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chapter 42

Listening to Children and Parents: Seven Dimensions to Untangle High-Conflict Divorce

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Abstract

Divorce is a common and complex phenomenon with high social impact, especially when it involves pervasive conflict. This chapter discusses an analytic content-based framework for gaining an in-depth understanding of divorce. It considers seven inter-related dimensions: time, conflict, relationships, violence, systems, cooperation and communication. Each dimension can be further related to the exacerbating factors of addiction and psychiatric illness. This analytical method points the way to de-escalating domestic conflict and sometimes intimate violence after divorce by listening to and properly interpreting the voices of children and parents. Partner violence and controlling behaviour before, during and after divorce can arise from the struggle of one partner to attack and diminish the other, or by both partners contending for power as the family breaks up. The resulting conflict can disrupt the parental partnership in ways that traumatize them and interfere with their children's right to grow up in safe surroundings, nurtured and guided by both parents. Social professionals who respond effectively are able to look beyond stereotypes to sense the unique and subtle patterns underlying the intense and persistent discord characteristic of high-conflict divorce. Only when the particular aspects of those patterns are understood and properly addressed can (co-) parenting be restored to assure the children of post-divorce safety and well-being.

1 Introduction

Nowadays in the Western world one in every three marriages ends in divorce, and that sad ratio rises to almost one in two when non-marital partnerships are included. As a result, each year in the Netherlands around 60,000 minors who

¹ I wish to thank Jack de Swart, lecturer in youth policy at Windesheim, and Katinka Lünemann, of the Verwey-Jonker Institute, for our sparring conversations in 2014 about integrating parents' and children's voices into the process of divorce to minimise further harm; and James Clement van Pelt, for his help in translating this chapter into English.

once lived with both parents face the end of the family life they have always known.² Divorce is a family crisis revealing the vulnerability of intimate relationships. Old relationships end and new ones usually have to be established; ex-partners have to find new ways of parenting and living, as do the children. Abrupt and radical changes in living arrangements can affect children in ways that put into question how and with whom they are to spend their daily lives. That can undermine their faith that they will continue to be protected, supported, educated, and sheltered by both parents.³

Although the rights of children include the right to grow up safely within families and to be guided and nurtured by their parents, those rights can slip away when the divorce process causes an escalation in anger and conflict. Too many children, teenagers, and adults feel their loyalties torn between parents. Loyalty issues are not in the best interests of the child.⁴ ‘Learn to look through the eyes of your child’ is the advice offered by child therapist Marsha Pinedo to both parents and social-service professionals.

Now in her forties, Pinedo was only three years old when her parents were divorced. Being caught in the middle, or overlooked entirely, led her to establish Villa Pinedo, a residential programme designed to give children and teens a voice in determining their future. There they learn ways to counsel divorced parents about how to better meet their needs. The Villa’s website, villapinedo.nl, explains that children ‘are experts from experience. They know exactly what’s difficult and sad, or fine and safe in a divorce situation.’ Activities include making films, writing a powerful letter addressed to all divorced parents, and telling their life stories. Using their own perspective, the youngsters are coached to give divorcing parents do’s and don’ts about how to maintain more positive attitudes and constructive interactions. In this way, parents improve their relationships in ways that create growing space for the children.

In the Villa Pinedo programmes, children are given opportunities to share with their parents how it feels to live in two homes, and how upset they feel when their parents are not on speaking terms or quarrelling about money or custody. One 11-year-old girl is quoted on the Villa Pinedo website: ‘It hurts if my parents dislike each other so much, because it means they do not accept at least half of me, since I am a part of both of them.’

2 Spruijt E & Kormos H *Handboek Scheiden en de Kinderen: Voor de Beroepskracht die met Scheidingskinderen te Maken Heeft* [Handbook of divorce and children: For the professional who has to deal with children in divorce] (2014) 22.

3 Spruijt E & Kormos H *Handboek Scheiden en de Kinderen: Voor de Beroepskracht die met Scheidingskinderen te Maken Heeft* [Handbook of divorce and children: For the professional who has to deal with children in divorce] (2014).

4 Pinedo M & Vollinga P *Aan Alle Gescheiden Ouders: Leer Kijken Door de Ogen van je Kind* (2013) 60–73.

Empowering the children of divorce can be an important source of psycho-education for their parents: it can raise the awareness of other children in divorce situations. But that rather fashionable view comes with an important caveat: it is important to embed children's voices in context, to interpret them carefully, and to listen to parents as well. The safety of children (and partners) comes first, especially when abuse is suspected, but that principle must be balanced by the fact that children have active imaginations and sometimes immature definitions of what constitutes the truth. Not everything they say should be taken literally and acted upon accordingly; communication and clarification are always needed for insightful evaluation.



Divorce can bring immense changes to each divorced parent's way of life. After their legal separation they may come under the terms of custody arrangements that turn them into co-parents, single parents, or even step-parents with children from a relationship with a new partner. They may move to different neighbourhoods, occupy smaller residential spaces, have less money to spend, and see their children only at certain times on specific days rather than in the natural flow of their lives together. Such changes add to the complexity of living arrangements for both children and parents, so that clear and open communication between parents and among parents and their children becomes all the more essential. Yet that very relational complexity hinders effective communication and sets the stage for an escalation of conflict.

