

## *Divorce: It's Not About You, It's About the Children*

By: DAVID MANDEL

### **Abstract**

*A married couple relies on a set of skills to raise their children. And yet, when their marriage begins to unravel, when the divorce proceedings become bitter and heated, when their parenting skills are so urgently needed—their skill-set seems to disappear. What is the result? The negative impact on their children can be heartbreaking and traumatic, lasting many years. Can anything be done to protect these children?*

### **Divorce and Its Consequences**

A recent study by the Orthodox Union, reporting that Orthodox Jewish marriages are stronger than in general society, is most encouraging.<sup>1</sup> Only 13% of Orthodox couples characterized their marriage as merely fair or poor. Nevertheless, the increased divorce rate among couples under the age of forty, especially those involving children under the age of fifteen, poses one of the greatest challenges and risks to our community in the coming decade.

Shame and stigma were once the main factors preventing individuals and families from disclosing problems and seeking services for a broad range of mental health issues. In the last decade, however, community education has helped de-stigmatize mental illness, and has helped family members deal with the guilt and shame they suffered as victims of child abuse, sexual abuse, domestic violence, and addictions. It is ironic that this same education, which encour-

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<sup>1</sup> *Aleinu Marital Satisfaction Survey*, Orthodox Union, December 2009. See <http://www.aleinu.net/Events/AleinuMaritalSatisfactionSurvey.aspx>.

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aged acceptance and self esteem, is now contributing to an increased divorce rate—especially among our young couples.

In the past, couples often stayed in a bad marriage for the sake of the children. Today, young couples divorce despite their children; shame and stigma being mostly a thing of the past.

The alarming increase in the number of divorced parents, coupled with their children's easy access to Facebook, Twitter and Internet sites—to which children turn seeking a substitute parent or someone who simply cares—poses significant risks to the mental health of these young children.

Couples who divorce are exercising their *bechira*, their freedom to choose. As adults, when they decide to move on with their lives, they can get professional counseling or help from peer support groups such as Sister to Sister.

But it is different for the children. Rav Dovid Cohen, *morah d'asra* of OHEL, points out that while adults, even those who are under duress or suffering from illness, have *bechira*, their children—even those who view themselves as mature and independent—do not have the same level of *bechira*. Choices must be made for them and be in their best interest. The *koach habechirah* is not present in a girl under 12 or in a boy under 13. It is this lack of *bechirah*, their inability to competently choose right from wrong, that relegates a *katan* to be *patur* from both mitzvot and *onshin*. A young child is unable to properly reason and choose. Parents must therefore act in the child's best interest.

Young children of divorcing couples need love and attention. Instead they often get lost in the divorce proceeding, or even worse, they get manipulated in the process. These children, in their most formative years, are living through a fractious and intense time, and many are being traumatized. This is especially true when the young couple are involved in a drawn out, intense, bitter divorce and custody fight.

Speaking at a community forum in April 2010 on protecting children during a divorce Rabbi Paysach Krohn discussed the Gemara in *Gittin* 90b about the *mizbeach* shedding tears when a couple divorces. Why, he asked, is it specifically the *mizbeach* that sheds tears? Rabbi Krohn explained, the *mizbeach* expects animals to be sacrificed—not children.

### **Prevalence in our Community**

We needn't spend much time to appreciate the incidence and prevalence of divorce among young couples in our community. Nor do we need any scientific data collection. Just ask someone in their 30s and chances are they will know of a couple who is divorced or divorcing. I personally know eight such families among my circle of friends and acquaintances, involving a total of twenty-three young children. Nevertheless, there are data available that provide a window into divorce in our community.

In its four-year existence, Sister to Sister, an organization that provides support to divorced women with children under the age of eighteen,<sup>2</sup> has served more than 500 women. 300 of these women originate from Brooklyn. Another 140 are from Monsey, Five Towns, Lakewood and Passaic. Most significantly it is estimated that 75% of these divorced women are under the age of 40.

OHEL currently provides counseling or support to 85 couples involved in some stage of separation or divorce. OHEL also organizes support groups for divorced mothers focusing on how they can help their children with everyday experiences that ordinarily involve two parents: How does a mother send her son to *shul* unaccompanied by his father? How can she reassure her children when there is so much uncertainty and inconsistency in their lives?

