

## Chapter 1

# Core Issues and Theoretical Foundation

Writing, as a way of codifying human experience, sets obstacles to “reading” the inner experience of people; in the case of divorced fathers, the experience of being removed as a loving parent from the life of one’s child via a sole custody order strikes at the heart of one’s being. Words are inadequate tools in capturing the essence of this experience; as a divorced father, I am often rendered mute in articulating my struggles to maintain a meaningful presence in the lives of my sons and a parental identity in the face of multiple barriers and a general public indifference to my plight. This is why the stories of the eighty-two fathers who are the subject of this book are so extraordinary. Most men suffer in quiet desperation and their stories remain untold; these fathers took a major risk in coming forward and detailing their experiences of being removed as active caregivers of their children. Some of these fathers did strike out in retribution against such uprooting; most, however, sought constructive ways to stay involved in their children’s lives. A few of the more activist fathers worked to bring public attention to their plight, joining in the civil disobedience efforts of groups such as Fathers for Justice.

Given the lacuna of scholarly and media reports of fathers’ experiences of divorce, the story of Darrin White, which exemplifies the plight of many divorced fathers disenfranchised from their children’s lives, is a notable exception to the prevalent trend. The suicide “epidemic” affecting divorced fathers is now well-documented (Kposowa, 2000), yet Darrin’s is one of the few such stories that have been actually reported.

Darrin White, thirty-four, committed suicide in 2000 in Prince George, B.C., after a judge ordered him to pay his estranged wife twice his take-home pay in child and spousal support each month. Darrin wasn’t a complicated man. He liked taking nature walks and enjoyed cycling, read books about the outdoors and loved animals, but mostly doted on his children. He was a certified locomotive engineer who earned his living driving trains, first for Canadian National, then the British Columbia Railway. When his marriage fell apart, he found himself in a situation shared by many men. Suddenly alone, compelled to leave his home with less than forty-eight hours’ notice, denied contact with his children, expected to come up with rent money as well as lawyers’ retainers, and missing shifts at work due to court dates, Darrin found himself unable to work and criticized for not paying his estranged wife child support during this chaotic period. Most importantly, it began to dawn

on Darrin how vulnerable his relationships with his children, aged five, nine and ten, had now become (his oldest child, aged fourteen, from a previous relationship, lived with her mother in Saskatchewan). According to his friends, his distress revolved around an acute awareness of how much his children needed their father and his feelings of helplessness in being removed from their lives and relieved of his responsibilities as a active caregiver. No services were available to help him deal with these stresses, the court remaining indifferent to his anguish.

The media picked up Darrin's story subsequent to a multitude of testimonials attesting to his gentle and loving nature as a father and his own account of his experience prior to his death, which clearly identified legal judgments as the source of his distress. At his funeral service, his fourteen-year-old daughter spoke passionately in support of her father as "a loving and devoted father who only wanted the best for his four children," and in defiant opposition to the "barbaric" legal system which had failed him and his children. Yet when questioned about Darrin's case, former British Columbia Supreme Court Judge Lloyd McKenzie told the *Vancouver Sun*, "There is nothing unusual about this judgment" (Lee 2000), pointing out that the judge in the case applied standard guidelines for spousal and child support. The coroner's report exonerated the court as in any way responsible for Darrin's death.

The stories I have gathered for this book focus squarely on fathers' experiences of divorce, particularly in regard to their relationship with their children. The anguish they express is little different to the story of Darrin White. The fathers in my study volunteered to be interviewed about their perceptions of their children's needs in the divorce transition, their responsibilities as fathers in relation to those needs and the responsibilities of social institutions to support fathers in the fulfillment of their parental responsibilities. The fathers constituted an extremely diverse group, from a range of occupational and cultural backgrounds, some previously married and other cohabiting; thus, "divorce" is defined for our purposes as the point of physical parental separation in both marital and cohabitation arrangements.