Mark Tuitert, the former Dutch Olympic skater, serves as an 'ambassador' (spokesperson) for Villa Pinedo. His parents were divorced when he was 19, creating an emotional situation he describes as terribly negative. As the oldest son, he was caught in the middle of his parents' conflict, and broke off all contact with his father for about six years. After a long period of reflection on what happened to his family, he advises:

The child is often the only one who says sensitive things during a high-conflict divorce. Set aside your emotions as a parent, keep communicating with each other, and listen to the voices of the children.⁵



2 Background, Relevance and Focus

In the Netherlands, Denmark, England and other Western countries, divorce laws have recently changed to spell out new rights and obligations of parents

⁵ Lenssinck A 'Afscheid nemen van dat intense gevoel is moeilijk: Interview met Mark Tuitert' [Saying goodbye to that intense feeling is difficult: Interview with Mark Tuitert] *de Tijd, Trouw* September 6, (2014) 32–35.

after separation. Those laws establish joint custody as the norm, obligating ex-partners to cooperate in their post-divorce parenting. Before the household breaks apart, the partners are required to agree on a parenting plan that stipulates in detail who is to do what and when, and how the children are to be cared for, thus specifying clearly the terms for alimony and the division of labour. These legal changes, known in the Netherlands as the Rouvoet law, have resulted in more co-parenting. Contrary to expectations, however, the co-parenting requirement can force ex-partners to continue interacting with one another regularly over contentious matters, which vastly increases the likelihood of heightened frequency and severity of conflict, as found by a recent evaluation.⁶

High degrees of conflict during and after divorce have created serious problems in youth care and child protection. The youth care agency must make difficult and sometimes controversial decisions about child contact and visitation. Such decisions are not always well-grounded in what is best for the custody and care of the children.⁷ Agencies in several countries report problems in which polarisation and conflict result in increased confrontation involving lawyers and court proceedings. Sometimes this polarisation is the prelude to ongoing violence, with significant injuries and multiple calls to the police and child protection services. Worst of all, conflict can escalate to a fatal outcome when a parent murders the partner and/or the children.⁸

Another issue identified in at least 10 per cent of complex cases is parental alienation,⁹ where one parent enlists the children in a campaign to bully the other parent into submission or collapse, doing so by manipulating the children into joining them in sabotaging their relationship with the other parent or undermining parental authority.¹⁰ Estrangement of children is based on realistic situations as neglect, abuse and unfit parenting. Often overlooked by professionals, parental alienation must be considered as a type of abuse often

6 Voert MJ & Geurt T *Evaluatie Ouderschapsplan: Een Eerste Verkenning* [Evaluation of the parenting plan: A first exploration] (2013).

7 Dullaert M *Is de zorg gegrond? Analyse van het feitenonderzoek aan de basis van ingrijpende jeugdzorgbeslissingen* [Is the care grounded? Analysis of research effects based on difficult decisions of youth care] (2013).

8 Dijkstra S & Verhoeven W 'Gescheiden werelden en gespannen verhoudingen: Ouderschap na scheiding en geweld met dodelijke afloop' [Separate worlds and tense relationships: Parenting after divorce and fatal violence] (2014) 1 *Maatwerk* 2–6.

9 Spruijt E & Kormos H *Handboek Scheiden en de Kinderen: Voor de Beroepskracht die met Scheidingskinderen te Maken Heeft* [Handbook of divorce and children: For the professional who has to deal with children in divorce] (2014).

10 Radford L & Hester M *Mothering through Domestic Violence* (2006).



involving psychopathology, a hostile, aggressive form of parenting that entails rejection of the other parent. As with bullying, the poisoning of the fundamental parent–child bond can inflict long-lasting harm on the development of children’s emotional intelligence and their ability to empathise with and respect others. The parent who perpetrates this form of emotional abuse out of self-righteousness or vindictiveness strives to

- reprogramme each child to view the rejected parent as unloving, uncaring, and unavailable;
- limit the contact of each child with the victim parent;
- erase the victim parent from their lives, feelings, and thoughts, and to replace the rejected parent in each child’s mind;
- encourage the child to betray the rejected parent’s trust; and
- undermine the parental authority of the rejected parent and his or her ability to counsel and guide the children.¹¹

3 Learning from Complex Cases

Social work professionals use umbrella terms such as ‘high-conflict divorce’, ‘complex divorce’, or even ‘fighting divorce’ (*vechtscheiding* in Dutch literally means a ‘divorce battle’). The image of a ‘fighting divorce’ with two ex-partners punching it out over the heads of their children is sometimes accurate, but taking other factors into account – such as past violence, a psychiatric issue, or a legal conflict – could yield a more complex picture. At the same time, the interplay of so many factors tends to obscure the shifting power dynamics under the surface, so that it becomes unclear who has done what to whom.¹² For this reason the term ‘complex divorce’ seems more useful than ‘high-conflict divorce’ and ‘fighting divorce’.

The complexity and conflict conveyed by each of these terms emerge from relational patterns that vary with each situation. Complexity has a different composition in every complex case. Multiple layers of complexity build up over time and are likely to remain entangled unless some form of intervention disrupts the patterns so as to help one or both ex-partners make fundamental changes in how they relate to one another and to their children.

