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PARENTAL AND SOCIAL INSTITUTIONAL RESPONSIBILITIES TO CHILDREN'S NEEDS IN THE DIVORCE TRANSITION: FATHERS' PERSPECTIVES

A total of 82 separated and divorced fathers were interviewed in a study utilizing thematic analysis to examine fathers' narratives about their divorce experiences, particularly in regard to their relationship with their children, and grounded theory analysis to uncover themes related to fathers' perceptions of their children's needs, and parental and social institutional responsibilities to these needs, during the divorce transition. We found that contextual factors, particularly the legal custody determination process, largely determine both the level of paternal involvement and quality of father-child attachment after divorce. A sharp discontinuity between pre- and post-divorce father-child relationships was observed, more marked than in earlier studies. Fathers' psychological reaction to the actual or threatened loss of the father-child relationship was also more pronounced than previously reported, a consequence of fathers' increasing levels of involvement with and attachment to their children before divorce. Implications for practice and policy are discussed.

Keywords: father-child attachment, divorce, needs, responsibilities

The purpose of this article is to examine father-child attachment during and after parental divorce, and fathers' perceptions of their children's needs, paternal responsibilities and the responsibilities of social institutions in the divorce transition. We proceed from the perspective of standpoint theory, and from the assumption that the complexity of fatherhood is best understood as an interaction between internal/psychological factors and external/contextual influences (Coltrane, Coleman, & Ganong, 2004; Lamb, 2004). While current sociological literature has emphasized fathers' ac-

^a School of Social Work, University of British Columbia.

Correspondence concerning this article should be addressed to Edward Kruk, School of Social Work, University of British Columbia, 2080 West Mall, Vancouver, BC, Canada V6T 1Z2. Electronic mail: kruk@interchange.ubc.ca



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tual involvement with their children and relative participation in child care, accounts from a psychological perspective have focused on the nature of fathers' attachment bonds with their children. An awareness of both perspectives is fundamental to understanding the complexities of fatherhood after divorce.

Paternal Involvement and Attachment

Empirical investigations of the paternal role in families have described a great variety of experiences and role definitions of fathers, pointing to a heterogeneity of fathering roles and fathers assuming child care responsibilities within the family to a much greater degree in the past decade (Bianchi, 2000; Higgins & Duxbury, 2002; Marshall, 2006; Pleck, Masciadrelli, & Lamb, 2004). Although reported rates of fathers' actual family work participation differ widely in studies using a survey methodology, there is consensus that shared child care engagement between mothers and fathers has emerged as a norm in North American families, although regional and cultural variations exist (Bianchi; Higgins & Duxbury). There has been considerable focus in research on the relationship between maternal employment and paternal participation in family work, as an increased percentage of mothers are working outside the home, including mothers of pre-school children. Changes in sex roles have been responsive to changes in female employment (Lamb, 1986; Marshall), and maternal employment, particularly among mothers of pre-school children, is a significant factor in paternal involvement with and attachment to children. As mothers recognize the benefits of paternal involvement, most shift from a "gatekeeper" role to one of supporting father-child attachment bonds.

There has been a growing recognition in the psychological literature of the father's importance to child development, and of the experience of fathering. Lamb (1987) and others have emphasized the developmentally critical nature of affective father-child relationships, presenting strong evidence indicating that fathers interact with children competently and in such a way that an attachment independent of the actual amount of time spent together is formed. Cohen's (1987) study concluded that fathers' lives contain greater attachments to and are more profoundly affected by fatherhood than is usually assumed: the majority of fathers define parenting as a primary attachment and their most important and valued social role.

The literature examining fathers' ties with newborns and infants has challenged traditional notions of fathers being less "nurturant" than mothers and displaying less competence than mothers to care for newborn infants. Beyond infancy, research has focused on paternal influence on children's sex-role development, moral development, achievement motivation and intellectual development, and social competence, and the effects of father absence (Blankenhorn, 1995). Although there is relatively little longitudinal research, studies have demonstrated that paternal involvement with pre-school and school-age children has positive effects on intellectual performance, achievement motivation and self-confidence, as well as more flexible attitudes toward male and female roles (Lamb, 1986). Fathers consistently describe their attachment to their children as stronger than their other attachments.

