



child centered solutions

giving a voice to children

TEARING THE CHILD APART

Featuring Michael Donner, Ph.D.

Friday, November 5, 2010

Lincoln High School
1600 SW Salmon St.
Portland, OR

This event is made possible through a grant from the
Henry Lea Hillman, Jr. Foundation

6.5 CLE Credits (3.5 General, 2 Ethics, 1 Child Abuse Reporting)
6 CE Credits (pending)

Tearing the Child Apart

Child Centered Solutions
Lincoln High School
1600 SW Salmon St.
Portland, Oregon 97205
November 5, 2010

Presenters

Tearing the Child Apart: Michael Donner, Ph.D.
Mandatory Abuse Reporting 2010: Dr. Charlene Sabin and Helen Hirschbiel
Professional Ethics Panelists: Charles Gazzola, Scott Leibenguth, Helen Hirschbiel, the Honorable Susan Svetkey, Edward Vien, Ph.D.

Agenda

8:30 – 9:00	Registration
9:00 – 9:15	The problem of parents acting against their children's best interests
9:15 – 9:45	Understanding the irrational parent
9:45 – 10:30	Personality Disorders: the Borderline or Narcissistic parent
10:30 – 10:40	Break
10:40 – 11:10	Distinguishing advocacy from enmeshment
11:10 – 11:30	The impact on the children
11:30 – 11:50	How can professionals minimize conflict?
11:50 – 12:00	When to seek outside professional help
12:00 – 1:00	Lunch
1:00 – 2:00	Mandatory Abuse Reporting 2010
2:00 – 3:00	Ethical Scenario and Discussion #1
3:00 – 3:15	Break
3:15 – 4:15	Ethical Scenario and Discussion #2
4:15 – 4:30	Discussion / Questions / Answers / End

Child Centered Solutions would like to thank the following individuals and organizations who have made this event possible through their generous assistance:

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Presenter Bios

Michael Donner, Ph.D

Michael B. Donner obtained his Ph.D. in Clinical Psychology from the California School of Professional Psychology at Alliant International University in 1989. In addition to a clinical and forensic practice, he has been on the faculty at the Wright Institute in Berkeley, the California School of Professional Psychology at Alliant International University and St. Mary's College in Moraga, CA. He teaches Law and Ethics for Mental Health Professionals. He also teaches on manners relating to Child Custody Evaluations to Family Law Professionals. He has served as a court appointed Special Master, Chemical Dependency Evaluator and a Child Custody Evaluator. He has also provided an expert's perspective for the California Board of Behavioral Sciences, the Board of Psychology and Victims of Crime Program. Currently, he is a psychoanalyst and a California-licensed psychologist and family therapist. He is the Chair of the California Psychological Association Ethics Committee, the Chair of the Ethics and Professional Affairs Committee of the Alameda County Psychological Association and a member of the Ethics and Impairment Committee of the San Francisco Center for Psychoanalysis.

Dr. Charlene Sabin

Dr. Charlene Sabin is a practicing Behavioral Pediatrician. She received her BA in Psychology from the University of Oregon in 1973 and her MD from the University of Oregon in 1977. She did her Internship and Residency in Pediatrics at OHSU from 1977-98, after which she completed her Fellowship in Child and Adolescent Psychiatry at OHSU in 1983. She is Board Certified in Pediatrics. Dr. Sabin is an active member of the Oregon Medical Association, the Oregon Council on Child and Adolescent Psychiatry, the Oregon Psychological Association, the National Organization for Fetal Alcohol Syndrome, the Task Force on Domestic Violence, the American Academy of Child and Adolescent Psychiatry and the Association of Family and Conciliation Courts. She currently sits on the Board of Directors for St. Michael's and All Angels Episcopal Church and has been a member of the Child Centered Solutions Board of Directors since its inception in 2005. Since 1981, Dr. Sabin has served as an expert witness testifying in civil, criminal and juvenile court regarding custody disputes, termination of parental rights and allegations of sexual abuse.

Helen M. Hierschbiel

Helen M. Hierschbiel is General Counsel of the Oregon State Bar where, among other things, she gives ethics guidance to lawyers. She started working at the Oregon State Bar in December 2003 in the Client Assistance Office, screening complaints against lawyers. While at the bar, she has written numerous articles and given dozens of presentations regarding lawyers' ethical obligations. Prior to working for the Oregon State Bar, she worked at Dunn, Carney, Allen, Higgins & Tongue in Portland, Oregon and for DNA-Peoples Legal Services on the Navajo and Hopi Reservations in Arizona. She received her JD from Lewis & Clark, Northwestern School of Law, in 1991.

Charles Gazzola

Charles Gazzola has practiced family law since 1988. He earned his B.A. from St. John's University in Collegeville, Minnesota in 1979 and his J.D. from the University of Oregon School of Law in 1983. He was first licensed in Minnesota in 1985, and has been licensed in Oregon and Washington since 1988. Charles has chaired the Oregon State Bar, Family Law Section. He is a member of the Multnomah County Bar

Association, the Clackamas County Bar Association, the Washington County Bar Association, as well as the Clark County Bar Association in Washington.

Scott Leibenguth

Scott Leibenguth has a general practice emphasizing family law mediation, the representation of children, parenting coordination and divorce cases which include property rights, businesses, alimony, child and spousal support, child custody, parenting disputes and children's rights. Mr. Leibenguth has been trained and practices in the "collaborative law" process when requested. He is a member of the American Bar Association, Multnomah County Bar Association, Oregon Mediation Association, Association for Conflict Resolution, Association of Family and Conciliation Courts, the Multnomah County Family Law Advisory Committee and the Oregon Academy of Family Law Practitioners and the National Association of Counsel for Children. Mr. Leibenguth has been a speaker at the Oregon State Bar Annual Family Law Conference and for the National Business Institute and has also appeared Pro Hac Vice in the State of Washington on the issue of grandparents' custody rights. He has been a speaker on the subjects of family law mediation, parenting coordination and the representation of children. He has served on the OSB executive committee, the MBA Judicial Screening Committee and the MBA Continuing Legal Education Committee. He is a Paul Harris Fellow and a former Director of the Gresham Rotary Club and Fairlawn Ethics Committee. Education: B.S. Indiana Univ. (Business-economics), J.D. Willamette Univ. School of Law (Law Review), DePaul Univ. School of Law Family Law Mediation and Pepperdine University School of Law Mediation.

The Honorable Susan Svetkey

The Honorable Susan Svetkey is a Multnomah County Circuit Court Judge. She obtained her undergraduate degree from NYU, her Masters in Education from the University of Oregon and, after a stint teaching a high school Title 1 program for at-risk children, her law degree from UO Law School. After graduating from law school, she provided indigent defense to juveniles in the Juvenile Law Center. Judge Svetkey later held positions with Legal Aid and the Metropolitan Public Defender while working to obtain grants for a juvenile civil rights office. She and two other attorneys from the Juvenile Law Center obtained funding for the Juvenile Rights Project, where they handled cases that addressed state-wide civil rights issues involving juveniles. In 1982, she left the Juvenile Rights Project to go into private practice, where she continued to focus her practice on children, representing them in juvenile court and in custody disputes in family court. In 2000, she was appointed to the bench to fill the vacancy of retired Judge Herrell. While in private practice, she served on bar committees and spoke at numerous CLEs regarding juvenile law.

Edward Vien, Psy.D.

Edward Vien, Psy.D. is a licensed psychologist in Oregon, Washington and New York. He is also a certified sexual offender evaluator and treatment provider in Washington State. He earned his B.A. from Brandeis University in 1978, his M.A. from Adams State College in 1981 and Psy.D. from Pacific University in 1988. He was the Chief Psychologist at Bronx Family Court between 1992 and 1994. Since 1994, he has had a solo practice in Portland, specializing in services to children and families. His clinical practice includes custody & parenting-time evaluations, parent coordination, parenting-time mediation and family therapy. Since 2002, he has served on the Oregon State Family Law Advisory Committee.

Tearing the Child Apart


Michael B. Donner, PhD
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Solomon's Sword

- In the well-known tale of Solomon, two women appeared before the ancient king in a dispute about a baby. Each claimed the child as her own, so King Solomon offered to cut the baby in half. One woman agreed; the other refused, and offered the child to the first woman. Solomon knew which was the real mother because he believed that a real mother would rather sacrifice her relationship with her child than see it cut in half. Unfortunately, not all parents are willing to make such a sacrifice for their children.

How big is the problem?

- 4% of custody disputes result in litigation.
- 90% of parents make their own custody arrangements.
- Conflicted parenting was identified in 24% of families 3 to 4 years after the parents' separation.
- Half of the women and a third of the men in the Wallerstein study were still experiencing intense anger 10 years after they divorced.