11 Baker AJL & Fine PR *Co-Parenting with a Toxic Ex: What to do When Your Ex-Spouse Tries to Turn the Kids Against You* (2014).

12 Hester M ‘Who does what to whom? Gender and domestic violence perpetrators in English police records’ (2013) 10 *European Journal of Criminology* 623–37.

To better understand how to respond in timely and effective ways, professionals need greater insight into how they can accurately perceive and appropriately appreciate the myriad patterns of complex divorce and the dynamics of post-divorce struggles. The costs of complex divorce are high and long-lasting, especially in regard to custody and child contact. Decisive intervention is imperative when partner violence or child abuse has been detected. This means professionals must be on the alert for power imbalance, manipulation and intimidation, whether these occur prior to or after the divorce ruling.¹³

To gain insight, professionals can explore and apply theoretical concepts and models developed from actual cases. One such model, developed by the author and explained in this chapter, identifies seven dimensions of complex divorce: time, conflict, relationships, violence (especially that related to addiction and psychiatry), systems, cooperation, and communication.¹⁴ Each dimension is a building block for a model that encompasses multiple components: not just the relationships of parents and children, but also youth care and social professionals, the legal system, and even the police when behaviour crosses into violent expression. The idea of dimensions helps professionals envision a divorce relationship as an often dysfunctional system with numerous overlapping and interpenetrating components, like a multidimensional puzzle that must be understood and then untangled layer by layer.

Using the model, this chapter explores several especially difficult divorce cases from the perspectives of parents, children, and professionals. Along with professionals from youth care and child protection services, lawyers and judges can be involved in the resolution of conflicts over the question of in which household, or even country, the children of a divorced couple should be raised. Evaluating the accusations of ex-partners about the well-being and safety of their children often calls for a multidisciplinary approach in which the seven dimensions can help guide the evaluation.

How these multiple perspectives and interdisciplinary responses can be coordinated is explored during a regular three-day course on complex divorce



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- 13 Johnson M *Intimate Terrorism, Violent Resistance, and Situational Couple Violence: A Typology of Domestic Violence* (2008); Radford L & Hester M *Mothering through Domestic Violence* (2006); Dijkstra S 'Knellende maatschappelijke normen over ouderschap: Escalatie bij vechtscheiding nader beschouwd' [Strict societal norms for parenting: A closer look at escalation in high-conflict divorce] in van der Pas (ed) *Hoezo probleemouders? Tien Opstellen Over de Ongemakkelijke Relatie Ouders-Maatschappij* [Why problem parents? The uneasy relationship between parents and society] (2014).
- 14 Dijkstra S *Vechtscheiding als complex vraagstuk van de-escalatie. Verkenning van zeven dimensies van het probleem* [High-conflict divorce as a complex problem of de-escalation], centrale lezing, werkconferentie *Uit de houdgreep*, Taskforce, 27 May 2014, Utrecht.

developed and presented by the author. Thus far, about a hundred youth care and child protection workers have participated, reflecting at length on a case they selected based on five analytical questions:¹⁵

- 1 What has happened, and according to whom?
- 2 What can happen in the near future?
- 3 How probable is it that this will happen?
- 4 How severe are the consequences likely to be if this does happen?
- 5 On a scale from zero to ten, what is the score for danger from those consequences, and how is that score explained?

When a couple decides to end their domestic partnership, issues such as the division and disposal of jointly held property and marital assets, alimony, and other financial arrangements can be the subject of severe conflict. When children are involved, a divorce is considered high-conflict when the parents become entangled in struggles over custody, child support the children's upbringing, especially so if the struggles are protracted and each partner's position is fixed and resistant to compromise. The conflict might start before the actual split and continue afterwards, or it might surface when one of the ex-partners initiates a new intimate relationship. This is what happened with a divorced mother whose ex-partner had custody of their daughter on weekends. She complained, 'My baby always comes back to me smelling of his girlfriend.' A divorce involving children is considered complex when the conflict is persistent and makes the children pawns in the ex-partners' power struggle, often extending to other family members, new partners, and sometimes their social network and even their employment settings. Such conflicts are magnified when judicial procedures are invoked.

A complex divorce can arouse intense emotions in any of the people involved. Anger, loss, hurt, distrust, jealousy, envy, rage, revenge, bitterness, and despair can be displayed or smoulder beneath the rational surface like a peat moss fire. Those emotions are difficult to regulate in parents and even more so in children, impairing the psychological and situational factors that serve as buffers between them. Such buffers can provide a space for perspective to enable ex-partners to reflect on the overall parenting situation and how they could contribute in positive or negative ways. This is known as the meta-position in parenting, or the parental position.¹⁶

15 Munro E *Effective Child Protection* (2002).

16 van der Pas A *Handboek Methodische Ouderbegeleiding: Eert uw Vaders en uw Moeders* [Handbook of methods for guiding parents: Honour your fathers and mothers] (2005).

Losing that perspective can lead to serious disruptions draw everyone involved into the vortex of conflict—even the professionals charged with ameliorating the situation. The result can be a kind of tunnel vision:¹⁷ first, rationality shuts down, then alternative reasoning that would normally propose less negative evaluations stops, at which point the only possible truth seems to be the most negative explanation. Life can become unbearable and filled with despair, inspiring a lust for revenge and a desire to harm the other at any cost. The result can be fatal.