Effects of Divorce on Fathers

If fathers' primary attachments during marriage are oriented toward their children, fathers are likely to experience considerable emotional hardship after divorce, particularly if they become noncustodial or non-resident fathers. There is evidence that as a group fathers' overall adjustment level after divorce is lower than that of custodial mothers: the risk of suicide is higher for divorced fathers (Ksopowa, 2000), and men feel less sustained by social support systems (Coley, 2006; Warshak, 2000). Jacobs (1986) concluded that the most striking effects of divorce for men were in the area of mental health: between 60-80% of men in Jacobs' study reported a number of long-lasting stress-related symptoms such as sleeplessness and reduced energy; and Ambrose et al (1983) found that 68% of divorced fathers exhibit new mental health problems after divorce. For noncustodial fathers, divorce is associated with the possible loss of one's children and the pre-divorce father-child relationship. Burgess, Locke, and Thomes (1971) asserted that "in cases where children are present, the parent who retains the children experiences less crisis than the one who is cut off from both the former mate and the children." Parents with custody of their children generally experience less change in their living situation, feel less lonely, insecure and helpless in their relationships with their children and have "an entrance into a better regulated emotional reality" than parents without custody. The research literature on noncustodial divorced fathers has documented the following effects of divorce on mental health: loss, grief and learned helplessness (Braver, 1998; Frieman, 2003); loneliness (Lund, 1987); depression and apathy (Amato, 2000; Braver; Kruk, 1993) and inadequacy and feelings of incompetence (Coley, 2006; Hetherington, 2002). Studies have also examined the physical health effects of divorce on these fathers; both Jacobs (1986) and Ambrose et al. (1983) found that in close to half of their samples, fathers developed physical symptoms, including weight loss, nerve-related eye and dental problems, high blood pressure, increased drinking, sleeping and eating difficulties, and a host of psychosomatic complaints after divorce.

Parent-child attachment bonds are formed through participation in daily routines, and a noncustodial father's view of his relationship with his child is related to his continual involvement with that child. Noncustodial fathers report that custodial arrangements which allow significant, customary, and frequent parenting activities result in them having and being able to maintain a healthier, more meaningful relationship with their child versus a relationship with more "visitor-like" qualities (Brinig & Nock, 2003; Kelly, 2006). When attachment theory is properly and equally applied to each relationship between parent and child, it explains why quantity and quality of time with both parents are important for complete, healthy, child development (Fabricius, 2003; Riggs, 2005).

Methodology

Sample

A survey research method was utilized with a sample of 82 divorced fathers, resident in Vancouver and surrounding regions of southwestern British Columbia, Canada.

Recruitment via the Fatherhood Involvement Network of British Columbia, an association of professional service providers and father associations, yielded the first 18 respondents, and from there a snowball sampling approach was used. The sampling generated 150 respondents who met the study criteria; the first 82 to contact the researcher were included in the study.

A wide range of divorced fathers were recruited, including the “problem-oriented pole” of noncustodial fathers who were struggling to maintain their relationship with their children, sole and joint custody fathers who reported satisfying and meaningful relationships with their children, fathers who chose a traditional breadwinning role, and fathers whose parental status was in a state of flux.

Data Collection and Instrumentation

Both quantitative and qualitative data were gathered in this study, using a three-part questionnaire: (1) qualitative data collection comprised of fathers’ divorce story, and questions about children’s needs, paternal responsibilities, and the responsibilities of social institutions in regard to any perceived needed supports for fathers; (2) demographic information about the father and family, and the pre- and post-divorce father-child relationship; and (3) open-ended questions about the father and family, and the pre- and post-divorce father-child relationship. Interviews lasted between one and two hours.

In the first part, fathers were asked to recount the story of their divorces in regard to their relationships and attachments with their children; as well as their perception of their children’s needs in the divorce transition, their responsibilities to their children during this time, and the responsibilities of social institutions to families in the divorce transition. In addition, they were asked what factors helped and hindered the preservation of the father-child relationship; and the most important issues facing them as fathers in regard to their relationship with their children after divorce.

Changes to the father-child relationship and attachment bond after divorce was a principal focus of the first part of the study, reported here, with data gathered on three core areas:

1. Quantitative data on custodial status, arrangements and preferences;
2. Qualitative data from fathers’ storied accounts of their changing relationship with their children in the context of parental divorce;
3. Qualitative data from a structured interview about children’s needs, paternal responsibilities, and responsibilities of social institutions in the context of parental divorce.

Data Analysis

The interviews were digitally recorded, transcribed, and analyzed, with SPSS used in the quantitative analysis, and N-Vivo software in the qualitative analysis. Narrative analysis was utilized in deconstructing fathers’ stories regarding their divorce and relationship with their children before, during and after parental separation. Grounded

theory and the constant comparative method were used to generate categories and themes related to father-child attachment in the context of children's needs, paternal responsibilities, and social institutional responsibilities.

Results

Demographic Characteristics

Both previously married and unmarried, as well as separated and legally divorced fathers were included in the study. The participants were a diverse and representative group, ranging in age from 25 to 75, with most in their 40s and 50s. The mean age of the respondents was 47 years. Sixty of the 82 fathers were employed, 55 full-time, and spanned a range of occupational categories.