The typical divorcee in these groups has three to four children. In many cases the mother is no more than 19–25 years old. Over the last four years OHEL has served more than 60 such women in the Monsey community alone.

The Jewish Board of Family and Children's Services (JBFCS) similarly provides counseling to divorcing couples and support groups for single parents. In the last 6 months JBFCS has provided counseling to 175 divorcing couples in their outpatient centers and Jewish Connection Program.

The Lakewood community is large, with thousands of families, and the number of divorcing families is, *baruch Hashem*, relatively small. And yet, experienced mental health professionals in that

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<sup>2</sup> A strong component of their services is the pairing of a divorcee with another woman who serves as a mentor—hence the name Sister to Sister.

community report that more than 50 couples are experiencing serious marital conflict and are divorcing or divorced.

Lakewood Community Services Corp., a mental health organization in this community, has, for the past two years, conducted biweekly group sessions for divorced women and children, helping them cope with the transition from marriage to divorce and single parenting.

The most alarming figure is that approximately one of every three inquiries at OHEL today involves a couple with marital problems. It is all too common today for a Yeshiva principal to call our office soliciting advice on how to help a young divorced mother of two or three children who is overwhelmed emotionally, physically, and financially.

### **Burdening the Grandparents**

Many young divorcees in their twenties and thirties with one, two or three young children are unprepared or unequipped to handle their new responsibilities. The obligations often fall to the grandparents, who in their 50s, 60s and even 70s are now involved in raising their grandchildren.<sup>3</sup>

Young divorcees with children have an option—some say a crutch—to rely on their own parents to help raise the grandchild. With built-in babysitting and food, rent and utilities deferred, and possibly even tuition absorbed for the grandchildren, this may be too good of an option to pass up. Grandparents, of course, have only their child's and grandchildren's best interest in mind and would do anything—be it emotional, financial or physical—to help. Yet the potential exists for interfamily conflict, as the grandparent's commitment to help on a temporary basis turns into a longer-term obligation, with responsibilities often beyond their emotional and physical capability.

This situation is further exacerbated by our current economic circumstances. Results of a national survey conducted in late 2009 reveal that 80 percent of those polled said the financial situation in

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<sup>3</sup> In the United States 97% of children 0–6 years old have living grandparents, and 50% of all children 0–6 have a living great-grandparent.

their household was very bad or fairly bad, causing physical and psychological stress.<sup>4</sup> This comes as no surprise to any of us.

### Teaching Hate

Often one parent indoctrinates a child to fear or hate the other parent, and the following occurrences may no longer be an anomaly in our community.

- An eight-year-old child has two birthday parties, one with each parent.
- A child looks forward to spending a visitation weekend with a parent, but it is manipulatively cancelled.
- A child witnesses repeated visits to his/her home by the police.

Parents who teach their children to hate or fear their other parent may delude themselves into believing they are protecting their child from the evils of the other parent. What they are really doing is teaching their child to hate. Some of these examples may seem familiar:

- A divorcing father tells his four-year-old son that his mother doesn't love him as much as he does.
- After a six-year-old girl returns from a custodial visit, her mother keeps asking if her father hurt her.
- A child is accidentally bruised, and each parent attempts to leverage the child's misfortune against the other.

These parents may not realize that their child may generalize their feelings of anxiety, fear and hatred into an emotional imbalance. It may prevent the child from forming healthy relationships with family members, friends, and later in life, possibly even with their spouse. Also, what the parents don't realize is that from the child's point of view, they are maligning *their* parent.

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<sup>4</sup> Sloan Work and Family Research Network, "The Impact of the Recession on Work and Family" *Policy Briefing Series: Work-Family Information for State Legislators*, 2009, Issue 19. See <[http://wfnetwork.bc.edu/pdfs/policy\\_makers19.pdf](http://wfnetwork.bc.edu/pdfs/policy_makers19.pdf)> (accessed April 4, 2010).

Before maligning their spouse, divorcing parents should ask themselves: What are their children hearing? What are they learning from this experience? How will this experience affect them in their formative years? While their child should be developing resiliency, building relationships, learning to make life decisions, and dealing with trust and intimacy, will their parents' actions be furthering these developments or hindering them?

