

“Through the Eyes of Children”: ADR Standing Committee Presents a Panel of Adult Children of Divorce

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The ADR Standing Committee of the State Bar Family Law Section (currently co-chaired by family law attorney mediators Fern Topas Salka and Wendy Landes), decided for 2007-2008 to focus on the effects of the divorce process on children. In planning discussions, the committee concluded that, more often than not, children’s voices are not heard during the divorce process. While this is especially true in the litigated divorce, it can often be the case even in mediation and collaborative divorce.

Accordingly, the ADR Standing Committee of Southern California created a 90-minute program titled “Through the Eyes of Children.” The program, organized and facilitated by a sub-committee of the ADR South Standing Committee, is moderated by a family law mediator² and is composed of a panel of four adult children of divorce and a child development expert.³ The intended audience is parents, judicial officers, attorneys, therapists, teachers, and peers. The purpose of the program is to provide information and create an awareness of the impact of divorce upon children.⁴

Lessons for the Practitioner

The overriding message from the panelists was that *how* parents divorce matters. The more adversarial and high conflict the divorce, the greater the impact upon the child. It was also clear that the impact of divorce on each child was in part related to the particular disposition of the child. This became evident when hearing panelists describe the impact of the divorce upon them as contrasted with the impact of divorce upon their siblings.

It was evident from the three presentations that while each child’s experience was unique, there were common themes:

- **Abandonment:** Children experienced feelings of abandonment as a result of a parenting plan that provided for little time with the non-custodial parent.
- **Parentification:** Children took on the role of caretaker to the parent, parents, and/or sibling. This dynamic is known as “parentification.” As explained by Karen Derman, MFT and child development expert for two of the programs: “This dynamic often causes the child to feel shame and guilt because he/she can never live up



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to the expectation of being a parent when he/she is a child. Children often take this role into adult life and choose jobs and relationships where they become caretaker.”

- **Children in the Middle:** Several of the panelists described the difficulty of being put in the middle of parent conflict. This issue was mentioned by several panelists with respect to how holidays were handled by their parents after the divorce. Derman explains, “Children do not have the maturity to cope with this situation. Being put in the middle of conflict often causes them to tell one parent what that parent wants to hear, and the other something else he/she wants to hear. The child cannot be honest with either parent because the child is afraid he/she will be abandoned. This can become a life pattern that must be broken so the child can develop a sense of self that is not driven by fear of abandonment.” In other cases, as described by several panelists, children manipulate the situation for their own benefit to get what they want from their parents by dividing them. Derman explains, “[d]evelopmentally, a child needs the freedom to be able to move back and forth between parents to feel safe and secure. This will never occur if they are asked to choose sides.”
- **Fear surrounding the court process:** Panelists expressed memories of being fearful and even traumatized by the court process. Derman explains, “Enormous fear, anxiety, and guilt occur if a child is involved in the court process. The child does

not want to be abandoned by either parent or take sides. Involving a child in litigation will leave scars that can last a lifetime. Any situation that causes children to act more mature than their age can cause shame and guilt because they lack the skills to deal with the issue.”

- **Relationship issues:** Almost every panelist experienced some initial difficulty in establishing a healthy intimate adult relationship. In families where conflict occurred behind closed doors, or where conflict was overtly volatile, panelists expressed that the lack of parental role models as to how to engage in healthy conflict created obstacles to their own relationships. Ten out of the 12 adult panelists described themselves as “currently involved” in healthy stable relationships. The majority attributed therapy as critical to the ability to obtain and sustain these relationships. Of those not in relationships, difficulty in trusting another person was cited as one of the major obstacles.
- **Loss of contact with one parent as a result of the divorce:** Most of the panelists who were the children of divorce are over the age of 30. As a result, many experienced custody arrangements that did not allow for frequent and continuing contact with both parents. Many expressed an irremediable sense of loss regarding their relationship with one parent after the divorce. One panelist articulated feeling a powerlessness regarding how and when he would see his father after the divorce. In many cases, the child, later in life, initiated contact and made significant efforts to establish a meaningful adult relationship with the non-custodial parent. Here again, the panelists found therapy to be an indispensable part in repairing these relationships. Significantly, the younger panelists whose parents shared joint custody were able to sustain positive relationships with both parents.
- **Positive adult role models and support:** Almost every panelist discussed the value of having an adult, either a non-parent family member, teacher, or school counselor, to confide in and to help them cope with their parents’ divorces. For the males on the panel, it was especially important to have a male role model when they were residing primarily with their mothers. It is important to note that many of the panelists agreed that divorce was preferable to living in a hostile environment.

Several of the panelists found that being a child of divorce had beneficial aspects, including becoming self-sufficient and responsible at an early age.

- **Special Relationship with each parent:** “My parents were both better people after the divorce.” Several panelists stated that they believed that the divorce was the best thing that happened to their parents. As a result, both parents were able to become more fulfilled individuals. After the divorce, the children expressed that they were able to enjoy a special relationship with each parent.
- **Empowerment:** One panelist stated, “The fact that my parents did not see eye to eye on anything, but they were able to come together when it came to me, made me feel really loved and helped my self-esteem.”