Against their own best interest

- Separation Anxiety.
 - Probably biologically based, seems more prevalent in mothers than fathers.



Against their own best interest

- Annihilation Anxiety
 - A drowning swimmer will attack a rescuer. More common in men.



Understanding the irrational parent

- Mourning or Melancholia:
 - A person who reacts with rage rather than sadness or a sense of loss is unable to mourn or grieve the loss of the relationship.
 - So profoundly wounded by a partner's wish to leave the marriage that overwhelming wishes for revenge are aroused.
 - The realistic appraisal of responsibility and guilt can motivate an antagonistically divorced couple to contain their hatred, resolve differences and cooperate in parenting for the sake of their children.

Seven Capacities of Healthy Personality Organization

1. To view self and others in complex, stable, and accurate ways
2. To maintain intimate, stable, and satisfying relationships
3. To experience in self and perceive in others the full range of affect tolerance
4. To regulate impulses and effects in ways that foster adaptation and satisfaction and affect regulation

Seven Capacities of Healthy Personality Organization

5. To function according to a consistent and mature moral sensibility
6. To appreciate, if not necessarily to conform to, conventional notions of what is realistic
7. To respond to stress resourcefully and to recover from painful events without undue difficulty

Levels of Personality Organization

- Healthy Personalities
 - Suppression, humor, sublimation, altruism
- Anxiety Level Personality Disorders
 - Repression, intellectualization, obsessive behaviors
- Personality Disorders
 - Splitting, projective identification, denial, perverse thinking

Understanding the irrational parent

- Conflict, Disagreements and Pathological Hatred
 - Three levels of pathological hatred
 - Mild – Dominate and control the other parent
 - Moderate - Inflict pain and suffering
 - Severe – Destroy the other parent, in reality through physical attack or symbolically, by destroying them as a parent

Understanding the irrational parent

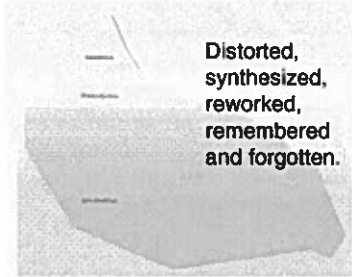
- Unconscious – the vast, deep layers of the personality
 - Material that's deeply hidden from our awareness
 - Thoughts, motivations, desires, fears, feelings
 - Information that would be painful to realize about the self
 - The *real* motivations for our behavior

Understanding the irrational parent

- Nothing happens by chance or accident
 - Slips of the tongue, "jokes" or accidents
- Conscious - current awareness
- Preconscious or subconscious – Things come to mind.
- Unconscious – Like a dark attic, everything is there, but we have a narrow beam flashlight and can see only one piece at a time. We often forget what we see when we turn our gaze away.

Understanding the irrational parent

- The unconscious contains every life experience, condensed & compressed



Distorted,
synthesized,
reworked,
remembered
and forgotten.

Understanding the irrational parent

- We are not Spock; we are his mother. No matter how rational someone appears, we are all driven by deeply entrenched aspects of our life experiences.



Understanding the irrational parent

- In the mind, people are capable of holding multiple, competing and conflicting ideas simultaneously.
- Although some may seem irrational, from the perspective of the individual, they make sense. Information that does not support a different point of view is ignored, dismissed or discarded.
- Life is a dream where the normal rules don't have to apply.

The Borderline and Narcissistic Parent Dramatic - entitled and angry



- The borderline confuses fantasy with reality. "If I think it, it is true, and I must act accordingly."
- The borderline doesn't think or worry; he or she knows!

Where is the Borderline?

- A pervasive pattern of instability of interpersonal relationships, self-image, and affects, and marked impulsivity (five of the following):
 - Frantic efforts to avoid real or imagined abandonment
 - A pattern of unstable and intense interpersonal relationships characterized by alternating between extremes of idealization and devaluation
 - Identity disturbance: markedly and persistently unstable self-image or sense of self
 - Impulsivity that are potentially self-damaging (e.g., spending, sex, substance abuse, reckless driving, binge eating)
 - Recurrent suicidal behavior, gestures, or threats, or self-mutilating behavior

From: "Ethics and the Difficult Person: What the New PDM Can Teach Us All." Robert M. Gordon, Ph.D. Downloaded 10/3/10

Where is the Borderline? (continued)

- Affective instability due to a marked reactivity of mood (e.g., intense episodic dysphoria, irritability, or anxiety usually lasting a few hours and only rarely more than a few days)
- Chronic feelings of emptiness
- Inappropriate, intense anger or difficulty controlling anger (e.g., frequent displays of temper, constant anger, recurrent physical fights)
- Transient, stress-related paranoid ideation or severe dissociations

From: "Ethics and the Difficult Person: What the New PDM Can Teach Us All." Robert M. Gordon, Ph.D. Downloaded 10/3/10

The "Quiet" Borderline

- Borderline is a level of personality organization. It can be lurking under 'neurotic' symptoms or a seemingly mild personality disorder. Until...
- ...the borderline patient demands magic or love. If you do not provide it, you are viewed as rejecting or abandoning.
- The borderline patient may have a psychotic transference to you.
- The borderline patient may manipulate you into boundary violations that will get you in trouble.

From: "Ethics and the Difficult Person: What the New PDM Can Teach Us All" Robert M. Gordon, Ph.D. Downloaded 10/3/10

The Story of Narcissus and Echo



- Narcissus was beautiful as a child and by the age of sixteen he had left a trail of broken hearts, wanting nothing to do with falling in love.
- Juno cursed Echo by removing her voice with the exception that she could only speak that which was spoken to her. Echo loved Narcissus.

The Story of Narcissus and Echo



One day Narcissus came upon a pool of water. He did not recognize his own reflection and was immediately enamored. "I love you" said Narcissus. "I love you" repeated Echo. Narcissus bent down his head to kiss the vision. As he did so, the reflection mimicked his actions. Taking this as a sign of reciprocation, Narcissus reached into the pool to draw the water spirit to him. The water displaced and the vision was gone. He panicked; where had his love gone? When the water became calm the water spirit returned. Again he reached out and again his love disappeared. Frightened to touch the water, Narcissus lay still by the pool gazing in to the eyes of his vision.

The Story of Narcissus and Echo



Ignoring Echo, Narcissus cried in frustration. As he did so Echo also cried. He did not move, eat or drink; he only suffered. As he pined, he became gaunt, losing his beauty. He was transfixed; he wanted to stay there forever. Unable to love another, frustrated and seemingly rejected, Narcissus withered and died of grief. Echo died alone.

Narcissism isn't pretty



Narcissism isn't pretty

Diagnostic criteria for Narcissistic Personality Disorder

- A pervasive pattern of grandiosity (in fantasy or behavior), need for admiration, and lack of empathy, beginning by early adulthood and present in a variety of contexts, as indicated by five (or more) of the following:
 - Has a grandiose sense of self-importance (e.g., exaggerates achievements and talents, expects to be recognized as superior without commensurate achievements)
 - Is preoccupied with fantasies of unlimited success, power, brilliance, beauty, or ideal love
 - Believes that he or she is "special" and unique and can only be understood by, or should associate with, other special or high-status people (or institutions)

Narcissism isn't pretty

Diagnostic criteria for Narcissistic Personality Disorder:

- Requires excessive admiration
- Has a sense of entitlement, i.e., unreasonable expectations of especially favorable treatment or automatic compliance with his or her expectations
- Is interpersonally exploitative, i.e., takes advantage of others to achieve his or her own ends
- Lacks empathy: is unwilling to recognize or identify with the feelings and needs of others
- Is often envious of others or believes that others are envious of him or her
- Shows arrogant, haughty behaviors or attitudes

Narcissism isn't pretty

- One fall day, sitting at a stoplight in my new car, the light changed and I proceeded to make a right turn. Just then, out of the corner of my eye, I saw an older sedan coming from the opposite direction, run a stop sign - and crash into the driver's side of my car, just behind the door. I pulled over, and the other driver pulled up just ahead of me and got out of his car, all the while screaming at me, "What's wrong with you, didn't you see me running that stop sign?"

• Source: <http://www.dadi.org/nrciscsm.htm>

Narcissism isn't pretty

- When the officer taking my statement had heard my story, he looked up and asked, "You know why that guy ran into you don't you?" I said no, and he proceeded to say, "because you were driving that new car and he wasn't."

• Source: <http://www.dadi.org/nrciscsm.htm>

Why don't narcissists have high self-esteem?

