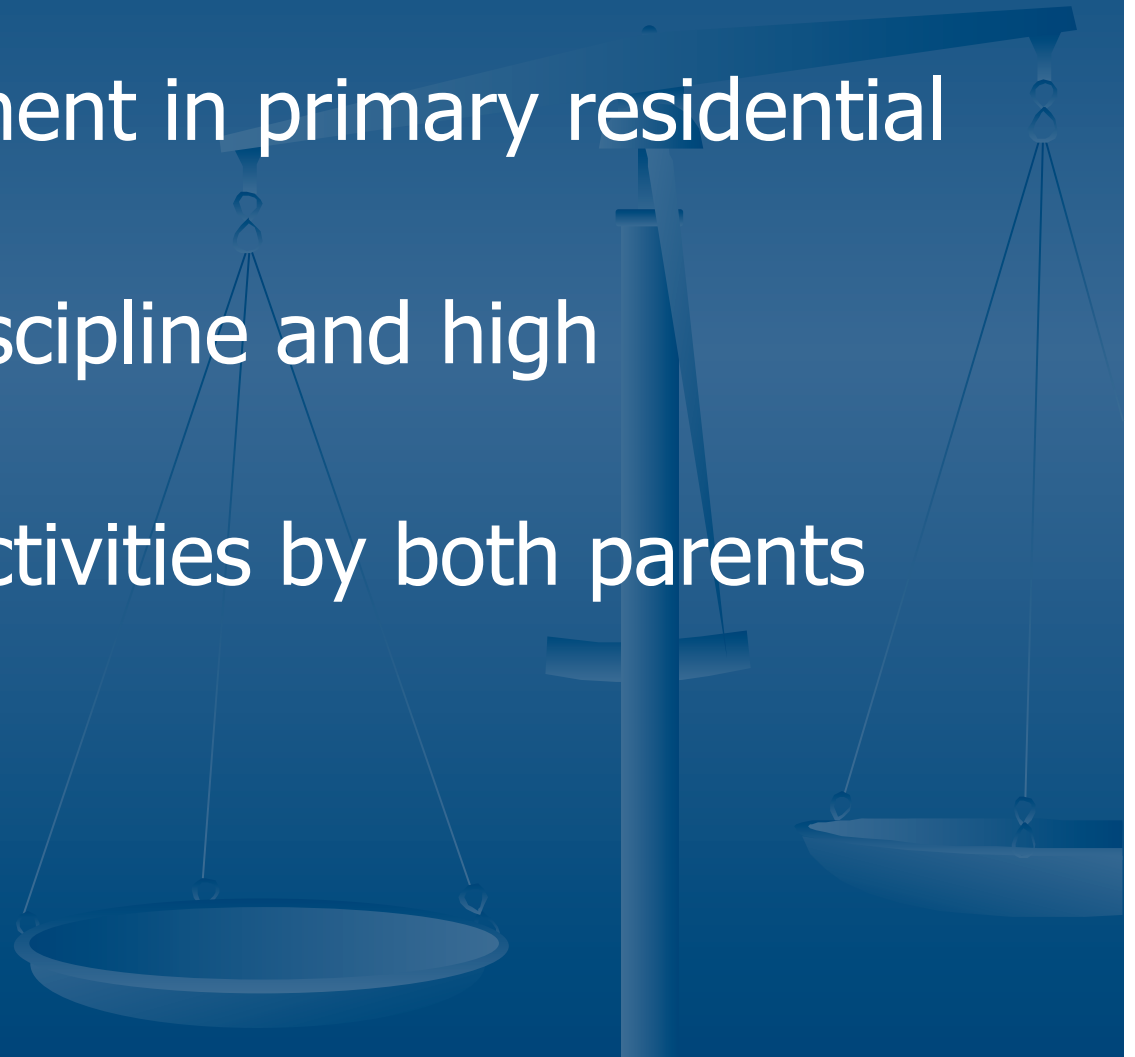
- Very few correlations based on diagnoses
- Caution re “personality disorder” diagnoses
- Active, untreated depression and substance abuse can be risks, particularly for young children
- Parenting behavior is much more important than diagnosis

Risk and Resilience Factors

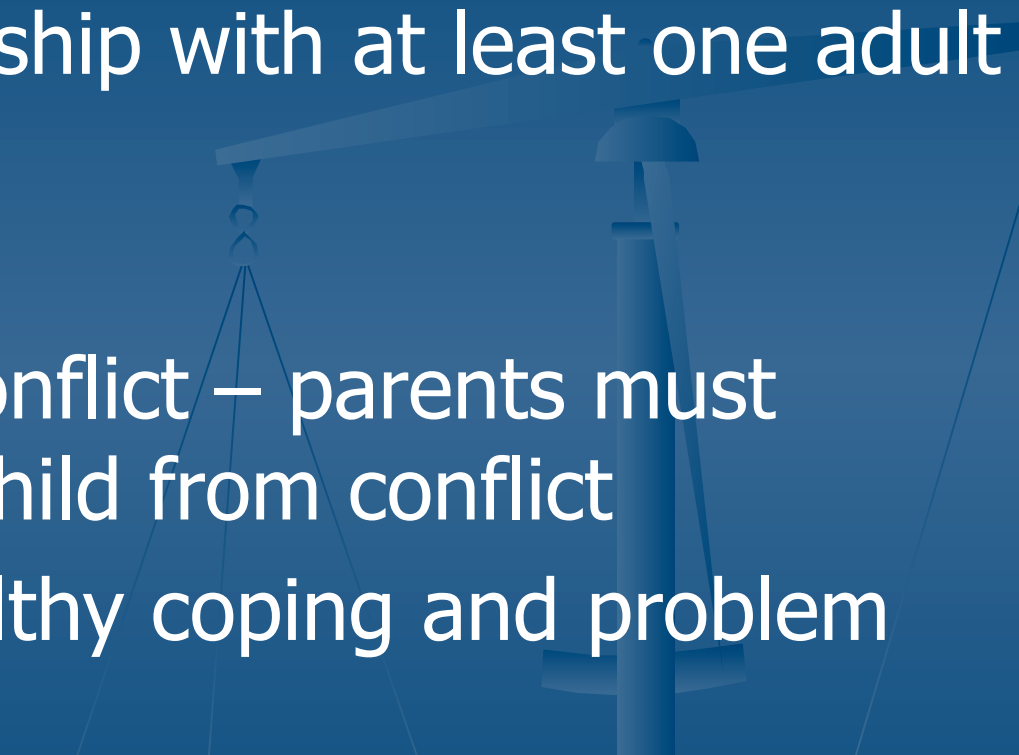
- Kelly and Emery (2005); Kelly (2007), etc.
- Risk to children increase with:
 - Loss of important relationships
 - Exposure to parental conflict
 - Interference by one parent in the other parent-child relationship
 - Minimal or inconsistent contact with fathers

Protective factors for children include:

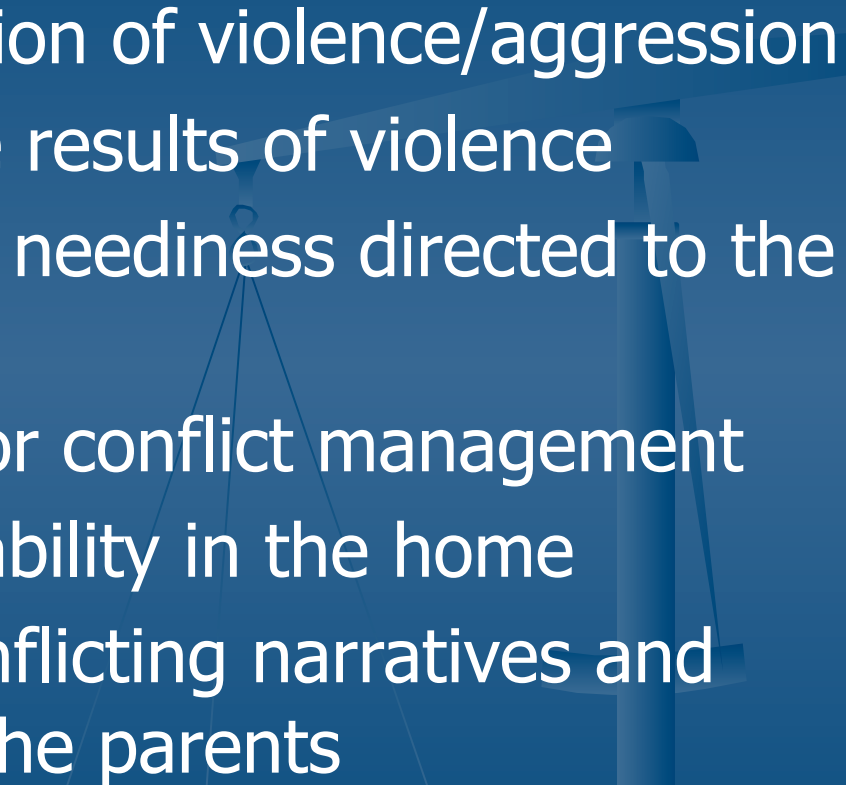
- Healthy adjustment in primary residential parent
- Authoritative discipline and high involvement
- Monitoring of activities by both parents



Protective factors (cont.)

