

Colorado IDC News

The Newsletter of the State of Colorado Interdisciplinary Committee

*"Family Law Attorneys and Family Mental Health Professionals Working Together
in the Interests of Children"*

Volume 7, Number 1

February 2005

Considering the Process of Support for the Other Parent and Gatekeeping in Parenting Evaluations

William G. Austin

Paradoxical Expectation

The ability to support the other parent-child relationship is a statutory factor in Colorado in considering the best interests of the child in parental responsibility and parenting time cases, as it is in other states. It is a factor listed in the Uniform Marriage and Divorce Act. The factor is routinely measured in parenting evaluations and considered by the court in making decisions about parenting plans. It is often assumed that not supporting the other parent opens the door to considering the assignment of sole decision making to one parent and treating it as an important factor in apportioning parenting time. The process of not supporting the other parent, perhaps derogating him or her as a person and parent, usually accompanies inter-parental conflict. The research literature on conflict and child adjustment following divorce is complex (Kelly & Emery, 2003), but children generally do worse when they are exposed to conflict. Evaluators and courts again often assume high conflict translates to not ordering shared decision making and the decision to designate a primary residential parent.

The measurement of this "support other" factor presents the Court and parenting evaluators with a bit of a logical quandary. The expectation that the parents will be reasonably supportive of the other at the time of their divorce may be unrealistic. The assumption that parents can be mutually supportive and think wisely about the needs of the child while they are embattled seems to be a paradoxical expectation, especially among litigating parents, who represent the most extreme sub-group of divorcing parents. Some commentators have criticized the approach of giving high weight to the support-other-parent factor. For example, the Florida custody statute states: "The parent who is more likely to allow the child frequent and continuing contact with the nonresidential parent" [FLA. STAT. § 61.13(3)(a) (1995)]. Dore (2004) asserts the "friendly parent doctrine" is flawed when it is given this factor is adorned with controlling weight in the hands of judicial discretion. This commentator cites emerging case law that discount the factor in certain contexts such as when there has been domestic violence or child maltreatment.

At the time of separation and divorce, conflict and hostility between parents is normative. Research suggests this reality may continue for the majority of divorcing partners for two years before dissipating and emotional disengagement occurs (Hetherington & Kelly, 2002). The research literature shows the percentage of divorcing couples who report a high degree of conflict is very substantial, (Kelly & Emery, 2003). Inter-parental conflict and hostility usually translates to a lack of support for the other parent-child relationships, lack of corroborative parenting, and

Continued on page 11

Continued on Page 12

beliefs and behaviors that inhibit a collaborative effort between fathers and mothers by limiting the men's opportunity for caring and rearing of their children" (M. K. Pruett et al., 2003, p. 171; see, also, Allen & Hawkins, 1999). The importance of this process is reflected in the robust research finding of between paternal involvement or active fathering and adaptive child behavior (K. D. Pruett, 2000; Amato, 1998). When mothers are restrictive in allowing father involvement, then this is viewed as gatekeeping. It occurs in varying degrees. It occurs in intact families (Pleck & Masciadrelli, 2004). It may become more pronounced following marital separation and divorce. It is expected post-separation and divorce conflict will produce more restrictive gatekeeping (Kelly, 2000), and in a research setting it would be expected measures of each construct would be highly correlated. That is, the cognitive and affective component of gatekeeping (attitudes, beliefs, feelings) would be contained within hostility and behaviors that embody conflict. Most of the research on gatekeeping has been with intact families where couples have to negotiate the sharing of roles and responsibilities and mothers sometimes try to control the level of the father's involvement (Cowan & Cowan, 1992). Pruett et al. (2003) conducted the first study on gatekeeping with divorced families and with very young children. Their sample was recently divorcing parents and not limited to parents who might be in litigation. Mothers were always the residential parent. They hypothesized that parental conflict would predict stricter gatekeeping, less father involvement, and quality of the parent-child relationships. The findings were several. Fathers perceived the mothers as more strict gatekeepers than the mothers did. As expected, more conflict resulted in less father involvement and this is consistent with the literature that conflict increases the likelihood that fathers will withdraw from involvement (Kelly & Emery, 2003; Kelly, 2000; Coley, 2001). Pruett et al. found that negative changes in the father-child relationship mediated the emergence of child adjustment problems between conflict and parental distress and their effects on the child. Their research is an important first step in a beginning longitudinal study. They hypothesized that mother restrictive gatekeeping resulted in less paternal involvement which produced more negative child adaptation. They did not gather behavioral data on the mother's limiting father involvement. It was self-report data only; perceptions of the father of the mother's behaviors. They did not find that measures of perceived spousal

Gatekeeping: Concept and Research

A concept that logically encompasses the factor of other-parent-support is *gatekeeping* that occurs between both parents, but especially when there is a primary residential parent. Gatekeeping is defined in the literature in terms of maternal gatekeeping and as "a set of

Dr. James Flens has accumulated a data base of normative psychological test data for custody litigants on a variety of instruments including the MMPF-2, MCMI-III, and *Parenting Stress Index* (PSI). On the Spousal Support scale on the PSI (Abidin & Konold, 1999), custody litigant parents, on average, score above the 70th percentile compared to the normative clinical sample, which was composed mostly of parents of children seen at an outpatient pediatric clinic (Flens, 2005, personal communication). This is the highest scale on this test in the sample. Thus, it may be the rare parent in a contested custody case (CCC) that is supportive of the other parent. Even in the context of a custody evaluation, where other normative test data show parents are generally attempting to create a favorable impression on the evaluator, these parents cannot quite keep themselves from communicating their lack of support for the other parent.