Dr. David Pelcovitz, noted for his extensive research in resilience and treatment of children affected by traumatic experiences, emphasizes, "Chronic conflict causes chronic distress and agitation in children, and a loss of emotional control. Children do not get used to the chronic conflict in their life caused by their parents' divorce."<sup>5</sup>

How potentially serious is this persistent conflict in a child's life? "20%–25% of children whose parents divorce are at risk for lifelong emotional and behavioral problems, compared to 10% of children whose parents stay married."<sup>6</sup> Of course, the opposite is also true: the overwhelming majority of these children will, nevertheless, do well.

Certainly it may be true that in exceptional situations there is a spouse in a marriage who may not be emotionally stable or capable of parenting, and limiting their involvement with their own children is necessary and should be pursued. Worse, there may be instances where a parent has abused their child and limiting or terminating his/her rights is essential. But the nearly routine nature of spurious allegations and counter allegations—including charges of sexual abuse leveled in a divorce against husbands—and the *each side must win at all costs* mentality that prevails—is taking a mounting toll on the young children—two-, five-, eight- and twelve-year-olds. They remain voiceless, defenseless, and too often victims of the vitriol of their divorcing parents.

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<sup>5</sup> *Cultural Issues in Orthodox Jewish Community Involving Separation and Divorce*. Seminar at OHEL's Institute for Training, December 21, 2009.

<sup>6</sup> Hetherington, E Mavis and Kelly. *John For Better or For Worse: Divorce Reconsidered*. New York and London: W. W. Norton & Co., 2002.

### Addressing the Problem

I dare say, very carefully and respectfully, our community of *rabbonim*, *askanim*, *Batei Dinim* and mental health professionals are not prepared to respond. We lack a fail-safe system to protect these children.

The court system, the Bais Din, the attorneys and the parents of the young couple—who most often foot the bill, both literally and euphemistically—each in their own way want to see the matter resolved. Yet the system as a whole does not favor the child. It lengthens the divorce process by months and often by one to two years. True, there are many well-meaning people who work as intermediaries to help resolve conflict and facilitate the divorce. This is often counterbalanced, however, by “advisors” whose purpose it is to keep the venom at a boiling point.

Rabbi Moshe Friedman *a”h*, former Director of Counterforce, when we were Co-Chair of the Task Force on Children and Families at Risk, said about child abuse, “We need a *Geshrei!*”: we need people to scream about child abuse to prevent and respond to it. Well, we need another great *Geshrei* about the divorce rate among our young couples and the potential intergenerational consequences. This is one of the greatest challenges in mental health we face in the next ten years. We must have a credo: Do no harm to the children.

It has been said many times and it is worth repeating. The most beneficial change over the last decade from a mental health perspective is the willingness of individuals and families to seek help for a variety of mental illness issues. The willingness to seek such professional guidance has no doubt positively affected perhaps tens of thousands of people. While the stigma, *busha* (shame) and concern for *shidduchim* remain significant issues, they have thankfully taken a back seat to seeking professional help. We now need to capitalize on this willingness to seek professional help, to protect the children of divorcing parents.

## Improving the System

What can be done to improve the system to better protect such children? Here are six recommendations, each of which is complex and subject to much debate.

1. **Proactive: Chassan Kallab Counseling.** Emphasis has been placed on instituting a more comprehensive premarital training program—*chassan/kallab* classes. As Rav Pam *zt”l* said, the best antidote to divorce is a good marriage.<sup>7</sup> An increasing number of Rabonim now require proof of participation in such extended premarital programs prior to their being *mesader kidushin*. This point was also reemphasized in the OU study by Pelcovitz, Schnall and Fox.
2. **Proactive: Mentor/Mentee Program.** The *chasidishe* community of Belz has developed a mentor program, Chayim Shel Osher, that can serve as a model for other communities. A *yungerman* (young man) in preparation for marriage is paired with a *madrich*, a mentor. This mentor is a married man generally 35–40 years old who, by sharing his knowledge and experience, helps his mentee navigate the first year of marriage. It is a prevention model that is put into place before the problems occur.

The *yungerman* and his mentor may meet only once a week in a relationship that lasts up to a year. It is done on a voluntary basis; a mentee cannot be forced to have a relationship with a mentor. The program also has elements that similarly pairs young women with mentors but, unfortunately, it concentrates primarily on guidance and relationship building for men.