- Actual separation between self and other causes anxiety, pain, anger and frustration.
- Separation and helplessness results in the awareness of helplessness and dependency on others.
- Like Narcissus, unable to control the reflection, there is a tendency to lapse into depression. Like an infant who screams with rage, the narcissist who is unable to control the other becomes depressed and hopeless.

Why don't narcissists have high self-esteem?

- A certain amount of narcissism is healthy, supporting creativity and ambition.
- When threatened by the loss of the children (separation and then annihilation), parents with pathological narcissism look to their own children to have their needs for love and approval met.
- A child in such a situation is treated primarily as an extension of the parent, not as a person with needs and feelings that may be different than the parent's, at least in regard to the child's needs and feelings about the other parent.

Why don't narcissists have high self-esteem?

- When narcissistic parents loses their control over the relationships with their children, they feel intolerable despair and helplessness.
- Instead of mourning and grief, these parents react by engaging in behaviors intended to provide them with omnipotent control over their world.
- It is not the loss of a family that is experienced, but what family provided. The loss is recognized in the same way as an infant recognizes hunger. The feeling is painful, but there is no longing, mourning or guilt.

Why don't narcissists have high self esteem?

- The narcissistic parent is on the verge of breaking down and desperately tries to hold themselves together, often by striving for control over the child and the ex-spouse.
- They appear arrogant and grandiose, knowing exactly how things should be. The former spouse having often played the part of Echo, has disappeared and become a separate person.

Why don't narcissists have high self esteem?

- Battles over issues large and small such as religious training, schools, babysitters, clothing, and more may all become the focal point of a high-conflict divorce. However, these parents are fighting not for time with their children, but instead to remain psychically whole.

Envy

- An envious man and a covetous man, walking in a wood, are met by an elf. The elf promises to grant one man a wish on the condition that the second man will receive twice as much. The covetous man decides to let the other man make the wish so that he will reap double. The envious man thinks carefully and says, "Make me blind in one eye."

• Harris, A. (2001, October). "Women's envy: Disowned excitements." Presented at the Scientific Meeting of the San Francisco Psychoanalytic Institute, San Francisco.

The destructive parent: Envy and hatred

- Destructive parents “deny and dismiss the value of the other parent to the child... believe that they, more than anyone else, know what is best for their child... cannot see how, or even why, they should share parenting of their child with their ex-partner.”

Envy

- Parents who are humiliated and ashamed by the divorce may try to blame the other parent for their marital problems in order to divest themselves of responsibility for the marriage's failure. For these individuals, failure is intolerable and can precipitate severe anxiety and depression. In more extreme cases, these feelings can result in frankly paranoid and delusional beliefs about the other parent.

Envy

- The purpose of some custody battles is not simply to possess—or even gain half of—the child. Victory and gratification in these battles may involve more than just having more time. Instead, it is taking the child away from the other parent, what I think of as the psychological equivalent of cutting the baby in half, that provides relief and gratification, not the possession of the child.

Envy

The distinction between jealousy and envy:

- Jealousy is the anger that comes when something has been taken away, while the anger is directed at the person who has taken it.
- Envy is about spoiling something. The more the child is desired and valued by a parent, the more the envious parent has to spoil, damage, or devalue the child.
- Envy, unlike jealousy, is an angry desire to take something away and spoil it.
- The feeling that the other parent has something good leads to behavior to "take back" what is felt to be stolen. The desire is to retaliate against the other parent's theft, regardless of the impact on the child, the other parent, or even one's self.

An attitude towards reality

- Narcissism creates intense vulnerability to loss.
- Envy explains the behaviors that hurt the children and perpetuate the battles and constant conflict done "for the children."
- A perverse attitude to reality allows some parents to simultaneously recognize that the children are harmed by the ongoing custody battles and seemingly ignore their own contribution.

An attitude towards reality

- Two distinct, contradictory thought processes that operate simultaneously.



- The conscious belief is expressed as love for the children and a willingness to do anything to possess and protect them.



- The second thought process permits ongoing behaviors that are intended to rob the other parent of their pleasure and clearly cause great emotional distress to the children.

It looks like hypocrisy, but it is much more complicated.

The impact on the children - Identification and estrangement

Parental Alienation

- Originally thought by Gardner to be a kind of brainwashing of the child, a disorder of reality testing.
- A "syndrome" whereby vengeful mothers employed child abuse allegations as a powerful weapon to punish ex-husbands and ensure custody to themselves... such mothers enlisted the children in their "campaign of denigration" and "vilification" of the father, that they often "brainwashed" or "programmed" the children into believing untrue claims of abuse by the father, and that the children then fabricated and contributed their own stories.

The impact on the children - Identification and estrangement

- "Pathological Alignment" (Wallerstein & Kelly, 1976, 1980) - some support for this concept can be found in later research.
- They theorized that a child's rejection of a non-custodial parent and strong resistance or refusal to visit that parent was sometimes a "pathological" alignment between an angry parent and an older child or adolescent, and that this alliance was fueled by the dynamics of marital separation, including a child's reaction to infidelity, abandonment etc.

The impact on the children - Identification and estrangement

- Parents who alienate their own child
- Poor parenting, i.e. authoritarian, rigid, punitive, permissive, abusive to child or other parent
- Absent, uninvolved
- Alienating Parents
- Disparaging the other parent
- Genuinely frightened of the other parent
- Black and white thinking
- Distorted Perceptions of other parent
- Is it situational, i.e. new experience or historical?

The impact on the children - Identification and estrangement

General strategies alienating parents use to turn children against the other parent and the extended family:

- Badmouthing
- Limiting/interfering with parenting time
- Limiting/interfering with mail or phone contact
Limiting/interfering with symbolic contact (limiting mentioning, no photographs, having child call someone else "Mom" or "Dad"; changing child's name, etc.

The impact on the children - Identification and estrangement

General strategies alienating parents use to turn children against the other parent and the extended family (continued):

- Interfering with information, refusing to communicate, using child as messenger and not giving important school and medical information
- Emotional manipulation, withdrawing love, inducing guilt, interrogating child, forcing child to choose/express loyalty or reject, rewarding for rejection

Distinguishing advocacy from enmeshment - the child therapist

- Does a child's therapist have sufficient expertise regarding divorce-related issues to effectively assist the child?
- Does the therapist have enough objectivity to avoid biasing treatment?
- What is the basis for a treating therapist's data, reports, and opinions?

Distinguishing advocacy from enmeshment - the child therapist

- Treating opinions and forensic opinions are different.
- Psychotherapy is generally a process initiated by the client or parents for the purpose of making changes in the patient's life.
- Most therapists strive to foster an open and non-judgmental relationship and encourage the patient to say whatever comes to mind.
- The goal is patient satisfaction, and most therapists assume that the client is providing honest and accurate data. Most psychotherapists do not assess for malingering or other underlying motivations.

Distinguishing advocacy from enmeshment - the child therapist

- When a child at the center of a custody case is in treatment, therapists and legal professionals should be aware of the effect of the dispute on the treatment.
- Parents in a custody dispute do not always act in the child's best interest and may be focused on achieving other goals. This will have a significant effect upon the parent's interactions with therapists and what information gets exchanged between all the parties; parents, therapists children and lawyers.
- "Each parent's preferred outcome becomes synonymous with his or her view of what is best for the child."

Distinguishing advocacy from enmeshment - the child therapist

Whenever a child at the center of a custody case is in treatment, the therapist must be cognizant of the potential impact of the dispute and ongoing litigation on the treatment process. Parents embroiled in a legal struggle are often under considerable stress that may impact their ability to understand or act upon what is in their child's best interests. Adults who are intent on achieving a particular adult-oriented outcome may alter their interaction with the treating professional in order to achieve this goal.

Can judges, lawyers and mental health professionals minimize conflict?

- Know the difference between confidentiality and privilege
- Legal professionals should have a clear understanding of the limits of treating professionals in making recommendations.
- Treating professionals are not objective when it comes to their clients. Legal professionals should try to minimize utilizing treating professionals as expert witnesses. Their education and training offers insight about the individual client, but not the larger picture.
- Treating professionals and legal professionals should encourage maintaining role boundaries. A mental health professional who functions as an advocate for the wishes of the patient has limited their capacity to help the client change.

Can judges, lawyers and mental health professionals minimize conflict?

- Understanding children's distress
- Developmental issues can cause transitions or visits to be difficult for the child.
- The child experienced an unpleasant event with one of the parents, which the child perceived correctly and remembered accurately.
- The child has a distressing memory or perception associated with one of the parents, which he or she only partially heard, saw, or understood.

Can judges, lawyers and mental health professionals minimize conflict?

