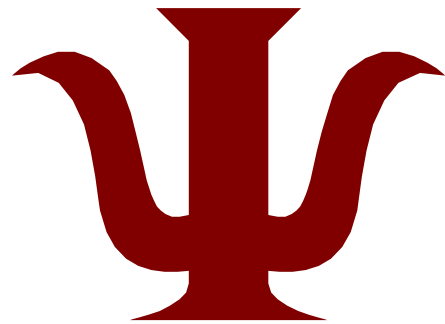


CHILDREN'S BEST INTERESTS AFTER DIVORCE:

A Guide for Mobility Assessment



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PART ONE

Introduction

Rationale for Mobility Assessment

As our society becomes increasingly mobile it becomes less and less likely that parents will remain in the same geographic region for the duration of their children's pre-adult years. Parents with custody may wish to relocate for a variety of reasons:

- Ψ New employment opportunity
- Ψ To join current spouse
- Ψ To live closer to familial supports
- Ψ Educational development
- Ψ Cultural advancement

A custodial parent may also desire relocation to hinder the relationship between the child and the other parent, particularly in cases of abuse, or if the custodial parent wants to punish the other parent by taking his or her child out of the area, thereby making visitation more difficult. Whatever the reasons, it is estimated that approximately 25% of custodial mothers relocate within four years of separation and divorce (Braver, Ellman, & Fabricius, 2003).

Statistics also indicate that in recent years as many as:

- Ψ 28% of children reside in different provinces
- Ψ and 12% reside in different countries than their non-custodial parents (Perry, Bolitho, Isenegger, & Paetsch, 1992)

Such data highlight the importance of mobility considerations in contemporary society.

Why these Guidelines were Developed

The creation of this handbook is important for several reasons.

- 1) **While children’s “best interests” are emphasized in current legislation, the literature remains unclear as to what precisely meets this requirement** (Gould, 1999a; Halon, 1990; Lee, Beauregard, & Hunsley, 1998; Rohman, Sales, & Lou, 1987). Moreover, although children’s needs are ostensibly at the forefront, court decisions are often made irregularly on a case-by-case basis (MacDonald & Wilton, 2004). This handbook provides principles of development that help ensure the needs of the children are kept at the forefront during the decision-making process.
- 2) **The tender-years standard of placing children with their mothers has been challenged in recent years** (Artis, 2004; Jackson & Donovan, 1990; Lowery, 1985). Thus, different standards for presuming children’s best interests are now required.
- 3) Although guidelines are presently available regarding custody assessments on the whole (American Psychological Association Committee on Professional Practice and Standards, 1994; College of Alberta Psychologists, 2002), **little data exist regarding relocation issues in particular**. More objectified criteria must be developed, therefore, to guide assessment practice in mobility cases.
- 4) These mobility guidelines **attend to the developmental needs of children**, as well as each parent’s ability to meet those needs (Gould, 1999b), within an unstable environment. In this way, the guidelines serve to maintain children’s “best interests” over time.

How to Use the Assessment Guidelines

This handbook was designed for Canadian psychologists asked to make recommendations in mobility cases. However, while this handbook is of significant value to assessment professionals regarding parent-child relocation, some instructions for use must be noted:

- Ψ **The guidelines are merely suggestions** and must not replace those standards of practice adhered to by professional regulatory bodies.
- Ψ While each guideline is considered important for evaluating whether or not relocation is in the child's best interest, they are **not necessarily presented in order of significance**. Instead, each consideration must be carefully weighed against the others to gain an overall picture of the child's developmental needs.
- Ψ **This handbook is considered complementary in nature**, and therefore should be used in conjunction with other important data, such as psychological data acquired during the assessment process.
- Ψ It is up to each assessor's discretion to **utilize and apply these guidelines as professional practice would indicate**.
- Ψ Although this handbook was created with mobility assessors in mind, possible **uses may extend to other persons and/or professionals** whose interactions require consideration of children's best interests in light of potential relocation.

PART TWO

Theoretical Foundation

Children of Divorce

Adjustment Following Marital Transition

To facilitate the application of mobility guidelines, it is important to understand how children are affected by divorce, regardless of whether or not relocation occurs.

Several **common themes** have emerged in the divorce literature:

- Ψ **The immediate aftermath of parental divorce is often a period of emotional distress for both parents and children** (Hetherington, 1993; Hetherington & Elmore, 2003), such that emotional problems including anxiety, depression, anger, guilt, and resentment, may be temporarily evidenced (e.g., Amato, 2000; Hetherington & Elmore, 2003; Wallerstein, 1986, 1987, 1989)
- Ψ As the family adjusts to the post-divorce situation, **parenting ability generally improves with time**, thereby improving the overall family dynamic (Hetherington & Elmore, 2003; Richards & Schmiede, 1993)
- Ψ **Children often develop behavioural problems following their parents' divorce**, such as aggression, non-compliance, delinquency, low academic performance, and low self-control (e.g., Hetherington, 1993; Hetherington, Bridges, & Insabella, 1998; Hetherington & Elmore, 2003; Wallerstein 1986, 1987, 1989)
- Ψ **Children of divorce are 2 to 3 times more likely to suffer adjustment difficulties** than children from non-divorced families (Akre, 1992 as cited in Krauss & Sales, 2000)
- Ψ **Many children of divorce continue to be affected well into their adulthood** by displaying low socioeconomic status, poor emotional stability, marital problems, and a greater likelihood of their own marriage ending in divorce (Amato, 2000; Hetherington & Stanley-Hagan, 1999)

Several **risk factors** have also been noted, which generally lead to higher incidence of developmental difficulties for children from divorced homes. Some of these risk factors include:

- Ψ **Parental conflict** (e.g., Hetherington & Elmore, 2003; Hetherington, Law, & O'Connor, 1993; Shiflett & Cummings, 1999; Wallerstein 1989, 1991a)

- Ψ **Insufficient interaction with the non-custodial parent** (e.g., Kelly & Lamb, 2000; Maccoby, Buchanan, Mnookin, & Dornbusch, 1993; Peretti & DiVitorrio, 1992; Ross, Roberts, & Scott, 1998b; Wolchik & Karoly, 1988)
- Ψ **Inappropriate parenting by the custodial caregiver in particular** (e.g., Amato, 2000; Greene, Anderson, Hetherington, Forgatch, & DeGarmo, 2003; Hetherington & Elmore, 2003; Hetherington & Stanley-Hagan, 2000)
- Ψ **Environmental instability** (e.g., Hetherington, Cox, & Cox, 1986; Kohen, Hertzman, & Wiens, 1998; Twaite, Silitsky, & Luchow, 1998)

