CUSTODY AND ACCESS ISSUES WITH CHILDREN WHOSE PARENTS ARE SEPARATED OR DIVORCED

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ABSTRACT

This article discusses the effects of family breakdown—and the resulting issues of custody and access—on children. It explores trends in child custody and access and issues surrounding those trends, particularly in terms of the benefits and limitations of joint custody. It then identifies the contextual problems of family breakups (including the relative poverty experienced by mother-led families, the unreliability of financial support from fathers, the complications for children which result from step-parent figures, including serial partners of their parents, the implications of interparental conflict, the need to fully address suspicions and/or allegations of abuse by one parent against another, and the problem of Parental Alienation Syndrome). Typical responses of children to family breakup are then considered, including feelings of loss, guilt, and responsibility, and a sense of divided loyalties—particularly in light of intense or violent parental conflict. And finally, recommendations are made to minimize the detrimental effects of family breakup on children: (a) allowing children choice and flexibility, (b) exploring the benefits of mediation for families, (c) promoting parental co-operation, and (d) encouraging an on-going relationship with the nonresidential parent.

INTRODUCTION

Prevalence of Marital Separation and Divorce¹

Canadian society is based on an ideal of children growing up with two biological parents, yet more diverse circumstances have become commonplace: many children live with single parents, in families of remarriage, in foster care and adoption, or with one parent and a same-sex partner. In the last thirty years, we have seen an escalation in the number of marriages (now estimated at about 30 %) which end in divorce (McCloskey, 1997).

This escalation began after 1968, when marriage breakdown became a sufficient ground for divorce. In 1966, the annual incidence of divorce was 0.5 per 1,000 persons; by 1992, it was 2.8; then it decreased slightly by 1995, to 2.6 (Dumas, 1997). This lower incidence of divorce is attributable not to a lower proportion of marriages ending in divorce, but rather to a lower number of marriages (Marcil-Gratton & Le Bourdais, 1999).

As family breakups increase, children are affected at progressively younger ages: one quarter of children born in the early 1960s had experienced their parents' separation by age 20; by contrast, one quarter of children born in the mid-1980s had experienced their parents' separation by age six. In addition to family breakup,

there are other reasons why children are not living with two biological parents. In 1996, 22.3% of Canadian families with children living at home were lone-parent families² (Statistics Canada, 1996). These lone-parent mothers were further categorized as: 24% single; 23% separated; 33% divorced; and 20% widowed (Vanier Institute, 2000). Except for the last group, these statistics reflect children who have a father somewhere who is not living with them; thus, custody and access are relevant considerations.

This article will describe: (a) what is known about child custody and access; (b) associations between custody/access and child adjustment; (c) the context in which separated and divorced families live; (d) the effects of family breakup on children, including the effects of interparental conflict; and (e) possible ways of minimizing detrimental effects.

CHILD CUSTODY AND ACCESS

Evolution of Attitudes to Child Custody

Attitudes toward child custody have evolved over the years. In the early 20th century, children were considered objects of paternal ownership. By the middle of the century, the “tender years” doctrine—which took the position that young children needed to be with their mothers—had developed, and custody tended to be awarded accordingly (Vanier Institute, 2000). This doctrine tends to be followed in practice even now: in the sample of families surveyed by the National Longitudinal Survey of Children and Youth (NLSCY),³ for example, older children (6-11 years) were 2 1/2 times more likely than very young children (under 3 years) to live with their fathers, at least part-time.

By the 1960s, the dominant principle for deciding child custody became the “best interests of the child.” The promotion of children’s rights (Joyal & Quéniart, 2001)—which recognized that, when a child’s interests are different from the parent’s interests, a court has a responsibility to consider the child’s rights—grew concurrently with the civil rights movement of the 1970s.

The Trend Toward Joint Custody

The concept of children’s rights gave impetus to the idea of joint custody as a means of allowing children to continue their relationships with both parents. A survey of 10 judges of the Family Division of the Superior Court of Quebec showed that most of them favoured joint custody as being in the best interests of the child (Quéniart & Joyal, 2001). They gave consideration to the capacity of parents, which they defined as their ability to surmount the conflict and offer the child a serene environment (“surmonter le conflit, . . . la capacité de stabilité, d’offrir à l’enfant un milieu de vie serein,” p. 121). This definition carries with it the implication that capable parents will attempt to co-operate with each other in the care of the child.

