

THE ECOLOGY OF CHILD CUSTODY CONFLICTS by *Steven E. Zemmelman, 2001*

This is a qualitative study of the psychological and social underpinnings of the family court system. The focus is on exploring the nature of mutual, reciprocal influence between parents in high conflict child custody disputes on the one hand and legal and mental health professional working with them on the other. Ecological theory, in which psychological development is understood to occur within an extended social context, was used as a theoretical framework. The research methodology involved interviewing four individuals from each of the groups under study: parents, judges, attorneys, court mediators, and custody evaluators. Interviews were audiotaped, transcribed, and coded for purposes of analysis. Categories of experience were discovered and then subsequently organized in an effort to describe the ecological system.

The research findings suggest that litigants and professionals influence each other in complex ways. The nature of their interaction is shaped by conscious and unconscious determinants. Powerful emotional responses of parents may impact each of the professionals they encounter in the family law system, engendering in those individuals reactions that vary on a range from empathic relatedness to empathic failure. Their reactions of the professionals then have a secondary, reciprocal impact on the parents. The study explores the critical nature of transference and countertransference dynamics as these influence the outcome of cases in family court. Additionally, the study identifies the inherent characteristics of each cohort, related to their role and function in the family law system, that lead to the development of particular ways of perceiving and responding to one another. The dimensions of each of these are described, particularly in relation to the tension between conflicting pulls toward continued litigation on the one hand, and collaboration and resolution on the other.