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# Dysfunctional Divorce Leads to Dysfunctional Children

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"In the best interests of the children" is the cornerstone of family law in Canada. As is the principle (with few exceptions) that children benefit from the continued involvement of BOTH their mothers and fathers after divorce.

Yet over the 20 years that I have been a divorce lawyer, I have seen spouses and partners who not only don't have their children's best interests at heart, but rather have an overwhelming urge to "get back" at their ex, or ex-to-be spouse -- and use their own children to do it.

They do this by wanting huge amounts of support, using children as pawns, airing their beefs on social media, pulling divorce pranks, and playing games with child access. In more

extreme cases, I have witnessed the damage inflicted by parental alienation syndrome and parental abduction of children -- a type of vigilante justice.

What divorcing spouses and partners don't realize is there are very real consequences of dysfunctional divorce that affect mental, emotional, and developmental well-being and behaviour of children. Second point: the effects of divorce trauma become more pronounced the longer a divorce drags on. And two or five years in the life of a child is a huge percentage of time.

It is not uncommon for people in their 20s, 30s, and even 40s to continue to suffer from the effects of dysfunctional divorce.

How does divorce trauma affect children? Children suffer a range of dysfunctional behaviours including aggressiveness, fighting, hostility, anxiety, depression, hyperactivity, loneliness, and self-esteem issues.

Today, I am releasing [Edition Two of my white paper series](#). It's called *In the Best Interests of the Children*.

Read about true stories of dysfunctional divorce on pages 8-9; read about what dysfunctional divorce actually does to kids on pages 14-15. These are many of the issues that teachers, social workers, and psychologists try to fix later. (And the cost of this is another topic, for another day.)

I began my advocacy effort of [It's Time For Justice](#) in Fall 2013, with three objectives: to speed up divorce, to reduce court bureaucracy, and to lower costs of divorce.

People frequently raise an eyebrow at a divorce lawyer wanting to save his clients' money. The truth about separation and divorce in Canada in 2014 is: divorce costs too much and takes too long. And a long, drawn-out divorce is not in the best interests of children.

Our court system is notoriously slow, over-burdened, and not electronic. Although I run an almost paperless office, the legal system is very comfortable with paper.

Here's just one example of how that affects clients: it costs to get a court date for a client because the request has to be sent by formal letter to the other side and to the court to see if the lawyers and the court are all available on the same date. If the court date is not available, then further correspondence has to be written to simply schedule a court. In addition, after the date is agreed upon a notice must be created, issued by the court and served on the other side, if the date is for a conference.

Again, why can't we have online access to schedule the date which would save Canadians enormous costs?

What I am trying to do by publishing *In the Best Interests of the Children* is move thinking and planning of much-needed changes in family law to the top of the political agenda. No government is going to shower millions of dollars on divorce to build bigger court houses and hire more judges. In my opinion, those are not the changes we need. The current provincial government cannot even figure out how to allow lawyers to file their court materials online in 2014.

The best way to make divorce faster is to modernize the rules and processes of family law. Read about how electronic documents can improve court efficiency on page 18, of *In the Best Interests of the Children*.

*In the Best Interests of The Children* is being sent to all members of the House of Commons, to the Parliamentary Press Gallery, to all MPPs and other politicians, public servants and journalists across Canada.

*The Divorce Act* is federal, so the Members of Parliament in the House of Commons are the politicians who can make the biggest changes. *The Children's Law Reform Act* and the *Family Law Act* are provincial and govern non-married partners with children (common-law), with MPPs responsible for both.

And, I am encouraging reporters, columnists, editors, producers, hosts and anchors -- all media -- to hold politicians to account, to keep up the pressure to make changes to family law, because hundreds of thousands of Canadians are affected every year.

### **Here are two things that each of us can do:**

**First, if you are separating and divorcing, please put your children first.** Try to resist the temptation to use your children to get back at your ex-spouse. I took my own advice when I separated from my wife in spring 2014 (divorce lawyers are not immune to divorce themselves, apparently).

**Second, add your voice to the debate.** Contact your MP and MPP and ask them to move the family law agenda to the top of the pile. With Canada's divorce rate running at 38 per cent, a dysfunctional divorce affects fathers, mothers, aunts, uncles, cousins, and grandparents, too. And the children. Always remember the children.