

Shared Parenting Dysfunction

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Joint custody of children is the most prevalent court ordered arrangement for families of divorce. The goal of joint custody is to provide children the benefit of both parents' involvement and influence in their lives. To achieve this goal, judges require parents to engage in shared parenting, where joint decision-making and cooperation are necessary. A growing body of literature indicates that many parents engage in behaviors that are incompatible with shared parenting. The present article provides specific criteria for a definition of Shared Parenting Dysfunction. Clinical aspects of the phenomenon are reviewed and directions for research are delineated.

Over the last century, significant changes have occurred in the judicial awarding of custody in divorce involving children. In the past, one parent was typically given full custody and control over the minor children. While such judicial awards still occur, the preferred custody arrangement of judges, bar associations, state legislatures, and custody evaluators these days is joint custody (Bow & Quinnell, 2001; Hardcastle, 1998; Kline, Tschann, Johnston, & Wallerstein, 1989).

On the surface, the term “joint custody” might seem to imply an equal awarding of parental responsibilities, but in most cases of joint custody this does not occur (Hardcastle, 1998). The most common type of joint custody arrangement involves designating one parent to be the primary residential parent and the other as the non-residential (or non-custodial) parent (Keane, 1990). Here, the primary residential parent typically “shares” a greater portion of the parenting time, responsibilities, and rights; as such, the non-custodial parent is usually required to pay child support to the other parent.

Independent of who is judicially appointed to be the primary residential parent, in joint-custody awards it is a basic assumption that the parents will “share” the parenting responsibilities for their children (Dunne, Hudgins, &

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Babcock, 2000). In many such cases, judges will specifically order both parents to jointly participate in making key decisions about their offspring. Examples include determining where the child will go to school, who will be the child's pediatrician, and what extra-curricular activities the child will or will not attend.

While shared parenting seems like a reasonable and laudable goal for most divorcing families, it is based on the premise that parents will cooperate in parenting their children. Unfortunately, literature reveals a growing number of reports that many divorced and divorcing parents are not able to cooperate in the ways intended by the courts (Greenberg & Gould, 2001; Kitzmann & Emery, 1994; Maccoby, Buchanan, Mnookin, & Dornbusch, 1993). This is not particularly surprising. Many couples file for divorce because they have an extensive history of being unable to get along with each other—now expect cooperation merely because they have divorced may be too optimistic. The problem is even more apparent when one considers the antagonistic behavior that is often displayed during the course of litigation (Marlow & Sauber, 1990). Adversarial proceedings over custody can illuminate terrible parental behavior, such as leveling vicious allegations against each other, engaging in underhanded tactics, and spreading animosity to their friends and relatives (Turkat, 2000). After spending several years in the courts and tens of thousands of dollars on legal fees fighting over their most prized possessions (i.e., their offspring and their financial assets), many parents may have a particularly hard time transforming themselves into cooperative participants of a court-ordered, shared parenting scheme.

Regardless of the assumptions underlying judicial awards of shared parenting or etiologic factors that may explain shared parenting disobedience, the fact remains that parents who have been ordered to share parenting but engage in behavior that is harmful to such arrangements are not acting in their offspring's best interest (Ehrenberg, Hunter, & Elterman, 1996). The basis of shared parenting is to ensure that the children of divorce have the benefit of retaining both parents' influence in their upbringing; it aims to provide a doctrine of protection. A parent who is unable to cooperate reasonably with a court-ordered, shared parenting plan when it is in the best interest of his or her child to do so, is doing that child a disservice. Interparental conflict among divorced parents poses significant problems for their offspring (Johnston, 1994; Lamb, Sternberg, & Thompson, 1997).

Given that millions of families are court ordered to adhere to shared parenting schemes and that many parents appear to violate these plans, one would expect that problematic behavior of this kind would be well documented and categorized. Unfortunately, when the author searched the literature for a specific list of shared parenting abnormalities, he was unable to find one. Even more troubling was the inability to find a precise definition of what exactly constitutes a shared parenting problem. While descriptions of certain types of problems that interfere with shared parenting could be found easily in different parts of the literature—such as parental alienation (e.g.,

Gardner, 1989), visitation interference (e.g., Turkat, 1994), and domestic violence (Walker, 1999), the inability to locate a precise definition of shared parenting abnormalities in general suggests a more fundamental deficit in our knowledge base.

Why is this important? At the most basic level, it is well established that, in order for clinical and research advancements to proceed, the phenomenon of interest must be clearly defined (Ciminero, Calhoun, & Adams, 1986). If we cannot clearly define what we are interested in, studying it becomes difficult. Further, if we do not have clear definitions, important aspects of the phenomenon may be missed. To date, the literature appears to lack a criterion-based definition that captures the diverse ways that shared parenting problems may be displayed. The present article will attempt to fill this void.¹

The first section will consider how “shared parenting” is defined. This is followed by a specification of what qualifies as a dysfunction of shared parenting. Clinical manifestations of such dysfunction are then reviewed.