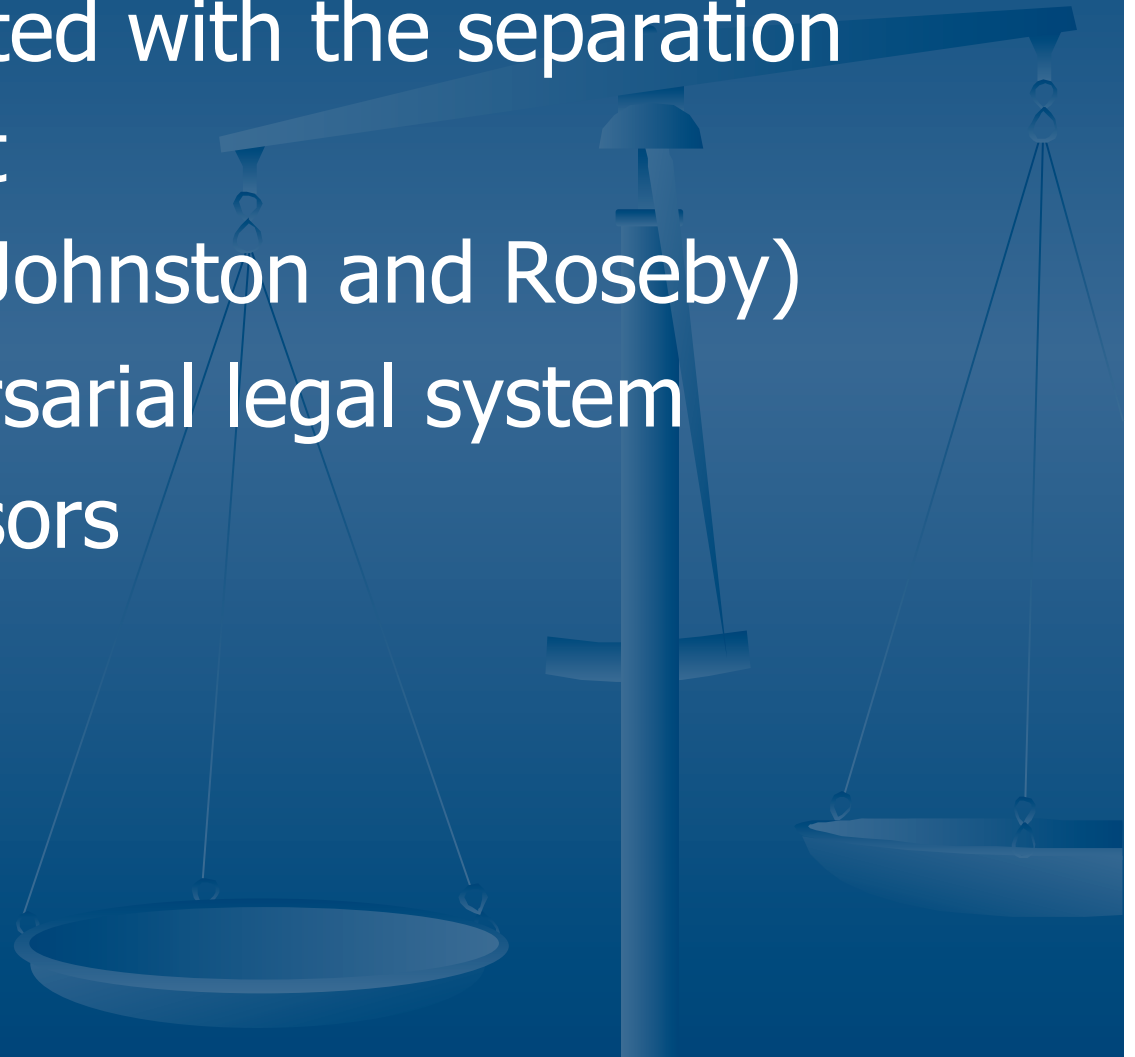
- Positive relationship with at least one adult (buffer)
 - Sibling support
 - Encapsulated conflict – parents must actively shield child from conflict
 - Support for healthy coping and problem solving
- 

Risks to Children May Result From:

- Actual observation of violence/aggression
 - Exposure to the results of violence
 - Poor parenting, neediness directed to the child
 - Modeling of poor conflict management
 - Chaos and instability in the home
 - Exposure to conflicting narratives and stereotypes in the parents
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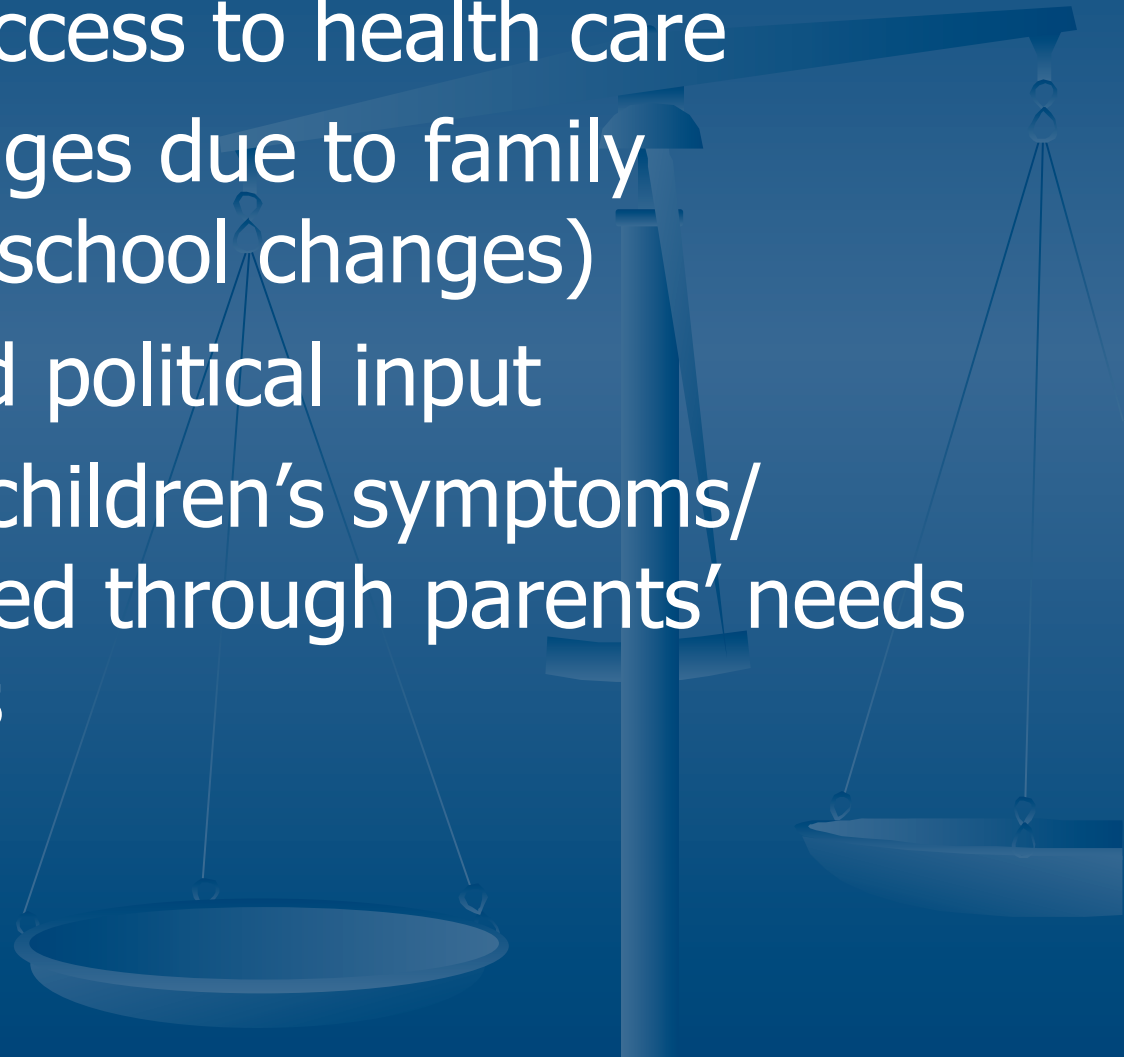
Family and Social Stressors