The concept of children’s rights has also led to the identification of the “parent alienation syndrome,” in which one parent denigrates the other and draws the child into an unhealthy alliance, which may include undermining the child’s contact with the other parent. When making custody/access decisions, courts often consider pa-

rent alienation as a sign of the instigating parent's unsuitability for a sole-custody arrangement.

The most noticeable trend in court orders has been the steady increase in joint custody awards, from 1.2% in 1986 to 10.1% in 1988 to 14.1% in 1990 (Statistics Canada, 1993). In 1995, the distribution of court orders for custody in Canada was: 21.4% to joint custody; 67.6% to mothers; 10.9% to fathers; and 0.2% to "others" (Vanier Institute, 2000). A distinction should be made between *joint legal custody*, which gives specific authority to both parents to make educational, religious, and medical decisions for their children, and *joint residential custody*, in which children move back and forth between their parents' homes. In this paper, "joint custody" will be used to denote joint legal custody unless "residential custody" is mentioned. Another variant of custody is split residential custody, in which one or more children live with each parent.

Joint residential custody is less common than court awards of joint custody might indicate. Many separated families make their own private arrangements for custody: in the NLSCY, only 48% families overall had a court order; for families from Quebec, where legislation covers separation, it was 58%; for the Prairies and B.C., it was 42% (Marcil-Gratton & Le Bourdais, 1999). Even when the court has made an order for joint custody, most Canadian children actually live with their mother only. In the NLSCY, 86.2% of the children lived with their mother only, and 7.3% with their father only (Marcil-Gratton & Le Bourdais, 1999), while only 6.5% shared residences with both parents. Children who begin by sharing residences may drift away from this arrangement over time. In a French-Canadian study of 195 children from separated families in Quebec, 46% of those in joint residential custody were no longer sharing custody at the end of two years: almost 2/3 (63%) of these children went to a mother-only arrangement (Cloutier & Jacques, 1997).

Pros and Cons of Joint Custody

An arrangement of shared responsibility seems to have the potential to provide continuity for children. Non-residential parents who have some power in the decisions made about their children are less likely to drift away. Residential parents are more likely to get financial support from their former partners if the latter stay involved. Children benefit from knowing that both of their parents are involved in caring for them.

The major disadvantages of joint custody appear to be: (a) the difficulty of negotiating when there is an imbalance of power, (b) the complexity for former spouses of managing a parental partnership, and (c) disruption for children when joint legal custody is extended to joint residential custody.

Joint custody may be difficult to set up and implement in families where there is an imbalance of power. In particular, women who have been abused by their male partners may find it very difficult to negotiate a fair agreement with them. These women are likely to be intimidated and tentative in putting forth their positions, while abusive men's need to control their wives does not end with separation or divorce. A history of abuse has been identified as a contra-indicator for mediation by the Association of Family and Conciliation Courts (Maxwell, 1999); thus, it is a poor basis on which to formulate a workable joint custody arrangement.

Joint residential custody creates complex roles for family members and requires significant emotional commitment and ongoing communication between former partners. However, parents have reported that, over time, the ability to co-operate increases. Pearson & Thoennes (1990) interviewed 426 parents (80% being mothers) from widespread U.S. communities, who had sole or joint custody of their children after a family breakup, and were receiving support payments. Joint residential custodians reported the highest level of interparental co-operation, while mothers with sole custody reported the greatest deterioration of interparental relationships.

Children tend to be negative about joint residential custody. In a survey of 40 Montreal university students who had experienced the divorce of their parents, 78% stated a preference for sole-custodial living arrangements, although only 10% of them had actually experienced joint residential custody (Derevensky & Deschamps, 1997). The difficulty for some children of switching homes was noted by Steinman (1981), who studied children living under joint-residential custody arrangements: 25% of them were "anxious and insecure" about switching homes and felt "overburdened" by the demands of the arrangement. This difficulty may be the reason that so few children split their time between homes, despite court orders that set out this expectation.