**The ultimate goal of assessment is to recommend
“an environment that will hold and protect the child during subsequent years”
(Wallerstein, 1991b, p. 452) such that appropriate and healthy
adjustment may result.**

The healthy adjustment of children, therefore, is contingent upon the existence of **protective factors**, including:

- Ψ **Cooperative parenting** (Hetherington & Elmore, 2003; Lowery, 1985; Sorenson & Goldman, 1990; Wallerstein, 1991b; Warshak, 1992)
- Ψ **Meaningful relationships with parental figures** (e.g., Hetherington & Stanley-Hagan, 2000; Kelly & Lamb, 2003; Wallerstein, 1991a)
- Ψ **Stable social supports within the home** (e.g., Hetherington & Elmore, 2003; Jameson, Ehrenberg, & Hunter, 1997; Wallerstein, 1989, 1991)
- Ψ **Positive community environments** (Hetherington, 1989; Hetherington, 1993; Hetherington et al., 1993; O’Connor, Hetherington, & Reiss, 1998; Rutter, 1979).

Mobility assessment should evaluate the degree of risk and protective factors in the child’s life; through such evaluation, custody and access recommendations may minimize threat and maximize opportunity for the child’s long-term development.

Mobility Assessment

Summary of Relevant Case Law

For appropriate mobility recommendations to be made, assessors must understand current legislation within the Canadian judicial system. An extensive review of past mobility determinations highlight the following themes:

Regarding parental rights and responsibilities...

- Ψ **Primary consideration must be given to the child's best interests**, not a parent's desire to relocate or the other parent's desire to restrict such relocation (Davies, 1997). In this way, while the custodial parent's wishes and opinions should be respected, mobility inquiry must first and foremost address the children's needs (*Gordon v. Goertz*, 1996).
- Ψ **"[A] parent's relocation is only relevant in respect of his or her ability to meet the children's needs"** (MacDonald & Wilton, 2004, p. 540; Davies, 1997). Thus, while one parent may wish to relocate for economic, familial, educational, or cultural reasons (Weissman, 1994), such goals must only be considered as they impact the best interests of the children.
- Ψ **The custodial parent's right to earn a living – or well-being resulting from such occupation – must not supersede the rights of a child** to have his or her best interests held paramount (*Gordon v. Goertz*, 1996; *Young v. Young*, 2003).
- Ψ **It is the non-custodial parent's burden to prove that relocation would be harmful to his or her child**, not merely unbeneficial (*Gordon v. Goertz*, 1996). In other words, while the custodial parent seeks the relocation, the onus is on the non-custodial parent to show that the child would be more negatively impacted by moving than by remaining in the current stable home situation with the custodial parent.
- Ψ **Mobility cases must, above all, not be determined by "the visiting parent's wishes and convenience"** (Goldstein, Solnit, Goldstein, & Freud, 1996, p. 39). Instead, relocation viability should be determined by evaluating how each parent meets the needs of the children, and how each parent facilitates contact with the other parent to the children's benefit (MacDonald & Wilton, 2004).

Regarding environmental stability...

- Ψ **Courts display “a very strong bias in favour of preserving the status quo”** such that most judges are reluctant to “uproot the children” by re-awarding custody to anyone but the primary caregiver (Dickson, 2003, p. 13).
- Ψ If a parent is able to satisfy the needs of the children without moving, **maintaining current residence is the most favourable option** due to the importance of established parent-child relationships as opposed to the uncertainty of relocation, which may not ultimately be best for the child’s long-term adjustment (Goldstein et al., 1996).
- Ψ **Court decisions are more likely to favour relocation if as much stability is maintained through the move as possible**, including economic status and frequent visitation with the non-custodial parent (MacDonald & Wilton, 2004).

Regarding important parental relationships...

- Ψ While the relationship with the non-custodial parent is important to a child’s long-term well-being, **the relationship with his or her primary caregiver may exert the greatest developmental influence** (*Gordon v. Goertz*, 1996).
- Ψ Although relocation may disrupt a child’s relationship with his or her non-custodial parent (MacDonald & Wilton, 2004; Davies, 1997), **an interrupted relationship with the primary caregiver is likely to be more detrimental** due to the considerable stability such a relationship provides (*Gordon v. Goertz*, 1996).

And finally...

- Ψ **Consideration should be given to the children’s wishes** regarding relocation (Status of Women Canada, 1998; Mason, 1999; Rohman et al., 1987), but since children may not be sufficiently mature to know what is best for themselves (Rohman et al., 1987), “this criterion [should be] put near the bottom of more objectified information (Gardner, 1999, p. 5).

In essence, then, children’s needs and welfare are given the highest priority in mobility cases. It is then up to the custody assessor to determine what factors most contribute to the child’s best interests in light of the legal considerations.

PART THREE

Assessment Guidelines for Mobility

Guideline #1

Serve the Best Interests of the Child

The determining factor for all issues relating to custody and access, including relocation, is children's best interests (American Psychological Association Committee on Professional Practice and Standards, 1994; Status of Women Canada, 1998; College of Alberta Psychologists, 2002).

However, while serving the child's "best interests" is the ultimate goal in relocation cases, such an outcome may not always be readily apparent (Gould, 1999a; Halon, 1990; Lee et al., 1998; Rohman et al., 1987; Simons & Meyer, 1986). It is important, therefore, to understand what "best interests" means in terms of children's individual development.

What is "best"?

The term "best" implies that while several options may exist for the child's circumstances, only that situation perceived as most suitable by the developmental literature should be considered. As such, while it may benefit a child to relocate, assessors must help determine if this situation is the alternative most appropriate to the child's healthy adjustment.

A risk-assessment model may be particularly helpful to making such recommendations, whereby potential benefit is pitted against possible harm (Austin, 2000 as cited in Ellis & Levine, 2001). In other words, what are the benefits of moving versus the benefits of remaining in the same location? Would the child be more negatively affected by relocating or by staying in the existing situation? These are very difficult questions to resolve, and it is only through careful attention to individual circumstances that appropriate determinations can be made.

What are the child's "interests"?

