

HEADING?

DIVORCE, CUSTODY AND CHILDREN: A CONTINUING CHALLENGE FOR THE MEN IN BLUE

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The 'Men in Blue' continue to face, indeed to often share, the challenge faced by over 300,000 people each year -- the challenge of divorce. Departments around the country have their protocols for addressing complaints of domestic abuse. Where evident, usually where physically evident, it is likely far easier for an officer to engage, to stabilize a situation, to report and to make an arrest.

Frequently, however, and for years now, police officers have found themselves arriving on the scene at a home where they encounter a non-custodial parent complaining that their children were 'unavailable' for their prescribed visitation. The primary or custodial parent may have said, 'the kids aren't here' or 'they don't want to go' or 'you can see them next week,' among other excuses -- this, in spite of written court orders which these parents may carry with them (and show the officer on the scene) specifying the visitation or access times and dates.

Two questions arise immediately for the reader to ponder: First, what does the officer do? Secondly, what may be best for the officer to do?

Before I offer answers to these questions, let me respond by saying the overwhelming social research shows that two parents are best for raising children. Whether living together or not, two involved and loving parents -- rather than just one custodial parent -- help ensure that child outcomes will be far better. In fact, it was during the Clinton Administration that the Federal Government's Department of Health and Human Services (HHS) Office of Child Support Enforcement found that children with an absentee father are prone to low self-esteem, alcohol and drug abuse, juvenile crime, suicide, and teen pregnancy. Your precinct may have found that there is a far greater rate of juvenile crime among girls than boys. The research shows that though both genders are negatively impacted when a father is absent, it shows that the abhorrent behavior is even greater for girls.

If we want to improve our society, doesn't it make sense for us to use these statistics and field reports to change policy, to help with enforcement of these court orders? Wouldn't it behoove both parents to do the right thing, to more effectively co-parent through mindful cooperation? Or, is it truly best for parents to return to an already overburdened court to obtain more orders to compel visitation? Is it in 'the best interests of children' to do so?

Indeed, the reader may have been one of these officers on the scene, called upon to deal with a distraught parent: one who has been given little time by the court to see the children; one who may have driven or traveled many miles to remain involved in the children's lives; one who may have had to reschedule other plans to accommodate the children's needs. The reader may also be one of these distraught parents.



Author Gail Sheehy refers to these affronts to a child's right to access with their non-custodial parent as abominable. As most of these parents are fathers, she refers to them as "dead bolted," not deadbeat.

As a law enforcement officer, it is vital that you understand the horrific challenges that parents face in their role to seek normalcy following their separation and divorce. The emotional loss when a parent loses contact with the children, when the parent is blocked out of their lives, is for some worse than death. It is a tragic punishment growing from the other parent's pain, desire for control, his or her own grief over the relationship's failure, or simply, out of a simple desire to hurt.

One needs to consider that more than 30 percent of couples who split do so with such overwhelming anger, depression, disappointment and hostility that they will effectively poison their children against the other parent. This brainwashing of children, usually from the age of 3 to 18 will be so successful that nearly half of these children will not be willing to see their parents, nor will they ever see them again.

These statistics may frighten. These statistics should also demonstrate that the terror, if not the terrorism that results from such an unhappy period in the parents' lives will imprison the children's minds and therefore, their conscious and unconscious motivations, beliefs and values. Many will become socially damaged, so that upon reaching adulthood, they will endure great difficulties in having positive and emotionally healthy relationships with others, not to mention easily challenged and not very long lasting marriages.

Now armed with some more understanding of children and parents journeying through separation and divorce, let us return to the questions above and consider what has been done and what may yet be done to more effectively help more people who have 'disentangled' from their former household or family structure.

What does the officer do when responding to a call from a non-custodial parent seeking help, seeking compliance with the court ordered visitation? It is typical for the officer to do nothing, to tell the complainant to return to Family Court for a legal remedy?

WHAT SHOULD THE OFFICER DO?