- Understanding children's distress:
 - The child has also heard extensive adult discussion about a disturbing event or experienced an event or events which have been misunderstood due to age or development.
 - A custodial parent, older sibling, or misled professional has communicated to the child that the other parent is unsafe or exhibits emotional distress when the child has contact with that parent.
 - The child is currently having difficulty in the relationship with one parent, and the other parent is communicating that avoidance is an appropriate response.

Can judges, lawyers and mental health professionals minimize conflict?

- Understanding children's distress (continued):
 - The child is insecure about his or her relationship with a parent or feels responsible for caring for that parent emotionally.
 - The child has been externally influenced to report a false unpleasant event.
 - The child is angry at a parent for some other event and made an allegation to retaliate or get the parent's attention.

Can judges, lawyers and mental health professionals minimize conflict?

- Don't ask therapists for custody recommendations.
- Establish as much as possible clear limits on the issues to be addressed in trials.
- Try to identify high conflict situations early.
- Attempt to limit the range of issues that can be raised.

Can judges, lawyers and mental health professionals minimize conflict?

- The Honorable Donna Martinson recommends that judges set "firm rules about the expected conduct of the parents towards the litigation, the children and each other, both in and out of the courtroom; advising them that there will be consequences if they do not comply, and spelling out what the consequences will be, and then, if necessary following through with appropriate sanctions."

Martinson, D. J. (2010). "One case—once specialized judge: why courts have an obligation to manage alienation and other high-conflict cases." *Family Court Review*, 48: 180-189

Can judges, lawyers and mental health professionals minimize conflict?

- Don't be charmed by the quiet borderline and the contained narcissist.
- Monitor the intrinsic conflict between the best interest standard and the role of the zealous advocate.
- The American Academy of Matrimonial Lawyers has suggested several relevant standards:
 - An attorney representing a parent should consider the welfare of, and seek to minimize the adverse impact of the divorce on, the minor children.
 - An attorney should not make or assist a client in making an allegation of child abuse unless there is a reasonable basis and evidence to believe it is true.

Can judges, lawyers and mental health professionals minimize conflict?

- Family lawyers appear to be more adversarial and less problem-solving than other types of practitioners.
- Those lawyers were viewed as cautious about engaging in problem-solving behavior.
- Less-adversarial family lawyers were more likely to see the advantage of negotiation and seeing both sides.
- The clients are more likely to push for aggressive inflexible positions.
- Family law tends to be ongoing longer term relationships, increasing the tendency towards identification with the belief system of the client.

Schneider, A. K. and Mills, N. (2006). "What family lawyers are really doing when they negotiate." *Family Court Review*, 44: 612-622.

Can judges, lawyers and mental health professionals minimize conflict?

- "Family law is far more emotional than any other type of negotiation and that the emotion (often negative) requires, encourages, or permits negative behavior that would have more serious ramifications in other practice areas."
- High-conflict clients encourage or require more adversarial behavior. The ongoing conflict often results in clients coming to rely more and more on their attorney.

Schneider, A. K. and Mills, N. (2006). "What family lawyers are really doing when they negotiate." *Family Court Review*, 44: 612-622.

When to seek outside professional help. Whom to ask.

- Conflict is not narcissism, envy or hatred.
- Negotiating and mediation is less effective when the goal is to destroy the other parent's relationship.
- What children want is not always what they need.

When to seek outside professional help. Whom to ask.

- Mediation and common sense cannot address deep-seated feelings that are not rationally or reality based.
- Experience with high-conflict divorce and the rules of the legal system
- Psychoanalytically oriented psychotherapists are familiar with the thoughts and feelings described here and deal with them everyday.

TEARING THE CHILD APART

The Contribution of Narcissism, Envy, and Perverse Modes of Thought to Child Custody Wars

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This article takes a psychoanalytic approach to questions usually considered to be matters of the family court system. The psychological effects of high-conflict divorce on children are well known, but what motivates their parents is less understood. Pathological narcissism, pathological envy, disavowal, and a perverse attitude toward reality can produce unending conflicts over visitation and custody. Fighting over seemingly insignificant matters can manage aggression and ward off psychic collapse. These families are frequently referred to coparenting counseling or psychoeducational groups; however, the author proposes that psychoanalytically oriented treatment can best address these parents' unconscious wishes to damage or destroy their own children and the perverse character structure that enables parents to negate their roles in tearing their children apart.

Keywords: child custody, divorce, envy, perversion, narcissism

In my own practice as a therapist and a special master, a court-appointed mediator, I have seen a father who had had joint custody for 7 years who wanted his ex-wife arrested for theft because his son returned home without the blue jeans he was wearing when he went for an overnight with the mother. The same child's mother took photographs of the boy in the bath to document the bug bites the child received while on a camping trip with his father. The mother called Children's Protective Services. I have also treated a mother who moved to another county because she believed that the court would give her primary custody, thus depriving the father of regular contact with the child. She didn't want to share custody and spend less time with her son. The ex-husband of another client returned to court, insisting on his right of first refusal because his ex-wife attended Bible study for an hour each week and left their child with his stepfather. The same father's telephone call

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I would like to thank Dianne Elise, PhD, Eileen Keller, PhD, Elise Miller, PhD, and Judith Wallerstein, PhD, for their generous and thoughtful comments.

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to his son on his birthday was considered harassment by the mother, who sought a restraining order to prevent future calls.

As many as half of all marriages end in divorce, and 90% of parents make their own custody arrangements. Fewer than 4% of custody disputes result in litigation (American Psychological Association, 1994; Melton, Petrila, Poythress, & Slobogin, 1987). Nevertheless, according to Johnston (1994), citing Maccoby and Mnookin (1992), conflicted parenting was identified in 24% of families 3 to 4 years after the parents' separation. These conflicts take an enormous toll on the legal system, and on the parents and children caught up in them (Hetherington, Bridges, & Insabella, 1998; Johnston & Roseby, 1997; Maccoby & Mnookin, 1992; Wallerstein, Lewis, & Blakeslee, 2002).

The impact of divorce on adults is profound. According to Wallerstein and Blakeslee (1989), half of the women and a third of the men in her study were still experiencing intense anger 10 years after they divorced. Anyone who has worked with clients embroiled in high-conflict divorces has examples of how intensely angry these parents really are. The psychological effects of high-conflict divorce on children are well known, but there is much less discussion about the psychological characteristics of the adults responsible for the conflict, and even less discussion of how the psychological problems of the parents both precede and influence the ongoing conflicts following the divorce (Silverman, 1992).

In this article, I take a psychoanalytic approach to questions usually considered to be matters of the family court system. The parents I discuss here are narcissistically vulnerable and overwhelmed by pathological amounts of envy. In addition to serious issues such as religious training or geographical dislocation, they fight over minimal differences in visitation, overreact to real or imagined slights, and seem to ignore their children's need for stable and secure relationships with both parents. They too wage intense battles over what might seem like insignificant issues. The parents who are the focus of this article seem blind to the effects their behavior has on their children and unable to think beyond their own emotional needs. I believe that parents who tear their children apart with interminable custody battles ward off psychic collapse by fighting for custody. Perverse modes of thought permit them to indulge their rage and aggression against the other parent and against the children who cause them so much despair. The perpetual turmoil of the child custody process permits these parents to hold out for the possibility of a perfect solution. They act as though there is a custody schedule that will be "just right" for them and their children. However, I believe that these perpetual struggles serve to hold off hateful and murderous wishes directed against the other parent and against their own children. If hatred is a reversal of suffering, as Kernberg (1992) has suggested, then these parents remain both victim and victimizers in their own internal struggle.

The psychoanalytic literature is surprisingly quiet on the subject of these kinds of conflicts. A search of the 34,000 references in the databases of the American Psychoanalytic Association for the words *custody* or *high conflict* in book or journal article titles yielded no results. Books and articles about divorce and custody that include psychoanalytic concepts mostly concern the effects of divorce on children. Most if not all of the literature on divorce has been written for lawyers, judges, parents, and nonpsychoanalytic therapists; it focuses primarily on how high-conflict divorce affects children and only describes the parents in broad strokes. Although narcissism, separation-individuation, dependent attachment, counter- and oscillating dependency, and unresolved attachment issues have been labeled as major factors in high-conflict divorces (Cohen, 1998; Johnston & Campbell, 1988; Kruk, 1992; Rand, 1997; Wallerstein, 1991), these characteristics are rarely examined in any detail. Considering the pervasiveness of divorce in our society, the

literature is quite limited in its scope. Where the literature has considered psychoanalytic concepts, narcissism and narcissistic vulnerabilities are referred to as the most common psychological struggle of parents engaged in high-conflict divorce. Narcissism has been used to explain how some parents

deny and dismiss the value of the other parent to the child . . . believe that they, more than anyone else, know what is best for their child . . . cannot see how, or even why, they should share parenting of their child with their ex-partner. (Johnston & Girdner, 1998, Common Characteristics of Abducting Parents section, ¶1)

Parents who are humiliated and ashamed by the divorce may try to blame the other parent for their marital problems in order to divest themselves of responsibility for the marriage's failure. For these individuals, failure is intolerable and can precipitate severe anxiety and depression. In more extreme cases, these feelings can result in frankly paranoid and delusional beliefs about the other parent, like one mother who always stood ready to call the police at custody exchanges, believing her ex-husband might try to kill or assault her, although he had never been violent. She reported that she feared for her life at every exchange.