- Trauma associated with the separation
- Betrayal of trust
- Tribal warfare (Johnston and Roseby)
- Impact of adversarial legal system
- Economic stressors



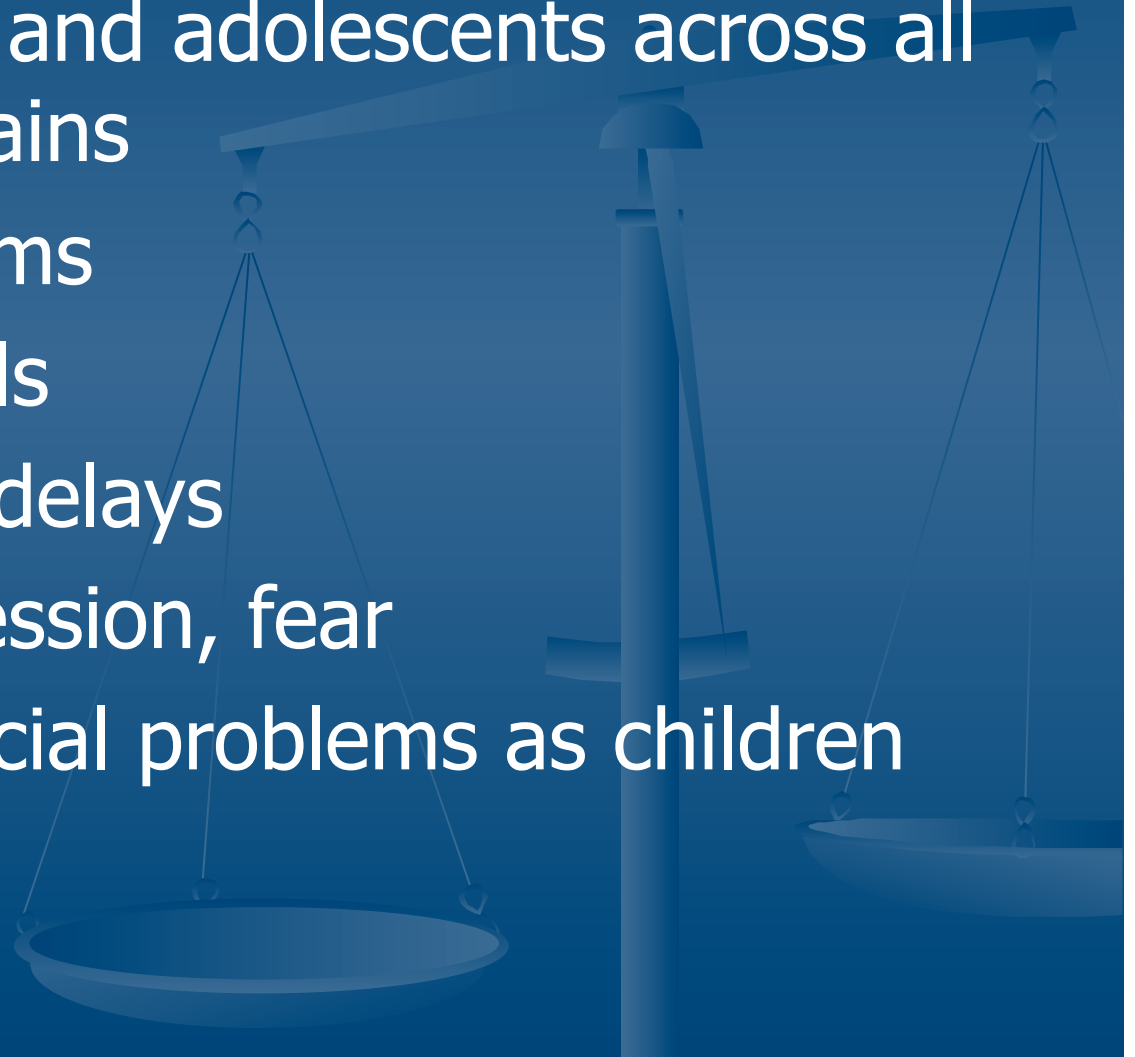
Family and Social Stressors ^[2]

- Difficulty with access to health care
- Situational changes due to family separation (i.e. school changes)
- Professional and political input
- Observation of children's symptoms/ behaviors, filtered through parents' needs and perceptions



Impact of violence/parental conflict on Children/Adolescents

- Affects children and adolescents across all behavioral domains
- Trauma symptoms
- Poor coping skills
- Developmental delays
- Irritability, regression, fear
- Conduct and social problems as children get older



Children May be Reluctant to Report Negative Behavior by a Parent

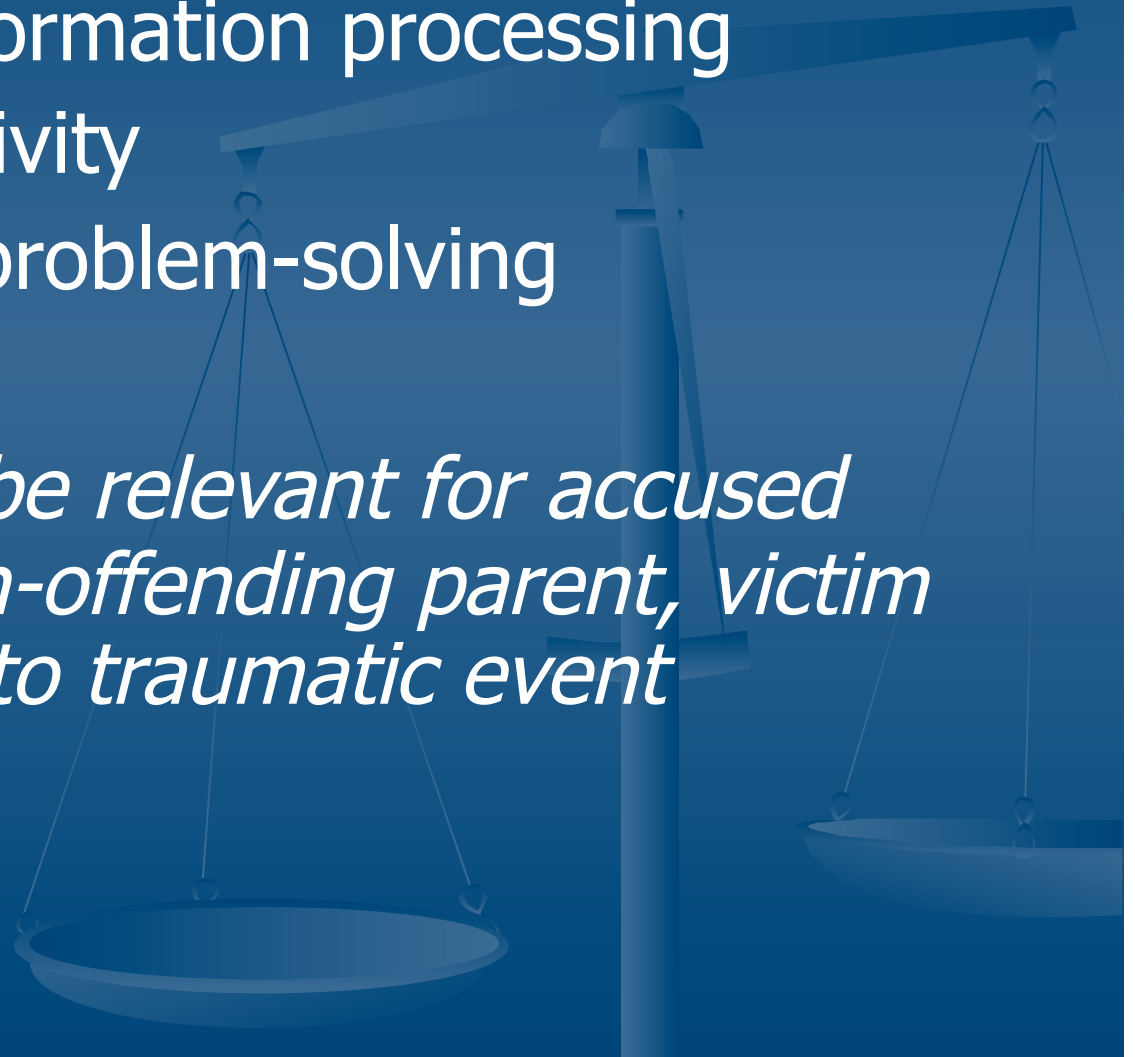
- Loyalty
- Fear
- Embarrassment
- Trauma
- Avoidance of conflict
- Distorted understanding of safe or appropriate behavior
- May apply to a variety of parent behaviors



Trauma May Impact:

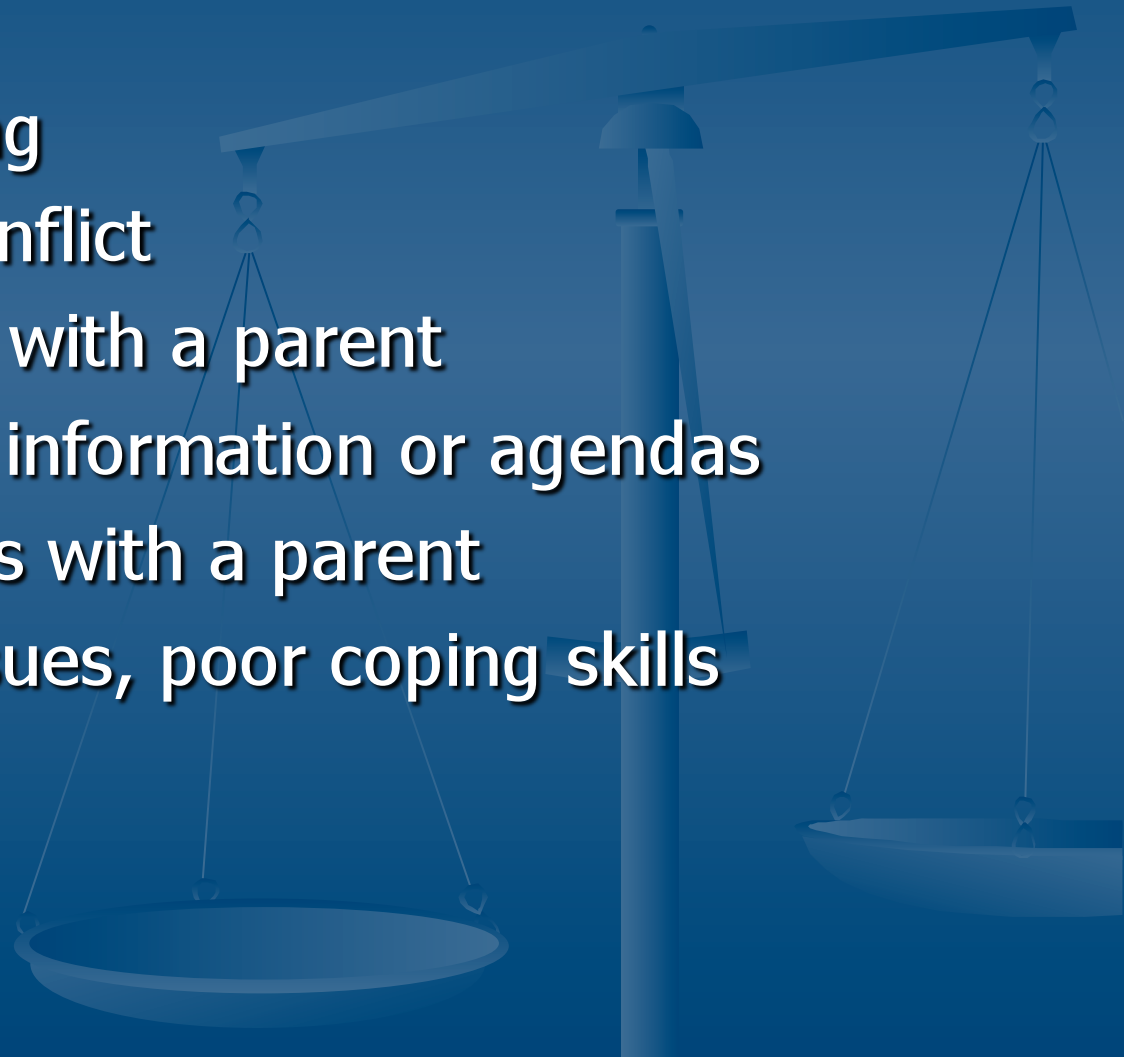
- Perceptions, information processing
- Emotional reactivity
- Judgment and problem-solving
- Relationships

Issues may be relevant for accused parent, non-offending parent, victim or witness to traumatic event



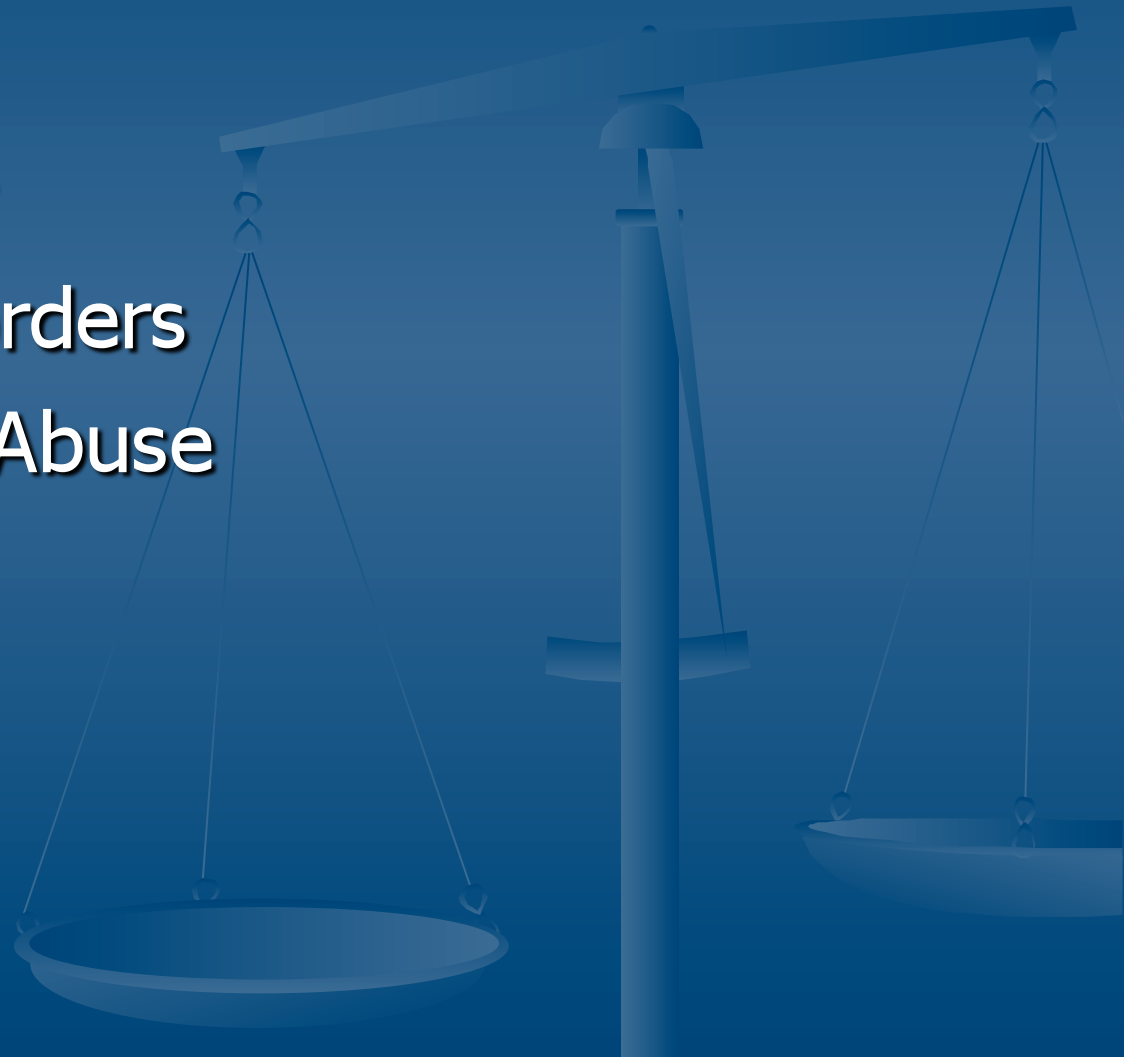
Children may appear to take sides due to:

- Loyalty
- Short-term thinking
- Desire to avoid conflict
- Affinity/alignment with a parent
- Exposure to adult information or agendas
- Realistic difficulties with a parent
- Developmental issues, poor coping skills