The term "interests" refers to that situation which will most respond to the needs of the child, not the needs of the parents; consequently, mobility assessment must consider nurturing the child's welfare as the primary objective. This outcome may be best determined by understanding which factors are considered most important to child adjustment following divorce, and how these factors would be impacted through relocation.

By examining child development research, mobility assessors may understand the many facets of a child's maturation, particularly the child's physical, emotional, social, and psychological well-being. Assessors must therefore examine all relevant data as influencing the child's welfare, and carefully weigh each factor against the others; only through such examination may the child's interests be maintained to the best possible degree.

Guideline #2

Assess Influence of Attachment Relationships

According to attachment theory, children need continued interaction with parental figures to form meaningful emotional relationships, which have considerable impact on a child's long-term development.

What is a secure attachment?

Children who are positively attached are confident in the responsiveness of their parents' care, and are able to explore their world knowing the parent is available when needed (DeHart, Sroufe, & Cooper, 2000). Such relationships are promoted through periods of interaction whereby feelings of closeness result in stronger emotional involvements between parent and child (Furstenberg & Nord, 1985). The formation of parent-child attachment, however, is considerably dependent upon the child's age and stage of development. Some common developmental patterns may be noted:

Regarding infants...

- Ψ **Children 2 months of age and younger need continued and regular contact** to become securely attached (Bowlby, 1969; Gardner, 1999; Martin, 1975; Takahashi, 1990)
- Ψ **Interruptions to frequent and extended contact during months 2 through 7 may disrupt the fragile attachments** that are beginning to form (Bowlby, 1969; Kelly & Lamb, 2003)
- Ψ If attachment has not yet occurred, **infants 6 months and younger may be too cognitively immature to be adversely affected** by parental separation (Kier & Lewis, 1997)

Regarding toddlers...

- Ψ **The most tenuous period of parent-child attachment is between 6 and 24 months** such that separation from primary caregivers becomes increasingly intense and distressing to children of this age group (Bowlby, 1969; Kelly & Lamb, 2000)

- Ψ **“Infants and toddlers need regular interaction with their ‘attachment figures’** in order to foster, maintain, and strengthen their relationships” (Thompson, 1998 as cited in Kelly & Lamb, 2003, p. 194)

After 2 years of age...

- Ψ **Children may engage in meaningful communication** with parental figures and refer to internalized images when caregivers are absent (Kelly & Lamb, 2003).
- Ψ **Older children tolerate more extended separations with less stress** than younger children, provided meaningful contact is regularly maintained (Maccoby et al., 1993).
- Ψ **Short-term visitation with the non-custodial parent does not harm** attachment relationships with the custodial parent (Bray, 1991)
- Ψ **Visits should be less frequent and of reduced duration for younger children** who have greater difficulty separating from primary caregivers (Kelly & Lamb, 2003).

Why are attachment relationships so important?

The first 5 years of a child’s life represent a “critical period” of development (Hetherington, 1972, p. 324). As Takahashi (1990) contends, “through the interactions with a given affective figure, a person acquires some social skills in interacting not only with the target figure, but also with persons similar in some ways to the figure [such that] prior relationships will provide a ‘naïve’ theory of relationships” (p. 21).

In other words, early emotional bonds have considerable impact on subsequent social adjustment, regardless of whether the child lives in a single or two-parent home. In this way, younger children and toddlers require frequent physical and social involvement with both of their parents to develop and maintain healthy parent-child attachments over time (Kelly & Lamb, 2003). Established patterns of parent-child involvement may even continue across the lifespan to influence interactions with one’s own children (Cassidy & Berlin, 1994).

**Mobility assessment should help ensure
that trusted parental relationships
remain a source of stability and security
for children in the long term**

Guideline #3

Consider Relationship with Custodial Parent

Since mobility issues generally involve the custodial parent wishing to relocate with the child, it is important that custody assessors consider the quality of the child's relationship with his or her primary caregiver.

What does the research say?

- Ψ Perhaps the **“most important single protective factor [for children of divorce] is the quality of the relationship with the residential custodial parent”** who is most often the child's mother (Hetherington & Stanley-Hagan, 2000, p. 63; Wallerstein, 1991a)
- Ψ **Insufficient mother-child contact leads to insecure or ambivalent attachment** such that the child is uncertain, fearful, or socially inhibited (Cassidy & Berlin, 1994; Willemson, 1995), as well as anxious or avoidant of motherly interaction (DeHart et al., 2000)
- Ψ Following divorce, **children and adolescents generally experience healthier psychological, emotional, and behavioural adjustment if a close relationship is maintained with the mother** in particular (Felner & Terre, 1987; Maccoby et al., 1993)
- Ψ **Youths living with their fathers, particularly adolescents, may adjust less well to the post-divorce situation** than those living with their mothers or in dual residence (Buchanan, Maccoby, & Dornbusch, 1992; Maccoby et al., 1993)

The suggestion may be that the mother-child relationship is of primary importance to the child's psychological and emotional development, not the relationship with the father. Such data implies that the mother may relocate with the child without significant detriment to his or development.

However...

The importance of maintaining the maternal relationship over time does not imply relocation is the most appropriate alternative. In fact, if the mother may maintain the bond with her children while remaining in the existing geographic location, Canadian legislation indicates that it is likely in the children's best interests to do so unless significant information pertaining to the father-child relationship comes to light.

Guideline #4

Consider Relationship with Non-Custodial Parent

While a quality relationship with the custodial parent significantly influences developmental outcomes for children, healthy adjustment is also contingent upon a quality relationship with the non-custodial parent (Gunnoe & Hetherington, 2004; Hetherington et al, 1993). Comprehensive assessment must therefore consider the child's relationship with this parental figure, most often the father.

Why are paternal relationships so important?

Fatherly involvement is strongly correlated with children's psychological and behavioural adjustment in the short and long term (Pruett, Williams, Insabella, & Little, 2003; Rohner & Veneziano, 2001). Active involvement by fathers in their children's lives fosters positive psychological development by helping protect against:

- Ψ Social withdrawal
- Ψ Aggression
- Ψ Conduct problems
- Ψ Anxiety
- Ψ Depression (Rohner & Veneziano, 2001)

In addition to the buffering influence fathers may have on their young and adolescent children (Amato & Rivera, 1999), paternal involvement offers unique benefits to children that only a positive father-child relationship may provide. Such important fatherly contributions include:

- Ψ Academic achievement
- Ψ Higher self-esteem
- Ψ Improved socialization (Amato & Gilbreth, 1999)

A child's relationship with the father is particularly significant for boys who may experience limited identification with their male parents following divorce, and thus be placed at a developmental disadvantage (Peretti & DiVittorio, 1992). Active father involvement also exerts a positive influence on mother-son relationships, and therefore indirectly benefits child adjustment over time (Gjerde, 1986).