But as I hope to suggest, narcissism alone cannot always explain the intractable battles, financial devastation, self-destructive behaviors, or some parents' willingness to psychologically harm and sometimes kill their own children. Although there are a number of dynamic variables that may contribute to high-conflict divorces, in this article I describe only those situations in which narcissism, pathological envy, disavowal, and perverse thinking all combine to create a mode of thinking and living that sustains some of these never-ending battles. The term *high-conflict divorce*, used to describe dramatic and chronic divorces, is too all inclusive. Within this category is a subgroup of parents whose behavior seems so obviously self-defeating and destructive to their children, yet they ignore this apparent reality. These parents are the subject of this article.

Narcissism

To understand the contribution of narcissism to custody wars, it is necessary to examine the relationship between narcissism and parenting. In normal development, the mother is initially experienced as an extension of the infant's self. As awareness of actual separateness sets in, anxiety, pain, and frustration become part of the infant's experience. This awareness of others also comes with a realization of dependency, which stimulates additional anxiety.

Winnicott's (1960) "good-enough" mother protects the infant from being overwhelmed by helplessness through attentiveness and by satisfying the infant's needs (and reinforcing infant omnipotence). Gradual introduction of reality allows the infant to tolerate reality without despair. These experiences lead to the development of healthy narcissism, which allows for spontaneity, creativity, and, ultimately, the ability to love (Freud, 1914/1957; Kohut, 1971). The good-enough mother allows the next generation of parents the experience of born-again narcissism (Freud, 1914/1957) in a new role of parenting. In "On Narcissism" Freud (1914/1957) discussed two forms of love: love for oneself (ego-libido), and love for the other, attachment love (object-libido). According to Freud, giving up one's own personality to attach to another, the state of being in love, is the "highest phase of development of which object-libido is capable" (p. 76). Attach-

ment—the love one feels for the other as opposed to the love one feels coming from the other—is the opposite of narcissism and narcissistic love (Greenberg & Mitchell, 1983).

The love and adoration parents feel for their children, however, does not always reflect attachment. Parents who love their child only because the child is a part of them, or because the child loves and needs them, are experiencing a narcissistic type of love, a form of love for oneself. The "attitude of affectionate parents toward their children . . . is a revival and reproduction of their own narcissism" (Freud, 1914/1957, pp. 90–91). In other words, having children stirs up narcissism in all parents. As Freud noted, some aspects of parental love are fundamentally childish and magical in nature. He described certain aspects of parenting as "narcissism born again" (p. 91). This return of narcissism allows for the suspension of certain of the achievements of development that allow for attachment. Reality testing gives way to a certain extent in most parents. For example, most parents see their newborn baby as beautiful, not as red and wrinkled. Other parents go to great lengths to exert complete control over the child's environment, as if doing so can enhance the child's intellect and future ability or magically protect the child from illness or disease. These fantasies of a perfect life for their child are on a continuum, ranging from dressing the child in natural fabrics or breast feeding only to attempting to control every aspect of the child's life, including choice of music, colors, light, sounds, and so on. The underlying fantasy is to create the perfect child and the perfect life, "His Majesty the Baby as we once fancied ourselves" (p. 91). It isn't at all clear that this is done for the child's benefit; rather, it appears to be for the parents' gratification, to make up for all their own hurt and disappointment experienced in their own childhoods. The narcissism of the parent who only clothes his or her infant in natural fabrics, or who anxiously worries about the "best" preschool, is gratifying the parent's own needs, but not at the child's expense.

There is a great deal of inconsistency in the literature regarding the use of the terms *narcissistic*, *narcissism*, *narcissistic personality disorder*, and *pathological narcissism* (Auerbach, 1990). However, the parents who engage in the kind of bitter custody disputes I address in this article no longer have the capacity to consider their children's needs and are acting not just to gratify their own needs, but are now doing so at the child's expense. The child in such a situation is treated primarily as an extension of the parent, not as a person with needs and feelings that may be different than the parent's, at least in regard to the child's needs and feelings about the other parent. This sort of narcissism has been described as pathological narcissism (Greenberg & Mitchell, 1983, p. 361).

When self-love does not lead to love of others, when it is love for "what he himself is, what he himself was, what he himself would like to be, someone who was once part of himself" (Freud, 1914/1957, p. 90), narcissism is pathological. Pathological narcissism is characterized by a self-centered view, in which others are not viewed as individuals in their own right but rather as extensions of the self. Differences are ignored or, worse, experienced as attacks. Parents with pathological narcissism look to their own children to have their needs for love and approval met. When their children cannot respond, these parents experience the same rage, anxiety, and depression that they felt as infants when their own caretaker was not available to meet their needs.

When a parent with this sort of narcissism loses his or her relationship with a child because of divorce, the consequences of such a response can be quite profound. To ward off the despair and helplessness they feel, such parents will engage in behaviors intended to provide them with omnipotent control over their world. When a parent with this sort of narcissism (for the sake of brevity, I use the term *narcissistic parent* to describe these individuals) loses someone that she or he professes to love, she or he doesn't just mourn the loss of a loved one; rather, she or he has the experience that something that should be

available to them is not. It is not the lost person who is grieved, but rather what that person provided. The loss is recognized in the same way as an infant recognizes hunger. The feeling is painful, but there is no "longing, mourning or guilt" (Kernberg, 1974, p. 495). There is a risk of "falling apart" (Kernberg, 1974, p. 495), especially when the loss is of someone who is a part of his or her self-concept, someone like a child or spouse who holds the narcissistic parent together and creates that parent's sense of having an identity. These parents experience a kind of psychic disintegration, and, among other things, they lose their capacity to relate to and think about the feelings of others. These are some of the "primitive agonies" that Winnicott (1974, p. 104) so eloquently described. For these parents, having children or a spouse provides them with more than love and family; their relationships hold them together psychologically.

A parent with pathological narcissism who engages in a custody dispute may wind up fighting for total control over how to parent the child. Others become entangled in never-ending battles for custody. When a spouse leaves and takes away the children, the narcissistic parent, under the threat of an impending breakdown, responds in a profoundly defensive manner in order to remain whole. These parents experience something akin to Winnicott's (1974, p. 103) "fear of breakdown." The narcissistic parent, on the verge of breaking down, strives for complete control over the child and the ex-spouse. Grandiosity manifesting as a certainty about what is best for the child, omnipotent control over where the ex-spouse lives or what the child eats, and magical thinking that takes the form of a belief that only that parent knows what is best for the child all serve to provide a container, and a means of holding off the breakdown.

Religious training, choices of schools, babysitters, clothing, and more may all become the focal point of a high-conflict divorce. Some parents completely abandon their children.

It may seem ludicrous to spend tens of thousands of dollars on legal fees to win the right to provide a few hours of childcare, or any of the myriad issues these parents fight over. However, these parents are fighting not for time with their children but instead to remain psychically whole.

Envy

Thus far, I have demonstrated how some of the behaviors of parents locked into custody wars are characteristic of pathological narcissism that serves to ward off breaking down. Pathological narcissism and omnipotent defenses account for many of the issues these parents fight about.

As much as pathological narcissism may be an ingredient in high-conflict divorces, it does not explain the rage and anger these parents feel, or the aggressive, destructive elements of many high-conflict custody battles. The narcissistic struggle to remain psychically whole by winning a few hours of time each week or gaining control over which medical practitioner a child can see may avert an even more problematic breakdown and loss of control. However, it is not pathological narcissism that allows a few parents to kill their child before the eyes of the other parent, but an upsurge of primitive envy. Primitive envy is aroused when what is envied is beyond the hope of acquisition (Boris, 1991).

It often seems that the purpose of some custody battles is not simply to possess—or even gain half of—the child. Victory and gratification in these battles may involve more than just having more time. Instead, it is taking the child away from the other parent, what I think of as the psychological equivalent of cutting the baby in half, that provides relief

and gratification, not the possession of the child. The other parent must be damaged and destroyed for the envious parent to reestablish his or her psychic equilibrium.

