

The background of the cover features three stylized silhouettes in a light grey color against a light pinkish-beige background. At the top, two adult figures are shown in profile, facing each other as if in conversation. Below them, centered, is the silhouette of a young child with pigtails, seen from the back. The overall design is simple and uses a muted color palette.

WHEN CO-PARENTING DOESN'T WORK

**A Guide to Managing High Conflict
Custody Issues**

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When Co-Parenting Doesn't Work

This booklet will help you begin to:

- 1.) Understand what you are dealing with in the court, and
- 2.) Recognize chronic irrational and bizarre behavior in the other parent.

This knowledge will be extremely helpful in finding useful and innovative ways to manage the high conflict dynamic in which you find yourself. Individual counseling can also go a long way in preventing the unnecessary expense of fighting a situation in court that few experts understand, let alone a parent who is faced with the reality of being caught in the tsunami of high conflict divorce or a custody fight.

When a divorce occurs (or parents that were never married split up) it is assumed that both parents will work together in a co-parenting arrangement to minimize the impact of the break-up on the children. (This can also include parents of children from relationships that were non-meaningful.) Most Family Court professionals today believe that all parents have to find a way to co-parent, which is reflected in their orders to the court, even in the face of clear evidence that these people can't get along, and as further indicated by their continued presence in front of the court. The truth is that trying to "order" hostile parents to co-parent only makes the problem worse.

Research conducted by Utah State University indicates that this is true: approximately 70% of families going through the court system are able to find ways to co-parent in a respectful way with the children as the focus. However, for the remaining group it is almost (if not totally) impossible to co-parent, and thus a different parenting model is required.

The problem is that the rigid paradigm established by the courts requiring that parents co-parent makes the conflict between this remaining group of parents worse. This requirement creates a dynamic that keeps the parents embroiled in high conflict and puts the children at great risk both now and as adults. This isn't a theory - it is research-proven.

How is it reasonable to expect that two adults who had significant differences in attitudes about parenting and differing expectations for behaviors within the relationship to suddenly choose to ignore those differences for the sake of effectively parenting their children? Those differences in attitudes are what led to the break up of the relationship in the first place. Those differences led to disputes over the division of marital assets. Those differences led to disputes over custody of the children. Frequently, this conflict doesn't end with the divorce and carries on far into the future.

While co-parenting is the absolutely best solution, parents in high conflict parenting dynamics create the absolute worst outcomes by continually exposing the children to the conflict.

Here are some interesting statistics:

1. 50% of first marriages ended in divorce in 2002.
2. 60% of re-marriages end in divorce.

3. Children of divorce or marital conflict are more likely to divorce than children of happily married parents. (Children of divorce are 50% more likely to divorce than children of intact families.)
4. Divorce in America costs \$33.3 billion annually, or \$312 per household.
5. The average divorce in America costs state and federal governments \$30,000 in direct and indirect costs (\$125 million per million population).
6. It costs a couple, on average, \$18,000 to divorce, which includes lost work productivity, relocation costs and legal fees.
7. 30% of American divorces involve high conflict.
8. 60% of American divorces involve medium to high conflict.
9. Children in single parent families are twice as likely to develop serious psychiatric illness and addictions later in life.
10. The number of divorces quadrupled from 4.3 million in 1970 to 18.3 million in 1996.
11. 96% of Americans express a personal desire for marriage; almost three-quarters of Americans believe marriage is a life-long commitment.
12. One million children in America are involved in a new divorce annually, as of 1997.
13. 71% of high school dropouts come from divorced families; 85% of youth in prison come from divorced families; 50+ % of teen mothers come from divorced families.
14. America is the unrivaled world leader in divorce.¹



Reasons People Can't Co-Parent

Personality Disorders

The ability to co-parent effectively after a divorce is difficult enough under “normal” conditions. If the other parent has, or is suspected of having, a serious personality disorder, it is virtually impossible. Most experts experienced in high conflict divorce agree that at the core of many high-conflict divorce and custody disputes lays one form or another of personality disorder.