The 82 fathers had a total of 182 children; they were the birth fathers of 171 (94%) of these children. Twenty-five of the fathers had one child and 28 had two children, 17 had 3, 10 had 4, and 2 had 5 children; 91 (50%) of the 182 children were male and 91 (50%) were female. The participants reported a range of living arrangements with their children: at interview, there were 65 noncustodial fathers, 11 in joint physical custody arrangements, and 6 with sole custody of their children. This figure roughly corresponds to current data from court file analyses of court-determined child custody arrangements.

Pre- and Post-Divorce Father-Child Relationships: A Comparison with Kruk (1989)

One of the aims of the study was to compare current changes in pre- and post-divorce parenting arrangements with those observed 20 years ago by Kruk (1989). Kruk (1989, 1993) found a discontinuity between pre- and post-divorce parenting patterns, with previously highly involved and attached fathers more likely to lose contact with children after divorce than those who reported being previously less involved and attached. It was found that a strong pre-divorce father-child attachment bond predisposes fathers to deeper feelings of loss and a pronounced grief reaction after divorce. The present study found an even greater discontinuity between pre- and post-divorce living arrangements, in the direction of equal or shared parenting before divorce shifting to primary maternal custody after divorce. Table 1 compares the findings of Kruk (1989) with those of the present study.

Kruk (1989) found that while 28 of 40 "contact" fathers (those who maintained regular contact with their children after divorce) reported low levels of pre-divorce involvement, attachment and influence, and better adaptation to the consequences of divorce, 26 of 40 disengaged (no contact) fathers had comparatively high scores on all indices relating to the pre-divorce father-child relationship, and marked problems in post-divorce adaptation. In the present study, whereas 38 of 82 fathers reported shared parenting arrangements before divorce, only 11 of 82 reported shared parenting arrangements after divorce. Whereas 20 of 82 fathers reported primary maternal care arrange-

Table 1

Pre- vs. Post-Divorce Father-Child Relationships (1989 & 2009)

(Dis)continuity between pre- and post-divorce father-child relationships (Fatherhood Involvement, Attachment, and Influence) (Kruk, 1989)

<i>Pre-Div. Relat.</i>	Post-Divorce Contact	
	Contact	Disengagement
Low Inv., Attach., & Influence	28	14
High Inv., Attach., & Influence	12	26
Total	40	40

(Dis)continuity between pre- and post-divorce father-child relationships (Fatherhood Involvement) (2009)

	Pre-Divorce	Post-Divorce
Primary Paternal Care	18	6
Primary Maternal Care	20	65
Equal / Shared	38	11
Other	6	-
Total	82	82

ments before divorce, 65 of 82 reported primary maternal care arrangements after divorce, with 30 of these fathers disengaged from their children's lives. It appears that more fathers are now engaged in shared parenting in two parent families, yet relatively more fathers are becoming disengaged when removed as primary or co-caregivers after divorce.

Kruk (1989) also found a marked discrepancy between what fathers desired in regard to their post-divorce living arrangements with their children and final outcomes. Seventy-nine per cent of fathers reported that they wanted their children to live with them at least part of the time. Fathers held the discouragement of legal practitioners and a legal child custody system which they perceived to be biased against fathers as the reason why they were unable to obtain what they desired. In the present study, fathers expressed an even stronger preference for a shared parenting arrangement after divorce; 69 of 82 fathers (84%) identified equal or shared parenting as in the best interests of their children (BIOC). When asked what legal presumption should be in effect when parents are in dispute over post-divorce parenting arrangements, 64 of 82 fathers (78%) indicated equal or shared parenting.

Interestingly, fathers also reported a marked discrepancy between legal custody designations and de facto living arrangements (see Table 2), as for some, legal decrees of "joint custody" were made but with "principal residence" with the mother. Thus

Table 2
Legal Custody Designations vs. De Facto Arrangements

<i>Fathers' legal custody designations</i>	
Non-custodial access	22
Joint custodial	27
Sole custodial	7
Other (no order; no contact order)	22
NA or missing	4
<i>Fathers' actual living arrangements with children</i>	
Non-custodial (less than 40% time)	65
involuntary	58
voluntary	7
disengaged	30
Joint custodial (40-60% time)	11
Sole custodial (more than 60% time)	7

many fathers were awarded legal "joint custody" but were de facto noncustodial parents; only 7 of the 65 noncustodial fathers reported choosing this arrangement. Fifty-eight of the 65 noncustodial fathers wanted their children to live with them on at least a shared parenting basis.

A significant number of the fathers in our study experienced problems maintaining their relationships with their children after parental separation. Thirty were disengaged and had no contact with their children; others were struggling to maintain contact. Many experienced challenges restoring a ruptured relationship even after their children became adults. Yet despite these challenges, fathers valued their attachment to their children and persevered in trying to restore contact. The legal removal of child custody after separation in the absence of a child protection finding constitutes for fathers a direct threat to their parental identity and their attachment with their children.

Qualitative Data: Narrative Analysis

Each father was asked to describe the story of his divorce, particularly in regard to his relationship with his child(ren). For most, these were stories of broken and, in some cases, restored attachments; Table 3 summarizes the core elements of fathers' narrative accounts.