It is important to note, however, that only those fathers who actively engage in their children's lives exert a positive developmental influence (Amato & Gilbreth, 1999). Moreover, a father's involvement with his children may largely be dependent upon his traditional attitudes about

gender roles, suggesting that past experiences have considerable influence on future caregiving in the father role (Bulanda, 2004).

In general, however, it may be concluded that children who engage meaningfully with their fathers over time are better adjusted on a variety of measures than those children whose fathers are absent following divorce (Pruett et al., 2003). Consequently, assessors must not preclude the positive influence fathers have on their children (Maccoby et al, 1993) when making recommendations in mobility cases.

Guideline #5

Evaluate Impact of Parental Absence

Research indicates that children who do not see their parents on a frequent or regular basis may feel intensely disconnected and rejected (Emery, 2004; Grief, 1997; Wallerstein, 1987), which increases these children's risk for developing a variety of psychological and behavioural problems following divorce (Hetherington et al., 1998; Kelly & Lamb, 2000; Ross, Roberts, & Scott, 1998b; Whiteside & Becker, 2000). It is vital, therefore, that mobility assessors consider the impact of parental absence on the child's emotional and psychological development.

How do children of different ages respond to parental absence?

- Ψ **Infants may cry, fuss, or pull away** once reunited with an absent parent, while **toddlers may demand more personal attention** by exhibiting clinging or regressive behaviour (Anasuri, 2001)
- Ψ **Older children are more likely to feel guilty or anxious** about their parent's absence, perhaps angry that the parent has been away while at the same time afraid that the parent will never return (Anasuri, 2001)
- Ψ **Teenagers may tend to pull away** from the absent parent, preferring to spend time with friends, or may challenge that parent's authority and limits (Anasuri, 2001)

However, it is the quality rather than the frequency of contact that is considered most important (Hetherington et al., 1998)

A study conducted by Maccoby et al. (1993) confirms this assertion, indicating that while closeness with a non-custodial parent depends upon face-to-face interaction (Hetherington & Stanley-Hagan, 2000; Warshak, 1992), "even a fairly small amount of contact [appears] sufficient to maintain close relationships" (p. 32).

Such findings have important implications to mobility cases, whereby increased residential distance may make it difficult for parents to see their children on a frequent or regular basis.

But if relocation happens, how can the impact of parental absence be minimized?

Mobility assessors must then evaluate each parent's plan for maintaining relationships with his or her children in light of potential relocation (Weissman, 1994), including how the non-custodial parent may engage meaningfully with his child through:

- Ψ Telephone calls
- Ψ E-mail
- Ψ Hand-written letters
- Ψ Pictures
- Ψ Audio and video recordings

Absent parents may also stay in touch with their children by:

- Ψ Completing crafts that are sent back and forth
- Ψ Sending token presents that say, "I'm thinking of you"
- Ψ Engaging in a distance ritual at the same time, such as star gazing
- Ψ Anything that brings parent and child closer together on an emotional level

By evaluating a parent's willingness to engage in such activities with his or her child, mobility assessors may help determine to what degree relocation may negatively impact the parenting relationship. Other important areas for exploration include:

- Ψ The parent's willingness to visit the child in the new location
- Ψ The feasibility of such visitation to include the parent's employment flexibility and financial capacity to travel
- Ψ The parent's ability to care for the child should visitation take place in the non-custodial parent's home

What is the primary caregiver's role in reducing the impact of parental absence?

How a child responds to parental separation also depends on the at-home parent's response to the situation (Anasuri, 2001).

If the residential parent is eager to assist both parent and child maintain active involvement with each other, relocation may be a more viable option. If, however, the custodial parent is hesitant to facilitate, it may be far more difficult to assume meaningful contact would continue following a change of geographic residence, and thus more difficult to recommend that moving is in the child's best interests.

Assessors should also evaluate, therefore, how the custodial parent plans to foster meaningful communication between the child and the other parent so that the negative effects of parental absence may be minimized.

Guideline #6

Determine Parenting Capacity

A parent's ability to respond to his or her children's physical, psychological, emotional, behavioural, and spiritual requirements has significant implications for child development (Jackson & Donovan, 1990; Sherkow, 2005; Sparta, 1999). As primary caregiver, therefore, the custodial parent should be assessed with respect to parenting capacity on a variety of measures:

Psychological Stability

Since a child's long-term well-being is associated "with the adjustment of the custodial parent" (Hetherington et al., 1993, p. 217; Felner & Terre, 1987; Jackson & Donovan, 1990), it is important to ascertain the residential parent's psychological stability as it may impact parenting capacity and the child's sense of security. In particular, comprehensive assessment should assess:

- Ψ **The presence of psychological disorders** including psychosis, personality or emotional disorders, substance abuse, criminality, and physical, emotional, or sexual abuse of others, with particular attention to past neglect or abuse of a child (Gardner, 1999)
- Ψ **Whether the parent's psychological conditions are chronic** or if they arose mostly due to the circumstances of divorce, and thus more apt to abate with time and altered situation (Bray, 1991)

Parenting Style

The style of parenting most predictive of healthy child adjustment is authoritative parenting (Amato, 2000; Demo & Cox, 2000; Hetherington & Elmore, 2003; Ross et al., 1998a; Sorensen & Goldman, 1990). Through authoritative parenting, the caregiver displays toward his or her children:

- Ψ Warmth
- Ψ Support
- Ψ Responsiveness
- Ψ Consistent control and monitoring of behaviour (Greene et al., 2003)

In other words, authoritative parenting is characterized by nurturing and responsive care, as well as implementation of age-appropriate limits (DeHart et al., 2000). Children reared in this manner typically exude energetic, curious behaviour, emotional responsiveness, and appropriate self-reliance (DeHart et al., 2000).