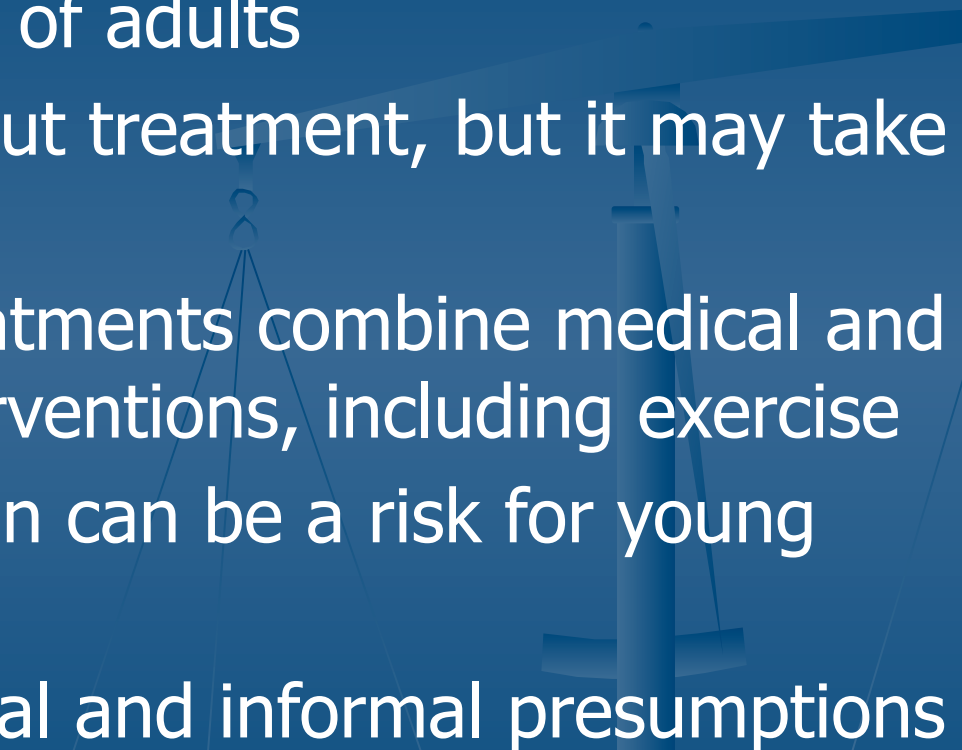


Common Issues Raised Re Parents

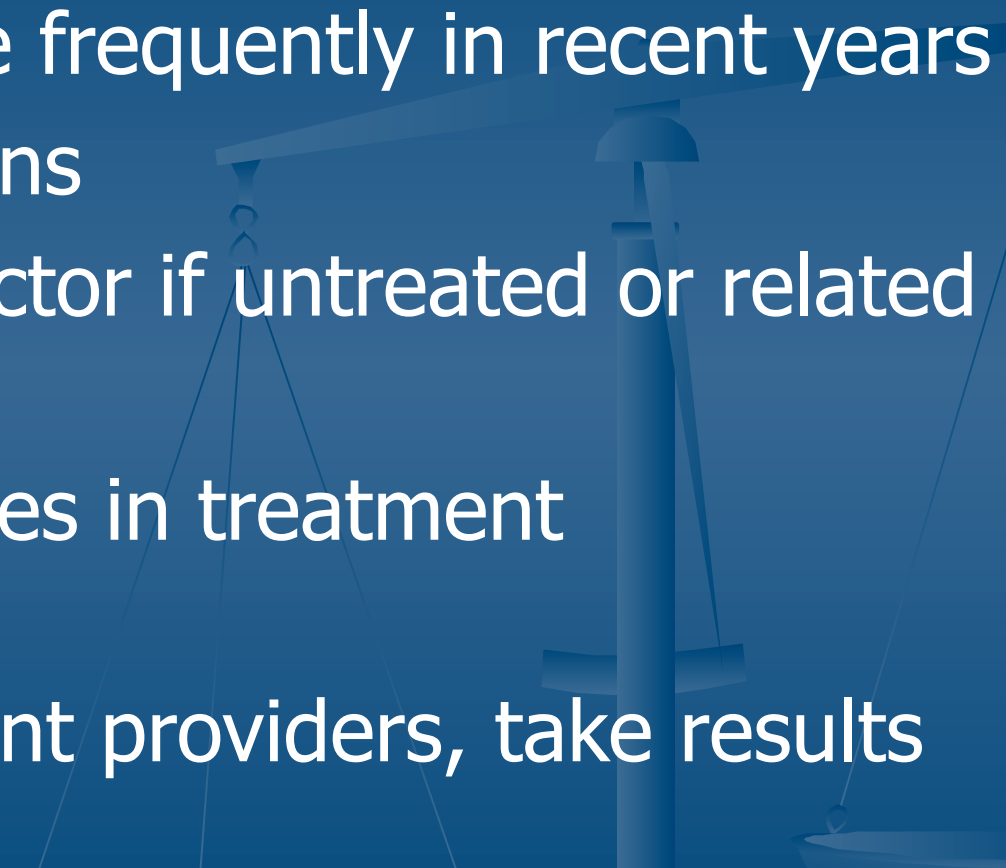
- Depression
- Bipolar disorder
- Personality Disorders
- Substance Use/Abuse



Depression

- Affects up to 70% of adults
 - 2/3 improve without treatment, but it may take time
 - Most effective treatments combine medical and psychological interventions, including exercise
 - Parental depression can be a risk for young children
 - Relevance to formal and informal presumptions
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Bipolar Disorder

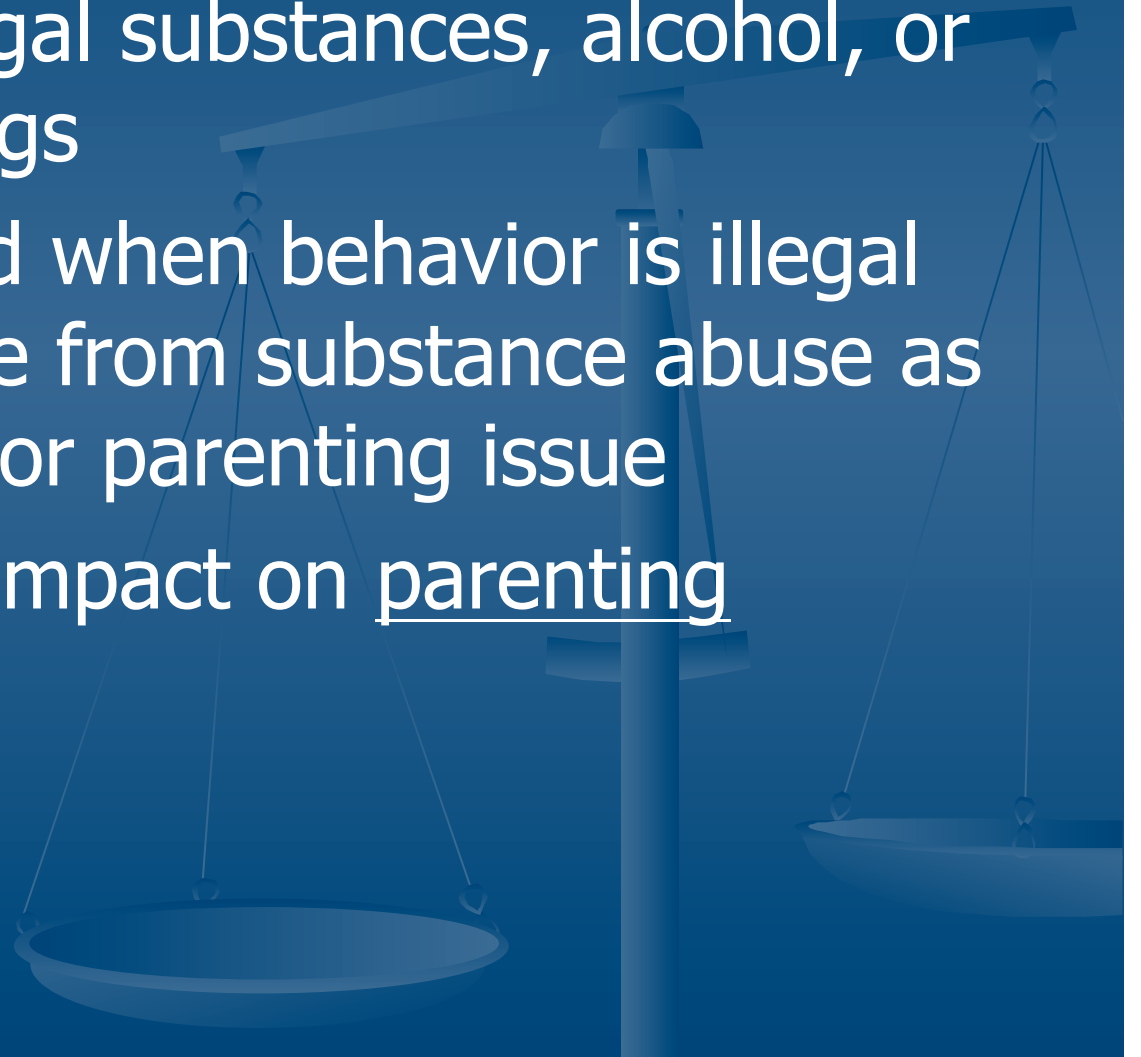
- Diagnosed more frequently in recent years
 - Treatment options
 - Can be a risk factor if untreated or related to instability
 - Historical changes in treatment perspective
 - Consult treatment providers, take results with caution
- 