Eight core themes emerged from fathers' narrative accounts of their divorce process, particularly in regard to their relationship with their children. First, divorced fathers experience a grieving process which contains all the major elements of bereavement, primarily linked to the loss of their children and the weakening of the father-child attachment bond. Although many fathers continued to have contact with their children, the quality of the attachment bond suffered as a result of diminished time in the daily routines of the relationship; access to and engagement with children was seen

Table 3
Narrative Storytelling: Themes and Story Pattern

<i>Core Themes</i>	<i>Story Pattern</i>
Grief and loss; broken attachments with children	Precipitating event; family stress, tension
Mothers' discouragement of contact, access denial, and parental alienation; mothers as gatekeepers; importance of mothers' encouragement of contact	Lack of external social support
Adversarial system heightening conflict; support services non-existent or unhelpful	Mothers as initiators of separation and divorce
Conflict and violence; abuse of fathers, especially legal abuse: sole custody/removal of custody; false allegations	Financial dispute leading to child custody dispute; legal system involvement
Effects on children: children's needs not being met; fear and worry regarding children's (emotional) well-being	Parental alienation; abuse allegations
Financial losses	Heightened conflict; violence; initial paternal disengagement
Positive outcomes: father-child involvement and attachment	Effects of conflict and paternal disengagement on children
Other themes: new relationships; new partners, remarriage and birth of children; relocation of custodial mother; lack of adequate legal representation	Structural and psychological obstacles to father-child involvement and attachment
	Involuntary paternal disengagement; legal removal of custody
	Attempts to reestablish relationship; fathers as self-litigants

as a prerequisite of paternal attachment to and responsibility for children. The threatened loss of the relationship was present for even custodial fathers. The importance of sufficient time, financial security, autonomy and equality in parenting were identified by fathers as critical in preserving meaningful attachments with their children.

The central importance of mothers' gatekeeping role/encouragement of the father-child attachment was a second core theme. In some cases, fathers were able to preserve their attachments with their children after divorce; in others, mothers' discouragement of paternal involvement was associated with paternal disengagement in many cases. The vulnerability of father-child attachments was noted by the majority of fathers, and access denial and parental alienation were core features of many fathers' stories.

Third, fathers' narratives focused on the role of the adversarial system in heightening conflict and fueling family violence, especially when parent-child attachment bonds were threatened. Fourth, spouse abuse was reported by several fathers, including physical, emotional, and (especially) legal abuse (police involvement, false allegations, criminal charges, unsubstantiated allegations, sole custody, restraining orders). Fathers also described severe stress symptoms, and the development of physical and mental health problems associated with legal proceedings. In some cases, false allegations put fathers on the defensive in the legal process; much time and financial resources were spent in countering allegations. When allegations were not substantiated, fathers' attachments to their children had already been broken, and the legal system failed to restore father-child contact.

Fifth, fathers' stories focused on the effects of divorce and ruptured father-child attachment bonds on their children. Children's well-being, according to fathers, largely depends on fathers' active involvement in their lives in a parental capacity, not a "visiting" context. Father-child attachment was defined in terms of responsibility-to-needs; that is, children were seen to need responsible father involvement in their lives in order to have their basic needs met, particularly emotional and attachment needs.

The enormous financial losses incurred by fathers, resulting from both legal fees and child support payments, was the sixth theme. Debt and bankruptcy resulting from legal costs was a concern of most fathers. Loss of house and home, loss of children's inheritance, financial pressure imposed by the court and child support being defined strictly in financial terms were reported.

Seventh, those fathers who were able to surmount the many obstacles to restoring their relationship with their children focused on positive outcomes and restoration of father-child bonds. All fathers valued their attachment to their children and saw their paternal role as central to their lives, and this was evident in virtually all the fathers' stories.

Finally, other themes in fathers' stories of diminished attachments to their children were noted:

- (1) New partner and child responsibilities were associated with disengagement of fathers from children;
- (2) Relocation of custodial mothers was associated with disengagement of fathers from children;
- (3) Lack of adequate legal representation (as a result of cost, difficulty of case, and level of disagreement and conflict) was widely reported. The slow pace of legal processes (dependent on lawyers' schedules), the use of *ex parte* orders, and questionable legal advice (in regard to maternal relocation with children; rights of unmarried fathers who are separated before the birth of child; repercussions of the status quo with legal delays) were cited.