Gatekeeping Continued

sometimes interference with the nonresidential parents physical access to the child as mandated by a court-ordered parenting plan (Coley, 2001). Sometimes, there is a minimal level of compliance so it is difficult for the nonresidential parent to be effectively involved in the child's life. This may be due in part to a residential mother's negative view of the father's competence as a parent (Braver & Griffin, 2000) and may persist for several years and be predictive of visitation problems (Wolchik, Fenughly & Braver, 1996). In the more extreme cases, the lack of support or derogation of the other parent can lead to the child viewing the other parent in very negative terms and rejecting the parent, resisting contact, which becomes the alienated child (Kelly & Johnston, 2001). Recent empirical data demonstrates for the first time that the residential parent's lack of support for the other parent-child relationship is a significant part of the process of a child becoming alienated (Johnston, Gans, & Olesen, in press), which we always assumed. On the other hand, when the custodial mother is more satisfied with the other parent, children show better adjustment (King & Heard, 1999). Mother's perceptions of the father's parenting competence is also predictive of preference for joint or sole custody (Wilcox, Wolchik & Braver, 1998).

Gatekeeping Continued

support affected child adjustment. They found degree of parental involvement is what makes a difference. This is consistent with the broader research literature that children show the best long-term development when they have access to both parents and quality relationships without exposure to high conflict (Amato & Sobolewski, 2001).

As with most general variables, it is useful to construct a bipolar continuum to understand how gatekeeping impacts family process. I propose gatekeeping is inevitable for both parents and should be viewed as varying along a continuum of responsible gatekeeping to very restrictive gatekeeping. The behaviors of the parents may range from proactive, collaborative parenting to interfering with physical access to the children, withholding information, voicing negative statements about the other parent, and generally being uncooperative. Child abduction would be the most severe form and child alienation also occupying the negative end of the continuum. A high percentage of parents engage in a parallel parenting form and this would fall in the middle.

Measuring Other Parent Support

As with other relevant factors, evaluators should measure other parent support and gatekeeping using a multi-method approach. Verbal responses and observations in the forensic interview are a main source of data. Sometimes the parent who holds a negative attitude cannot help themselves. In a recent evaluation, during the parent-child observation session, the dad paused and started criticizing the other parent in front of the children. Most litigating parents would know this would not create a favorable impression. Most evaluators have the experience of the parent saying, "I don't mean to be critical. She is the mother of my children, after all, but ..." The negativity then follows. Collateral interview data are essential. In a recent case the teacher said, "the hostility between the parents was so clear; it was so tense; I insisted on separate parent-teacher conferences." The evaluator should look for data on this factor when s/he conducts a careful investigation by looking for multiple data sources (Austin & Kirkpatrick, 2004). The behavioral component of gatekeeping has to do with providing child information to the other parent; talking negatively about the other parent in front of the children, including overheard telephone conversations; and not cooperating with physical access to the child. Nonverbal behaviors can also communicate a message to the children. The evalua-

tor should try to confirm assertions about interference or noncompliance with the parenting time arrangement and the other aspects of restrictiveness or negativity. Relatively unbiased third parties usually are the best sources (Austin, 2002). E-mail exchanges may be a helpful source of data.

I have found it helpful to use self-report measures of parenting perceptions. The PSI has a spousal support scale. The *Parenting Alliance Measure* (Abidin, 1999) offers descriptive data on how the parent views the other parent's competence and how well they can work together. The *Parenting Satisfaction Survey* (Guidubaldi & Cleminshaw, 1994). These test data all measure perceived support from the other parent. The Court will find this helpful on the parent's attitudes towards the other parent, but the most important data will be the behavioral data on allowing access, exposing the children to negative commentary about the other parent, and providing information to the other parent.

How to Weight the Other Parent Support in Parenting Evaluations?