DEFINITIONS OF SHARED PARENTING

According to the Family Law Section of the American Bar Association (2001), joint custody is defined as the “shared right and responsibility of both parents awarded by the court for possession, care, and rearing of the children” (p. 8). Similarly, state statutes provide definitions of the “shared right and responsibility of both parents.” For example, in Florida, Statute 61.046 (14) states:

“Shared parental responsibility” means a court-ordered relationship in which both parents retain full parental rights and responsibilities with respect to their child and in which both parents confer with each other so that major decisions affecting the welfare of the child will be determined jointly. (State of Florida, 2000)

In addition to the definition provided by the State of Florida (2000) for “shared parental responsibility,” Florida Statute 61.13 (2) (b) 1 affirms:

It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to

1. The present article will not review domestic violence issues that arise during divorce; the domestic violence literature is considerable and a review is beyond the scope of the present article. In addition, the article will not address financial issues involved in divorce. While failure to pay court-ordered child support and/or court-ordered alimony are serious problems, parenting arrangements and financial issues are usually viewed judicially as separate issues. For example, a non-custodial parent that is being prevented by the primary residential parent from seeing their mutual offspring does not have the legal right to unilaterally terminate court-ordered child support payments. Similarly, a parent behind in child-support obligations may not be denied court-ordered time with the children at the discretion of the custodial parent. There is considerable literature available on these types of financial issues, to which the reader is referred.

share the rights and responsibilities, and joys, of childrearing. (State of Florida, 2000)

As can be seen in the above definitions, cooperation between parents is vital to guaranteeing the minor children the benefit of both parents actively participating in their upbringing. Actions that interfere with such cooperation would seem integral to any proposed definition of shared-parenting abnormalities.

In constructing a set of criteria to define the phenomenon of interest here, it would seem essential that known acts of shared-parenting interference would meet the definitional attributes articulated. In the next section, the proposed set of criteria aims to meet this obligation.

SHARED PARENTING DYSFUNCTION

Table 1 provides an initial set of criteria for potentially identifying Shared Parenting Dysfunction.

As can be seen in Table 1, there are two major criteria that must be met before one can conclude that a Shared Parenting Dysfunction exists. First, one of the parents must have significantly violated an existing court order for shared parenting by engaging in behavior that is hostile and/or uncooperative toward the other parent. Second, that behavior must negatively affect the child(ren) involved and the other parent.

Criterion A of the definition of Shared Parenting Dysfunction outlines three types of offending behavior that may be evidenced in violating the court order: behavior that is directly hostile to the other parent, behavior that is indirectly hostile to the other parent, and uncooperative acts. This aspect of the definition allows for significant variation in the range and degree of Shared Parenting Dysfunction that may be displayed across parents. Further, the proposed definition encompasses occasions when a violating parent may engage repeatedly in a particular offending behavior as well as when he or she may perform a multitude of offensive acts.

An important consideration is that the proposed definition for Shared Parenting Dysfunction indicates what would not qualify as meeting the defi-

TABLE 1. Criteria For Shared Parenting Dysfunction

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| A. | A parent who significantly violates court-ordered shared parenting by displaying at least one of the following: |
| | 1. Inappropriately engages in hostile behavior directly at the other parent |
| | 2. Inappropriately engages in hostile behavior indirectly at the other parent |
| | 3. Inappropriately engages in uncooperative acts against the other parent |
| B. | By engaging in the above behaviors, the violating parent: |
| | 1. negatively affects the child(ren) |
| | 2. negatively affects the other parent. |
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nitional attributes. For example, a court order for shared parenting must be issued. Without such a court order, Shared Parenting Dysfunction does not exist. As another example, if one parent engages in hostile behavior toward the other parent, but it does not violate the court order for shared parenting and does not negatively affect the child(ren) involved, then such displays would not be considered indicative of a Shared Parenting Dysfunction. In addition, violations of the court order must be significant. This aspect of the definition helps to accommodate the inadvertent imperfections that even the most well-intentioned individuals may display from time to time—a parent who is late on one occasion in picking up a child at the designated time is not demonstrating a Shared Parenting Dysfunction.

With a definition of Shared Parenting Dysfunction in hand, the next section provides a variety of clinical examples of how such behavior may be displayed.

CLINICAL MANIFESTATIONS OF SHARED PARENTING DYSFUNCTION

A father picks up his children for his weekly midweek visitation, screams at his ex-wife that she is a “low rent whore” while driving away from the house, and returns the children three hours later than the court-ordered designated time for the visit’s end. Such behavior is indicative of Shared Parenting Dysfunction.

A mother slams the door in the face of her ex-husband upon his announcement that he has come for his regularly scheduled visitation with his children. She calls the police and falsely claims that her ex-husband has threatened her. This behavior is indicative of Shared Parenting Dysfunction.

A father calls to speak with his son but is told each time by the mother that the child is busy. In return, when the son is visiting with the father, he refuses to allow the child to call his mother. Here, both parents are displaying Shared Parenting Dysfunction.

In each of the examples above, parents are waging interpersonal warfare with the children caught in the crossfire. Unfortunately, these examples most likely represent only a fraction of the behavioral expressions of Shared Parenting Dysfunction that occur.

