

# **Can Children Make Independent Decisions in Dysfunctional Families?**

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At least one state is considering the idea of allowing their family courts to give children as young as 14 the right to make decisions about whether to have a relationship with one of their parents, if the child can demonstrate sufficient maturity and independence to make such a decision. This would be a huge mistake and based on a complete misunderstanding of family dynamics.

For a child to resist or refuse a relationship with a parent is not normal and only occurs in dysfunctional families. The question is why? Is it because of child abuse, domestic violence, alienation, or something else? This is not a problem to ignore or sweep under the rug by punting to the child. This is not a problem to solve by eliminating one parent and all of that side of the family, which is often the healthier side of the family.

Most separating or divorcing families (about 80 percent) do not go to court to resolve their parenting decisions. Of child custody disputes in family courts, only about 25% or less involve a child resisting or refusing contact with a parent. This is not a normal divorce problem. Children in such families cannot be independent. That is why knowledgeable adults need to figure out what is going on and what would help. This article explains why this is so important.

## **Dysfunctional Families in Family Courts**

Families operate as a system, with each member influencing each other in a healthy or unhealthy way. Generally healthy family systems find ways of separating that maintain contact with all family members, just in a less-intimate form of the familiar dynamics. Parents communicate, children see them both, and conflicts are managed through minimal contact or active problem-solving.

Those who are left in the family courts today are primarily dysfunctional family systems—one or both parents have serious problems. Most court decisions are about bad behavior, how to evaluate it and how to manage it. Discovering lies, hidden assets and income, and enforcing court orders have become the main issues in today's family courts. Restraining orders have become a huge part of the court's work, as dysfunctional behavior and lack of self-restraint continues to grow in society.

In dysfunctional family systems, people develop *dual personas* in order to hide the family dysfunction. In private they may be very abusive, emotionally, physically, sexually, or neglectful. But in public they may appear and sound very reasonable, positive, and even charming. This goes for parents and also for children.

Because of these dual personas in dysfunctional families, courts have very little idea who and what they are really dealing with. The “search for the truth” is much more complicated with people who are actively trying to hide the truth in family systems that have years of experience in keeping family secrets. One of the myths of family court is that victims of abuse will simply stand up and tell the truth, so that courts can protect them. Most victims know that they cannot have any confidence that they will be protected from the most dangerous family members.

On the other hand, perpetrators of abuse are usually comfortable with the court process, because they have aggressive personalities and have had years of experience in dominating their family systems through manipulations and lies and spreading rumors inside and outside the family. Speaking in public is easy for them and their “public personas.” And children – who have been trained since birth to cope with the secrets, rigid roles, and danger – will do anything and say anything to survive, even to a judge.

The result is that judges have to make their best guess about what is really happening with each party’s “private persona,” based on each party’s “public persona.” If the judge favors the weaker party, then the stronger and possibly abusive party will escalate his or her dysfunctional behavior in an effort to maintain the power structure and stability of the family system. This can lead to violence outside of the courtroom, kidnapping children, financial manipulation, spreading rumors or other methods of asserting control.

If the judge favors the dominant party, then the court is simply reinforcing the dysfunctional family system and making life worse for a weaker or victim party or child. In both cases, the family system is knocked out of balance and the children are drafted to help regain its stability by reinforcing the power structure unhealthy as it is.

Family systems heavily influence the behavior of each member of the family. Dysfunctional families are under the influence of these factors, just as much as actively using addicts are under the influence of their drugs. They are unreliable sources of information and should not be expected to present reliable information to the court as a parent, a child, or other relative in the dysfunctional family system.

### **Children Go Where the Power Is**

Overall, children are unreliable reporters when “carry the disease” of the dysfunctional family, as they have no other choice. Children go where the power is. They have been trained in the family disease, often from birth – especially when they have a personality-disordered parent (sometimes one, sometimes two). As family courts look to children as a source of information, they tend to be unaware of the influence of family systems. The question shouldn’t be “Is the child mature enough to provide independent and reliable information?” which is the question asked today. The question should be: “Why do we believe that anyone within a dysfunctional family system can be an accurate reporter, child or adult?”

Well-trained investigators outside the family system will be much more accurate in gathering and presenting information. Sometimes one individual trying to evaluate a family system will get sucked into the dysfunction, which is why a team of professionals with multiple sources of information is the best at correcting each other's biases and misinformation.