Authoritative parenting has also been associated with:

- Ψ Improved parent-child relationships
- Ψ Reduced aggression in children
- Ψ A child's more positive attitude toward school and education (DeHart et al., 2000)

Those parents who are too permissive or too authoritarian in their parenting style may place their children at increased risk for a variety of psychological and behavioural problems (Demo & Cox, 2000) including:

- Ψ Impulsivity
- Ψ Low self-control
- Ψ Minimal self-reliance
- Ψ Apprehension
- Ψ Frustration
- Ψ Passive hostility (DeHart et al., 2000)

Assessors must therefore be cognizant of these negative parenting practices due to the detrimental effects such interactions have on children's long-term development.

It is important to note, however...

The immediate period following divorce generally undergoes a deterioration of parenting, and that as parents and children adjust to the post-divorce situation, caregiving ability generally improves with time (Hetherington & Elmore, 2003).

Further, parents may behave differently in front of the assessor than when alone with their infants, which could show a discrepancy of parenting practices (Pedersen, Zaslow, Cain, & Anderson 1981 as cited in Parke, 1988).

Parental History

Finally, while a parent's prospective caregiving ability is important to assessment, past indicators of parenting capacity must also be given due consideration. Comprehensive evaluation therefore requires exploration of parenting history to gauge previous success in a caregiving role (Bricklin, 1995; Chrisholm & MacNaughton, 1990; Jameson et al., 1997), which may include:

- Ψ Previous behaviours that have limited the parenting role, such as alcoholism
- Ψ Past indicators of parenting style
- Ψ Historical fulfillment of parenting responsibilities
- Ψ Previous social engagements that negatively impacted the parent-child relationship

Who else should be assessed?

Since divorce often involves the child in relationships with parental surrogates, assessment must also evaluate the degree of participation these individuals have in the child's life (Gardner, 1999), including:

- Ψ Stepparents
- Ψ Grandparents
- Ψ Parents' new romantic partners
- Ψ Aunts and uncles
- Ψ Full-time daycare providers
- Ψ Other significant adults, especially those residing in the child's home

By ascertaining the influence such individuals have on the child's receipt of care, assessors may help ensure all parties act in the child's best interests.

Guideline #7

Assess Impact of Environmental Instability

Since mobility cases involve first and foremost a change of residence, it is important to assess how the move in and of itself influences child development. Research generally indicates that:

- Ψ More changes in residence are associated with more adjustment problems in children (Kohen et al., 1998)
- Ψ Changes in established support systems or unavailability of parental figures represent primary risk factors for healthy adjustment (Hetherington, 1980).
- Ψ The more dissimilar the homes and communities, the more severe the adjustment difficulties in children and adolescents (Lowery & Settle, 1985)

Children may also lose contact with their friends, or be pulled away from healthy relationships with teachers and other supportive adults (Hetherington, 1980). Such findings appear to reflect the assertion that significant environmental disruptions interfere with the child's cognitive and perceptual structures, such that behavioural and psychological difficulties may result (Stolberg & Anker, 1983).

In other words, drastic changes all at once may seriously undermine a child's sense of security and well-being, which may then contribute to feelings of anxiety and depression (Hetherington, 1980; Twaite et al., 1998), as well as externalizing and socially incompetent behaviour (Hetherington et al., 1986).

Research shows that “as the extent of environmental changes increases, children perceive themselves and their parents as being less able to control their world” (Stolberg & Anker, 1983, p. 8)

Such findings are most applicable to younger children whose cognitive and social development is particularly tenuous (Stolberg & Anker, 1983). Assessors, therefore, must evaluate a parent's plans for maintaining the child's daily routine, as well as a parent's provisions for ensuring continuing contact with significant relations should relocation occur (e.g., Braver, Wolchik, Sandler, Sheets, Fogas, & Bay, 1993; Jameson et al., 1997). Visitation and access to the non-custodial parent, then, become important considerations in mobility cases.

What is the impact of overnight visitation for relocated children?

Since increased residential distance often requires more extended access to the non-custodial parent, it is important to consider how overnight visits impact child development. The divorce literature generally indicates that:

- Ψ Young children are not significantly harmed by separation from the primary caregiver in the shorter duration (Kier & Lewis, 1997)
- Ψ Infants and toddlers adapt well to overnight visits once familiarized with the new routine (Hetherington et al., 1993)
- Ψ Transitioning between homes resulting from relocation is not harmful to child adjustment (Kelly & Lamb, 2000)

Moreover, benefits may to children offered extended visitation include:

- Ψ Diverse social experiences
- Ψ Varied emotional involvements
- Ψ Advanced cognitive stimulation (Kelly & Lamb, 2000; Sherkow, 2005)

Thus, while repeated overnight separations from primary caregivers may disrupt attachment relationships more than do frequent, daytime visits with the non-custodial parent, most children adapt very well to extended visitation schedules (Solomon & Biringen, 2001).

How does the single-parent environment contribute to child development?

While several drawbacks to single parenting may be noted – including financial restriction, task overload, limited social engagement with other adults, or difficult interactions with one's former spouse – many parents identify the strengths they bring to their children. Such strengths include:

- Ψ Overall parenting skill
- Ψ Effective time management
- Ψ Ability to communicate effectively
- Ψ Supportive, patient parenting that helps their children cope more effectively with the post-divorce situation (Richards & Schmiede, 1993).

Caregiving in sole-parent homes may also benefit children provided the parent adequately prioritizes the parenting role, provides consistent, non-punitive discipline, fosters the child's individuality, engages in appropriate self-care, and dedicates time and energy to special rituals and traditions within a supportive family unit (Olson & Haynes, 1993).

It is important to note, however...

A child's temperament and personality are essential to understanding why some children are more adaptable to environmental instability than are others (Hetherington et al., 1998; Hetherington & Elmore, 2003), which may be significantly related to age-related differences. For instance:

- Ψ **Preschoolers better tolerate lengthier separations from parental figures than do toddlers**, such that younger children become unnecessarily distressed by separations from *either* parent lasting more than a few days (Kelly & Lamb, 2000)

- Ψ **School-aged children are more amenable to extended visitation**, such that by around age 7 or 8 children find the experience less distressing and far more enjoyable (Kelly & Lamb, 2000).

A child's developmental progress, therefore, "may be most important in how it relates to the coping efforts children can bring to bear on the situation" (Felner & Terre, 1987, p. 113).

Assessors must therefore consider the child's age, personality, and coping maturity in relation to environmental stability should relocation occur.