The responding officer represents precinct policy, which takes these complaints to be highly serious and the actions committed, likely illegal. The precinct policy should require the attending officer to investigate for possible violation of court orders. Each time that police are called for a visitation interruption, police should respond with the same consideration they would give to a parental child abduction.

If visitation interruption is found, then there ought to be a report prepared, with both parents understanding that such a report will be filed. The officer should request from one and/or both parents to see a copy of their court orders for access. The report should include a copy of the court orders for visitation. It should also contain the officer's interview of the custodial parent who is clearly interfering with the scheduled visitation.

As in other domestic and civil incidents, the officer taking the report should also visit the scene (home) where the custodial parent has refused to comply with the visitation. While there, the investigating officer should warn the custodial parent they are interrupting the visitation, that they are violating a court order and that such violation may lead to further admonishment, and punishment by the court. The officer should identify the parties and request a copy of the court order from either or both parents to show the visitation schedule. The officer should not simply note the complaint to account for the officer's time.

For many police departments, this may reflect an entirely new protocol for visitation struggles and obstructions. Yet, when understood in its totality, the department may well accept this responsibility. For it is the child's emotions which are being held hostage. It is the child's psyche that is being brainwashed. It is the child's future that is endangered, resulting in abhorrent behavior, school truancy, and/or gang involvement.

IT IS AN IMMEDIATE ENDANGERMENT WHEN A PARENT IS DEAD BOLTED FROM THE CHILD'S LIFE.

Let's face it. The numbers of parents obtaining separation and divorce are so very large that we can collect data to determine many factors. But if we look at vocations, if the precincts and police unions study their own statistics, then it will be easily found that those in the higher stressed vocations as law enforcement face higher divorce rates. In other words, police, in their personal lives, may be living the same nightmare.

The opportunities for our police departments to make a great difference for our children in these situations are immense. In fact, if supported by a more sensitive and structured family policy, then our police can perform more effective interventions when visitation interruption occurs. Our police who are our neighbors, our relatives, our friends, can then share a more effective role in protecting and improving child outcomes. Today, it does 'take a village'.

Mark D. Roseman, Ph.D., is a Certified Family Life Educator and Florida Supreme Court Certified Family Mediator. He is an expert on custody, shared parenting, high conflict divorce and divorce recovery. His special interests are in understanding interpersonal relationships, developing interventions, parental alienation, family adjustment and new protocols for family healing. Dr. Roseman is a consultant to family professionals and organizations providing guidance related to workplace stress, parenting planning and coping with life's changes. He is a public speaker, lecturer and occasional standup comedian. He also has twenty years experience as a financial advisor. Roseman earned his doctorate in Family Studies at the Union Institute & University during which he designed a holistic approach to helping families as they journeyed through separation and divorce. He is the founder of the Children's Rights Council of Connecticut and the Toby Center in Delray Beach, FL and served in Washington, D.C. as Assistant Director for Child Access with the national Children's Rights Council. A divorced father of three, Dr. Roseman has personal experience navigating the legal, emotional and financial challenges of separation and divorce. He believes that humor is an important factor for coping with life changes. "After all," he says, "it wouldn't hoit!" Thomas Nelson will publish his book, "The Divorce Class: The Unknown Majority" in April 2013. Dr. Roseman is available for custody consultations and life coaching for those transitioning through these processes. He can be contacted at: mark.roseman@thetobycenter.org or at 561-265-5400.



The Toby Center for Family Transitions, located at 4731 West Atlantic Avenue, Suite B-18, Delray Beach, Florida 33445, (www.thetobycenter.org) is the first program nationally to provide parents a safe place to go when they are considering separation, are divorcing, are seeking help with custody and co-parenting issues. The Center provides supervised visitation, family mediation, individual and couples counseling and individual support services. The Center's focus is on improving outcomes for children by helping their parents cope and grow through their relationship change. As famed child psychiatrist, Karl Menninger said, "What children see at home, they will do to society." The Toby Center has a toolkit for police officers which can be requested by email to: info@tobycenter.org.