Chayim Shel Osher has been in existence for about eight years. Of course not every mentee/mentor case has necessarily led to an ideal marriage, but the program, as a whole, has proven successful and is currently a mainstay of the Belz communities in both Israel and the United States. Other *chasidishe* communities including Ger and Skvere have similar mentor systems.

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<sup>7</sup> Smith, Sholom. *The Peaceful Home: Thoughts and Insights of Rav Pam zt”l on the Topic of Shalom Bayis*, 2007.

3. **Counseling the Divorcing Couple.** A young man in his 30s contemplating divorce recently came to OHEL seeking advice on how to proceed. He and his wife of thirteen years had previously been to marriage counseling, and they believe their problems are irreconcilable. This father's focus was now on how to comport himself in the divorce proceeding to cause the least harm to his children.

*A great deal of acknowledgment and social approval should go to young couples who go through this ordeal with grace, civility, and a focus on protecting and supporting their children.*

In private conversation with *rabbonim*, members of *batei dinim* and mental health professionals, however, they stress that it is very rare that a couple or spouse puts their hostility aside and seeks counseling on protecting their children. Our own experience at OHEL is that only 1 of every 8 couples follows this path.

Rabonim and Batei Dinim should require a divorcing couple with young children to participate in sessions whose focus is *do not harm the children*. These sessions, one with the couple and one with husband and wife separately can be given by a Rav or mental health professional. The focus in these discussions is to emphasize how the parents should act to protect their children. In Florida pre-divorce counseling is mandatory.

4. **Counseling the Children.** There are many well trained, experienced and competent mental health professionals available to counsel children of parents who are getting divorced. As in any system, however, there are many inexperienced and incompetent "professionals." Check references just as you would prior to undergoing a surgical procedure.

An experienced objective mental health professional who can establish a rapport with a divisive couple, who may also have a confused, withdrawn or angry child, can help that child view the therapeutic environment as a safe haven to express his or her emotions. Children can learn that while divorce is difficult and even tumultuous, the world is, nevertheless, a safe place.

An experienced therapist can help reestablish basic routines and boundaries. The therapist can become a valuable resource to

a *rebbe*, teacher or principal, who may be noting behavioral and educational changes in a child. A system of support by neutral parties, including the child's teachers, therapist, and pediatrician, can provide stability during an otherwise difficult time. RELIEF (718.431.9501) is an organization that provides referrals to competent licensed mental health professionals.

In addition to private practitioners, there are organizations that provide comprehensive services to couples and their children. This includes, but is not limited to, OHEL Children's Home and Family Services, and Jewish Board of Family and Children Services. Counterforce is an organization that, for many years, has had social workers working in yeshivas.<sup>8</sup>

Sandcastles, a model developed by Dr. Mordechai Newman, is based on child development principles grouping children into like age groups helping them work through their feelings about their parents' divorce. Children need to be reassured, for example, that the divorce is not their fault. The divorcing couple joins for part of the session.

5. **Counseling the Couple's Parents.** Parents of divorcing young couples would also greatly benefit from counseling. They must be instructed to step back, and to constantly reiterate to their respective son or daughter, "It's not about you. It's about the children."
6. **Controlling the Cost.** Our community has to find a way to roll back the cost of divorce, which often amounts to tens and even hundreds of thousands of dollars. Attorneys and the court system have little incentive or capability to fix the system. The financial element adds enormously to the strain on the adults, which in turn is transferred to the children.

## Conclusion

In the final analysis, the spiteful manipulative conduct of divorcing parents can cause much harm to their children. It is, of course, easi-

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<sup>8</sup> That Counterforce in recent years has offered workshops on step parenting, yet another positive sign of our changing times.

er to acknowledge this than to do anything about it. Take, for example, how one party may set out to be reasonable in a divorce proceeding, but it gets difficult when the party believes the other side is attacking them with false allegations, cutthroat attorneys, orders of protection, limiting their visitation rights, or summoning police to their doorstep.

Nevertheless, throughout it all the emphasis has to be redirected to what the young children see and what impact this will have on them—both now and in years to come.

There is no commodity more precious than our children. Children of divorcing couples are especially vulnerable, and we must do everything we can to protect them from harm. ❧