



Noncustodial Parental Alienation in Public Policy

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Abstract

This work highlighted the policy gaps in current child custody guidelines imposed by the state and federal governments. Elder's lifecourse perspective (linked-lives element) guided this literature review. To dissolve perceived gender roles in public policy, the Uniform Marriage and Divorce Act required child custody rulings to focus on the child's best interest. However, the vagueness of this standard failed to provide a comprehensive framework for unbiased court rulings and equality among parents regarding child custody visitation, financial obligation, and consequences for contemptible offenses. Authors (a) exhibited policy gaps in marginalization of noncustodial parents (most often fathers) in child custody arrangements at the expense of the child's well-being, (b) exposed a probable driving force behind disproportioned custody arrangements, and (c) suggested how child custody policy could be changed to support true shared custody and equal accountability among parents to encourage a more meaningful parent-child shared experience for the greater well-being of children. Authors concluded with the implications for practice and policy to encourage a more meaningful parent-child shared experience for the greater well-being of children.

Introduction

The aims of this literature review were to (a) highlight the policy gaps in current child custody guidelines imposed by the state and federal governments and (b) emphasize the need to heighten the noncustodial parent's ability to be present in their child's life through sufficient shared time and realistic financial support.

Elder's linked-lives element of the life course perspective guided this work emphasizing an interdependent relationship, like parents and children, "occupy mutually influential interlocking developmental trajectories that extend throughout their lives" (Greenfield & Marks, 2006, p. 443).

Goals

1. To briefly evaluate court systems claim for gender neutrality in custody arrangements;
2. To analyze the effectiveness of the Uniform Marriage and Divorce Act from a diverse family perspective;
3. Demonstrate the existing gaps in public policy that marginalize noncustodial parents in child custody arrangements which may prevent positive influences on children's well-being through noncustodial child-care.

Thesis

Noncustodial parents, traditionally fathers, are experiencing parental alienation in public policies that have failed to effectively dissolve gender roles in child custody arrangements and neglect to consider the necessity of their emotional presence in relation to the child's best interest standard.

Analysis

- Despite the court systems claiming gender neutrality in custody arrangements, current family policies still fail to hold the custodial parent to the same financial standard and scrutiny as the noncustodial parent, especially when a violation of the court order occurs (Cancian & Meyer, 2018).
- This one-sided accountability in child custody arrangements poses a meaningful threat to the noncustodial parent-child relationship, which is a vital part of the child's overall well-being (Aquilino, 2006).
- The Uniform Marriage and Divorce Act declared court rulings regarding custody should only consider factors relevant to the child's best interest, such as the importance of vital relationships, safe environments, etcetera (Schneider, 1991).
- While these new standards did increase joint custody rulings, mothers are still traditionally awarded 80% or more of the physical custody over the father (Cancian & Meyer, 2018). This disproportioned standard leaves fathers with minimal visitation and higher child support obligations.
- Most states determine child support percentages through a "principle of continuity of expenditures", requiring the noncustodial parent to contribute the same amount of financial support as if the family unit was still intact. However, impractical child support obligations can "harm noncustodial parents" and "create additional barriers for noncustodial parents to be involved with their child" (Cancian & Meyer, 2018, p. 91-93).
- Considering a child's well-being is directly linked to the quality and frequency of positive parent-child interactions, court's favoring uneven joint custody arrangements that hinder an effective father-child relationship seems counterintuitive to the concept of the child's best interest standard (Greenfield & Marks, 2006). Unfortunately, the court system favors disproportioned joint custody arrangements because higher support obligations, theoretically, reduces government outlays for welfare programs (Lerman, 1993).
- However, the cost recovery focus of these programs imposes severe consequences to the noncustodial parents, who like everyone else, face economic hardship from time to time. Incarceration due to child support arrears does little to address the actual causes of nonpayment and worsens the burden for both parents, the taxpayers, and most importantly the child (Sorensen, 2010).

Implications For Practice And Policy

To bridge the gap in custody policies, some father's rights activists are proposing an amendment to their state constitution entitling parents a right to equal parenting, as close as 50 percent as possible (Meyer, 2006).

Contrary to the current standard, fathers with more physical custody opportunities "tend to see their children more frequently, feel closer to their children, and are more satisfied with custody arrangements than fathers of children in sole maternal custody" (Aquilino, 2006, p. 930).

To address the maldistribution of power over financial support, Michigan has already adopted a mathematical formula that calculates child support percentage based on the number of overnights each parent has the child versus annual income (Jones & Wilson, 2015). In a system that claims to be gender neutral, a mathematical formula that includes actual daily data is a step in the right direction for true equality. Additionally, mothers who "make personal economic choices that results in their lower standard of living" should require a more extensive consideration of personal circumstances in child support calculations (Crowley, 2008, p. 124).

Given the evidence above, we argue that public policy needs to hold custodial mothers just as accountable as noncustodial fathers in their financial contributions to their child for true impartiality to be achieved in the child's interest for the best well-being. Thus, we argue that the Michigan formula may be a meaningful expansion of other states' custody policies to better the well-being of children in ever expanding and diverse family arrangements.

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