



AFCC AND NCJFCJ JOINT STATEMENT ON PARENT-CHILD CONTACT PROBLEMS

Problem Statement:

The vast majority of separating and divorcing parents maintain safe, healthy, and positive relationships with their children; however, a small percentage of parent-child relationships remain strained and/or problematic. Children are at greater risk when parent-child contact problems are not effectively addressed and when family law professionals and others echo and intensify the polarization within the family. This problem may be exacerbated by (1) gendered and politicized assumptions that either parental alienation or intimate partner violence is the determinative issue; (2) contradictory rhetoric about the application of research findings and the efficacy of interventions; (3) indiscriminate use of services; and (4) a lack of understanding of different perspectives, education among family law practitioners, and resources.

AFCC and NCJFCJ support transparent, informed, and deliberate dialogue and response to parent-child contact problems following separation and divorce, or when the parents have never resided together, by adhering to the following considerations:

1. Adopt a child-centered approach

Children's behavior should be considered in the context of what is normal for a child's age, developmental stage, and the family socio-cultural-religious norms. This behavior may also be an expectable, adaptive reaction to stress, change, or an adverse childhood experience. The paramount focus of practitioners working with parent-child contact problems should be to promote the safety, interests, rights, and wellbeing of children and their parents/caregivers at all socioeconomic levels. Children should have the opportunity to express their views in family justice matters that concern them. The stated views of children are not necessarily determinative of their best interests. There are multiple factors that may contribute to children expressing views that do not reflect their best interests. Family justice practitioners should understand the basis for the child's expressed wishes and acknowledge their rights.

2. Increase competence in working with parent-child-contact problems

Specialized knowledge and skill are necessary to work effectively with families with parent-child contact problems. Family law practitioners should receive regular and ongoing training on the various factors related to parent-child contact problems including, but not limited to intimate partner violence, substance misuse, high conflict, denigration, parental alienating behaviors, and healthy parenting.

3. Screen for safety, conflict, and parent-child contact problems

In addition to initial and ongoing screening for safety, intimate partner violence and power-imbalances within families in all family law cases, parent-child contact issues, once identified, should be uniquely screened for safety and family risk factors, including the severity, frequency, and impact. Practitioners should, in all cases, employ a structured and evidence-informed screening for family risk factors.

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4. Fully consider all factors that may contribute to parent-child contact problems

There should be no immediate label used for parent-child contact problems as there are multiple factors and dynamics that may account for these issues. These include interparental conflict before and after the separation, sibling relationships, the adversarial process/litigation, third parties such as aligned professionals and extended family, a lack of functional co-parenting, poor or conflictual parental communication, child maltreatment, a response to a parent's abusive behaviors, the direct or indirect exposure to intimate partner violence, parental alienating behaviors, an alignment with a parent in response to high conflict coparenting, or a combination of these factors. Therefore, practitioners should maintain a broad lens and sufficiently consider the relative contribution of each potential factor before conclusions are made about cause.

5. Conduct individual case analysis

Social science research findings can provide the field with valuable information about the group studied but cannot be used to determine the characteristics or experiences of individual parties or children; therefore, each family/case/situation must be specifically examined and informed by the best available evidence. Each case must be examined uniquely to understand the etiology and current dynamics of the problem for the family justice system to intervene in an effective child-focused manner.

6. Refer to appropriate and proportional services and interventions

Practitioners should exercise care in recommending, referring, or ordering family members to services and interventions. These services and interventions should be accessible, accountable, proportional to the nature and severity of factor(s) contributing to the parent-child contact problem(s), particularly when there is a court order requiring such services and interventions. Such services and interventions should be informed by a child-centered approach.