The themes that emerged fathers' accounts of their divorce experiences and their diminished relationships with their children followed a certain progression. Fathers described a process where attachment stability was replaced by chaos in the father-child relationship. The following elements are combined as a continuous narrative:

- (1) Fathers' stories typically started with a precipitating stressful event, leading to family turmoil, with few social supports available. Examples included medical crisis (cancer, death of a child), loss of employment, infidelity, and coming out. For some the precipitating crisis was the separation itself, the former partner's new relationship, or the father's new relationship. For some the precipitating crisis was the legal decree itself.
- (2) Lack of responsibility on the part of representatives of social institutions (courts; child welfare agencies; the school system). Many fathers sought sup-

port but could not find it; others found services unhelpful. Court involvement was reported as exacerbating conflict.

- (3) Reaction of the partners to the event: Most fathers were respondents and mothers initiators of the divorce. Fathers gave up or kept going to court in an effort to preserve their relationship with their children. Some eventually had successful outcomes, obtaining joint custody orders, although mothers continued to breach access orders without consequence.
- (4) Conflict between the couple was reported by fathers as initially financially-based; what started out as a financial disagreement later involved children as “bargaining chips.” Because child custody has implications for child support, child custody became an issue of disagreement and conflict between the couple.
- (5) Parental alienation occurred in degrees, as follows:
 - (a) no facilitation or encouragement of paternal contact;
 - (b) no consultation and unilateral decision-making by mothers regarding children;
 - (c) abuse allegations;
 - (d) direct parental alienation.

Threatening to remove the father as a custodial parent, which has profound repercussions for parent-child attachment, was seen by fathers as a precursor of parental alienation.

- (6) Initial father disengagement occurred when conflict between parents escalated, or when either the mother or father resorted to violence; police involvement was present in some cases.
- (7) The effects of paternal disengagement on children became evident. Children witnessing conflict were at risk, as their need for safety, order and stability were compromised. Behavioral problems among boys was a frequent result of witnessing parental conflict.
- (8) Both psychological and structural barriers mitigated against fathers in their efforts to restore their attachment with their children. Structural obstacles to the father-child relationship included the lack of effective support services and adversarial legal processes; psychological obstacles to the father-child relationship were described as the result of power struggles between parents. When conflict occurred during transitions from one home to the other, children’s loyalties become divided, and several fathers disengaged from their children’s lives at that point.

- (9) Fathers disengaged when social institutions undermined their status as parents and imposed restrictions on the father-child relationship, including limited access, supervised access, and lack of access to medical or school information. Young children were at the highest risk of paternal disengagement.
- (10) Fathers went to great lengths to reestablish a relationship with their children, and sometimes their persistence yielded positive results. In other cases, serious physical and mental health problems prevailed—a reflection of the strength of father-child attachment bonds before divorce.

Grounded Theory Analysis: Children's Needs

Fathers were asked to identify their children's primary needs in the divorce transition. We found that fathers equate the "best interests" of children with their children's basic needs, and children's emotional, psychological, social, and spiritual needs were seen to be of paramount importance. According to fathers, what children most need is a stable parental (not "access" or "visiting") relationship with their fathers (and their mothers); they need to be loved, and in no way felt to blame for their parents' divorce; they need a sense of security, safety and protection in often traumatizing situations; they need food, shelter, clothing and financial provision. Parental cooperation and respect were also identified, as were the needs for order, autonomy, equality, truth and justice, play and physical affection, encouragement, respect and understanding, physical health and development, and education. A number of fathers identified the need for "roots" as central—children's attachments to their extended family network, cultural or ethnic traditions, and community.

Table 4
Needs of Children After Parental Divorce

	"Most important need"	"Top 3 Needs"	Total no. Fathers Identifying
Shared parenting	26	45	66
Stable relationship with both parents			
Love	23	40	48
Reassurance that children are not to blame			
Safety; Security	13	52	59
Phys. needs: food, shelter, clothing	8	24	73
Financial provision			
Roots	3	10	40
Parental cooperation	2	12	25
Mutual respect			
Stability, Consistency	—	—	25

Table 5
Paternal Responsibilities

	“Most important need”	“Top 3 Needs”	Total no. Fathers Identifying
Active love, care Being there	44	60	82
Access; spending time, engagement			
Respect for children’s needs	16	32	40
Other roles: teacher, guide, role model			
Safety; Security; Protection	5	22	24
Emotional development	5	11	13
Food, shelter, clothing	3	18	28
Financial provision			
Respect for co-parent	2	7	7
Mutual respect			

Paternal Responsibilities

When asked about paternal responsibilities to children in the divorce transition, most fathers cited the responsibility to physically “be there” for your kids, in a loving parental capacity; followed closely by the notion that fathers basically have only one responsibility—respect for their children’s needs—which reflects the idea that children’s best interests are commensurate with their basic needs. Children’s need for safety and security were paramount for many fathers, and they regarded a strong paternal presence as a main source of protection in their children’s lives. Fathers’ view of “responsible fathering” after divorce was one in which, first and foremost, they actively shared with their child’s mother the continuing emotional and physical care of their child, and secondarily, they shared in the continuing financial support of their child.