4 Patterns of Conflict over Children: Three Cases¹⁸

Amber and John, both in their mid-thirties, broke up after only a few dates. Soon afterward, Amber discovered she was pregnant. She decided on her own to go through with the pregnancy and raise the baby by herself. When, in her seventh month, she told John about her decision, he demanded to know whether he was the father. Amber said she could not be sure because she had been dating another man around the same time. When she made it clear to him that she intended to raise the child on her own, John felt that she was deliberately excluding him. He considered the possibilities for more active fatherhood and sought the help of a lawyer, who informed him that he could demand a DNA paternity test; a positive outcome would give him custody rights.

John followed that advice, was indeed proven to be the father, and was granted visitation rights every other weekend with his daughter. But Amber and John have heavy and continual disagreements over the care of their child, age 3 years old. Amber believes his lack of child care experience renders him unfit to care for a young child. The lawyer thinks he has done good work for his client, but the relationship between the ex-partners has become rather grim, which cannot but affect their child in negative ways.

The next case concerns Sarah and Josh, who are the parents of 5-year-old Marlies. They divorced when she was two, and Sarah was awarded full custody and responsibility for raising her. Six months later she accused her ex-partner of sexual abusing Marlies.¹⁹ Her only substantiation for that accusation is her testimony that her daughter is behaving in sexually inappropriate ways and is very afraid of her father. On that basis she petitioned the court to cancel

17 Munro E *Effective Child Protection* (2002).

18 In these cases, identifying details have been altered to protect the anonymity of the persons concerned.

19 Merkelbach H 'Een valse aangifte: Waarom recherchepsychologen belangrijk zijn' [A false allegation: Why police psychologists are important] (2015) *De Psycholoog* January, 40–48.

his visitation rights and bar all further contact between them. Josh has petitioned several times for a court order for custody. The tensions of the conflict are accumulating: they are no longer able to make appointments on weekends and holidays unless scheduled by the court. The mother refuses to inform the father about their daughter's development, such as her experiences at school. Mediation was broken off by the father. Recently there has been a family group conference and youth care has become involved. The professionals express concern about the divided world in which Marlies is living and its negative impact on her long-term well-being.

In the third case, Annabella and Mark fell in love when Mark was engaged in a project in Brazil; Annabella is Brazilian and Mark is Dutch. Three years after marrying, they moved to the Netherlands. There, three children were born – two sons and a daughter. Six years ago the couple was divorced, and since then they have had many conflicts over child care and custody. For the past three years the children have been under youth care surveillance. Annabella took refuge in a shelter seven years ago because her partner physically assaulted her and was shouting and threatening her and the children.

His behaviour was especially aggressive when he had been drinking. She reports she is still afraid of him and considers him a danger to the children. The eldest son, Gijs, 15 years old, often follows his father's example by being rude and aggressive toward his mother and siblings, and is at risk of dropping out of school. As for the girl, aged 9 years, her school reports that she is very withdrawn; the youngest boy, 12 years old, is wetting his bed. Annabella has difficulty handling her sons, especially Gijs, who recently left her home, saying he is fed up with his mother's moody behaviour and wants to live only with his dad. Mark is using this as an argument to support his allegation that she is an unfit mother.

None of the children is interested in talking with professionals or getting other kinds of help, even though all three are behind at school. Their teachers find it difficult to confer with Annabella because of language differences and also because she feels accused and reacts defensively and with strong emotions. Mark claims that Annabella has a psychiatric disturbance that adversely influences the children. He wants to have full custody over the children so he can raise them with greater firmness. Annabella thinks he is excessively strict and wants to continue raising them herself.

To summarise:

- The case of Amber and John demonstrates how people who have almost no relationship experience with each other can nonetheless face the challenge of being parents, due to a legal consent decree.
- The case of Sarah and Josh raises the issues of false allegations and the denial of sexual abuse when small children are involved.

- The intercultural case of Annabella and Mark introduces multiple issues, and suggests how the co-morbidity between abuse, addiction, and psychological issues of the parents affects the children deeply and calls for multi-disciplinary involvement by professionals.
- All three cases underline the importance to professionals of obtaining a deep and interdisciplinary understanding of the experiences of the children even when the latter are too young to have voices in the figurative sense.

5 Stuck Cases and an Answer to Escalation

Despite their best and most patient efforts, social professionals – youth care workers, judges, mediators, guardians, teachers, lawyers, therapists, and specific pedagogics, among others – often feel that complex divorce cases are ‘stuck’, with no clear path to progress toward healing. Professionals can feel themselves under considerable pressure to help partners find ways to de-escalate their negative emotions and destructive intentions. Inter-agency work toward de-escalation can suffer from the dominant position of the judicial system, whose dictates can override the plans of the various service providers.²⁰ Yet sometimes professionals unintentionally contribute to escalation.