The battles between parents in high-conflict divorces may appear to be the result of jealousy. Because the distinction between jealousy and envy is frequently blurred, for the purpose of this discussion I define jealousy as the anger that comes when something has been taken away, and the anger is directed at the person who has taken it; in contrast, envy is "a spoiling hostility" (Segal, 1983, p. 270). The more the child is desired and valued, paradoxically, the more the envious parent has to spoil, damage, or devalue the child. For these parents, the real or threatened loss of a child to the other parent is more overwhelming in part because the child is valuable to that other parent. Kernberg noted that in certain narcissistic personalities "a person considered attractive or valuable by other people . . . stirs up unconscious envy and greed . . . the need to take possession of and an unconscious tendency to devalue and spoil that which is envied" (Kernberg, 1974, p. 487).

Envy was beautifully illustrated in a paper by Adrienne Harris (2001). She presented this tale from a poem by William Langland:

An envious man and a covetous man, walking in a wood, are met by an elf. The elf promises to grant one man a wish on the condition that the second man will receive twice as much. The covetous man decides to let the other man make the wish so that he will reap double. The envious man thinks carefully and says, "Make me blind in one eye." (Harris, 2001, p. 1)

This story graphically conveys the feelings of the envious parent, the wish to damage and torment, and the unspoken and unacknowledged pleasure in the suffering of the other parent. It is dangerous to be the object of another's envious feelings, and envy helps us to understand why some parents are willing to harm themselves so long as the other parent is harmed.

It is painfully clear that devastating the other parent is far more important than having more time and a better relationship with the child. Envy, unlike jealousy, is an angry desire to take something away and spoil it. In these parents whose narcissistic defenses have broken down, the loss of their desired relationship with their children to the other parent is experienced as a violent persecutory attack. The feeling that the other parent has something good leads to behavior to "take back" what is felt to be stolen. The desire is to retaliate against the other parent's theft, regardless of the impact on the child, the other parent, or even one's self.

Recently, a parent I evaluated years ago in a custody evaluation called to tell me how wrong I had been about the other parent. I had recommended joint custody. She told me with evident satisfaction that the older children had refused visitation with their father and that their angry father had not spoken to them in a year. She also informed me, with obvious regret, that she was still unable to wrest the younger children away from him, but informed me of her belief that in time they would leave him as well. Her relish at having taken the older children away from their father was tempered by the fact that he still had a relationship with the younger children. She seemed to be under the impression that when they too had abandoned their father, she would feel happy and satisfied. Of course, this is an unlikely outcome. Even in victory, she has spent a dozen years, and tens of thousands of dollars, fighting for something that has left her empty and her children alienated from their ineffective but by no means evil father. She cannot think about the devastating effects on those children whose father she has manipulated into rejecting them.

Even her call to me represented part of the interminable cycle she was in. Whether or not I had erred when I recommended that the father share custody, the mother now had

what she said she had wanted, full-time custody of the older children. But being right was clearly no satisfaction at all. Unsatisfied, she sought to gain some relief by attacking, and therefore diminishing, me. Convinced that I was satisfied with my recommendations, she called in an attempt to destroy some pleasure that she thought I felt regarding her case. The idea that years later, I am feeling good about myself at her expense provides a context for her envious attack on me, trying to rob me of my pleasure and destroy what she must feel is my control and dominance over her. She does not feel good because she has her children, so she seeks to feel good by taking something good away from me, my presumed satisfaction with a job well done.

Envy is an endless trap, because the mechanism of envy does not allow for satisfaction or gratification. Regardless of the outcome of a custody battle, the parent consumed by envy never receives satisfaction. The pain these parents feel is always attributed to the loss of something. They act as if quantity is the governing principle, not quality. Yet nothing ever seems to be enough. Thus, a parent who has 40% custody is not satisfied, believing that only 50% will do. Of course, often these parents are not successful in their custody battles, but even if they are, 50%, 60%, nothing is enough, because nothing ever seems to satisfy their need. Newspaper accounts tell of parents who kill their children rather than accept the status quo of a court order. Yet it seems that these cases so often end in suicide, an action that suggests that nothing, including the destruction of the child, relieves the pain.

Those of us who treat parents in the process of divorce, or their children, know that these titanic battles are pointless. It is difficult to understand why our clients cannot see things in the same way. The reason for this seems to be that, regardless of what the parent gains, he or she can only see what it is that they don't have. Such parents often claim to take great satisfaction and pleasure in their relationship with their children, yet there is rarely evidence of this. Whatever pleasure is experienced in parenting gives way to envy and constant attempts to damage and destroy the source of the pain.

The destruction of children is not merely the result of high-conflict divorces, but may sometimes actually be the goal. It seems painfully clear to the observer that custody battles can do nothing else but harm the children involved. Therefore, I suggest that the purpose of some of these struggles is to harm and destroy the children. Klein (1956/1986) believed that envy results in attacks on what is perceived as good, because what brings satisfaction is also the source of pain and frustration. Because it is the child who is the source of pleasure, it is also the child who is the reason for the pain and frustration a parent feels following separation. As Kernberg (1974) suggested, persons considered desirable by others stir up envy, and this results in the desire to spoil that which is desirable. Because they are not completely available, the children of a marriage, once the source of goodness and pleasure, are now the source of pain and frustration. Unconsciously, and sometimes consciously, the children must be destroyed. Although the envious, destructive parent seems to want nothing more than the child, the true motives seem to be the infliction of pain that loss of possession causes the other parent and the infliction of pain on the children, who are experienced as the true source of frustration.

Disavowal and Perverse Thinking

Pathological narcissism in embattled parents creates intense vulnerability to loss. Envy explains the aggression toward the children that is part of the basis for the battle. It doesn't appear to be the conscious intent of these parents to harm their children. To the contrary,

these battles are felt to be righteously waged in the name of the children. Yet if these parents only wanted to protect their children, they would not be subjecting them to the ongoing torment custody battles produce. In turn, if they only wanted to harm them, they could do so in much more direct ways, for example, by disappearing from their children's lives or even by killing them. As terrible as the conflict is for children, the ongoing struggles I've outlined above may be a compromise that prevents the parent from doing something much worse—a compromise that occurs outside of a parent's consciousness.

There are two distinct, contradictory thought processes that operate simultaneously for these parents at war. The first thought, typically the conscious belief, is expressed as love for the children and a seeming willingness to do anything to possess them. The second thought is invariably unconscious and has to do with an actual wish to damage and destroy the children who are the source of pleasure to the other parent and the source of pain to the adversarial parent. For example, although one mother would probably agree that her children are struggling and suffering, she would attribute any difficulties they have to their father. She would recognize that the children are harmed but would ignore her own contribution to their suffering.

Freud described a form of splitting that might be used to explain these parents' harmful actions. In *An Outline of Psychoanalysis* (Freud, 1949), he defined two attitudes, one that takes account of reality and one that detaches from reality. This capacity to experience two versions of reality enables a parent to pursue a custody dispute that is harming the child, feel self-righteous about it, see the harm that it does, but then blame the other parent for not giving up the fight. Awareness of the aggressive, destructive feelings toward their children is intolerable, so these parents disavow their knowledge of the harm they are causing. These parents see themselves as committed to the needs of the children and thus irrefragable in their actions.

A father participating in a custody evaluation was refusing to allow his daughter to move to another state with her mother, the child's primary custodian. As the evaluation progressed, the father repeatedly expressed his concerns about the impact of the evaluation on the child, who was having regular nightmares. The father blamed the mother for putting the child in the middle of this dispute and expressed doubts about her love for her child in having done so. He could not acknowledge his own role in instigating and perpetuating the conflict. This parent could see that his daughter was becoming more depressed and anxious as the evaluation went on, but was able to continue the evaluation by telling himself that it was helpful for her. The father was able to indulge his wish to possess his daughter, but had to be able not to think about the effect it was having on her.

Grossman's (1993) construct of "the perverse attitude toward reality" (p. 422) may be used to describe such a parent. Grossman described a probation officer who "turned down the volume on reality" (p. 422), which allowed him to fondle a teenage probationer, knowing it was wrong but paying attention only to that thought that allowed for the gratification of the wish. Here, Grossman used the word *perverse* in the same fashion as Steiner (1982), who defined *perverse* as a "twisting of truth" (p. 243). Steiner noted that in this particular form of perversion, the patient acts as if he or she has no insight, but in fact "seems to have considerable insight which is ignored" (p. 243). A perverse attitude toward reality, in other words, allows a parent to believe that half a baby is better than none while simultaneously knowing that this cannot possibly be so.