National Epidemiologic Survey on National Institute of Health and National Institute on Results From the Wave 2 Alcohol and Related Conditions study of 35,000 people completed in 2008 and published in the Journal of Clinical Psychiatry show that Personality Disorders in the general population in the United States is around 21% (over 1 in 5 have a diagnosable Personality Disorder). The personality disorders that are most frequently found in high conflict legal disputes are as follows:²

Narcissistic 6.2% (20-29 age group –9.4%) Slightly more male
Borderline 5.9% (20-29 age group –9.3%) Equal male and female

Paranoid 4.4% (18-29 age group –6.8%) Slightly more female
Antisocial 3.6% (18-29 age group –6.2%) Significantly more male
Histrionic 1.8% (18 -29 age group–3.8%) Equal male and female

Using the descriptions below as a guide, let's look at how co-parenting with a parent that shows traits of a personality disorder probably won't work:

Antisocial Personality:

A pervasive pattern of disregard for the rights of others and rules of society. The Antisocial Personality ranges from individuals who are chronically irresponsible, unsupportive, con artists to those who have total disregard for the rights of others and commit criminal acts with no remorse, including those involving the death of victims. In clinical practice, the Antisocial Personality has near-total selfishness and typically has a pattern of legal problems, lying and deception, physical assault and intimidation, no regard for the safety of others, unwillingness to meet normal standards for work/support/parenting, and no remorse.

Can you see yourself effectively co-parenting with this condition? A person with Antisocial Personality Disorder (APD) has a total disregard for the rights of all others. With a target parent on whom to perpetrate their rage and violence, and against whom to rebel, the normal parent can be in for a whirlwind of constant trouble. As if this reality wasn't scary enough, children with a parent suffering from this condition are at a much greater risk of developing APD themselves.

Borderline Personality:

A pervasive pattern of intense yet unstable relationships, mood, and self-perception. Impulse control is severely impaired. Common characteristics include panic, fear of abandonment, unstable social relationships, unstable self-image, impulsive/self-damaging acts such as promiscuity/ substance abuse/alcohol use, recurrent suicide thoughts/attempts, self-injury and self-mutilation, chronic feelings of emptiness, inappropriate yet intense anger, and fleeting paranoia.

Aside from the instability of mood, the parent suffering from Borderline Personality Disorder (BPD) suffers from an intense fear of abandonment. That

fear will often drive them to create children who are enmeshed with them. By making children feel guilty about loving the other parent, visiting the other parent, even talking to the other parent, the child may withdraw from the other parent. In a worst-case scenario, the enmeshed child will often align themselves with the BPD parent against the other parent. The child often lives in an environment of intense guilt and fear of upsetting the BPD parent. The BPD's parenting is often ineffective because they cannot refer back to their own childhood experiences in order to gauge appropriate actions and reactions to situations involving their own children. Worse still, they are often emotionally uninvolved in the child's life.

Co-parenting with a Borderline is often impossible as BPDs handle the children as extensions of themselves. Therefore, it is not possible to treat the children separately from their own individual experiences. Their fears and anxieties are often projected onto the children and they must be protected from the target parent.

Histrionic Personality:

A pervasive pattern of excessive emotional display and attention-seeking. Individuals with this personality are excessively dramatic and are often viewed by the public as the "Queen of Drama" type of individual. They are often sexually seductive and highly manipulative in relationships.

No one matters more to the Histrionic Personality Disorder (HPD) than themselves. The HPD is always looking to "put on a show" for others and usually with dramatic flair. The person suffering from HPD lives in a perpetual state of attention and love deprivation. This drives them very often to neglect a partner or children in their efforts to obtain the love and attention that they likely lacked as a child themselves. Much like the others, there is an underlying fear of abandonment, which stifles the normal parent-child relationship. Constant "digs" and other types of denigration of the children during the early parenting stages will likely result in a child rejecting the other parent's efforts to show love and care. You can't co-parent with an individual who will put himself or herself above all others.

Narcissistic Personality:

A pervasive preoccupation with admiration, entitlement, and egotism.

Individuals with this personality exaggerate their accomplishments/ talents, have a sense of entitlement, lack empathy or concern for others, are preoccupied with envy and jealousy, and have an arrogant attitude. Their sense of entitlement and inflated self-esteem are unrelated to real talent or accomplishments. They feel entitled to special attention, privileges, and consideration in social settings. This sense of entitlement also produces a feeling that they are entitled to punish those who do not provide their required respect, admiration, or attention.

The person suffering from Narcissistic Personality Disorder (NPD) is the be-all, end-all of everything. You can't co-parent with a person around whom the world revolves. They've done it better than you. They'll do it better than you. There is nothing you can do that will measure up in their eyes. The NPD has no concept of what it means to engage in teamwork. There is no parental coordinator or collaborative coach who can help get an NPD on an appropriate co-parenting track. In many circles, including professional ones, the suggestion is that very young children need to be as far removed from the NPD parent as possible.