Guideline #8

Evaluate Impact of Family Dynamics

Research indicates that how a family functions is significant to children's adjustment following divorce, including the parents' interactions with each other and interactions among siblings (Dunn & Sherrod, 1988; Hetherington & Stanley-Hagan, 2000; Ross et al., 1998a). Assessors, then, must consider overall family dynamics such that positive relationships may be identified and maintained in mobility cases. Important areas of consideration include:

Parental Conflict

Research suggests that a parent's ability to appropriately judge the needs of his or her children is significantly impaired if embroiled in conflict with the other parent, such that it becomes difficult for a parent to distinguish personal needs from the needs of the child (Wallerstein, 1991a).

Moreover, when a child feels caught up in parental conflict he or she is more likely to experience environmental instability and thus psychological and behavioural maladjustment (e.g., Chase-Lansdale & Hetherington, 1990; Hetherington & Elmore, 2003; Wallerstein, 1989, 1991a).

Thus, relocation as influenced by parental conflict may impact the child in one of two ways:

- Ψ **If parents display conflict when the child is transitioned from one person's care to the other, the child may become susceptible to this increased tension** and thus lose the sense of security potentially gained through relocation (Buchanan et al., 1992)
- Ψ On the other hand, **if considerable conflict persists between the parents, different access schedules brought about by the move may be advantageous** to the child's sense of safety due to a reduced number of transitions from one parent to the other

Assessors must therefore evaluate individual plans for managing inter-parental conflict to ensure mobility recommendations are in the children's best interests.

Cooperative Parenting

Research shows that if both parents are able to work collaboratively with minimal conflict, an arrangement affording the child frequent and continuous interaction with both parents may be most advantageous to children's development (Hetherington & Elmore, 2003; Lowery, 1985; Sorenson & Goldman, 1990; Wallerstein, 1991b; Warshak, 1992).

Such an assertion is supported by outcome data indicating children are better adjusted on various measures when placed in joint custody (Braver et al., 2003; Kelly & Lamb, 2003; Neugebauer, 1989). Individuals who co-parent effectively are more inclined to:

- Ψ Engage in respectful and meaningful contact with each other
- Ψ Consult with each other on decisions regarding the children's welfare
- Ψ Arrange telephone or face-to-face meetings in advance
- Ψ Update each other on important matters affecting the children, such as school performance or medical appointments
- Ψ Confine discussion of adult topics to moments when the children are not present

Mobility assessors should be aware of these important parental activities before determining if the child's caregivers can work together in an effective, co-parenting relationship should relocation take place.

Sibling Relationships

Beyond parental influence, sibling interactions may significantly impact child development. Sibling relationships are important to healthy adjustment as they help protect children from adversity, perhaps even compensating for environmental stressors (Haddad, 1998; Hetherington, 1993; Hetherington & Elmore, 2003; Kempton, Armistead, Wierson, and Forehand, 1991; Kier & Fouts, 1989; Greene et al., 2003).

But how does divorce typically impact sibling interactions?

Sibling-play research suggests that:

- Ψ **The dominant sex-typing influence may be absent for boys in father-absent homes**, such that "children in mother-headed families may not be as sex-role stereotyped as children from two-parent families" (Kier & Fouts, 1989, p. 143), perhaps contributing to androgyny in these boys (Kurdek & Siesky, 1980).
- Ψ **In father-absent homes boys often exhibit less traditionally masculine play behaviour** (Kier & Fouts, 1989) **while sisters in divorced families experience greater closeness** (Kier & Lewis, 1998)

It is important to note, however, that children's behavioural differences post-divorce generally decrease in the first years following their parents' separation as individuals adjust to the new family dynamic (Hetherington & Stanley-Hagen, 2000; Wallerstein, 1989), findings which may be particularly relevant to blended-family situations. Assessors must therefore consider familial interactions as they may fluctuate over time in light of potential relocation.

Guideline #9

Consider Influential Social Supports

According to Dunn & Sherrod (1988), children's adjustment to environmental changes is also mediated by perception of "self, others, and the social world" (p. 154). These support systems are important for protecting the child from adverse circumstances as they are "sources of practical and emotional support for both parents and children" (Hetherington et al., 1993, p. 220).

When evaluating parent-child relocation, therefore, it is additionally important to consider extra-familial support systems that may be gained or lost due to change in residence.

How could relocation affect social relationships?

A positive relationship with grandparents and other extended family is associated with healthy child adjustment (Hetherington & Elmore, 2003), indicating that children who live in close proximity with familial supports experience healthier development in the long term. The unconditional love offered by grandparents has particularly been found to enhance children's self-esteem and feelings of self-efficacy, which then contributes to positive experiences overall (Barranti, 1985). Through relocation, therefore, many custodial parents seek reconnection with important familial supports, which offers considerable comfort to both parent and child (Kier, Lewis, & Hay, 2000).

On the other hand, if the child must leave an area where he or she currently enjoys frequent visitation with extended family, relocation could be quite detrimental to that child's feelings of stability and security. Assessment must therefore examine each situation in terms of the greater context.

What about peer relationships?

Research generally shows that affiliations with peers become increasingly significant with age (Hetherington, 1989). Stable and positive relationships with peers and school authorities may have a particularly salutary effect for adolescents from divorced homes (e.g., Hetherington, 1993; Hetherington, 2003; O'Connor et al., 1998).

Moreover, positive interactions with other adult caregivers have been associated with the healthy social development of children (Santrock & Warshak, 1979). Such findings may have considerable implications for mobility whereby adolescents' existing social networks could be left behind, thereby denying the child a significant means of adaptive coping. Mobility assessors must therefore consider the potential impact of relocation on the continuity and stability of important social relationships (Weissman, 1994) as these relationships contribute to a child's best interests.

PART FOUR

The Guidelines Applied

Mobility Vignette

A Typical Case

While the guidelines presented in this handbook offer considerable utility to mobility assessors, their value becomes more explicit once applied to the assessment process. To facilitate understanding of mobility assessment and how these guidelines may be implemented in practice, a brief case vignette is provided.

This vignette is fictional in nature, but is based on a situation mobility assessors may encounter over the course of their professional activities, and represents considerable dilemma to which the mobility guidelines may be applied. The vignette is not considered an exhaustive presentation of a mobility issue; instead, it should be perceived as a window into mobility assessment. It is therefore hoped that by viewing this vignette in light of the proffered guidelines, custody assessors may be more confident that their proposed recommendations in mobility cases do, indeed, serve the best interests of the child.