Youth care agency professionals can feel frustrated when their mandate to pursue the best interests of the children leads to blaming one or both parents for their distress. Yet in advocating for the children’s interests, these professionals may be constructing a frame of escalating parental conflict that obscures significant power imbalances and manipulation related to prior or current abuse. Such a constructed frame can hide the professionals’ own feelings of disempowerment and insecurity about how they should support the children. In their distress and grief, both parents and children can react like ‘wounded animals’ with ‘fight, flight, or freeze’ responses. They express and transmit their entrapment in the conflict using fixed and negative categories. An example from the course involves a boy of 13 who went to court because he wanted to live with his father but had not taken the time to discuss his preference with his mother; in another case, a girl of the same age felt neglected now that her mother had a new boyfriend. A third example involved two teenage siblings who spent their time texting with their father as soon as they were in their mothers’ house, excluding her completely and extending his presence into



20 Groen M *Botsende systemen: reflectie expertmeeting vechtscheiding* [Clashing systems: Reflections from a meeting of experts in high-conflict divorce] 20 November 2013, Den Haag; Groen M & van Lawick J ‘Vechtscheidingen’ [High-conflict divorce] in *Intieme Oorlog: Over de Kwetsbaarheid van Familierelaties* (2013).

her home although he was physically absent. Recently, researchers addressed this absent presence of the abusive partner as an important concept in understanding problems in mother-child relationships.²¹

The dynamics of parental alienation can be obscured even to professionals when they give sole credence to what the children have to say. Situations may seem black-and-white to adolescents, who can be very susceptible to issues of loyalty and alienation.²² For their part, parents can suffer from the hot/cold empathy gap: during periods of high tension, their hot and often escalating emotions take over from their rational, more understanding and empathetic viewpoint, while during periods of cold detachment their rationality lacks any compassion.

De-escalation needs to be the focal point in treating complex cases. To achieve that goal, professionals need to see further, more clearly, and in more dimensions. Each case has its own unique key for unlocking the door to de-escalation; the same thing that stokes the fires of escalation in one case can bring about de-escalation in another. In a recent developed group intervention, called 'Children in the Fix', the therapists formulated two conditions for divorced couples and children to participate in the group intervention: they have to pledge to cooperate as parents and to stop judicial lawsuits. These criteria can be helpful in de-escalating conflicts, normalising parental behaviour and repairing the children's sense of safety,²³ but they might not be the right fit for all and could mask violence in the partner relationship or overlook power gaps.²⁴



The master key for initiating a process of de-escalation is to know when and how a complex divorce can be brought into the rational and emotional ranges of an ordinary divorce in which relationships can heal over time. To know that, the causes underlying a high-conflict case must be explored with a special focus on the plight of the children, including the possible presence of child (sexual) abuse and partner violence prior to the divorce.²⁵

21 Thiara RT & Humphreys C 'Absent presence: The ongoing impact of men's violence on the mother-child relationship' (2015) *Child and Family Social Work* 1–9.

22 Spruijt E & Kormos H *Handboek Scheiden en de Kinderen: Voor de Beroepskracht die met Scheidingskinderen te Maken Heeft* [Handbook of divorce and children: For the professional who has to deal with children in divorce] (2014).

23 van Lawick J & Visser M *Kinderen uit de Knel: Een Interventie voor Gezinnen Verwikkeld in een Vechtscheiding* [Children in a fix: Intervention for families embroiled in a fighting divorce] (2014).

24 Dijkstra S 'Kinderen uit de knel: Boekbespreking' [Children in the fix: Book review] (2015) *5 Maatwerk* 25–26.

25 Radford L & Hester M *Mothering through Domestic Violence* (2006); Dijkstra S 'Slaan uit macht en onmacht: Mannen leren in groepswork praten over het geweld en hun relaties

Every case has a somewhat different pattern as to which issues are the most significant, but the tangle of emotions and power dynamics can make that pattern hard to discern. A helpful framework for untangling the issues producing a complex divorce is provided by reviewing and evaluating seven different dimensions of the situation, from the perspective of each participant. When each dimension is considered separately, it can serve as a stepping-stone towards a plan for untangling the conflicts in a logical order of priority.

6 Seven Dimensions of Complex Divorce

To hear the voices of children, to listen to parents caught up in a complex divorce, and to accurately evaluate what they have to say, a detailed understanding of the layers of conflict is essential. A model based on seven dimensions has emerged from the work of the author.²⁶ Each dimension takes a different perspective, enabling professionals to separate and untangle the various levels of complexity.

The seven dimensions are: (1) time, (2) conflict, (3) relationships, (4) violence (with co-morbidity), (5) systems and their interaction, (6) inter-agency cooperation, and (7) communication that leads to a common mindset, a meta-language, and a de-escalation repertoire for both professionals and families. A brief discussion of each dimension follows below.

Time is the first dimension, for good reason: factors relating to timing, crisis, preparation, skilful cooperation, and the use of momentum can be critical and of the highest priority. During a three-day course presented for professionals by the author, one participant reflected on what she learned from the selected case: ‘We have to think very thoroughly and carefully about how the conflict begins, and especially how to address the parents, since that will determine in significant ways how the case will unfold.’

In urgent and dangerous cases, regard for time can literally save lives. When time is critical, intervention must be as intense as required but diminish as

met vrouwen en kinderen’ [Battering from power and powerlessness: Men learn in group work to talk about violence and their relationships with women and children] (2011) 20(3) *Journal of Social Intervention: Theory and Practice* 59–76; Lünemann K, Hermens N & Roeleveld W *Mannen over partnergeweld en vaderschap: Een exploratief onderzoek*. [Men talk about partner violence and fatherhood: Explorative research] (2012).