Family systems are at their worst when they are defensive. Yet, the adversarial court process makes the family system very defensive and its members are usually operating in what feels like a "life-or-death" mode. Letting one person, especially as young as 14, make such important decisions about family relationships during maximum stress is totally unrealistic. This is especially true, since such a child is only halfway in the brain development process which is usually not complete until mid to late 20s.

### **Personality Disorders and Child Emotional Problems**

The current diagnostic manual of mental disorders indicates that approximately 10% of adults have a personality disorder. (APA, 2022) Research shows that these are *interpersonal disorders* such that those close to someone with a personality disorder are more vulnerable to their behavior, including "one's children, parents and siblings, peers, and romantic partners." Furthermore, those with Cluster B personality disorders (narcissistic, borderline, antisocial, and histrionic) have been found to have "moderate-to-large and significant associations with domineeringness, vindictiveness, and intrusiveness." They also have "a tendency toward distrust and suspicion of others and an inability to care about the needs of others." (Wilson et al, 2017)

In other words, the troublesome parenting issues in today's family courts (which involve a lot of domineering, vindictive, and intrusive behavior) involve a significant number of parents with personality disorders or traits of these disorders. They are more aggressive than average with their family members. In terms of impact of their personality disorders on children, a classic study from 1984 found that "children of parents with PDs characterized by hostility were more likely to develop mental health problems themselves compared with children of parents with severe psychiatric diagnoses like Schizophrenia or Bipolar Disorder or any other psychiatric diagnosis." (Berg-Nielsen & Wickström, 2012)

A study from 2012 found that children of parents with *just traits* (or "subclinical symptoms") of personality disorders can also be hugely impacted by such parents even as preschoolers:

PDs that appear to be the most strongly associated with hostile behavior and that may affect children are Borderline Personality Disorder (BPD), Antisocial Personality Disorder (ASPD) and Narcissistic Personality Disorder (NPD). These disorders are characterized by features such as difficulty controlling anger (BPD, ASPD, NPD), impulsive and aggressive outbursts (BPD, ASPD), rage when being criticized (NPD), irritability (BPD), aggressiveness and physical assault (ASPD), being tough-minded, exploitive, and non-empathic (ASPD, NPD), lack of reciprocal interest and sensitivity to the wants and needs of others (ASPD, NPD),

extreme sarcasm (BPD), being indifferent to having hurt another (ASPD), sudden and dramatic shifts in their view of others (BPD), emotional coldness (NPD, ASPD) and disdainful, arrogant behavior (NPD). (Berg-Nielsen & Wickström, 2012)

Such behavior caused emotional problems for children as young as 4 and 5. However, this study was done with mostly intact families, with a generally reasonable parent present to soften the impact of the parent with a personality disorder. In cases where the parents were separated, the study reached this conclusion: “When parents were not cohabiting, the variance of the children’s emotional problems explained by parental symptoms increased more than six times. Child service providers need to have knowledge of those deviant personality traits in parents that may represent a possible peril to their children’s mental health, even when parent PD is not diagnosable.” (Berg-Nielsen & Wickström, 2012)

In other words, without the more reasonable parent present, the children suffer even more so. Therefore, in custody disputes the worst possible outcome is to cut the child off from the healthier parent, yet the child may feel obligated to do so to please the more aggressive, more hostile, more unpredictable, and more intrusive parent. Why take that risk?

## **Conclusion**

Dysfunctional families are most of those still going to family courts these days. Family courts provide an opportunity to influence the family in a positive way IF the court can acquire full and accurate information. The court has many helpful tools at its disposal (counseling, parenting classes, restraining orders, etc.) which can help save dysfunctional families from themselves and offer opportunities for personal growth and life course correction. These can make a huge positive difference in a child’s life and possibly both parents.

On the other hand, to simply defer parenting decisions to children as young as 14 reinforces the dysfunctional family system and the child’s distorted role in maintaining the status quo. Such children must sacrifice their own development to placate a disturbed, but powerful parent. They must deny their own love and needs with a healthier parent, who is no longer there to soften the influence of a parent with a possible personality disorder or traits.

The answer is clear: Children of any age should not be given the decision-making authority to terminate a relationship with a parent. Parenting decisions need to be made by responsible adults. Family courts should work hard to understand each family’s dynamics and what is needed for the healthiest outcomes. Deferring to 14-year-old children will only reinforce dysfunctional families.

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