Feedback from the program

Parent audience members who were newly going through the process appreciated the information provided regarding: 1) how to tell their child about the divorce; 2) available methods of obtaining a divorce; 3) how children experience different time-shares and parents’ behavior; 4) the long-term benefits of keeping children out of the process; 5) the benefit of mental health professionals to parents and children going through the divorce process and after the divorce.

Several audience members who had gone through the divorce process many years before expressed feelings of guilt regarding the effect that divorce had upon their children. Panelists found the experience of being able to share their stories for the benefit of others to be freeing and empowering. All panelists enjoyed the experience and volunteered to participate again. The MFT, Karen Derman observed that:

It is interesting to see how the shift in child custody and visitation over the past 25 years has affected children. The old plan where one parent had primary custody and the other saw the children every other weekend and one night during the week tended to make it difficult for the noncustodial parent to maintain a close relationship with the child. Many parents gave up as a result. Also, it was usually the father who became the noncustodial parent since he was the one who was working outside the home. This type of plan seemed to favor custodial parents by giving them more access to the children and making parent/child relationships easier and more consistent.

Also, Derman noted that the level of conflict between the parents seemed to be a common theme with the panelists.

“The panelists with the least amount of conflict seemed to be able to develop more functional relationships as adults. The panelists who came from high conflict divorces seemed to repeat the process and have failed marriages and more difficulties in relationships as a result.” Nonetheless, Derman believes that divorce has an impact on *every* child. Even children who had parents that had a “good divorce” were impacted by the stress that divorce brings. Although it may appear on the surface that younger children are not impacted as much as older children, it may be the case that younger children are not as affected at the time of the divorce, but as years pass, they are affected by all the changes they must adjust to over the years after the divorce. As a result, Derman encourages divorcing parents to look for the early warning signs of stress in their child and seek professional help when necessary. Symptoms include school failure, change in personality, aggressive behavior, increased sibling conflict, sleeping or eating problems, social withdrawal, and depression.

Derman also opines that ADR helps to keep the stress level down for the entire family. Children respond to their parents’ stress by feeling anxious and fearful. Parents can learn to use their child’s behavior as a barometer of how well they are dealing with their own stress.

As a result of participating in this program as an attorney-moderator, the moderators also learned to significantly change the manner in which mediation clients are addressed when children are involved. The children’s voices echo when consulting with clients or mediating a divorce. As the program developed, the moderators found that it was important to stress to the audience that the program is not intended to make parents feel guilty for how they handled their divorce. All experienced divorce professionals are all aware of the toll that divorce takes on the divorcing couple. It is usually a low point for the mother or father and not an easy time to put the needs of children first. Those parents of panelists or members of the audience who talked about making the decision to protect their children during the divorce process were particularly touching.

At our most recent program, a female audience member struggled with how she and her husband should tell her then 19-year-old daughter who was away at college that they were getting divorced. The woman had only recently learned that her husband wanted out of the marriage. What was incredible was how the panelists were able to provide her with specific language and tools from the perspective of the child that helped her to proceed with this difficult task. This collective sharing by the panelists shows that there can be tremendous long-term benefits

to the future family relationships by the adults involved receiving such critical information early in the process so they can best assist their children during the divorce process.

The ADR South Standing Committee will continue to present and refine this program so that the voices of the “children of divorce” may be heard.⁵ ■

Endnotes

¹ Sharon Kianfar, Amie Fradkin, Attorneys, and Karen Derman, MFT also contributed to this article and the program as well.

² Wendy Landes and Fern Topas Salka each has served as moderator for the panel for the programs scheduled.

³ Karen Derman, MFT and Judith McCleese each has served as the mental health professional on the panel for the programs scheduled.

⁴ The program was presented at Southern California Mediation Association’s Family Law Mediation Conference at the Skirball Cultural Center in Los Angeles, co-sponsored by the Los Angeles County Bar Association and California Dispute Resolution Council, at Westridge School in Pasadena, California, at a synagogue in the Los Angeles area, and on March 20, 2008, the committee was presented to the judicial officers of Los Angeles County Superior Court.

⁵ Past projects of the ADR South Standing Committee have included creating the pamphlet for the State Bar “Options for Divorce” that explains litigation, limited scope representation, mediation and collaborative divorce, Co-Sponsorship with Pepperdine Straus Institute for Dispute Resolution of Second Annual Family Law ADR Symposium “Redefining Advocacy: The Evolving and Expanding Role of the Family Law ADR Practitioner” held May 20, 2006 at Pepperdine School of Law Straus Institute of Dispute Resolution sponsored by California State Bar, Family Law Section, Alternate Dispute Resolution Committee and “From ‘Alternative’ to ‘Appropriate’: The Next Step in Dispute Resolution” California State Bar, Family Law Section, Alternate Dispute Resolution Committee Straus Institute for Dispute Resolution, Pepperdine University School of Law Malibu, California Friday, October 15, 2004.

If you are interested in joining the committee, please contact co-chairs Wendy Landes wrlandes@gmail.com or Fern Topas Salka fern@wgn.net.