26 Dijkstra S *Vechtscheiding als complex vraagstuk van de-escalatie. Verkenning van zeven dimensies van het probleem* [High-conflict divorce as a complex problem of de-escalation], centrale lezing, werkconferentie *Uit de houdgreep*, Taskforce, 27 May 2014, Utrecht.

soon as possible. Developing a timeline of the relationship can be a valuable aid for revealing patterns associated with significant dates – the onset of the marriage, births and other milestones of the children’s lives, dates when conflicts emerged, milestones toward and through divorce, the duration of the divorce, the juridical procedures, and other significant events in the relationship. *Conflict*, the defining feature of a divorce gone wrong, is the second dimension and next in importance. Friedrich Glasl provides a useful way of classifying conflict via his ‘escalation ladder’, with its nine rungs and three phases.²⁷ First comes the win-win phase, when ex-partners can still listen to and appreciate each other’s arguments. In the second phase, win-lose, the conflict increases and polarisation of the positions of each partner sets in, leading to more fixed and judgmental opinions in which energy, time, and money are devoted to proving that one partner is completely right and the other is completely wrong. In the final phase, lose-lose, the struggle has deeply corroded rationality to the point that a partner may be willing to lose even if just to cause the other partner to lose as well – the phase of greatest danger, with the most terrible outcomes.²⁸

Relationships constitute the third dimension, taking into account the different perspectives, voices and viewpoints among parents and children; between ex-partners; between each ex-parent and his or her new partner; among children, stepchildren, and peers; and among grandparents, (grand)children, and extended family. A divorce, especially one that results in single parenthood, can impair the buffer processes of parenting that facilitate strongly positive relationships, as defined by van der Pas: (1) society’s approval and support; (2) a fair division of labour; (3) the meta-position of parents that enables each one to reflect with a helpful degree of objectivity; and (4) rewarding parenting experiences.²⁹

Professionals learn that they cannot take everything children say as literal truth, yet neither can they disregard or trivialise it: they must learn to contextualise and interpret the voices of children carefully since what they say could be distorted by anxieties related to the family’s changing circumstances, loyalty to one parent, and alterations in the family’s power balance. Sometimes

27 Wikipedia ‘escalatieladder’, available at <http://www.nl.wikipedia.org/wiki/Escalatieladder> (accessed 13 January 2016).

28 Dijkstra S & Verhoeven W ‘Gescheiden werelden en gespannen verhoudingen: Ouderschap na scheiding en geweld met dodelijke afloop’ [Separate worlds and tense relationships: Parenting after divorce and fatal violence] (2014) 1 *Maatwerk* 2–6.

29 van der Pas A *Handboek Methodische Ouderbegeleiding: Eert uw Vaders en uw Moeders* [Handbook of methods for guiding parents: Honour your fathers and mothers] (2005).



children are manipulated by a parent, but almost as often they do their own manipulating, even when they may not intend to. Adolescents in particular can exploit conflicts to make an independent move, taking a distant or indifferent pose toward one parent and showing alienation of affect, as in the case of teenager Gijs in the third case discussed above. Gijs has come to dislike his 'weak' mother and to prefer to live with his 'strong' father.

When one or both parents acquires a new partner, the fragile equilibrium can be disrupted, reviving old relational power issues between the ex-partners and leading to strains between new partners. Raising children in the new family constellation can become a polarising matter due to different backgrounds, house rules, and habits. Not surprisingly, 60 per cent of new partner relationships following divorce seem doomed to fail. A parenting plan that includes step-parents can help to create a strong new family.³⁰



Partner violence is the fourth dimension. In particular, it concerns the relationship between, on the one hand, prior and ongoing violence by and against ex-partners, and, on the other, post-divorce battlefields and continuing difficulties in child contact.³¹ Specific partner relationship patterns can be detected,³² as presented in the figure below.

The upper part of the circle refers to less serious cases in which the violence stops after the relationship ends, or when there is high motivation to stop the violence and continue the relationship. The lower part of the circle is far more complex, involving cases often seen at emergency centres and women's shelters, in police reports, and in referrals to child protection services.

In the third category (lower left quadrant of the circle), the relationship comes to an end, but the violence and controlling behaviour continue.³³

30 Haverkort C, Kooistra M & Hendrikse-Voogt A *Hoe Maak je een Succes van je Nieuwe Gezin? Stiefplan, Tips en Tools voor het Samengestelde Gezin* [How to make success of your new family? Step-parent plan, tips and tools for the stepfamily] (2012).

31 'How can we learn to de-escalate high conflict divorce after intimate partner violence?' was a topic addressed at The Third World Conference of Women's Shelters November 2015, published in the newsletter and the website, now available at <http://www.worldshelterconference.org/en/news/achieving-post-divorce-safety/42/>.

32 See Johnson M *Intimate Terrorism, Violent Resistance, and Situational Couple Violence: A Typology of Domestic Violence* (2008).