“Personality Disorders”

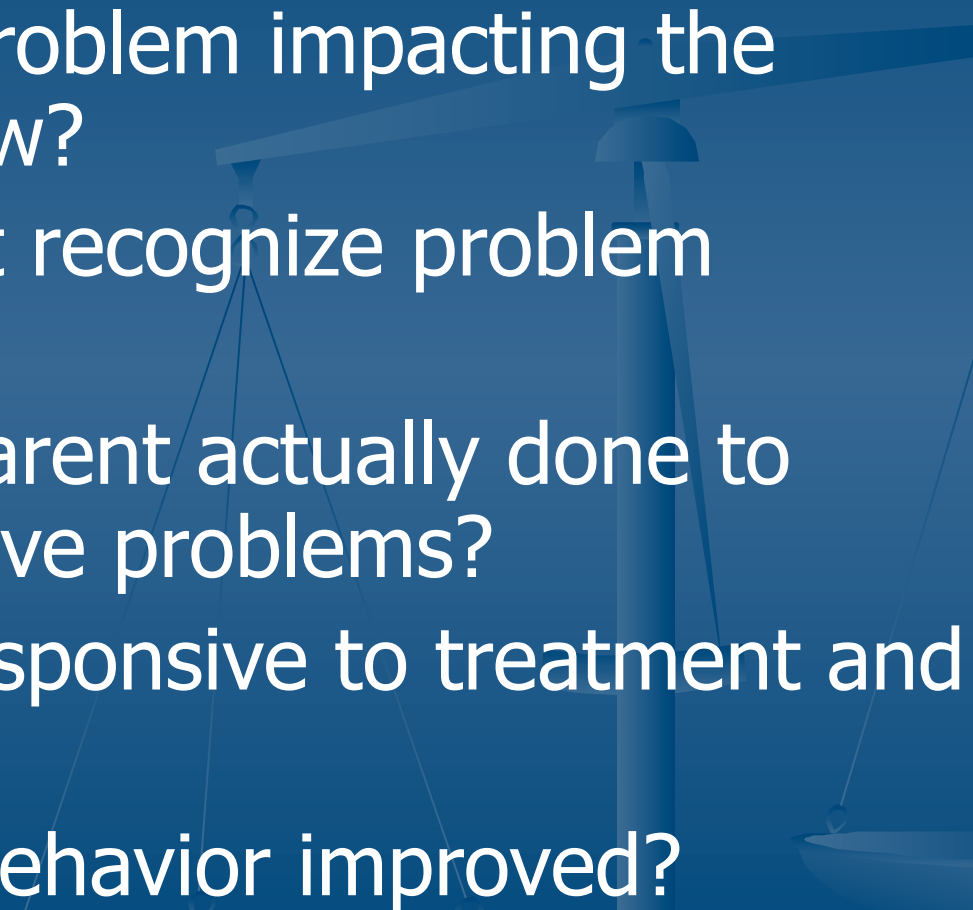
- Refer to enduring patterns of functioning – problematic when assessing people in crisis
- Politics and history in diagnosis
- No documented connection to parenting
- Resistant to traditional treatment, but definitions are crucial
- Focus on parenting behavior

Substance Abuse

- Can refer to illegal substances, alcohol, or prescription drugs
- Questions raised when behavior is illegal may be separate from substance abuse as a psychological or parenting issue
- Crucial issue is impact on parenting

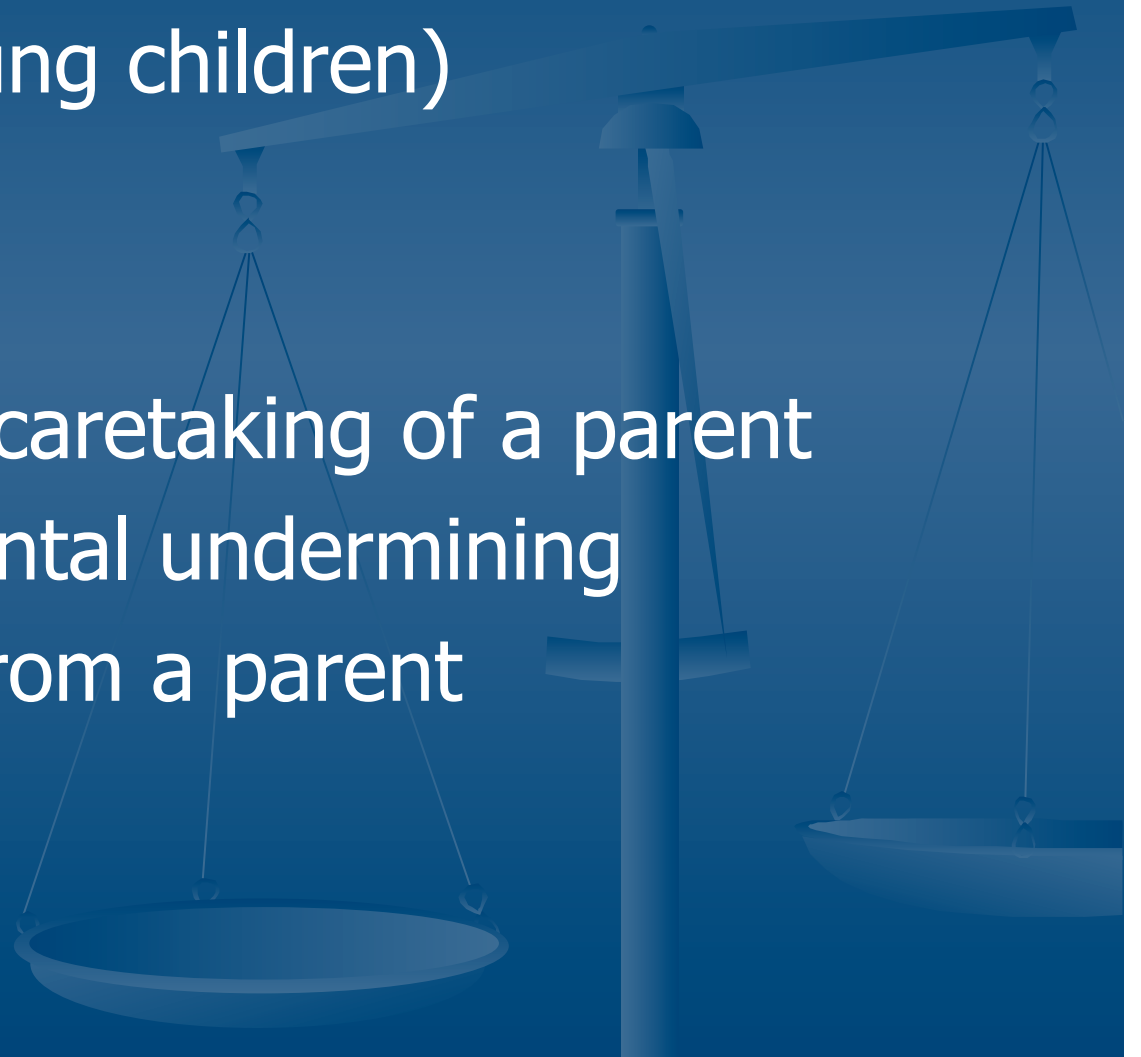


Focus on behavior, not diagnosis

- Is the alleged problem impacting the child? If so, how?
 - Does the parent recognize problem behaviors?
 - What has the parent actually done to attempt to resolve problems?
 - Is the parent responsive to treatment and education?
 - Has parenting behavior improved?
- 

Common issues raised re children and adolescents

- Regression (young children)
- Anxiety
- Depression
- Parentification, caretaking of a parent
- Alienation, parental undermining
- Estrangement from a parent
- Abuse