The aims of this book are twofold. First, I seek to provide a more informed perspective on what constitutes the "best interests of the child"; to date, this elusive concept has been based almost entirely on the views of professional experts, and little is known about the viewpoint of parents themselves. Although they are the true "experts" on the matter, their voices have been excluded in current debates about the needs of children after divorce and parental responsibilities in relation to those needs. Needs are the nutrients or conditions essential to a child's growth and integrity, and for every need of children, there is a corresponding parental responsibility. In addition, the book

examines the question that is overlooked in dominant discourses regarding child custody: what are the responsibilities of social institutions to support parents in the fulfillment of their parental responsibilities? “Parent blaming” rhetoric, enthusiastically applied to divorced fathers by legal and child welfare agents, is positively intended to deflect attention and accountability away from institutions such as judicial systems which routinely remove fathers as custodial parents after divorce.

The second objective of the book is to promote active and responsible fatherhood involvement after divorce and to discuss a range of socio-legal policy and practice reforms that will enable fathers to continue and enhance their parenting of their children. Fathers’ own views on this question are critically examined, and I focus on what many see as the key to addressing the social problem of father absence after divorce: the shared parental responsibility framework to child custody determination. I discuss how we can make shared parenting work in the best interests of children — not just from fathers’ perspective, but from the point of view of children themselves.

Fathers are no longer content to assume a peripheral role in their children’s lives; a “gender convergence” with respect to child care responsibilities has emerged as a norm in two-parent families in Canada. Yet the picture changes dramatically for many fathers after divorce. Divorced fathers are faced with multiple obstacles in their quest to remain active and responsible fathers, and these barriers are not well understood. The primary barrier is the present framework of child custody determination, which needs a complete overhaul if we to effectively address the problem of father absence. In adopting a strengths-based orientation, I challenge purely psychological accounts of divorced fatherhood that are primarily concerned with enumerating men’s deficits in the realm of parenting after divorce. I regard post-divorce father absence as a social problem rooted in a framework of child custody determination that removes one parent as a primary caregiver, limits parenting options within a sole custody model and discriminates against children of divorce while perpetuating an adversarial approach to dispute resolution. I challenge the dominant ideology that fathers freely choose to disengage from their children’s lives and that post-divorce parenting arrangements are reflective of primary caregiver-based pre-divorce family structures. An adversarial model that conflates children’s “best interests” with the competing rights of mothers and fathers, I argue, overlooks the actual needs of children in the divorce transition. A new theoretical approach, a paradigm shift, is needed beyond the dominant rights-based discourse within which child custody is presently determined; a responsibility-to-needs framework, which enumerates children’s needs and parental and social institutional responsibilities vis-à-vis those needs, is required if we hope to reduce the harms attendant to divorce for children

and families. Active and responsible fatherhood involvement in children's lives after divorce is a critical ingredient in such a harm reduction effort.

I have been studying fatherhood involvement and the changing role of fathers, and the problem of father absence after divorce, for almost three decades. In 2005, I embarked on the study reported in this book, in part to assess whether the situation has changed for divorced fathers and their children. To my dismay, I found that it has not substantially changed. Of the eighty-two divorced fathers interviewed for this project, thirty were struggling with a situation of parental alienation, having been completely estranged from their children's lives. It quickly became apparent to me that despite lip service about legal reforms intended to improve fathers' contact with their children after divorce, a significant number of fathers are still very negatively affected by divorce and the present system of child custody determination. In fact, the situation with regard to father absence in Canada is worse today than it was twenty years ago, when I completed my first study of divorced fathers, reported in my first book on divorced fatherhood, *Divorce and Disengagement*. In cases where parents cannot agree on parenting arrangements, the Canadian judiciary continues to award sole custody to one parent, in effect removing one parent, usually the father, as a primary caregiver from the life of a child, and this is done as a matter of routine. What has changed is the terminology, with judges referring to arrangements where children live with one parent and visit the other as "joint custody." I refer to this as "joint custody in name only" — the actual amount of time that "access parents" are able to spend with their children has in no way increased in legally contested cases of child custody.