CUSTODY/ACCESS AND CHILD ADJUSTMENT

Child Adjustment associated with Different Custodial Arrangements

Empirical research about the well-being of children in different custodial arrangements has been inconclusive. A confounding influence is that parents who agree to joint custody tend to be those who have functioned better prior to the breakup: "parents who are attracted to joint custody are predisposed to co-operate and do not suffer from the higher levels of family violence observed in sole custody situations" (Pearson & Thoennes, 1990, p. 239). Moreover, a child's adjustment to a family breakup is likely to be influenced by many other variables, such as the quality of family interaction and the surrounding environment.

Gunnoe and Braver (2001) dealt with the issue of pre-existing functioning by collecting pre- and post-divorce data on 78 families involved in divorce proceedings in Phoenix, Arizona. As expected, families who were eventually awarded joint custody had better pre-divorce functioning in terms of family demographics, parental adjustment to divorce, interparent conflict, quality of parenting, and child adjustment. Thus, the researchers controlled for these pre-existing differences in their analysis of outcomes. The results mildly favoured joint custody over sole-mother custody. Joint custody was associated with more father-child contact and with fewer impulsive behaviours in children (as measured by a parent-completed measure of child behaviour); however, it was not associated with child measures of depression or anti-social behaviour, nor was it associated with payment of child support.

Other researchers have concluded that type of custody is not associated with children's adjustment. Pearson and Thoennes (1990) studied 651 families in Denver, Colorado, using a child behaviour measure similar to that used by Gunnoe and Braver (2001). No association was found between children's scores and type of custody, which included sole, joint legal, and joint residential. A similar finding of

no association was made by Kline, Tschann, Johnston, and Wallerstein (1989) in a study of 101 families in California.

Almost no research could be found on the topic of split custody, possibly because only 5%-7% of families adopt it (Hawthorne, 2000). Split custody is theoretically unattractive, because it means that siblings will grow up without one another's presence. It does, however, allow parents to share responsibility, and may help to keep them both involved with their children. Hawthorne studied working-class Australian families—54 parents and 30 children (9-18 years old)—using a questionnaire supplemented by interviews, and his conclusions were mainly positive. In 52% of families, the choice of custody was determined by children's wishes; moreover, they had frequent access to non-residential parents and siblings—64% had face-to-face contact with the parent and 73% with their siblings, at least every two weeks. Children rated the success of split custody more highly than did their parents: on a six-point scale, the mean satisfaction score for children was 3.83, while the mean score for parents was only 2.24.

It appears that custody arrangements, when pre-existing parental functioning is controlled, are not highly associated with children's adjustment. From the viewpoint of children, joint residential custody seems to be less appealing than it is to parents, while split custody received higher satisfaction scores from children than from parents.

THE CONTEXT OF FAMILY BREAKUP

Children's lives are likely to be affected by a range of contextual problems related to family breakup: (a) relative poverty for lone mothers, (b) step-parents and/or serial relationships, (c) interparental conflict, and (d) suspicions/allegations of abuse.

Relative Poverty

It is well recognized that women are likely to lose their financial security when a family breaks up. A study of all Canadian families who separated between 1987 and 1993 showed that women suffered a median loss in adjusted family income⁴ (AFI) of 23% at one year after separation, while the AFI for men increased by 10% (Galarneau & Sturrock, 1997). Although men are expected to continue supporting their children after a marriage ends, many lone-parent mothers cannot reliably count on this income source. In the NLSCY, only 43% of court-ordered child support was received regularly, while 30% of orders were at least six months in arrears (Marcil-Gratton & Le Bourdais, 1999). In the same study, families with private agreements for child support had more regular payments: 66% of agreements were met regularly, and only 14% were more than six months in arrears.

The scarcity and uncertainty of child-support payments create ongoing stress in the lives of low-income mothers and their children. Some provincial governments, such as Ontario and Quebec, have systems for collecting support payments from non-residential parents. In Ontario, where 97% of non-supporting, non-residential parents are fathers (Ontario, 1999), the Family Support Plan Act (Ontario, 1992) introduced intrusive collection measures, such as garnishees of fathers' earnings or non-renewal of driving licenses for men in arrears. These measures increased the

level of payment: between 1991 and 1999, the proportion of partially paid orders increased from 18% to 35%, although the proportion of fully paid orders increased only from 21% to 25% (Ontario, 1999). As forcing payment seems to be only partly successful, it is important to find other ways of reinforcing fathers' feelings of parental responsibility when families break up.

