

INTERACTION CONSULTANTS

12 Tips to Turn Around a Child Custody Battle that Could Otherwise Lead to a Child Protection Matter

That conflict over the care and residence of your children could just land them into the custody of child protective services.

There is a subset of separating/divorcing parents whose inability to settle differences between them earn them the moniker of High Conflict Parents (HCP). To earn that moniker several traits about their conflict are often seen. Among those traits are:

- An inability to resolve conflict;
- Conflict at times over seemingly minor issues that then take on huge proportion;
- Involvement by child protection agencies;
- Allegations of abuse be it in the form of domestic violence, child abuse or sexual abuse;
- Police intervention;
- Court involvement;
- Multiple agency, school or other services involvement;
- Lack of communication or communication that is filled with blame, shame guilt-tripping.

Not uncommonly people involved in contentious high conflict battles over their children are either brought to the attention of child protective services by police or school or by the report of one parent complaining about the other or both actually complaining about each other. At times these allegations are frivolous, such as an unreturned article of clothing and at times the allegations are serious such as in the case of alleged physical or sexual abuse or neglect. More often than not, the serious allegations are unfounded although the minor allegations are often true although typically inconsequential from a child protection perspective.

However, there is a point in time in which parental complaints can trigger a more serious investigation which in turn could result in the apprehension of children from both parents.

There is a concept of emotional harm.

Even if neither parent is directly emotionally abusing the child with putdowns, name calling and such,

children exposed to parents' constant criticism of the other and being put in the middle of parental conflict affects children adversely. Parents create the conditions for children to take sides, lie, misbehave with the other parent and withhold information all while the child is also subject to the expressed disdain of one parent for the other. This is disastrous for children who recognize themselves to be a product of both where any normal child would otherwise choose and hoped to be loved by both parents.

Children seen to be suffering emotional harm may present with symptoms such as depression, anxiety, withdrawal, anhedonia (lack of feeling pleasure), inability to maintain attention and focus – easily distracted, behavioral problems, incontinence, sleep disturbances and eating disturbances. In common terms, they are stressed out by their exposure to the parental conflict and show the strains of that stress. That stress often affects mental health, relationships, behavior and academic performance.

Every time a parent makes an unfounded allegation or a frivolous allegation or uses the child as a messenger and does not protect the child from overhearing or being told directly matters not suitable for their ears, their children are at risk of emotional harm.

When parents continue to engage in behaviors known to create the conditions for emotional harm particularly when cautioned, it is clear to child protection agencies that these parents are demonstrating an inability to keep their children safe despite any assertion that they are acting in the so-called best interests of their children. Very often the thinking of this parent is that their actions can help them prevail in a custody/access battle. All the while they are harming the very children they purport to keep safe.

As parents continue and at times escalate their unfounded or frivolous issues they are inadvertently providing child protective services the evidence required to apprehend the children. Ironic.

If you are the parent in such a battle and involved with child protective services, engaging in the tit-for-tat allegation game is not the answer.

If you want to present yourself as the better parent, then resist the game. If there is a legitimate child protection issue, you better have clear evidence and not just your say-so.

If you are worrying about defending yourself against spurious claims, you can consider attending for assessment on the matter. If after one or two or three assessments on issues claimed and there is no

supporting evidence, then you actually are able to present a clear pattern of false accusations. If however there is any basis to an allegation about you or your parenting, then rather than fighting allegation with counter allegation.... address your issues.

When these matters go to court and in these circumstances many do, you want to be able to show the judge how you have addressed any allegation made against you rather than just fighting fire with fire.

Parents should be forewarned. Judges have in the midst of trials where there are nasty counter-allegations and where there may be some truth or evidence in support of the allegation or where the evidence demonstrates the child is affected by emotional harm, to directly refer the children to child protective services. That's right. In the midst of trials where both parents have lost it and the child is affected by the stress of exposure to nasty parental behavior, children have been taken into protective custody.

If you really want to present yourself as the better parent, then appear reasonable, learn to modulate your emotions and behavior and address any issue you may have that may otherwise be reasonably used against you. Demonstrate how you have improved. In so doing, then you are advancing the needs and well-being of your children while keeping them out of the fray- at least on your end.

Isn't that what good parenting is about – managing ourselves in their interest.

If you are concerned about your child custody/access battle becoming a battle with a child protection agency then consider the following;

1. Don't let yourself get inducted into conflict;
2. Keep your interactions with the other parent brief, non-accusatory and positive;
3. Manage your own emotions;
4. Limit contact with the other parent and consider using someone else or an on-line program to facilitate your communication where there will be an electronic record of communications;
5. Do not make false allegations regarding the other parent;
6. Do not use the child as a messenger;
7. Address your own issues;

8. Do not badmouth the other parent to your child and do not let anyone else do so either;
9. Minimize or abstain from illicit drug use and if you consume alcohol consider limiting your consumption to no more than 6 per week and no more that 2 to 3 per occasion.
10. Live within the letter of the law. Be mindful not to act in any manner that could be used against you;
11. Concentrate on your own appropriate parenting.
12. Enjoy your time with your children by engaging with them and meeting their direct needs in the moment with you such as having healthy meals, getting homework completed, washing/bathing and getting to bed at a reasonable time.

Truth is, this is just good old plain advice for parenting. Follow those suggestions and at least your child will have one parent acting reasonably. That is already 50% better for the child.

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