Despite the fact that stability and consistency were identified by 25 fathers as a core need of children after divorce, fathers did not see the provision of stability and consistency as lying within the paternal realm of responsibility, as much as they did within the realm of social institutional responsibility.

Social Institutional Responsibilities

Fathers’ views on the responsibilities of social institutions focused on the responsibility to support fathers in the fulfillment of their parenting responsibilities, by means of equality and fairness in court-determined post-divorce parenting arrangements, with fathers having equal rights to mothers in this regard. The legal protection of paternal attachment bonds with children was most important to fathers. Fathers saw that their children’s need for stability and consistency was best addressed via removal of gender

Table 6
Social Institutional Responsibilities

	"Most important need"	"Top 3 Needs"	Total no. Fathers Identifying
Legal rights	24	42	51
Shared parenting; equal access			
Recognition of father as parent	14	31	33
Respect, validation			
Removing gender bias	8	24	30
Dealing with parental alienation			
Dealing with false allegations; shaping positive image			
Mediation, counselling	7	12	20
Remove adversarial system/court			
Mediation as an alternative			
Support services for fathers	6	26	33
BIOC = children's needs	6	13	17
Access enforcement	5	8	12

bias in the legal system; that is, the legal system was largely held responsible for disrupting children's lives as a result of removing fathers as primary caregivers via sole maternal custody orders.

The need for structural changes and socio-legal policy reform was fundamental to fathers. They discussed the importance of social recognition of fathers as parents of equal value to mothers; this would translate, in the post-divorce situation, to equal shared parenting responsibility for and engagement with children.

Fathers indicated that support services to fathers were largely absent and should be available, as should access to needed information for fathers during the separation and divorce transition. Twelve fathers highlighted the need for access enforcement.

In discussing social institutional responsibilities, fathers emphasized that the legal system largely failed to effectively address post-divorce parenting disputes. As mothers were the petitioners in the legal divorce proceedings in most cases, fathers often felt on the defensive in regard to their legal rights. They were not prepared for the loss of their children from their care; rather than supporting the father, the court effectively removed him as an engaged parent via a sole custody or primary maternal residence order, despite the absence of a child protection finding. Fathers reported a lack of social institutional support for their parental role.

Issues and Needed Changes

Fathers were asked what helped and hindered their relationship with their children after divorce, and to identify the most salient issues for divorced fathers. In regard to

what most hindered the post-divorce father-child relationship, the court system and their former partners were identified; fathers felt vulnerable as a result of mothers' gate-keeping function in regard to the father-child relationship. It was thus not surprising that fathers identified the cooperation of their ex-partners as co-parents as most helpful in preserving their attachment to their children; court system reform and shared parenting legislation were seen to be the next most helpful.

In regard to core issues facing divorced fathers, lack of access to children was identified by 56 of the 82 fathers, followed closely by inequality and gender bias in the legal system (46), and the need for legal system reform (33). From the standpoint of fathers, lack of access to children is the result of gender bias and legal inequities in the adversarial/judicial system, and reform of that system is urgently needed. Thirty fathers identified parental alienation as a core issue, related to their ex-partners' lack of support and legal system constraints. Access denial is a feature of such alienation, as is the court system's lack of enforcement of paternal access. The legal imbalance of power in favor of custodial mothers and the potential for disruption of father-child attachments were a concern for many fathers, who described legal abuse as the result of courts and other social institutions reinforcing the power imbalance between custodial mothers and noncustodial fathers. Access denial and parental alienation were experienced as parent abuse by fathers in this situation, which they felt powerless to address.

Fathers' frustrations with the legal system were also noted in their divorce narratives. "Jumping through legal hoops" seemed an endless task; resistance to and cooperation with the legal system both resulted in poor outcomes for the post-divorce father-child relationship, as fathers' legal rights were rarely recognized.

The remedies suggested by fathers included the need for a legal presumption of shared parenting or joint physical custody, legal access enforcement, and mandatory family mediation. Sixty-nine of the 82 fathers were in favor of some form of mandatory mediation.

Discussion

Most studies have used mothers as the primary source of information about fathers (Saracho & Spodek, 2008); a new perspective on father-child attachment, from the standpoint of divorced fathers, emerged in the present study. First, fathers consider the "best interests" of children as equivalent to children's needs, with children's meta-physical needs more salient than their physical needs during the divorce transition. This goes counter to laws, policies and practices that foreground fathers' financial responsibilities as central to "child support" after divorce. Fathers consider their children's needs and paternal responsibilities as core elements of father-child attachment, with children's needs for paternal involvement and their emotional needs for love, safety and security as falling within the paternal arena of responsibility.

Second, the outcomes for fathers in regard to maintaining father-child relationships in contested child custody cases appear to be worsening. Although outcomes vary from one legal jurisdiction to another, fathers in the present study report feeling un-

supported and disregarded by court systems and other social institutions in regard to their relationship with their children. A perceived lack of valuing of the paternal (and parental) role by social institutions is discouraging for divorced fathers; lack of access to their children and the lack of social support for fathering after separation were identified as the conditions within which parental alienation develops, which is largely resistant to therapeutic intervention (Warshak, 2000).