Vignette Details...

Following her divorce two years ago Jennifer was awarded custody of their three children: a son who is 15-years old, and two daughters ages 9 and 2. Last year she became remarried to a man who often travels overseas on business, for which he is handsomely paid. Due to this financial stability Jennifer has been able to stay at home with her children full-time, only operating her home-based business when her children's schedules permit.

Jennifer's ex-husband, Michael, currently resides near his biological children, and has arranged his work hours to accommodate afternoon visits from his two younger children on a weekly basis. Michael also enjoys overnight visitation with his daughters two times per month, and while his income is quite limited, the father ensures his children have every possible advantage when they are in his care. Michael's relationship with his son, however, has been generally quite strained since the parents separated and as a result, paternal involvement has been quite low for almost 3 years.

Jennifer's current husband, Chris, was recently offered a promotion through his company, with whom he has been employed for several years. This new role offers considerable financial gain and reduced business travel, but also requires that Chris relocate to the company's head office in Japan. Jennifer is excited about this new opportunity, and wishes to relocate with her husband and three children. As the children's father, Michael challenges Jennifer's right to take the children out of the jurisdiction. The case has now been presented to a qualified assessor, Dr. Sinclair, who makes recommendations based on the guidelines criteria.

#1: Serve the Best Interests of the Child

To make appropriate recommendations for mobility in this case, Dr. Sinclair attends at all times to the children's best interests. Due to the varying ages of the children, Dr. Sinclair also recognizes that what may be best for one child may not adequately suit the needs of the other children involved in this situation. Consequently, Dr. Sinclair evaluates the best interests of the three siblings on an individual basis such that the ultimate welfare of each child may be promoted through the decision-making process. Of primary concern, then, is which residential arrangement will most support the children's physical, emotional, social, and psychological well-being across various developmental stages.

#2: Assess Influence of Attachment Relationships

Jennifer has been a stay-at-home mom since her eldest child was born, and therefore has been the primary caregiver for all three children. Michael, the children's father, has worked out of the home on a full-time basis since the couple married, but spent most evenings and weekends with his family in the marital home.

Each of the children has enjoyed secure attachments with both of their parents, exhibiting appropriate self-reliance and healthful curiosity; however, it is difficult to find an arrangement suitable to the attachment requirements of all three children since they are so varied in age. While the adolescent son and 9-year-old daughter have established affective bonds with both parents, and may adapt quite well to extended separations, the youngest daughter is just now leaving a very tenuous developmental stage regarding attachment formation. While she may engage meaningfully with her parents and communicate with them if separated, it must be remembered that she still requires frequent interactions with both her mother and her father for her attachment bonds to continue over time. This daughter is now in a critical period of development, and Dr. Sinclair knows that a decision made at this point in her life could have considerable and lasting impact on her long-term emotional, psychological, and social adjustment.

#3: Consider Relationship with Custodial Parent

Since the mother has enjoyed full-time care of her children both prior to and after the divorce, Jennifer has had excellent opportunity to form strong relationships with her son and daughters. Jennifer argues that as the mother and day-to-day caregiver, she is the most appropriate person to continue parenting her children regardless of where they reside. Developmental research agrees that the mother-child relationship is of primary importance to the healthy adjustment of children and adolescents and as such, Dr. Sinclair believes that the most appropriate recommendation would help maintain this important affiliation over time.

#4: Consider Relationship with Non-Custodial Parent

Although the mother-child relationship is important to child adjustment, such interaction must not preclude the supportive influence of paternal involvement. Consequently, Dr. Sinclair must also consider the children's relationship with the non-custodial father.

While a daughter's relationship with her father greatly contributes to her healthy development, including positive self-esteem, social prowess, and academic achievement, the influence a father has on his son may be particularly vital. Dr. Sinclair recognizes this importance and believes that while the adolescent boy has a strained association with his father at present, every effort should be made to foster this relationship in the future. To this end, Dr. Sinclair believes the most suitable recommendation would allow the father to continue to enjoy as much interaction with his children as possible, regardless of where the children ultimately reside.

#5: Evaluate Impact of Parental Absence

Dr. Sinclair understands that a child who is unable to interact with his or her parents on a regular basis often feels very rejected and disconnected, which may then place that child at significant developmental risk.

In keeping with the developmental literature, it appears that Michael's son has withdrawn from interactions with his father due to his absence from the parental home. As such, despite the father's continual efforts, he is unable to connect with his son in any meaningful way.

The middle child often presents as anxious when she must leave her father's presence, sometimes displaying anger at him upon his return. In contrast, the 2-year-old daughter clings heavily to her father when he meets the children for a visit, and demands a great deal of his attention while together.

Dr. Sinclair recognizes, therefore, that parental absence has unique influence on each of the children due to their ages and stages of development. The mobility recommendations must consequently reflect these individual differences to minimize the negative effect parental absence could have on the children if relocation is considered viable. The assessor examines both parents' intentions, then, for keeping communication alive during times of separation, not only with themselves and the children, but the children and the other parent. Such considerations are especially important in this case due to the great geographic distance of the proposed relocation.

#6: Determine Parenting Capacity

Since a child's healthy development is greatly contingent upon parental ability to meet his or her presenting needs, Dr. Sinclair evaluates the mother's and the father's parenting capacities with respect to the three children. Utilizing assessment data, Dr. Sinclair determines that neither Jennifer nor Michael have issues with psychological stability, indicating that both individuals may serve as effective parents in this regard.

It has also been ascertained that both Michael and Jennifer display an authoritative style of parenting, such that they show warmth, support, responsive care, and consistent control and monitoring of their children's behaviour. Again, both individuals appear equally effective as parents on this measure.

Finally, both parents provided detailed personal histories, thereby allowing Dr. Sinclair to understand how their individual pasts could potentially impact the parenting role. While the father did not report any activities that called his parenting ability into question, it was discovered

that Jennifer has a promiscuous past such that she engaged in many sexual affairs prior to her first marriage with Michael; however, Dr. Sinclair recognizes that only those elements of an individual's past that impact the children's development need be considered in the assessment process; as such, Jennifer's previous promiscuity should not come to bear on the present situation.