Step-parents/serial relationships

Post-separation adjustment for children is often complicated by their parents' new attachments. The cross-Canada study by Galarneau and Sturrock (1997) showed that 30% of men and 26% of women had formed new unions by one year after separation. Children and youths often find it difficult to adapt to a parent's new partner—either because they fear the loss of parental attention or because they continue to hope that their parents will reunite.

Mothers who form new unions may be disappointed if their new partners provide little support in helping to parent their children. Fathers in new unions, especially if this union produces children, may have difficulty remaining involved with the children from their earlier union. However, the most complex situations occur with mothers on low incomes or welfare who, in their struggle for financial support and help with their children, often form attachments with a series of live-in partners.

Adolescent children, in particular, may find it difficult to accept a new parent figure. The conflict which often results from this difficulty can force a mother to choose between her child and her male partner. Ideally, parents who form new part-nerships should reassure their children that they will not be displaced, either by the new partner or by other children resulting from the new union.

Interparental conflict

There is converging evidence that interparental conflict is more predictive of children's adjustment to divorce than is family structure (Buchanan & Heiges, 2001; Pearson & Thoennes, 1990). The nature and degree of conflict ranges from disagreements over custody and access, which may be mild or intractable, to a continuation of interpersonal violence that began during the marriage. Violent conflict is fairly common in divorcing families: Maxwell (1999) estimates that domestic violence is present in 50% to 80% of all marriages referred to court-based divorce and custody/visitation mediation programs. Moreover, the family situation may continue to be unsafe after separation: Reihing (1999) notes that abused women who have had children with their abusers are at high risk of becoming victims after the divorce. Restraining orders often fail to deter obsessed husbands, who sometimes seek revenge by using their children as pawns. Custody and access issues are extremely problematic with these families; probably the best approach is to control father-child contact through a supervised visiting program.

Conflict between parents tends to be high while issues of the divorce are being resolved, and to decrease over time, as parents reach liveable compromises and gradually become disengaged (Buchanan & Heiges, 2001). Support from professionals, family, and friends can be important to parents and children in minimizing the damage that results from conflict within, during, and after the breakup of the family.

Suspensions/allegations of abuse

A specific category of interparental conflict occurs when parents accuse their former partners of neglecting or abusing the children of the union. It is not uncommon for residential mothers to allege sexual abuse of a daughter by the non-residential father. These allegations may be true more often than professionals want to believe. McGraw and Smith (1992) studied 18 cases investigated by a Colorado Sexual Abuse Team and found that only one of the allegations was initially believed by the team. However, further review, instigated by the research, led to the conclusion that eight of the allegations could be categorized as founded. A qualitative study with 10 child protective service workers in an Ontario Children's Aid Society supported these findings: workers reported a tendency to be more dubious of allegations when they were made by parents involved in custody and access cases (Milroy, 1999). It is important that professionals take such allegations seriously, and investigate either to confirm them or to clear the parent who is being accused. More research is needed in this area.

Parental alienation syndrome

Another process that sometimes interferes with parent-child relationships after family breakup is "parental alienation syndrome" (PAS), in which one parent (usually the residential parent) systematically denigrates the other in an attempt to draw children into an alliance against this parent (Gardner, 1999). If actual abuse or neglect is present, then the situation cannot be defined as PAS. In cases of PAS, children sometimes take on the views of the accusing parent, and may add their personal contributions to cast the other parent in a negative light. Typically, these children express a wish to end all contact with the denigrated parent, and it is difficult for decision-makers to know how to evaluate the situations (Lamontagne, 1999).

To help distinguish PAS from actual situations of abuse or neglect, Gardner (1999) has identified some distinguishing characteristics of PAS: (a) a campaign of denigration; (b) weak rationalizations for the deprecation; (c) lack of ambivalence; (d) reflexive (instant, unconsidered) support of the alienating parent; and (e) spread of the animosity to friends and/or extended family of the alienated parent. Ideally, professionals, friends, and family members should try to discourage PAS from developing, as it is difficult to reverse once it begins.