Third, fathers clearly labeled "the system as the problem." According to fathers, legislation and social institutional policies and practices get in the way of responsible father-child relationships after divorce. In particular, adversarial divorce and "win-lose" court-based decisions are seen as destructive of not only of co-parental but also parent-child relationships; the adversarial "winner-take-all" sole custody framework was seen to exacerbate conflict between parents, and this harms children when the potential for a negotiated shared parenting outcome exists. According to fathers, the court system is an inadequate forum to deal with co-parenting disputes, despite recent reforms and new programs such as collaborative divorce.

Finally, perhaps the most important finding in this study is that inasmuch as it addresses the core needs of children, the most salutary post-divorce living arrangement for children, according to 69 of 82 fathers, is equal or shared parenting. This degree of father involvement and engagement was seen as essential to the preservation of father-child attachment bonds and quality of relationships. Sixty four of 82 fathers identified a shared parenting presumption as the most constructive legal response to preserving father-child attachments.

From the perspective of attachment theory, a shared parental responsibility approach to child custody determination after divorce warrants consideration, as the indeterminate "best interests of the child" standard has failed to provide a consistent approach based upon identified factors associated with risk and resiliency of children after divorce (Kelly & Emery, 2003; Kelly, 1997). According to Kelly's (2006) review of current empirical and clinical research on children's living arrangements following divorce, traditional legal access patterns fail in both the short and long term to address children's best interests, and undermine father-child attachments in particular. Bauserman's (2002) metaanalysis of the 33 major North American studies over the past decade comparing outcomes in joint and sole custody homes found that, on all divorce-specific and general adjustment measures, joint physical custody is associated with more salutary outcomes for children. Fabricius (2003), Fabricius and Hall (2000), Parkinson, Cashmore, & Single (2005), and Laumann-Billings (2000), focusing on the perspective of children in divorce, found that equal time with each of their parents is precisely what the majority of children desire and consider to be in their best interests and as most protective of father-child attachments. Shared parenting shields children from conflict between parents, as conflict increases in sole custody and decreases in joint custody families after divorce (Bauserman, 2002). Finally, as over half of first-time family violence occurs after separation within the context of sole custody (Corcoran & Melamed, 1990), shared parenting protects children from exposure to violence after parental divorce.

“Sole custody” and “primary residence” may be seen as socially-constructed outcomes that have a veneer of respectability, but are not based on scientific evidence regarding children’s needs in parental divorce. Although much of the rationale used to justify sole custody and “primary caregiver” living arrangements for children after divorce is explicitly or implicitly based on attachment theory (Bowlby, 1980), as Riggs (2005) and Braver (2003) note, the “primary caregiver” standard is based on erroneous assumptions that are not supported by the developmental literature. In the majority of families, both parents form primary attachment bonds with their children, and parental time spent in direct caregiving functions is now typically shared in two-parent families (Bianchi, 2000; Higgins & Duxbury, 2002), and time spent in caregiving is highly correlated with attachment security for children (Kelly & Ward, 2002).

Several researchers have proposed criteria for use in the determination of who qualifies as an attachment figure: (1) provision of physical care, (2) provision of emotional care, (3) the quality of care provided, (4) time spent with the child, (5) continuity or consistency in a child’s life, and (6) the caregiver’s emotional investment in the child (Cassidy, 1999; Colin, 1996; Howes, 1999). The fathers in our study identified these factors as primary components of their attachment relationship with their children, citing these elements as both basic needs of their children and as core functions and responsibilities of fathers. The quality of the father-child attachment relationship is largely dependent on the quantity of direct involvement fathers have with their children, with routine day-to-day caregiving allowing attachment bonds to develop in a way that “access” or “visiting” does not (Kelly, 2006). Paternal engagement is necessary for accessibility to and responsibility for children. From fathers’ perspective, “quality parenting” is made possible by security and protection of father-child attachments, equality in regard to caregiving time, autonomy, stability and consistency of parenting, and shielding children from parental conflict. Quality of attachment is compromised by inequality of time sharing, disrupted relationships, and exposure to conflict.

Implications

“Respecting the father-child bond,” according to divorced fathers, should be a primary goal of child custody law reform, and this is best accomplished by means of replacing legal sole custody with legal shared parenting orders. In accordance with Lamb and Pleck’s (1985) determinants of father involvement, fathers have the motivation and skills to be effective parents after divorce, but are lacking in social support and institutional practices that support the ongoing father-child relationship. Fathers want shared parenting responsibility and regard this as a basic need of their children, but judicial practice reflects a sole custody presumption. Given the fact that the preservation of existing positive attachment bonds and the reduction of conflict are the strongest predictors of children’s adjustment to parental divorce, a shared parental responsibility presumption, rebuttable in cases of abuse and neglect, warrants serious consideration.