The effects on fathers of losing their children via sole custody decrees are more pronounced today than twenty years ago — because fathers' involvement with, attachment to and influence on their children before divorce have significantly increased. This has been one of the most significant and powerful social trends of this generation. Children are now forming primary attachments to both of their parents, and the severing of these attachments have more pronounced negative effects on both fathers and children. Twenty years ago I found that fathers who lost contact with their children suffered a grief reaction containing all the elements of a bereavement. This grief, characterized by reactions of shock and denial, bargaining, anger and depression, was reported to be directly connected to fathers' experience of child absence and loss of parental identity. Today fathers are manifesting an even more pronounced reaction of post-traumatic stress, as they are acutely aware of the harms their absence is causing their children. Witnessing the suffering of their children and knowing that their children need them in their lives, and being unable to be there for their children is, according to the fathers, one of the most painful traumas a person can endure. At the same

time, apart from a few self-help groups, effective support services for fathers are non-existent. And fathers mainly suffer in silence, in quiet desperation, with few people, including their own children, aware of the depths of their anguish. Those who have the courage to speak about their woundedness and their distress over the suffering of their children are subjected to a mean spirited cultural response, where all talk of woundedness is mocked.

The main difference between fathers' grief reaction of twenty years ago and the more pronounced symptoms of post-traumatic stress today, as the reader will come to see, is that the loss of one's children and the father role is a defining and organizing experience that forms the core of fathers' post-divorce identity. Arousal and avoidance symptoms are more pronounced and feelings of trauma more intrusive and persistent, and these have an impact in virtually all life domains. Thus fathers routinely report increasing isolation, loss of employment and inability to form or sustain new relationships. Twenty years ago, fathers reported a pattern of repartnering soon after their divorce and loss of their children, as new partners were often the sole source of support for these men; today, fathers are more likely to report a reluctance to become involved in new relationships. These impacts are connected to more disturbed patterns of thinking, including marked distrust of others and preoccupation with the possibility of harm ("everyone and everything is against me"), fallacies of being externally controlled and a victim of fate, shame, stigma and self-blame, and learned helplessness and hopelessness about the future. More significant impairments in fathers' psychological, social, occupational and other important areas of functioning are thus evident today than twenty years ago.

### **Theoretical Orientation**

As much of what we know about families, divorce and children's needs and interests has been obtained from research focused on the perspectives of professional elites working within the "divorce industry," with studies of mothers' standpoint predominating when parents' viewpoints are sought, I utilized a grounded theory approach in eliciting the missing perspective of divorced fathers on these issues. Thus, the research team designed an exploratory and descriptive qualitative study that utilized narrative inquiry as the main approach to data collection, emphasizing the importance of individual experience in knowledge construction. Our research data was approached using elements of a reflexive grounded theory approach of a constant comparative method and content analysis of fathers' perspectives. (Methodology is described in further detail in Chapter 3).

Sociological work on fathering makes it clear that fatherhood is fundamentally a social construction. The culture of fatherhood and the conduct of fathers change as social and political conditions change. In

addition to a social constructivist perspective, studying fatherhood also lends itself to a systemic framework, which views fatherhood not primarily as a characteristic or behavioural set of individual men, or even as a dyadic characteristic of a father-child relationship, but as a multilateral process involving fathers, mothers, children, extended family and the broader community and its cultures and social institutions (Doherty, Kouneski and Erickson 1998). Indeed, fatherhood may be even more sensitive than mothering to contextual forces that, particularly in divorce, create more obstacles than bridges for fathers, but that potentially could be turned in a more supportive direction. With these social constructionist and systemic perspectives as a backdrop, the book examines the concept of responsible fathering and offers a conceptual framework of “responsible fatherhood” to guide social policy and socio-legal reform as well as direct practice to constructively engage fathers after divorce.