After reading these descriptions, many of you may be saying to yourselves, "This is exactly what I am up against". Being able to identify traits in the other parent will allow you to find ways to reduce the conflict and better manage the high conflict dynamic. Much abuse arises from mental illnesses and disorders and can be anywhere along the severity range from minor forms of abuse to more catastrophic ones. However, if none of the abuse has manifested itself in any provable form, it's highly unlikely that you'll find any relief in family court. Even having a confirmed diagnosis isn't enough to get appropriate attention in family court.

Note: Substance abuse can often mirror the traits of a personality disorder.

Here is a list of 20 High Conflict Divorce indicators:

- Either parent refuses to reach a child sharing agreement(s) within the Family Court Services meeting time allotted; and the Family Court Service counselor believes they will be unable to reach an agreement even with additional time.
- Either of the parents has filed for a restraining order alleging domestic violence, including stalking, harassment, threats and physical altercations.
- Refusal to follow the court orders.
- Either parent reacts at the Family Court Services meeting by displaying emotions, such as being extremely frightened, angry, hysterical, or “showing” anxiety, or one of the parents attacks the other with criticism.
- Either Parent reacts like the other parent is victimizing them.
- Either parent seems to be deliberately provoking the other parent into reacting.
- Either parent complains that they feel threatened by the other parent.
- Either parent alleges drug use, including prescription or street drugs, alcohol abuse, gambling, or pornography.
- Either parent alleges criminal behavior or possesses a criminal record.
- Either parent accuses the other parent of being unstable, crazy, erratic, irrational, moody, emotionally disturbed or alleges behavior indicative of a personality problem or disorder.
- Either parent accuses the other parent of lying.
- Either parent accuses the other parent of being neglectful, damaging, absent, controlling, abusive, enmeshed or overly involved.
- There has been involvement by CPS with the parents (or any professional) who has been called upon to assist the family with issues related to the welfare and/or safety of the children.
- Minor’s counsel has been assigned to the case (or is recommended) to provide the children a voice.
- Either parent argues that they have been the primary parent before the breakup or insist that they should be the primary parent now, refusing to agree to a parenting plan that incorporates both parents’ schedules in order to provide access to the children.
- The parents argue over child sharing percentages that do not appear to be based upon valid concerns. One parent complains that the other parent has not been involved with the children until now, insists upon imbalanced amounts of time, or communicates that they would be happy to keep the children away from the other parent.
- The parents’ stories about child sharing concerns or parenting concerns do not match up with the other parent’s concerns. It is a “he said/she said” argument, making it difficult to determine who is telling the truth.
- Either parent complains about the safety and well-being of the children while in the other parent’s care, whether the complaint is legitimate or not.
- The case has earned a negative reputation with the courts because of continuous and/or frivolous litigation, as well as frequent changes in attorneys / proper representation.
- Excessive court filings, or the parents have attended several Family Court Services appointments and continue to argue about basic child sharing issues or custody.



Anger/Hasn't Let Go

People often remain in conflict because they are, in some way, attached to it - either because it has become a habit or because the fear of life without the distraction of the conflict is scary. That is to say, it's easier to stay with something we know simply because of its familiarity, as opposed to transitioning to something we're unfamiliar with. Giving up the conflict frequently means that the marriage is really over. The phrase, "It takes two to tango" is apt here. BUT... If one parent simply changes their way of thinking and acting, the conflict almost always ends. There may also be the desire to move on, even if this desire rests with only one parent. Again - all it takes is just one parent to change the cycle of conflict. Once this parent begins to set boundaries, the dynamics of the relationship change and the conflict begins to cease. A new way of thinking must be engaged for a life free of those issues that caused the divorce in the first place.

Regardless of the reason, be it an emotional or psychological issue (or maybe both), the chronic anger and continuing conflict become entrenched in the post-divorce relationship. Without proper understanding and well-informed outside guidance to help the parents make decisions that are focused on the wellbeing of the children, the conflict grows and soon takes on a life of its

own.

Parents in high conflict custody battles will find an argument in any action the other parent takes regarding the children, from what, if any, extra curricular activities the children will participate in, to what time they should go to bed.