EFFECTS OF PARENTAL SEPARATION ON CHILDREN

The importance of family, especially to young children, cannot be over-emphasized. For many children, the breakup of their family may seem to be their world falling apart. Children who are older when their parents separate seem to adjust better, possibly because they have more choice in custody decisions, and greater freedom to access non-residential parents. Zill, Morrison, and Coiro (1993) examined data on 240 young people from divorced families, using the U.S. National Survey of Children, and found that children who were older than six at the time of marital disruption adjusted better to their parents' divorce. Howell, Portes, and Brown (1997) studied 433 children, aged 8 to 12 years, and also found the older children did better.

Zill, Morrison, and Coiro (1993) also found that adolescents were more likely to have negative relationships with fathers than their peers with intact families. Negative relationships with mothers were not evident during adolescence, but tended to develop in girls (but not in boys) as they reached adulthood.

The effects of family breakup on children can be expected to vary, depending on the contextual conditions discussed above, the ages of the children, and their ability to cope with stress. There are, however, some typical psychological effects experienced by children whose parents separate: (a) feelings of loss, guilt, responsibility; and (b) divided loyalties. These effects are likely to be more damaging when there is ongoing conflict between parents.

Loss, Guilt, and Responsibility

When parents separate, children generally lose their everyday relationship with the parent who leaves the home. Regular and frequent contact with non-residential parents is atypical, and tends to dwindle over time. Children's sense of loss frequently is seen in their sadness and anxiety in parting from non-residential parents as visits come to an end (Wallerstein & Kelly, 1980). Feelings of guilt and responsibility are common reactions of children to family problems: because of their immaturity and self-centredness, they tend to blame themselves for having contributed to the breakup. This guilt is reinforced if they are aware of their parents arguing about them, which commonly happens. The greatest post-separation conflicts occur over economic stress, visitation, child-rearing, and children's adjustment to divorce (Ahrns, 1981).

Children may take on responsibility for a parent who is suffering from anxiety or depression during the crisis of family breakup, become overly protective, and suppress their own needs. Statements by children who have been separated from their parents because of abuse or neglect reveal that even those as young as six worry about their parents, especially if the parent has not been functioning well before the separation (Palmer, 1990). It is natural and comforting for parents to turn to their children for support when they become alienated from their partners. Roseby and Johnston (1998) point out that children who receive the overload of a parent's feelings of humiliation and loss may be unable to achieve developmental separation from this parent. Ideally, parents will seek other confidantes to avoid overwhelming their children with the emotional fallout that tends to accompany family breakup.

Divided Loyalties

Children are likely to feel pulled in two directions when their parents separate, especially if they are asked to state a preference for one parent. In high-conflict divorce, pressure to participate in a custody struggle between their parents places an unfair burden on children (Garritty & Barris, 1997). Sorrick (1997) found that adults who had experienced a custody battle as a child were less likely to think that young children should be able to determine with which parent they would live. When pressed to make a choice, children are unlikely to give priority to their own needs; feelings of guilt and responsibility often lead them to choose the parents who seem to be suffering most. Unfortunately, these parents may have difficulty in attending their children's needs because of their own distress.

Effects of interparental conflict

It is generally acknowledged that conflict between parents is an important determinant of children's adjustment to divorce. Karkazis and Lazaneo (2000) note that the relentless litigation that often accompanies intractable custody disputes can traumatize both parents and children by assaulting their integrity. Shaw and Emery (1988) found that continuing conflict was associated with problems in children's self-esteem, social competence, cognitive competence, and academic achievement.

The destructive effects on children of witnessing interparental violence are similar to the effects of being directly abused by parents (Jaffe, Wolfe, & Wilson, 1990). Children who have witnessed violence between their parents tend to show symptoms of post-traumatic stress, similar to the reactions of people involved in an overwhelming and dangerous situation (Margolin, John, Ghosh, & Gordis, 1996). These reactions often show up as internalizing problems, such as anxiety, guilt, and pervasive sadness (Shaw & Emery, 1988). Although most parents recognize that their conflict is detrimental to children, they may need to be reminded of this reality by professionals, family, and friends. Often they are so caught up in their goal of achieving a custody and access arrangement to protect their relationship with their children that they lose sight of the damage they may be creating by taking an adversarial position.

MINIMIZING DETRIMENTAL EFFECTS

Many of the potentially damaging effects of family breakup on children can be controlled or influenced by parents. Helpful behaviours include: (a) allowing children choice and flexibility, (b) seeking mediation, (c) trying to co-operate, and (d) encouraging commitment from non-residential fathers.