One of the major displays of Shared Parenting Dysfunction involves chronic visitation interference (Turkat, 1994). Here, the custodial parent unjustifiably interferes with the non-residential parent’s access to the child, *despite the existence of a court order specifying such visitation*. It has been estimated that millions of children have been victimized by unjustified visitation interference (Children’s Rights Council, 1994). While visitation interference is typically viewed as denial of in-person visits with the non-residential parent, it may be useful to conceptualize ancillary interfering behaviors in

the context of shared parenting problems. For example, denial of a parent's access to his or her child via telephone is a violation of most court-ordered, shared parenting plans. The same is true for a parent preventing his or her child from receiving mail from the other parent. Interfering with a parent's access to the child's school records and/or medical records is also typically a violation of court-ordered shared parenting. So is preventing the other parent from watching the child participate in formal extra-curricular activities such as a school play, a piano recital, or a soccer match. While a behavior of this kind is less likely to command the attention that more serious problems of interference generate (e.g., kidnapping, physical abuse, etc.), the present definition of Shared Parenting Dysfunction facilitates professional consideration of these "lower profile" uncooperative acts.

In regard to the more striking problems observed, Shared Parenting Dysfunction may also be seen in cases where one parent tries to turn the child(ren) against the other parent when there is no reasonable justification for doing so (Gardner, 1987). If such manipulations are successful, a Parental Alienation Syndrome (Gardner, 1987; 1989; 1999) may develop. Behavior of this kind is highly damaging to the offspring, the other parent, and their relationship; it seriously undermines shared parenting. As Gardner (1987; 1989) has noted, psychopathology of this type is commonly seen during intensive custody battles and may also be seen in difficult visitation disputes and related litigation.

In other complex cases of Shared Parenting Dysfunction, one may see evidence of Divorce Related Malicious Parent Syndrome (Turkat, 1999). In this disorder, a custodial parent makes it his or her pathological mission to hurt the other parent. Here, the children serve as one tool in a multi-level campaign to punish the other parent. Examples of such damaging behavior include a parent that forced the children to sleep in a car to prove the other parent had bankrupted them; a non-custodial parent who burned down the house of the primary residential parent after losing a court battle over custody of their children; a custodial parent who promised a judge that the children could visit with the other parent at any time, but moments later outside of the courtroom informed the other parent that visitation will never occur; and a parent who bought a cat for the children because the other parent was highly allergic to cats. Finally, some of the most destructive displays of Shared Parenting Dysfunction may include kidnapping, physical abuse, and murder.

DISCUSSION

Approximately half of all married couples will divorce—about one million per year. Of those involving children, 40–50% of parents interfere with the

visitation aspects of shared parenting (Arditti, 1992; Kressel, 1985). These figures indicate that millions of children are suffering at the hands of parents who have put their own animosity before their children's needs. Shared Parenting Dysfunction is a significant problem in our society.

As noted above, clinical manifestations of Shared Parenting Dysfunction can vary tremendously. Naturally, the severity of such behavior can be viewed on a continuum. In this regard, the definition proposed herein for Shared Parenting Dysfunction provides an efficient and unifying way for various behavioral difficulties in this area to be conceptualized. This allows investigators to focus not only on the more severe and striking forms of maladaptive behavior observed (e.g., Parental Alienation Syndrome), but to study what may be the more prevalent disrupters of successful shared parenting (e.g., negative emotional displays that sabotage joint decision-making). The taxonomic category "Shared Parenting Dysfunction" would seem to offer significant heuristic value.

In regard to the definition proposed herein for Shared Parenting Dysfunction, the reader should appreciate that this is a beginning proposal. It is fully expected that the initial specification of taxonomic criteria provided herein will change with the accumulation of research findings.

With a scientific database awaiting development, it is important to consider some of the basic questions that need to be answered. Who are the parents that are likely to demonstrate Shared Parenting Dysfunction? What exactly causes such behavior? How should Shared Parenting Dysfunction be treated? Can we prevent such behavior from occurring in the first place? What is the relationship between "lower profile" shared parenting disobedience and more destructive acts? Hypotheses to guide investigations of these questions are needed.

While preferred treatment protocols for Shared Parenting Dysfunction have yet to be adequately established, millions of children need our help. Efforts to control the visitation aspects of the problem have proven highly disappointing and innovative approaches are sorely needed (Turkat, 1997). In those areas where creative interventions have been proposed (e.g., parental alienation; see Gardner, 1999), comprehensive research on efficacy has yet to appear. There is little doubt that the judiciary cannot solve the diverse problems of Shared Parenting Dysfunction by itself; interdisciplinary approaches will be necessary if the difficulties imposed by Shared Parenting Dysfunction are to be managed effectively.

In sum, Shared Parenting Dysfunction is a serious problem that affects millions of children. The problem is poorly understood and difficult to manage. The present article provided a beginning definition for clinical and research purposes. Ideas for investigating this phenomenon were also presented. It is believed that an interdisciplinary approach is most likely necessary if Shared Parenting Dysfunction is to be effectively controlled.

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