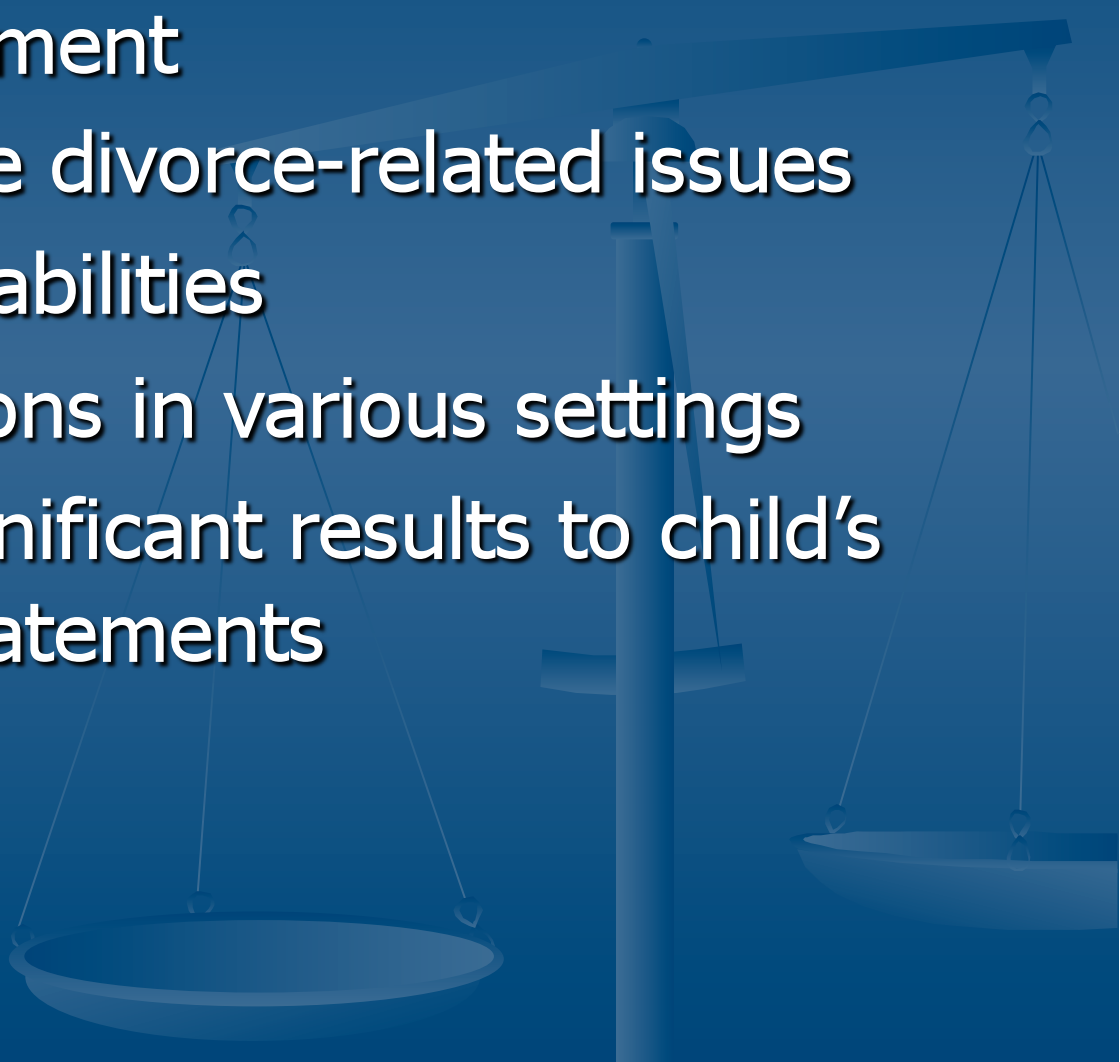


Avoid the Syndrome “Diagnoses”

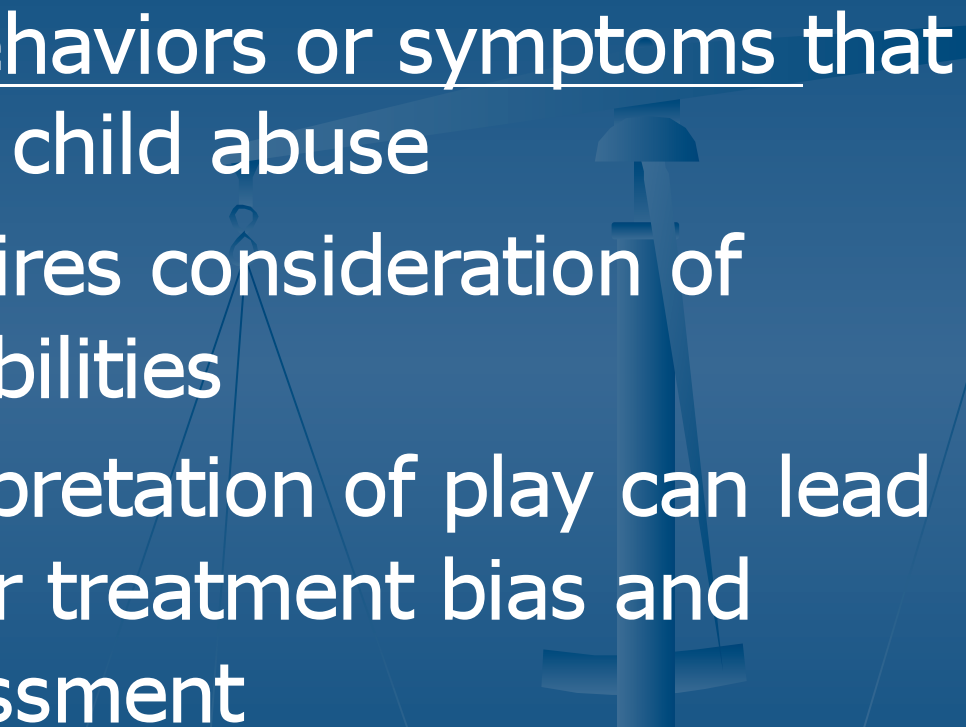
- Child Sex Abuse Accommodation Syndrome
- Parent Alienation Syndrome



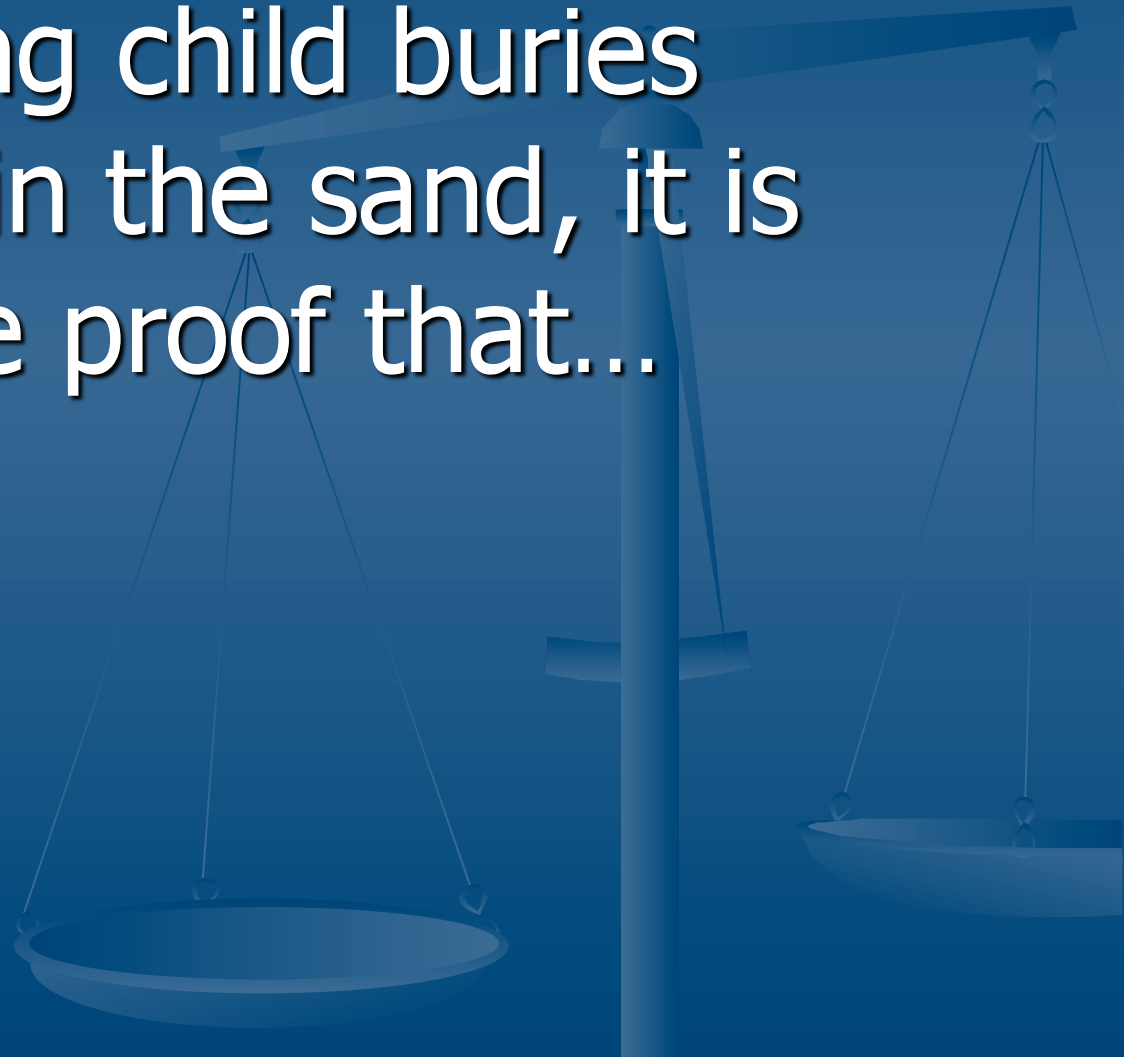
Put the Child's Behavior in Context

- Normal development
 - Behavior outside divorce-related issues
 - General coping abilities
 - Rules/expectations in various settings
 - Reactions of significant results to child's behavior and statements
- 

Cautions in Interpreting Children's Behavior:

- There are no behaviors or symptoms that reliably indicate child abuse
 - Objectivity requires consideration of numerous possibilities
 - Subjective interpretation of play can lead to interviewer or treatment bias and inaccurate assessment
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When a young child buries
something in the sand, it is
indisputable proof that...