The confusion inherent in this perversion of reality can be profound. A mother I was treating complained about court-ordered telephone contact between the father and her daughter during her custodial time. The father was insisting on his right to speak to his daughter during the week the girl was with her mother. My client pointed out that when

the girl was with her father, the mother never felt the need to call. Yet she wanted the father's calls to stop because she couldn't "get him out of [her] head." The patient had a conviction that the father did not exist during her custodial weeks. His telephone calls painfully intruded on this version of her reality. If he didn't call, he didn't exist, for her or her child. The mother did not pay attention to her own thoughts or to my comments about how the lack of contact with the father would feel to her child. If the girl wanted to talk to her father, it was because of some corrupting influence on the part of the father. If the daughter was upset when she was with her mother, it was a result of the time spent with the father. My patient tried and at times could actually "forget" that the father existed. There is a delusional quality to such thinking in a person who is otherwise in touch with reality (Caper, 1998; Shengold, 1995).

In some divorce cases, "the perverse attitude toward reality" (Grossman, 1993, p.) doesn't just allow for the gratification of an unconscious wish, as Grossman described, but is inextricably entwined with aggression and provides support for a sadistic attack on all those who are responsible for the pain of the loss. A father, for example, who wants the mother arrested in front of the children to "protect them" knows the children will wind up in foster care and will be terrified by the experience. Nevertheless, he is consciously gratifying a wish to attack and destroy the mother; he is also, however, gratifying an unconscious wish to damage and destroy the children. The father envies the wife, and thus the children are the object of envy. This stirs up the desire in the envious parent to destroy as much as to possess. As Harris (2001) has noted, it is dangerous to be the object of envy. The child in the middle of parental conflict is endangered because she or he can become the target of the aggressive parent.

Chasseguet-Smirgel (1985) observed the angry, hateful, and destructive elements that underlie perverse beliefs and wrote that "the pervert's hatred" (p. 530) is aimed at reality in general. What is hated is the reality that the infant cannot have what it wants. Reality is not just set aside; Chasseguet-Smirgel believed that it is destroyed. Hurt, anger, and rage act as the engine that drives the behavior, but the concerned, loving, and rational part describes and justifies it (Fonagy, 1999, p. 13). Thus thoughts, feelings, actions, and consequences can be kept separate.

It is not only sadistic, aggressive qualities in these parents that are kept separated, but also masochistic behaviors. Betty Joseph (1982) described "a malignant self-destructiveness" in those who became "more and more absorbed into hopelessness and involved in activities that seem destined to destroy them physically as well as mentally" (p. 1). Many of the parents in these cases devastate not only their children's lives, but also their own. Some parents have sold their homes, cashed in their pensions, and emptied their children's college funds while striving to gain an additional few hours with them. As self-destructive as these battles may be, however, the parents are protected from a more devastating experience of loss and separateness.

Summary

Although many divorces are considered high conflict, only a small percentage of parents behave like the ones I have described. These parents respond to divorce and separation in a particular manner. Narcissistically vulnerable, they are overwhelmed by pathological amounts of envy. The question as to whether these parents have an excess of narcissism or have suffered some breakdown of defenses is beyond the scope of this article; however, the result is a desire to damage and destroy the source of pain, much as a wounded animal,

blinded by pain, will savagely bite and chew its own injuries or attack those around it. Such parents may appear in some situations to be cool, calm, and functioning rationally, but their motives are wholly irrational. Although similar to the splitting of the borderline or dehumanizing behavior of the sadomasochistic psychopath, what we are observing is the surrender of the rational to the irrational in a way that preserves the desire to destroy without having to feel or think about the consequences. These parents are locked in a grim continuum.

There is no simple intervention for these parents, and a description of a typical treatment may well be beyond the scope of this article. Family therapy, coparenting counseling, and parent education groups have their place; however, these psychoeducational programs that emphasize parenting and communication skills have been shown to be insufficient in resolving the kind of high-conflict divorces I have addressed here (Neff & Cooper, 2004). Although cognitive-behavioral interventions, family therapy, and coparenting counseling can be helpful for many, I have observed that the clinicians who could most effectively treat the parents described in this article are those least likely to be working with them. Many of the parents going through a divorce will experience intense emotions, including rage, anxiety, fear, and helplessness. Most can benefit from interventions that help them manage these feelings and that use the supportive and educational aspects of a wide range of treatment interventions. However, these interventions are not intended to address the deep psychological structures detailed here, whereas perverse thinking, unconscious rage, envy, and aggression are characteristics of persons met with every day in psychoanalysis and psychoanalytic psychotherapy. Programs such as these are not able to address the complex problems of parents overwhelmed by their unconscious desire to hurt or damage their own child.

This makes psychoanalytically informed treatment particularly well suited for parents who tear their children apart. A court order that tells parents not to disparage each other in front of the children will have no impact on a parent whose internal world is dominated by anxiety, fear, rage, and helplessness, because parents who tear their children apart have developed a mode of thought that permits them to recognize that it is wrong for the other parent to disparage them while they continue to disparage the other parent. A long-term treatment that recognizes these modes of thinking, and a therapist trained to assist the patient in modifying them, will ultimately permit these parents to modify their behavior.

Grossman (1996) emphasized the analyst's important role as a spokesman for reality when working with patients who hold a "perverse attitude toward reality" (p. 422). An essential element of successful treatment with these parents must address the perverse modes of thought that allow for the most damaging aspects of these high-conflict divorces. A successful therapeutic intervention must carefully track, identify, and confront the perverse process because perverse modes of thought permit ignoring insight. Therapists treating these patients must not be misled by apparent insight or frustrated by how irrational the patient's behaviors appear. It is for this reason that recognizing and addressing perverse modes of thought is such a crucial component of an effective treatment.

This can only take place in a safe and contained environment. To let go of the battle, these parents must learn of their willingness to hurt their own children, at once the source of a parent's greatest joy and greatest pain. As Kohut observed, the first work of analysis is to address the reality ego to heal the split and integrate the ego (Goldberg, 1975, p. 341). For these parents, divorce means accepting reality and letting go of the illusion of a perfect relationship with their children. This means living with sadness and loss and accepting the painful knowledge that half a baby is not better than none.

In the well-known tale of Solomon, two women appeared before the ancient king in a dispute about a baby. Each claimed the child as her own, so King Solomon offered to cut the baby in half. One woman agreed; the other refused, and offered the child to the first woman. Solomon knew which was the real mother because he believed that a real mother would rather sacrifice her relationship with her child than see it cut in half. Unfortunately, not all parents are willing to make such a sacrifice for their children.

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Mandatory Abuse Reporting 2010

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Types of Abuse: Threat of harm

- Threat of harm, the largest single category
 - Unsafe situation, guns, drugs
 - Extremely unsanitary situation
 - Domestic violence
 - Known sex offender in the home
 - Parents unable to provide basic needs

Types of abuse :Domestic Violence

- Threat of harm due to domestic violence
- Defined as a pattern of assaultive and/or coercive behaviors including physical, sexual and emotional abuses.
- DHS guide:
http://egove.oregon.gov/DHS/children/abuse/cps/dom_violence.shtml

Domestic Violence

- Exposure to domestic violence is considered emotional abuse due to living in a threatening environment
- Children can get hurt physically during instances of domestic violence also
- Exposure to domestic violence is considered a criminal offense of both parents, grounds for removal of the child, failure to protect.

Types of Abuse : Neglect

- Neglect
 - Not providing physical, medical needs
 - Not providing emotional needs
 - Being left unsupervised
 - Young children supervising younger children

Signs and symptoms of neglect

- Children don't want to leave school
- Constantly tired
- Seem to need affection, attention, reassurance even from those they don't know
- Child not growing or developing normally

Types of abuse :Physical abuse

- An injury that doesn't fit the explanation given
- A non accidental injury
- Evidence of injury , ranging from bruising to death
- Corporal punishment is not abuse unless it causes injury

Signs and symptoms of physical abuse

- Bruises, welts, burns , cuts
- Injuries in various stages of healing
- Injury may have a particular shape, known as a pattern injury, of the article used, such as an electric cord or belt buckle.



Type of physical abuse: Shaking a Child

- Shaking a child up to the age of 3 or even older can cause death or long term neurologic damage (acceleration forces)
- There are specific medical findings in shaken child syndrome, now known as Abusive Head Trauma, AHT.
- About 30% of these cases are misdiagnosed by ER staff.