The notion of “responsible fathering” reflects a recent shift by academics and professionals away from the notion of parental rights in examining children and families of divorce (Mason 1994) toward a “responsibility to needs” conceptualization that emphasizes that for every need of children in the divorce transition, there is a corresponding parental responsibility. This viewpoint holds that parents are responsible to address their children’s needs and that social institutions, as part of the larger context within which parenting is enacted, are responsible to support parents in the fulfillment of these responsibilities. Applied to divorced fatherhood, “responsible” also suggests a more explicit value advocacy approach in promoting more committed and nurturing involvement by men in their children’s lives and preserving father-child attachments (Doherty, Kouneski and Erickson 1998), and ensuring social institutional support in this regard. Children need responsible and involved fathers throughout their childhood; the prime justification for promoting responsible fathering is the needs of children. At the same time, as the ethic of responsible fatherhood is essentially an ethic of care, responsibility may be seen as a need in itself. That is, fathers need the opportunity to care for others in the interests of their own well-being; the denial of responsible fatherhood is a denial of a fundamental human need. And representatives of social institutions such as the legal and child welfare systems have an ethical responsibility to foster conditions in which responsible fatherhood may occur.

How, then, is “responsible fatherhood” to be defined? Levine and Pitt (1995) have made an important start in this regard, emphasizing that a responsible father actively shares with the child’s mother in the continuing emotional and physical care of their child, from pregnancy onwards. Responsible fatherhood is tied in with the notion of parent-child attachment, and thus attachment theory also informs our analysis. Levine &

Pitt also assert that commitment to the ethic of responsible fatherhood and promoting father-child attachment extends beyond the father to the mother, to professionals who work with families and, importantly, to social institutions entrusted with the support of families. Similarly, Lamb and Pleck (1985) assert that responsible fatherhood involvement is determined not only by fathers themselves but in large part by social institutional practices and supports.

Thus, our theoretical model highlights not just individual factors of paternal responsibility to children's needs but also larger contextual and structural factors of the responsibilities of social institutions to support fathers to be responsible parents. Therefore, we conceptualize divorced fatherhood as a highly contextually sensitive process, in which the undermining of paternal responsibility by representatives of social institutions induce fathers away from responsible fathering, despite their strong individual commitment. Social institutional support for fathers, on the other hand, reinforces fathers' commitment to their paternal responsibilities.

### **Outline of Book**

The book is comprised of six chapters. This chapter introduces the reader to the issues and provides an overview of our theoretical orientation. Chapter 2 examines what the empirical research has found in regard to the impact of divorce and child absence on fathers. It also examines the effects of father absence on children and provides a selective review of new research findings on children and families experiencing divorce, focused on research most pertinent to the father-child relationship in the context of what research suggests are the main factors associated with children's positive adjustment to the consequences of divorce. This includes studies on adult children's perspectives of their "best interests," child outcomes in shared versus sole custody homes, parent outcomes in shared versus sole custody homes and the actual involvement of parents in child care. The changing face of parenting and co-parenting in Canada is examined in both two-parent families and in the context of divorce. Chapters 3 and 4, the heart of the book, present the results of the Fatherhood Involvement Research Alliance project on separated and divorced fathers, a five-year effort funded by the Social Science and Humanities Research Council of Canada as a Community-University Research Alliance project. Chapter 3 details fathers' narrative accounts of their divorce experience, focused on their relationship with their children, and Chapter 4 examines fathers' perspectives on their children's needs and paternal and social institutional responsibilities vis-à-vis those needs. Chapter 5 discusses the social policy implications of the research, with a primary focus on the feasibility of establishing a new approach to child custody determination in Canada based on a shared parental responsibility framework. A four-pillar framework for socio-legal reform is presented.

Finally, Chapter 6 ties together the main themes of the book and includes an examination of the implications of the study for direct practice with fathers, discussing practice guidelines for service providers who wish to engage divorced fathers in a constructive therapeutic process. In addition, an overview of the equal parenting movement in Canada and in the global context is provided.

The material in this book was presented as an interactive workshop to parents and divorce professionals as part of a seven-city tour across Canada sponsored by the Fatherhood Involvement Research Alliance and the Social Science and Humanities Research Council, and the feedback from these “town hall” meetings has also been incorporated into the discussion.