Allowing children choice and flexibility

As noted above, children should not be forced to choose between their parents; however, it is important to give them an opportunity to express their views. Rahabi (1999) compared 14 adults who had participated in their own custody determination with 13 who had not. The former had been able to secure a positive relationship with both parents after divorce, while most of the latter had lost contact with their noncustodial parent. Flexibility in visiting is also appreciated by children, according to in-depth interviews with 40 children and teenagers (Neugebauer, 1988-89).

Seeking mediation

As mentioned earlier, mediation is not advised for couples from abusive partnerships. The results of mediation, however, tend to be positive, with most studies reporting mildly favourable to very positive findings (Kelly, 1996). Dillon and Emery (1996) followed up 53 separated parents in Virginia who had been randomly assigned to either mediation or traditional adversarial methods for resolving child custody disputes. At nine years post settlement, parents in the mediation group reported more frequent communication. Further, non-residential parents in the mediation group had more ongoing contact with their children and greater involvement in decision-making.

Trying to co-operate

Lamb, Sternberg, and Thompson (1997), reporting on an interdisciplinary conference of experts on children in divorce, conclude that adverse effects on children are minimized when they experience their parents co-operating around their care, have a meaningful relationship with their non-residential parent, and receive financial support from this parent. According to a survey of 180 divorced parents (Madden-Derdich, Leonard, & Christopher, 1999), co-operation is easier to achieve if parents can separate their parental roles from their roles as former partners.

Encouraging commitment from non-residential fathers

Research indicates that children adjust better to family breakup when they have continuing contact with non-residential parents, who are usually the fathers. Pearson and Thoennes (1990) analyzed interviews with 426 parents and found that regular visitation was a significant variable in explaining children's positive adjustment patterns. Pagani-Kurtz and Derevensky (1997) studied 35 elementary school children and found a positive link between the duration of visits by non-residential parents and children's self esteem.

Visiting by non-residential fathers is associated with the ability of the former partners to co-operate in the interests of their children, and with payment of support by fathers. Ehrenberg (1996) studied 64 separated and divorced parents and found that higher father-child contact was associated with interparental co-operation. As for payment of support, the NLSCY showed that 28% of fathers who had not paid support in the previous six months never visited their children, compared to 17% who paid by court order, and 4% who paid through a private agreement (Marcil-Gratton & Le Bourdais, 1999). It is concerning that many families—some 32.5% of those involved in the NLSCY survey—have no agreement by the father for child support. Sometimes mothers prefer this arrangement, in order to avoid involvement with their former partners. From the viewpoint of resources for the child's well-being, as well as the link between financial support and father-child contact, however, payment of support should be encouraged.

Without encouragement, visiting tends to diminish over time. In the NLSCY, 57% of children whose parents had been separated for less than two years saw their fathers regularly, but this dropped to 31% for those whose parents had been separated five years or more (Marcil-Gratton & Le Bourdais, 1999). Some of the barriers to visiting are: the father's own uncertainty, discouragement from the mother, and the children's reactions. In attempting to understand why fathers drift away from their children, Lehr and MacMillan (2001) held group interviews with 18 young fathers (15-28 years old) who participated in an outreach program for single fathers. They were difficult to engage, reported feeling lost, and had difficulty asking for help in dealing with the after-effects of divorce. In Johnson's (1999) survey of 397 non-residential fathers, which examined their perception of impediments to contact with their children, many attributed their lack of contact to unco-operative behaviour by residential mothers. Nielsen (1999) concluded, from a literature review, that many fathers are demeaned, demoralized, and disenfranchised after divorce, in ways that make it difficult for them to maintain close relationships with their children.

Residential mothers often discourage father-child contact on the basis that it makes children more difficult to manage. One reason for children's disruptive behaviour is that they re-experience separation from their fathers at the end of each visit. Wallerstein and Kelly (1980) found, however, that these disruptive effects tended to diminish over time, as children became used to a reliable pattern of visiting.

CONCLUSIONS

A growing number of Canadian children have experienced the separation of their families, and most of them live with their mothers. Custody arrangements alone are not clearly associated with child adjustment; however, joint custody is associated with more father contact, and contact is associated with good child adjustment. Initially, joint custody demands more of the former partners, but co-operation seems to improve over time. Joint residential custody seems to be more satisfactory to adults than to children, who tend to experience it as disruptive.

