

Impressions

APPLICATIONS FOR LEGAL PRACTICE

INSIGHTS FROM THE PRACTICE
OF CLINICAL PSYCHOLOGY
AUGUST 2014

Michelle F. Eabon, Ph.D.
Clinical Psychologist

DEVELOPING PARENTING PLANS FOR YOUNG CHILDREN Some Guiding Principles For Designing Custody Arrangements

Devising shared parenting time schedules for parents of young children not living together can be an enormous challenge. Not only is this an emotional matter for the parents, but advocates for children, whether they are legal or mental health professional sometimes have strongly held personal beliefs that might be more a function of prejudice, bias, or myth rather than founded upon knowledge of child development or research findings about the effectiveness of various types of parenting plans. Some professionals continue to base their recommendations for parenting time for infants and toddlers in attachment theory as it was formulated by psychiatrist John Bowlby in the 1950's. Even Bowlby revised some of his beliefs about the primacy of mother-infant attachment later in his career. Psychological research currently supports infants' close attachments to multiple caretakers, most importantly mothers *and* fathers.

Legitimate concerns exist about father-absence, weakened bonds with fathers due to limited contact and fathers dropping out completely where limited visitation has damaged the father-child bond irreparably. Relatedly, knee-jerk reactions to these concerns result in nonsensical visitation schedules where young children make multiple transitions within a week between mother's home, father's home and even daycare provider locations. Young children on this kind of schedule experience significant disruption to their senses of emotional stability and, not surprisingly, develop behavioral problems as a result.

An important first question to ask when designing parenting time schedules is whether the child has a relatively established relationship and comfort level with both parents. Not an *equal* relationship necessarily but an established one. Where the relationship is strong and established (even when one parent may have had less child care-taking time historically than the other parent) the goal for a parenting plan would be to maintain and strengthen the parent-child relationship. Where a relationship between one parent and young child is minimal, then the objective for a parenting plan would be to build this relationship unless there is valid concern about the parent's competence, mental health, or propensity for child abuse.

The important second question to pose is about the nature of the child him or herself. It is important to understand any given child's development, emotional and behavioral stability and coping abilities so that the parenting time plan allows the child to adjust successfully. Also important to consider is whether a child has special needs to be considered in developing a parenting plan that fosters this particular child's development and adjustment. A psychological evaluation of infants and young children is useful to assess all these factors and the findings can discriminate between fact and fears about a child's potential adjustment when transitioning between parental homes, particularly for anxious parents.

(Continued on page 2)

Impressions is published by Michelle F. Eabon, Ph.D., a clinical psychologist in practice in Fairfax, Virginia.

Contact Information:

(703) 691-4204
4041 University Drive
Suite 403
Fairfax, VA 22030
www.DrEabon.net
DrEabon@DrEabon.net

DR. EABON does psychological evaluations for custody, visitation, and education litigation. She has a psychotherapy practice for adolescent and adult clients and does parent coordination. She began doing civil commitment evaluations in 1991 for the Fairfax-Falls Church CSB. Since then she has conducted parental competence, custody and visitation evaluations (for infants, toddlers, children and adolescents,) therapeutic assessments, brief focused assessments and diagnostic evaluations. She has been qualified as an expert witness in J&DR and Circuit Courts throughout Northern Virginia, in Chicago IL and Charlotte, NC as well as in U.S. Immigration Court. Dr. Eabon also does psychological evaluations for disability determination, educational accommodations, learning and psychological disorders, adoption, citizenship exam exemption, and immigration issues.

(Continued from page 1, Parenting Plans)

Dispelling antiquated notions about what children need after a parental divorce, or even when parents have never married and never co-habited, is increasingly being represented in scholarly articles and empirical research. Joan B. Kelly, Ph.D., a long-time and early innovator in parenting time plan development asserts "...traditional visiting patterns...are outdated, unnecessarily rigid ...and fail to address [children's] best interests."¹

Richard A. Warshak, Ph.D. writes "Sufficient evidence does not exist to support postponing the introduction of regular and frequent involvement, including overnights, of both parents with their babies and toddlers."² This article as well as the Kelly article are good resources for developing arguments to use in custody litigation that support equalized parenting time plans.

Practical guidelines for the structuring of parenting plans can be found in several resources. Many of them are derived from Dr. Kelly's impressive work with the Northern California Mediation Center. She proposes schedules for the child attached to both parents as well as for children primarily attached to their mothers. In the case of the former, she advocates for two overnights per week, not necessarily consecutively. Model schedules can be found in:

1. AFCC Basic Parenting Plan For Parents
<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/parentingplan.page?>
2. Some Options for Child Custody Parenting Plans (Joan B. Kelly, Ph.D.)
<http://www.coloradodivorcemediation.com/family/Child-Custody-Parenting-Plans-Options.pdf>
3. Emery's Alternative Parenting Plans (Richard E. Emery, Ph.D.)
http://emeryondivorce.com/parenting_plans.php

Theory, research, guidelines and professional opinions are all well and good but what really happens when parents put into practice a parenting time plan that has been designed *in vitro*, so to speak? In my roles as parent coordinator, child therapist, divorce coach and custody evaluator, I have found several things to be true for families who've been through my clinical or forensic practice. Some of them are:

1. If parents speak positively about an arrangement and, at least don't speak badly about each other, the children will adjust. Parents make the children's relationship with each parent a priority and, even when they hate each other, have been ultra careful to not let the children see this.

2. Children are resilient. Babies have thrived with overnight contact with both parents. (Diaper rash cream battles just are not necessary!) Children birth to age 5 and over age 10 adjust somewhat more smoothly to new residential transitions. Children between these ages adjust but need more parental support.

3. One size does not fit all. For some older children, alternating between parent's homes every month rather than every week has worked best. Sometimes siblings within the same family have had different parenting time schedules.

4. Minor emotional and behavioral adjustment difficulties are common and naturally occurring for young children going between two homes and are not a sign of psychological disturbance. Most behaviors *are* minor.

5. The younger the child the more likely parenting time schedules need adjustment. Expect changes to parenting time schedules at the start of first grade and high school.

¹Kelly, J.B. (2006) *Children's Living Arrangements Following Separation and Divorce: Insights From Empirical and Clinical Research*. *Family Process* (46), 35-52.

²Warshak, R.A. (2014) *Social Science and Parenting Plans for Young Children: A Consensus Report*. *Psychology, Public Policy and Law*, (20) 46-67.

Resources For Professionals

Guidelines for Brief Focused Assessment

<http://www.afccnet.org/Portals/0/PublicDocuments/Guidelines/BFATF2009final.pdf>

Guidelines for Parent Coordination

<http://www.afccnet.org/Portals/0/AFCCGuidelinesforParentingcoordinationnew.pdf>

Models and Standards for Child Custody Evaluation

<http://www.afccnet.org/Portals/0/ModelStdsChildCustodyEvalSept2006.pdf>

Specialty Guidelines for Forensic Psychology (2013)

<http://www.apa.org/practice/guidelines/forensic-psychology.pdf>

Guidelines for Child Custody Evaluations in Family Law Proceedings (2010)

<http://www.apa.org/practice/guidelines/child-custody.pdf>

Planning For Parenting Time (Birth to age 18)

<https://www.afccnet.org/Portals/0/PublicDocuments/ProfessionalResources/PPWguidelines.pdf>

Guidelines For Court Involved Therapy

<http://www.afccnet.org/Portals/0/PublicDocuments/Guidelines/Guidelines%20for%20Court%20Involved%20Therapy%20AFCC.pdf>