However, since the mother has remarried is it important to include her new spouse in the assessment before making mobility recommendations; as such, Dr. Sinclair evaluated Chris and found him to be psychologically stable, authoritative in his parenting style, and without complication as to parenting history.

#7: Assess Impact of Environmental Instability

Dr. Sinclair ascertained that following Jennifer's remarriage, the three children left the matrimonial home and moved into a new house with their mother and stepfather; consequently, the children have enjoyed considerable residential stability for over a year. Since more changes in residence are associated with more adjustment difficulties in children, Dr. Sinclair considers that it may be better for the children to remain in their current location, especially when the new location is as culturally different as Japan.

However, Dr. Sinclair also understands the potential benefit afforded to children who relocate, particularly diverse social, emotional, and cognitive experiences. Such benefits also translate to children who experience extended overnight visitations with non-custodial parents, which is generally not harmful to child adjustment.

Nonetheless, Dr. Sinclair recognizes that some children tolerate environmental instability better than others, especially for children of varying ages. In this case, Dr. Sinclair believes the adolescent boy and 9-year-old daughter could well tolerate extended visitation with their father should relocation occur, but that the youngest child could be unnecessarily distressed by the transition. The mobility assessor therefore gives great consideration to the children's coping resources in formulating his recommendations.

#8: Evaluate Impact of Family Dynamics

Since family interactions have considerable influence on children's adjustment following divorce, Dr. Sinclair carefully evaluates how all family members relate to one another on an emotional level.

Of primary importance is parental conflict, which if displayed can greatly inhibit a parent's ability to care for and nurture his or her children, as well as seriously undermine a child's sense of sense of security. Dr. Sinclair learns that to this point both Michael and Jennifer communicate quite well with each other, engaging in cooperative parenting most of the time.

There have been incidents of conflict, however, particularly during the children's transitions from one parent to the other. These arguments have been quite distressing to the two younger children, but the parents both agree that in future the children must be kept isolated from such displays of anger. In general, therefore, the parents intend to maintain respectful communications with each

other and continue to keep each other informed of important information pertaining to the children's welfare.

Regarding sibling interactions, Dr. Sinclair understands that having a supportive brother or sister may help buffer a child from the adverse effects of separation and divorce. In keeping with child-adjustment research, the 15-year-old son is not as dominantly sex-typed as boys from non-divorced homes, but the consistent involvement with his stepfather helps synthesize this developmental task. Dr. Sinclair also notes that the two sisters enjoy a very close relationship, which is often the case in father-absent homes. While these sibling interactions are indicative of the overall family constellation, Dr. Sinclair understands that such involvements may fluctuate over time, particularly if circumstances change through relocation.

#9: Consider Influential Social Supports

Although familial relationships are important to a child's healthy adjustment following parental divorce, social supports within the extended family and community are also necessary to positive outcomes.

In this case, the maternal grandparents reside out of country and, therefore, do not see the children more than once per year. In contrast, the paternal grandparents live very nearby the current residential home, and all three children enjoy frequent visitation with them. Dr. Sinclair considers, therefore, how relocation may negatively hinder the children's relationship with these important affective figures.

Additionally, while they are not the children's biological relatives, Chris's parents also enjoy spending time with the children and would likewise miss seeing them on a regular basis. Dr. Sinclair must also consider these individuals as an important part of the children's support system.

Regarding peer relationships, Dr. Sinclair understands that affiliation with one's peers becomes increasingly significant with age, offering considerable support particularly to children from divorced homes. While the youngest child has not yet formed significant peer relationships, the older daughter and adolescent son have developed considerable friendships through their school and community involvements, and therefore do not wish to relocate and leave these individuals behind.

Dr. Sinclair understands their concerns, recognizing that such relationships may offer considerable positive influence on children's post-divorce adjustment. In this case, however, the mother is convinced the children could relocate and easily form new and lasting peer attachments, which may then support the children in the coming years.

What should Dr. Sinclair recommend in this case?

After reading this fictitious case, what outcome appears to be in the children's best interests? On one hand, relocating offers considerable social, cultural, and economic advantage; on the other hand, moving the children halfway around the world could seriously undermine the relationships they have with their father, grandparents and other supportive adults, and peers. Either parent seems equally competent to raise the children through day-to-day care, but it is the mother upon whom the children have come to depend. Should she be forced to relinquish custody so that she can remain in a loving and nurturing marriage? If not, should the children's father be contented with telephone contact and face-to-face visitation only a few times per year? This situation is by no means unique to the Canadian judicial system, but one that is most definitely difficult to resolve.

While this vignette could certainly conclude with concrete recommendations regarding the issue of mobility, it must be recognized that such a decision would be offered by a fictional assessor, rather than a real person; consequently, any recommendations may be inappropriately applied to actual mobility cases, which could inadvertently hinder the evaluative process. Moreover, this vignette is offered to help stimulate reflective thought and open discussion of the issues most important to mobility assessment, not to provide a one-sided perspective of a fictitious case. In other words, to present a recommendation – particularly one based on an incomplete assessment process – would undermine the very objective of not only this vignette exercise, but this guideline handbook as a whole. To this purpose, the vignette concludes with one question:

What would you do?

Future Considerations

Where Do We Go From Here?

In completing this handbook, several important considerations have become evident regarding the future of mobility assessment.

- 1) While this document offers substantial utility to assessment professionals, as well as other individuals concerned with child adjustment following divorce, **these guidelines are by no means all-inclusive**. Thus, researchers should continue to evaluate those considerations important to child development, and refine the decision-making process as new and relevant information becomes available.
- 2) Due to the important nature of mobility disputes, **only those professionals adequately qualified in child-custody assessment should offer recommendations** to parents and courts regarding the welfare of children. Without such responsible practice, today's children may suffer the consequences as tomorrow's adults.
- 3) Although considerable data currently exists regarding children's outcomes following divorce, little research has been conducted in the area of mobility. Consequently, **more longitudinal studies are needed** to observe developmental outcomes for children affected by relocation. Through such efforts, assessors and other interested parties may be more confident that the changes incurred through geographic mobility foster healthy child adjustment over time.
- 4) Finally, although divorce has become a reality in contemporary society, **psychologists and other interested parties cannot ignore the power of prevention**. Through the use of mediation, parents may learn communication and negotiation skills so they may effectively settle their disputes to the children's benefit (Haynes, Haynes, & Fong, 2004). In this way, helping professionals may promote the welfare of children before disputes reach the point of no return.

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