33 Shepard MF & Hagemester AK 'Perspectives of rural women: Custody and visitation with abusive ex-partners' (2013) 28 *Affilia: Journal of Women and Social Work* 165–76; Dijkstra S 'Slaan uit macht en onmacht: Mannen leren in groepswerk praten over het geweld en hun relaties met vrouwen en kinderen' [Battering from power and powerlessness: Men learn in group work to talk about violence and their relationships with women and children] (2011) 20(3) *Journal of Social Intervention: Theory and Practice* 59–76.

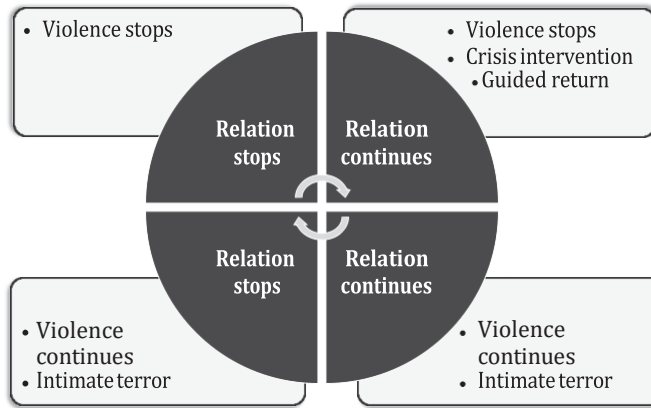


Figure 42.1 *Dimensions of high-conflict divorce – partner violence* (Dijkstra)

Johnson calls the violent relational pattern between partners who have a dangerous power imbalance ‘intimate terror’ or ‘coercive control’.³⁴ In this pattern the dominant partner intimidates and controls his spouse in such a way that she feels weak, frightened, and dependent. Sometimes she is too scared to end the relationship (lower right quadrant) and tries to endure the fear and abuse because she feels that her life and the well-being of their children might be at stake if she were to leave. Coercive control by one parent can cause custody problems: children may refuse to see the aggressive parent – ‘I don’t want to see my father. Last time he hurt me and my mom’ – or may be drawn to identify with the stronger parent and join in the bullying abuse: ‘My mom is a real cry-baby. I think my father deserves better.’³⁵ Parental alienation against the less dominant partner can be a vicious variation of this abuse.

It is well known that partner violence is frequently associated with a perpetrator’s psychological disturbances and/or addiction to alcohol and other substances; the term ‘co-morbidity’ is used by social professionals to indicate that partner violence may be accompanied by other severely dysfunctional behaviours.

Systems and their interaction constitute the fifth dimension. This refers to the systems of relations between ex-partners and their extended families and social networks. The dimension also refers to the logic of institutional systems

34 Johnson M *Intimate Terrorism, Violent Resistance, and Situational Couple Violence: A Typology of Domestic Violence* (2008).

35 Pels T, Lunnemann K & Steketee M *Opvoeden na Partnergeweld: Ondersteuning van Moeders en Jongeren van Diverse Afkomst* [Parenting after interparental violence: Support of mothers and youth with diverse backgrounds] (2010).



as they attempt to deal with high-conflict divorce and its toxic outcomes. Are the institutions dealing particularly with children and youngsters, with families, parents or with offenders and victims? Are they dealing with juridical procedures such as child protection? Is there a verdict or is the consultation voluntary? Consider how systems proliferate and interact when the conflict between ex-partners persists and escalates, putting the safety and well-being of the children at risk. Youth-care interventions may involve child protection services, which could recommend a change in custody arrangements. Family courts may then have to deal with the case, with lawyers for the various parties representing their respective interests. The court may declare that mediation is necessary. The outcome could be that the children see one of the parents under the supervision of professionals at the visitation centre.



The logic of systems can greatly complicate the coordination of the case and its ultimate solution. In this regard, Hester uses a metaphor of three planets to highlight the contradictory perspectives of each of the systems that are involved in the effort to assure the safety of women and children when domestic violence occurs.³⁶ She describes how the abused woman finds the police supporting her referral and making it clear to the perpetrator that physical assault is against the law. Meanwhile, the youth care agency has a serious conversation with the woman about the harm done to the children by their having witnessed the assaults, implying that she might lose custody as a consequence. In the divorce process, child protection services may get involved, defending the right of each parent to raise the children, in the course they may even overlook the prior violence. Hester concludes that the three agencies might as well be living on separate planets, and that the very different logic they each follow can lead to harmful outcomes.

Inter-agency cooperation is the sixth dimension. To avoid living only on their own planet, agencies must work together in complex cases such as high-conflict divorce. To achieve a good result, many professions may need to work in concert. The list can include coaches, mediators, forensic experts, guardians, youth care workers, social workers, child protection services representatives, special curators, lawyers, judges, police, mental health workers, and professionals of visitation centres. The need for cooperation and coordination of treatment and enforcement challenges those in each profession to see the case from a bird's-eye view so that they become aware of the larger and deeper context. Fragmentation of treatment and enforcement can lead to



36 Hester M 'The three-planet model: Towards an understanding of contradictions in approaches to women's and children's safety in contexts of domestic violence' (2011) 41 *British Journal of Social Work* 837–53.

the outcome no one wants: escalation. Avoiding such fragmentation requires an investment in training to make professionals from many different agencies more aware of how their perspectives can blend in with, rather than contradict or compete with, the approaches of others involved in each case.