If the parents in a high conflict divorce or custody battle don't have an airtight parenting plan you can be sure that one of the parents will search for any flaw or ambiguity in the plan and turn it into a nightmare that isn't easily awoken from. This parent will never take responsibility for their behavior and will be the consummate victim.

The venom and hatred of one parent for the other causes them to lose track of the love for their children who then get lost in the destructive shadow of the high conflict dynamic.



Fear the Children are in Danger at the Other Parents' House

Allegations of abuse to the children are common in this case and often hard to prove. False allegations are often used as a tactic to keep the children from the other parent. In either case these allegations, true or false, will keep the high conflict couple stuck in the court system for ages.

One of the ways we have found to mitigate accusations, keep the children safe and create a safe haven for them, is to get them a counselor. You will likely have to get the other parent to agree or to get the judge to order it. There is a way of presenting the idea that is difficult for anyone to disagree with. Once done, the children have a professional that is able to ascertain the relationships the children have with their parents - and if there is a problem to address it appropriately.

On the following page are a few more concepts I think you will find helpful.

“Mom’s House” and “Dad’s House” - Different Rules!

- :: Children will adapt to each house.
- :: If there are safety concerns about the other parent’s home, children should be educated in these areas – the children will react accordingly.
- :: Parents need to keep their own house “clean”, as opposed to attempting to influence the other house. This is a vital component of successful parallel parenting. The only place that parents can affect change is in their own home.
- :: Let the children work out their own relationship with the other parent. It is unlikely that one parent will be able to change the way the other parent acts. Instead, the parent should focus on his or her own relationship with the children.

Create a Safe Haven

Get a counselor for the children

Divorce is a hard time for children. Their world has been torn apart, and their sense of safety along with it. They need a neutral place to talk about what is going on for them, away from the conflicted parents. Having this opportunity can help them settle and begin to move forward in their lives.

Review Custody and Visitation Orders

Know exactly what is in the court orders. This alleviates mistakes when asking for something around visitations. Confusion, lack of clarity, and misinterpretation of these orders often initiates high conflict cycles between parents. If the orders are unclear or not understood, obtain clarification from the appropriate legal representative as soon as possible. Forward thinking can save much distress, as well as a lot of time and money in the future.

Direct attention towards the children

Children need parental attention more than any one thing in their world. They need to know that their parents are front and center when it comes to taking care of them, creating structure and a safe and nurturing environment within which to flourish.

Establish a new relationship with the children

When divorce occurs, the structures and interactions between family members change, and new ways of relating need to be created. It is important

to establish new ways to listen and be with one's children so they know that their parent is available for them. Equally important is a clear definition of the new family structure - this will also help them cope with changes, settle, and feel safe.

In Closing

It is important that parents find resources outside of the court system or their attorneys that will educate them in how to better manage the obstinate and irrational behavior of the other parent. It is important to come to the realization that most of your challenge is out of your control, and that by trying to take control you are making the problem worse. Control what you can - which is generally you and your behavior. Let go of what you can't control - which is, most likely, everything else.

¹ Utah State University 2002 The Cost of Divorce

² National Epidemiologic Survey on National Institute of Health and National Institute on Results from the Wave 2 Alcohol and Related Conditions.

About Brook Olsen

Brook Olsen founded the High Conflict Diversion Program in 2006 and continues to direct its evolution. Currently Brook is training new teachers throughout the United States to teach the High Conflict Diversion Program™ in their local communities. Brook is a Certified Parenting Educator with the International Network For Children and Families, a Certified Divorce Mediator and Divorce Coach. Brook helps develop high conflict parenting programs for Family Courts throughout the United States, and educate judges, therapists, attorneys, parenting educators and other Family Court professionals in understanding and managing high conflict divorce and custody issues.

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TESTIMONIAL

“Change begins with the individual. Brook Olsen's High Conflict Diversion Program offers the unique opportunity for individuals involved in a Litigated divorce, Collaborative divorce or Mediated divorce to find the tools needed to practice behaviors to reduce conflict and create resolutions. In an era of over-flowing litigated divorces in Family Law Courts, this program offers Judges, Attorneys, and Court Appointed Professionals a useful resource to create positive change.

As a Licensed Psychotherapist, Reunification Specialist, Trained Mediator, Divorce Coach and Child Specialist, I have found this material insightful, and helpful for reducing anxiety in clients that can ultimately create conflict. The program can create a shift in the dynamic that ultimately can lead to resolution and long-term change.”

Patrice Courteau M.A. , M.F.T.