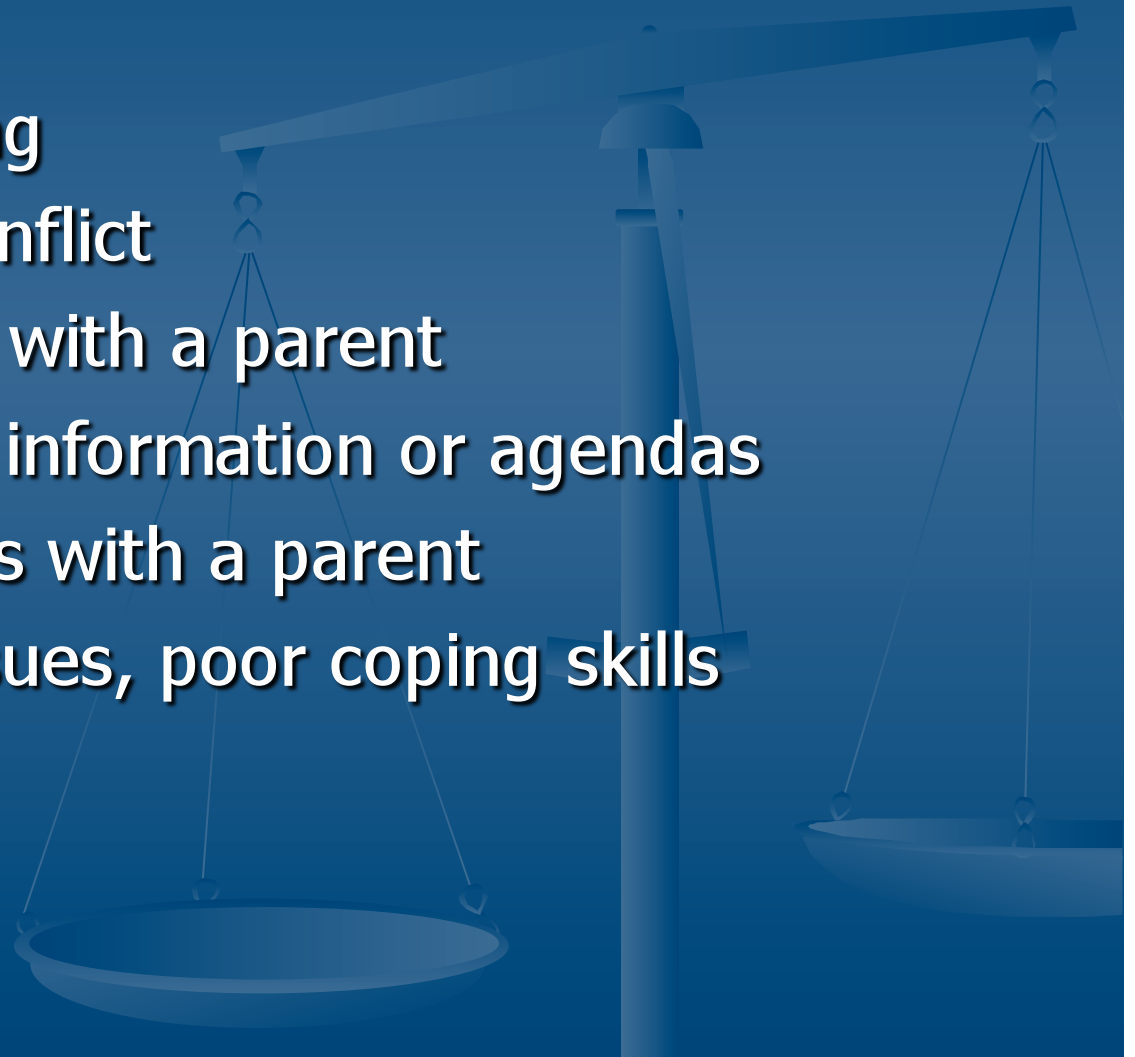


***Kids like to bury
stuff in sand!***



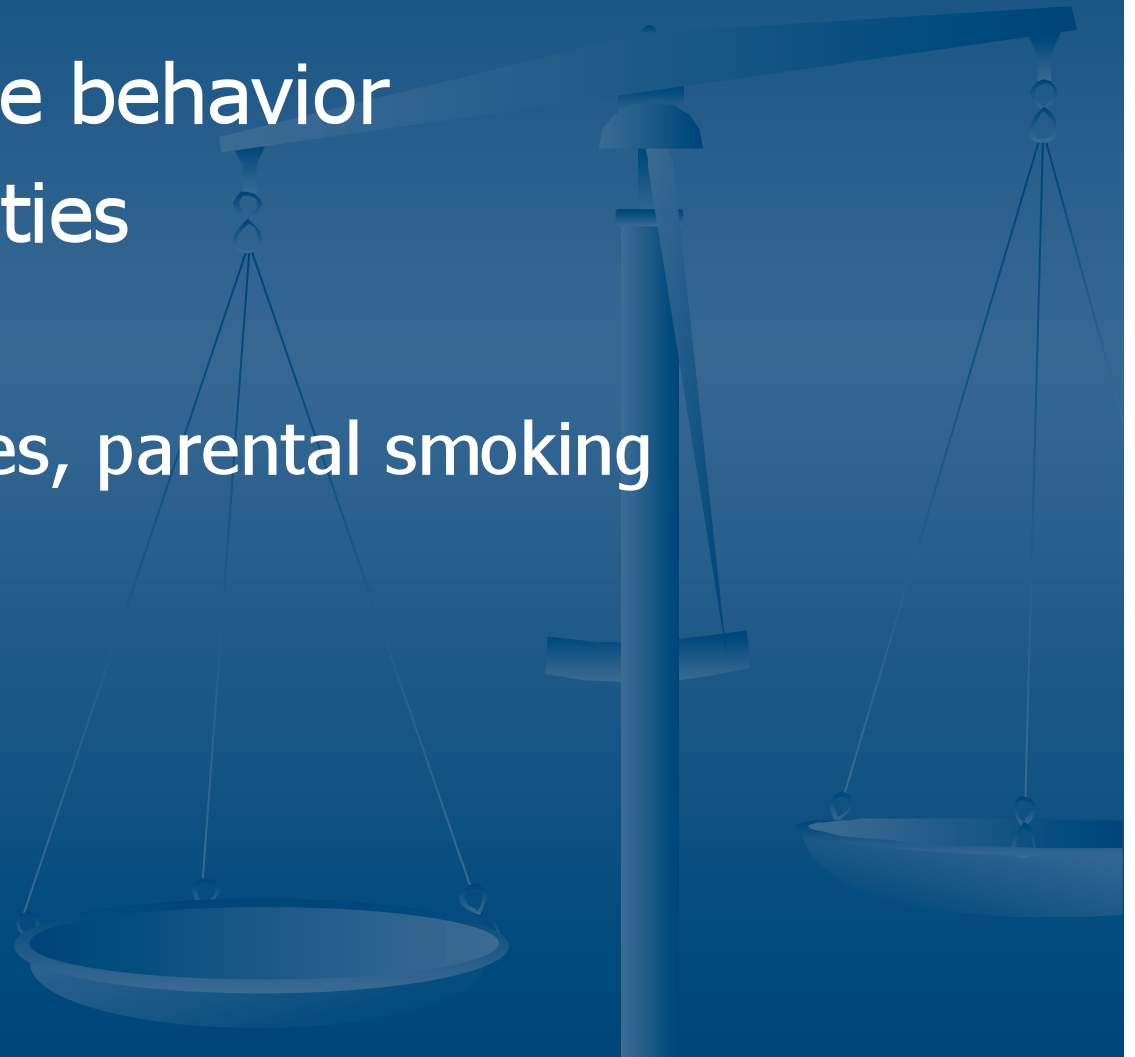
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- Developmental issues, poor coping skills



Common issues raised re children and adolescents ^[2]

- ADHD, disruptive behavior
- Learning difficulties
- Medical issues
 - Asthma, allergies, parental smoking
 - Obesity



Additional Handouts