Communication is the seventh dimension, always a paramount concern in dealing with high-conflict divorce. Good communication could be disrupted by raw negative emotions that shut down empathy and reason. Often quarrelling partners frame the facts of their situation to make themselves appear to be in the right, bringing certain aspects into the foreground while concealing others. So, in the third case described earlier, Annabella has framed the situation to highlight the violations of her ex-partner and his drinking, whereas he has framed it to support his allegation that she is an unfit mother because of psychological problems.

It can become difficult for parents to benefit from the buffer of compassionate objectivity – the meta-position³⁷ that enables them to step back from the conflict to reflect on their behaviour as parents. When professionals deal with these complex cases and communication is inadequate, they often fall victim to (counter) transference, causing them to report frustration, fatigue, irritation, and feelings of hopelessness and anger. Courage and perseverance in achieving good communication are required to meet this challenge, along with a way to unwind and an environment in which to do so.

These seven dimensions provide professionals with ways to reformulate a complex case so that de-escalation becomes a realisable goal when they see new ways to untangle the layers of conflict. As that happens, a meta-language develops naturally among professionals working to resolve complex cases. Being able to speak together with deeply shared meanings can help bring about a common mindset that enhances their joint ability to cooperate successfully, and thereby strengthens their skilful performance in each particular case.

7 To Promote Post-divorce Safety and Growth (the new ‘we’)

‘Aftermarriage’ (*nahuwelijk* in Dutch) is a term coined by the journalist Djoeke Veeninga to designate the post-divorce relationship, one which often turns out to be longer in duration than the intimate partnership. Interaction between ex-partners rarely disappears once a divorce is decreed but carries on throughout the lives of their children, even their children’s children. When the couple

37 van der Pas A *Handboek Methodische Ouderbegeleiding: Eert uw Vaders en uw Moeders* [Handbook of methods for guiding parents: Honour your fathers and mothers] (2005).

has no children, the relationships and experiences accumulated during their domestic partnership often continue to bind them together. Ideally, one objective of the divorce process is to set the stage for a harmonious post-divorce relationship – what actors Susan Sarandon and Tim Robbins call ‘our conscious uncoupling’. The term refers to the act of ending a marriage or romantic relationship in a way which shows that the two people will remain friends and believe that this is a positive thing for their future lives.³⁸ The fact that this is so seldom the result suggests deficiencies in how the divorce process is currently conceived and structured.

By using ‘post-divorce relationship’ – a specific and neutral name given to life after divorce, one that embraces children, parents, and new partners – we honour the possibility that this new life can turn out to be more than an out-grown domestic partnership and divorce a transition that enlarges relationships rather than a defeat that ruins them. The post-divorce relationships of ex-partners or a family can be win-win for all, and for society in general, guiding us toward a metaphor of growth rather than collapse, toward cooperation and enduring friendship rather than abusive, vengeful resentment.



Complex divorce is the other side of that relationship and is called negative love, threatening the well-being of parents and their children. High-conflict divorce is not a single phenomenon but is characterised by many different patterns, each requiring in-depth analysis and thus in-depth research. Furthermore, the tendency of professionals to seek a one-size-fits-all approach must be resisted. Building a bridge from high-conflict divorce to more harmonious post-divorce safety involves finding stepping-stones for de-escalation. This means draining conflicts of their powerful emotional charge, and creating space for logical exploration, objectification and, hopefully, the resolution of differences. With de-escalation as the primary goal, we hence need pin-pointed and thorough comparative research. Given a more profound analysis, pathways to solutions can be studied on an international basis. When interventions can be tailored to the specifics of each case, consequences such as repetition, escalation of conflict and high material and immaterial costs can be minimised. Certainly the top priority is to deal effectively with divorce cases in which physical or emotional violence is inflicted before, during or after the final dissolution of the partner relationship. The violence and the power dynamics should be addressed in depth and not overlooked or minimised. Moreover, in order for professionals to perform skilfully, they have to acknowledge the legitimate needs of parents and children for support, and they have to bring their tacit

³⁸ See www.macmillandictionary.com/buzzword/entries/conscious-uncoupling.html (accessed 25 January 2016).

experiences with their own relationships into their work, keeping themselves attuned even to tiny non-verbal signs.³⁹ (In this context, ‘tacit’ refers to one’s experiences below surface behaviours that can be described verbally.)

The challenges of complex divorce illustrate the vulnerability and fragility of family relations, which are generally acknowledged as the foundation of society. Given that supreme importance, the need for greater investment to support the development of relationship skills throughout the general population seems self-evident. Because intimate relationships can be expected to change and develop as long as they endure, the first place to invest in developing relationship skills is at school. The key goals are to help ex-partners and their children, especially teenagers, recover from divorce, and to empower children to help them grow beyond it. Those skills are validated when the constructed language of struggle and war in relationships is replaced by the language of loss, affection, dialogue, compassion and respect, to untangle conflict in ways that liberate positive emotions such as appreciation, trust, and cooperation. This kind of professional and societal support demands a long-term commitment. Listening in accordance with the seven dimensions of complex divorce, as well as setting limits on how co-parenting should be conducted, can help untangle the different dynamics and give space to hear the voices of children and their parents. Being seen and being heard through the transition of the divorce is crucial for healthy, strong, resilient relationships from which a more compassionate society can arise.

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