In light of the preliminary data from Pruett et al. (2003) and research on the frequency of moderate to high conflict in the first two years after separation and at the time of custody litigation, it is unrealistic to think the parents will be highly supportive of one another. The attitudinal data is not predictive. In cases of partner violence is expected and the estimates of partner violence among litigating parents are quite revealing, 70% in one study (Newmark, Harrell & Salem, 1995). The level of parental involvement is most predictive of child adjustment though it is expected the residential parent's attitude partly determines the level of other parent involvement. There may be a few litigating parents who can compartmentalize the parenting from other contentious issues, but usually the dispute is about perceptions of parenting or the parenting plan. I therefore propose that only the behavioral components of the factor and of gatekeeping should be weighted. If the parent has a very negative attitude towards the other parent, including the parent's competence as a parent, and communicates this to the evaluator in the interview and screening test results, but cooperates with the parenting plan and does not expose the children to her negative attitude behaviorally, then it should not be negatively weighted. It is normative! The evaluator should be looking for parents, while they are expected to be hostile and negative towards each other in

Continued on page 13

the context of litigation, can be cooperative concerning access and sharing information and try to shield the children from the conflict. Bad-mouthing the other parent in the process of the evaluation is to be expected, but interfering with physical access to and information about the child and verbal derogation of the other parent is predictive of negative effects on the child. The creative task for the evaluator and court is to see past the cloud of conflict in aftermath of divorce and make predictions about corroboration and gatekeeping in the long-run.

References

- Abidin, R. R., & Konold, T. R. (1999). Parenting alliance measure: Professional manual. Sarasota, FL: Psychological Assessment Resources.
- Allen, S. M., & Hawkins, A. J. (1999). Maternal gatekeeping: Mother's beliefs and behavior that inhibit greater father involvement in family work. *Journal of Marriage and Family*, 61, 199-212.
- Amato, P. R. (1998). More than money? Men's contributions to their children's lives. In A. Booth & A. C. Crouter (Eds.), *Men in families: When do they get involved? What difference does it make?* (pp. 241-278). Mahwah, NJ: Erlbaum.
- Amato, P. R., & Sobolewski, J. M. (2001). The effects of divorce and marital discord on adult children's psychological well being. *American Sociological Review*, 66, 900-921.
- Austin, W. G. (2002). Guidelines for Utilizing Collateral Sources of Information in Child Custody Evaluations. *Family Court Review*, 40, 177-184.
- Austin, W. G., & Kirkpatrick, H. D. (2004). The Investigation Component in Forensic Mental Health Evaluations: Considerations in the Case of Parenting Time Evaluations. *Journal of Child Custody*, 1, 23-43.
- Braver, S. L., & Griffin, W. A. (2000). Engaging fathers in the post-divorce family. *Marriage & Family Review*, 29, 247-267.
- Coley, R. L. (2001). (In)visible men: Emerging research on low-income, unmarried, and minority fathers. *American Psychologist*, 56, 743-753.
- Cowan, P. A., & Cowan, C. P. (1992). *When partners become parents: The big life change for couples*. New York: Basic Books.
- Dore, M. K. (2004). The "friendly parent" concept: A flawed factor for child custody. *Loyola Journal of Public Interest Law*, 6, 41-56.
- Guidubaldi, J., & Cleminshaw, H. K. (1994). *Parenting satisfaction scale*. San Antonio, TX: The Psychological Corporation.
- Hetherington, E. M., & Kelly, J. (2002). *Divorce reconsidered: For better or for worse*. New York: Norton.
- Kelly, J. B. (2000). Children's adjustment in conflicted marriage and divorce: A decade review of research. *Journal of the American Academy of Child and Adolescent Psychiatry*, 39, 963-973.
- Kelly, J. B., & Emery, R. E. (2003). Children's adjustment following divorce: Risk and resilience perspectives. *Family Relations*, 52, 352-362.
- Kelly, J. B., & Johnston, J. R. (2001). The alienated child: A reformulation of parental alienation syndrome. *Family Court Review*, 39, 249-265.
- King, V., & Heard, H. E. (1999). Nonresident father visitation, parental conflict, and mother's satisfaction: What's best for child well-being. *Journal of Marriage and the Family*, 61, 385-396.
- Johnston, J. R., Gans, W. M., & Olesen, N. W. (2005). Is it alienating parenting, role reversal, or child abuse? *Journal of Emotional Abuse* (in press).
- Newmark, L., Harrell, A., & Salem, P. (1995). Domestic violence and empowerment in custody and visitation cases. *Family and Conciliation Courts Review*, 33(1), 30-62.
- Pleck, J. H., & Masciadrelli, B. P. (2004). Paternal involvement by U.S. residential fathers: Levels, sources, and consequences. In M. E. Lamb (Ed.), *The role of the father in child development* (34th ed., pp. 222-271). New York: Wiley.
- Pruett, K. D. (2000). *Fatherneed: Why father care is essential as mother care for your child*. New York: Free Press.
- Pruett, M. K., Williams, T. Y., Insabella, G., & Little, T. D. (2003). Family and legal indicators of child adjustment to divorce among families with young children. *Journal of Family Psychology*, 17, 169-180.
- Wilcox, K. L., Wolchik, S. A., & Braver, S. L. (1998). Predictors of maternal preference for joint or sole legal custody. *Family Relations*, 47, 93-101.
- Wolchik, S. A., Fenaughty, A. M., & Braver, S. L. (1996). Residential and nonresidential parents' perspectives on visitation problems. *Family Relations*, 45, 230-237.