Types of abuse: Sexual abuse

- Any sexual contact in which a child is used to sexually stimulate another person
- Range of possible activities from rape to fondling to child pornography
- Often no symptoms, children have difficulty reporting

Family Risks for Sexual Abuse

- Parental history of sexual abuse, either parent
- Step parent in the family
- Non offending parent is not at home as much
- Poor emotional, physical and communication boundaries

Sexual Abuse Allegations

- The history of sexual abuse allegations has historically gone through many phases
- Medical evaluation of sexual abuse has pitfalls and limitations
- Interviewing about sexual abuse is a very technical area

Unresolved Allegations

- Young children
- Custody and visitation disputes
- Never married parents
- Difficult technical area, never ask your client to interview the child
- Your client may not want to report

Types of abuse: Emotional abuse

- Very difficult to detect or prove
- Co-exists with neglect, physical abuse, sexual abuse, domestic violence, threat of harm
- Symptoms are subtle, with depression, anxiety symptoms in children

Family Situation Risk Factors

- Stress, including legal difficulties
- Financial stress
- Drug and alcohol abuse, largest single family problem reported
- Unemployment
- Housing problems
- Parental history of abuse
- Developmental needs of the child

Drug and alcohol abuse

- Across all types of reported child abuse, nearly 39% of families have issues with drug and alcohol abuse. (in 2005 it was 47%)
- Our approach to addiction as a society swings between treatment and punishment. The treatment resources are inadequate.

Oregon Statistics, 2009

- Reports of abuse: 67,885
- Reports referred for investigation: 28,584
- Founded cases of abuse or neglect:
7,240 referrals founded/ 11,090 victims

Death Statistics, 2009

- Deaths from abuse and/or neglect : 13
- 11 of those children were age 5 or younger
- 8 children were younger than age 1
- 8 fatalities were caused by neglect, 3 by abuse, 2 by both neglect and abuse.
- Nationally, abuse/neglect is the leading cause of death in children from ages 1-12 months

Why report?

- Economic reasons
- Early reporting and treatment may prevent later placements in foster care, residential treatment, juvenile and adult incarceration
- Societal health reasons
- Abusive situations or high risk situations can be treated, secondary prevention can happen
- It may be in your client's interests

Reporting Duty—ORS 419B.010

- Reasonable Cause to Believe
- Abuse Has Occurred
- Contact with Child or Abuser
- Must Immediately Report
- EXCEPTIONS

What is reasonable cause?

- No statutory definition/no case law
- Reasonable suspicion v. probable cause
- *Berger v. SOSCF*, 195 Or App 587 (2004) ("whether the evidence creates a reasonable suspicion of child abuse, not whether abuse in fact occurred or even probably occurred.")
- Good faith determination based on facts reporter reasonably believes are true

What is contact?

- No statutory definition/no case law
- Direct vs. indirect contact
- Oregon Attorney General Op.No. 5543 (board members' receipt of information about abuse from the organization did not trigger reporting obligation because acquisition of information was too indirect—no contact)
- Contact does not need to be linked to abuse

Exceptions to duty

- Information learned from official report
- Privileged information
 - ORS 40.225 (OEC 503)
- Information communicated during representation AND detrimental to the client
 - Attempt to reconcile reporting obligation w/duties under Oregon RPC 1.6 and 1.2(a)

Confidentiality v. Reporting

- Lawyers **must** preserve client confidences
 - Information subject to the attorney-client privilege
 - Other info gained during the course of the representation that
 - Client has asked you to keep secret
 - Disclosure would be embarrassing
 - Disclosure would be likely to be detrimental to client
- Lawyer **may** reveal confidences if:
 - Client consents
 - Required by other law
 - Client intends to commit future crime
 - To prevent reasonably certain death or substantial bodily harm

Must v. May v. May Not

- If required by law, then must report
- Only required by law if information is
 - NOT privileged or
 - Would NOT be detrimental to client if disclosed
- If privileged or detrimental to client, then may not report unless,
 - Client consents
 - Necessary to prevent reasonably certain death or substantial bodily harm

Reporting in your client's interests

- To document abuse of a child by a spouse or a partner of a spouse in a domestic relations divorce matter
- To document prior abuse in a juvenile matter
- To suggest abuse as a mitigator
- To manage the process with DHS
- To avoid removal of the child to foster care

Reporting not in your client's interest ?

- Your client will appear to be stirring up allegations
- Your client may appear non protective of the child
- Your client may be otherwise implicated in the abuse.
- Impact on relationship with child and/or other parent

How to report

- When in doubt call the statewide number 800 854 3508x 2402
- Multnomah County 503 731 3100
- Clackamas County 503 657 2112
- Washington County 503 681 6917
- You can report anonymously

What happens after a report?

- The response is individualized to the family and the situation
- Sometimes the family or child will be interviewed
- A range of services is available, including public health nurses, respite care, parenting classes, therapeutic interventions
- Foster care is reserved for more emergent or repeated situations

Immunity

- Civil and criminal immunity if:
 - Good faith report AND
 - Reasonable grounds for report
- *McDonald v. State*, 71 Or App 751 (1984)
(case against teacher dismissed because no facts to negate teacher's good faith and reasonable grounds to report child abuse)

Consequences of failing to report

- Class A violation punishable by fine
- Failure to perform duties of office
- Tort liability—
 - Failure to protect from foreseeable harm?
 - Negligence per se/statutory tort?
- Ethics Violation—in most cases no



Why me?

- All 50 states have mandatory reporting laws
- Lawyers are specifically designated as mandatory reporters in 4 states, including Oregon since 1971.
- In 18 states, all persons are mandatory reporters, including Idaho.
- In Washington, "any adult with whom a child resides" is a mandatory reporter, but not lawyers specifically. RCW 26.44.030

References

- Medical Dictionary
- Pub Med research online
- <http://www.ncbi.nlm.nih.gov/entrez/query.fcgi>
- Oregon Interviewing Guidelines
- Diagnostic and Statistical Manual, DSM



Professional Ethics Panel “Tearing the Child Apart”

Overview: For the Ethics component of this CLE, a panel of five professionals from various fields dealing children caught in family disputes will discuss the following four hypothetical scenarios that could arise in their work. They will discuss the ethical component of each situation, outline their professional responsibilities and decide how best to proceed. Dr. Michael Donner will moderate.

Panel: Dr. Michael Donner (moderator), Charles Gazzola, Helen Hirschbiel, Scott Leibenguth, the Honorable Susan Svetkey and Dr. Edward Vien

Scenario #1: “JONATHAN AND EDNA”

Jonathan and Edna were married for 16 years, and had three children, 5, 9 and 11. Jonathan is a software developer, Edna, a freelance graphic artist. Jonathan left Edna a few years ago and soon after married his administrative assistant. Both described their marriage as very difficult. They argued often and their arguments occasionally turned into physical. Edna would usually initiate the physical conflict by pushing or slapping her husband. Jonathan would push her away or restrain her by pushing her up against a wall. Following the separation, the relationship between the two was tense. Although they had worked out a relatively equal visitation plan, Edna would routinely ask her oldest child to deliver her angry messages to her father. She would instruct the child to say that he was not to allow his new wife, whom she referred to derogatorily, to babysit their youngest.

Recently a former neighbor called Jonathan and told him that Edna had been blogging about her divorce, her feelings about Jonathan, his wife, and the justice system. Jonathan became quite concerned because in her blog Edna would occasionally talk about parents who killed themselves and their children to get even with the other parent, speculating herself about whether the ongoing conflict between them was really "worth it. " Jonathan called the police, acquired a protective order and received temporary physical custody of the children. Edna was permitted only supervised visitations.

Scenario #2: "MAXWELL AND JOANNE"

Maxwell is a 37-year-old attorney who has done part-time work for a variety of non-profit organizations. Three years ago, he met Joanne, then 35, on Match.com. The two began dating and Joanne became pregnant two months later and the couple married shortly thereafter. Joanne had been in therapy and on medications for depression since adolescence. Their son was medically compromised at birth and was hospitalized for two months in neonatal intensive care. Joanne became profoundly depressed, and Maxwell spent nearly every day at the hospital. Eventually their son was discharged from the hospital and came home. Although suffering some mild developmental delays, at age three he is now doing well.

After their child came home, Joanne and Maxwell began fighting and constantly arguing. Joanne insisted her son sleep in their bed and Maxwell felt hurt and rejected. He moved in the spare bedroom and considered divorce. He became depressed and began speaking constantly of suicide, insisting he was a failure and Joanne and his son would be better without him. After several months, he moved into an apartment with a friend. He didn't speak to Joanne or see his son. A year later, Maxwell called Joanne and insisted he wanted to see his son. Joanne, concerned about his emotional wellbeing and the possibility that he might disappear again, refused to allow him to see the boy without her present. For several months, they would meet at a local park, but eventually Maxwell wanted more. He began researching family law and decided that his rights were being violated. He hired an attorney and they filed for sole legal and physical custody on the basis that Joanne had a serious mental illness and was unable to adequately care for their son.