Mother-headed families of divorce are likely to be poor, and financial support from fathers tends to be irregular and insufficient. Although there has been a strengthening of provincial government intervention to ensure that court orders are honoured, too many children are still being denied the support to which they are entitled. Research indicates that a co-operative parental relationship is more likely to produce regular support than are measures that attempt to force fathers to pay.

Children often have to adjust to step-parents and sometimes to serial relationships, especially if the mother is struggling to survive economically. It is important for professionals, family, and friends to support families through the pain of a family breakup; children, in particular, need reassurance that they still have two parents who care about them. Family and group counselling may be valuable in helping parents discuss the breakup and its implications with their children.

Allegations of child abuse in post-separation families are problematic, especially because they may be attributed to inter-parental conflict. Such allegations should be explored thoroughly by child protective services, so that the child can either be protected or allowed to continue contact without being undermined by negative attitudes on the part of caregivers.

Children typically respond to family breakup with feelings of loss, guilt, responsibility, and a sense of divided loyalties. It is important not to aggravate these reactions by drawing children into adversarial battles over custody and access. In families where there has been physical violence, it is important to provide counselling and long-term support to both mothers and children, so they can come to terms with the past and construct a safe environment for the future.

The detrimental effects of separation on children can be minimized by allowing them some choice about ongoing contact with their non-residential parent, and by parents trying to set aside their differences to co-operate in the children's interests. Formal mediation can facilitate these possibilities, but only when there is a reasonable balance of power between the parties.

It is important for children to have as positive a view as possible of their non-residential parent (usually their father). Such a viewpoint is more likely if the parent shows ongoing commitment to the children, especially through regular

contact. Many fathers need support to initiate and persist in a relationship with their children. A co-operative attitude from the mother is essential if children are to benefit from this contact. Often, a child's feelings about the breakup are overlooked, because of the complications created by marital separation and the struggle to survive. As a major crisis in the life of the family, the breakup presents an opportunity to curtail and treat any adverse effects on children. Parental attitudes and behaviour can determine whether the damage comes to an end or continues after the separation. With a positive, child-centred approach, estranged partners can provide reasonable continuity in parenting, giving their children the security of knowing that both parents are committed to their welfare.

NOTES

1. As most of the research about children whose families break up is about divorce, but is relevant also to children in separated families, the term "divorce" can be considered to include "marital separation."
2. 69.2% were now-married couples, and 9.5% were common-law couples.
3. The National Longitudinal Survey of Children and Youth includes a cross-Canada sample of over 22,000 children from birth to age 11, first surveyed in 1994-1995.
4. Income adjusted to take into account the number of family members.

RÉSUMÉ

Cet article examine les effets sur les enfants de la dissolution familiale et des questions de la garde légale et des droits de visite des parents qui en résulte. On explore les tendances courantes dans les domaines de la garde et des droits de visite, notamment en abordant les avantages et les limites de la garde partagée. Le contexte dans lequel les familles séparées vivent fait l'objet d'une discussion, ce qui permet d'aborder les thèmes de la pauvreté relative chez les mères de famille monoparentales, l'incertitude financière vis-à-vis la contribution du père, les difficultés rencontrées par les enfants qui ont des beaux-parents, les changements fréquents de partenaire chez les parents, les implications des conflits parentaux, la nécessité de se préoccuper avec soin des soupçons et allégations d'abus d'un parent à l'égard de l'autre et le syndrome de l'aliénation parentale. Les réactions typiques des enfants à la dissolution familiale sont examinées (entre autres les sentiments de perte, culpabilité et responsabilité et le conflit de loyauté pouvant être ressenti par les jeunes, notamment en contexte des conflits parentaux intenses ou violents). Des recommandations sont finalement énoncées afin de diminuer les effets préjudiciables de la dissolution familiale sur les enfants: (a) la facilitation du choix et de la flexibilité chez l'enfant, (b) l'exploration des bénéfices associés à la médiation familiale, (c) la coopération entre les parents et (d) la continuité de la relation entre le parent qui ne vit pas avec l'enfant et ce dernier.

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