The responsibilities of social institutions to support fathers in the fulfillment of their parenting responsibilities is a largely overlooked issue in the child custody dis-

cussion, which has largely focused on the competing rights-based claims of parents; a child-focused framework of child custody determination, focused on children's needs, parental responsibilities in regard to these needs, and social institutional responsibilities to support parents in the fulfillment of their parental responsibilities, may offer a fresh approach to the issue. A principal finding of the present study is that fathers who wish to maintain a responsible, active *parental* role in the care of their children are discouraged from doing so, as the most common legal determination in disputed cases is non-residential fatherhood.

There is a realistic and viable option to sole custody, now widely reported in the literature and implemented in a number of jurisdictions worldwide: a rebuttable legal presumption of shared parenting or joint physical custody (Kelly, 2006; Kruk, 2005). Such a presumption ensures that both parents maintain a parental role in their children's lives, and primary attachments are preserved. In allowing parents to share child care responsibilities, both are able to work outside the home; such an arrangement is in keeping with current caregiving patterns, as shared responsibility for child care has emerged as the norm in two-parent families, and after divorce in non-litigated cases (Bianchi, 2000; Higgins & Duxbury, 2002). Shared parenting is also associated with decreased conflict between parents (Bauserman, 2002). Shared parental responsibility is associated with better outcomes for children (Bauserman), both in divorce-specific and general adjustment, and is what children themselves identify as in their best interests (Fabricius, 2003).

Finally, shared parental responsibility is supported by attachment theory, in three ways:

- (1) Post-divorce shared parenting is most in keeping with pre-divorce parent-child relationships, ensuring continuity in regard to parent-child attachments;
- (2) Post-divorce shared parenting ensures the active involvement of both mothers and fathers in children's lives, while reducing inter-parental conflict, ensuring security in regard to parent-child attachments;
- (3) Although parent-child attachment and paternal involvement are different components of the father-child relationship, attachment is related and dependent on involvement and engagement, just as the quality of the father-child relationship is dependent on the amount of routine contact between both parents and their children.

It is now generally acknowledged that it is difficult, if not impossible, for the judiciary to adjudicate child custody disputes in the absence of proven child abuse or neglect, and judicial decisions are most often based on assumptions based on outdated research. The need for an alternative framework to the sole custody model is urgently needed, with divorce education, mediation and post-divorce support for high conflict couples focused on facilitating the development and implementation of shared parenting plans.

Conclusion

Post-divorce fathering is influenced by contextual and structural factors to a much greater extent after divorce than in the two-parent family. Despite a trend toward egalitarian division of child care responsibility in two-parent families and non-litigated divorce cases, divorced fathers involved with the legal system experience significant emotional hardship at the time of divorce and after. For these fathers, divorce presents a role strain not comparable to that of mothers: the possible loss of one's children. A father's attachment to and involvement with his children earns approval while he is married, and while these feelings of attachment do not cease upon divorce, his ongoing involvement with his children is largely at risk, as maternal custody remains the dominant post-divorce arrangement for families, with mothers being the custodial parent in about 80% of cases in Britain and North America (Gunnée & Braver, 2002; Kruk, 2005).

The fathers in this study saw their paternal responsibilities as connected to children's needs for parental involvement and attachment, safety and protection, emotional needs, and physical needs, in that order. Fathers' view of "responsible fathering" after divorce was one in which they actively shared with their child's mother the continuing emotional and physical care of their child, as well as financial support.

Children's needs and parental responsibilities vis-à-vis these needs are unique features of parent-child attachment relationships. Indeed, responsibility to needs makes attachment possible. Attachment is possible only with a sufficient level of engagement, and changes in engagement after divorce affect accessibility and responsibility. And as paternal engagement is necessary for accessibility and responsibility, so quality of attachment is largely dependent on amount of contact. Strong and secure emotional attachments between fathers and their children are not possible without routine and meaningful contact, beyond the constraints of court-ordered "access" and "visiting."

There seems little doubt that current laws and social institutional policies and practices present barriers to responsible fatherhood involvement and father-child attachment after divorce. The adversarial system exacerbates conflict via the "winner-take-all" approach, reflected in sole custody or "primary residential" orders being made when parents cannot agree on post-divorce parenting arrangements.

Commitment to the ethic of responsible fatherhood extends beyond the father, to the mother, to professionals who work with children and families, and to social institutions entrusted with the support of families (Doherty, Kouneski, & Erickson, 1998). From fathers' standpoint, current laws, social policies and practices have a profoundly negative effect on father-child attachments. Shared parenting responsibility after divorce is a viable alternative which would ensure that both parents maintain a parental role in their children's lives, and preserve primary attachments.

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