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Child health after divorce and Joint Child Custody: options of revention and intervention of Social Pedagogy

The study analyzes the impact of the divorce situation on the child's mental and physical health and the possibilities of helping and promoting social pedagogy in eliminating the negative effects of divorce on the health of the child. After divorce, a situation often occurs when parents think only about their needs rather than the needs of their children - in the social pedagogical practice we see the fatal consequences of this parental action on the child's health (in the best case, these children end up in the hands of social educators and other professionals in schools, school clubs or counseling centers). Most often, however, the situation of a children of parents after divorce ends in social custody/curatorship, which is the last institution of help and support children. These are critical situations where parents do not know or rather do not want to deal for children's care.

Key words: child's health, divorce, alternative child custody, social pedagogy

Introduction

Happy and satisfied children should be the highest target for parents. They need both parents, even if their parents do not live together anymore. The key idea of divorce, if the situation can not be realized differently, should be: while we are no longer a husband and wife, we are still parents. Children do not belong to any parent, they are not their property - both parents have the same right to educate their children after the divorce. First of all, it is

about preserving (especially mental) the health of the child - by preserving the same rights of both the child and the parent. Therefore, in the case of divorce, a joint custody is often (but not always) an alternative care that can provide the same degree of care by both mother and father. Although in Slovakia joint custody is allowed by law, in divorce proceedings, this form of childcare is still minimally used and does not have much public support.

The impact of the divorce situation on the health of the child

Disturbed harmony in the family after the divorce of parents has serious consequences: in addition to disrupting the process of parenting and socializing the child, this is especially a negative impact on the child's health. Changes in mental health manifest themselves in particular in behavioral change, degraded school performance, reduced concentration at lessons and leisure time, and in the quality of social relationships in the group. Changes in physical health are often not immediately visible but also complicate the child's life: headaches, shortness of breath, general body fatigue. However, there are some physical manifestations that have their origins in disturbing the psyche, like addiction, eating disorders, self-destructive and self-sacrificing activities, suicide, are also very common (in the longer term). Psychological and physical health are closely related and interacting. The manifestations of a child's health disorder may be varied mainly due to the different character, temperament and especially the age of the child's personality. Children in pre-school age (3-6 years) are often dissatisfied with the divorce, they are too silent or have uncontrolled anger reactions. They attract attention of the environment in different, most aggressive ways¹.

Children in the younger school age (6-10 years) perceived divorce extremely sensitively, boys more than girls. In this age, children respond with deep sadness and apathy. Frequent

¹ E. Teyber, *Děti a rozvod*, ed. Návrat domů, Praha 2007.

manifestations include depression, reduced self-esteem, self-esteem and self-control, poor school performance. Children aged 11-14 aged immediately react in particular to aggression and anger, aggression and violence are also frequent (very often children become perpetrators or victims of bullying). They have tendency to manifested undue love to one of the parents, and refuse and blame of the other one. Often are negative relationships with peers and friends, conflicts and revolt toward authorities. Common headache and abdominal pain are also common. Uncertainty, which is a characteristic feature of this period, is highlighted. Very often the behavior of children in this age is manifested as being associal or suicidal².

In adolescence, young people perceive the divorce situation better than children because they are more independent and prepare for their own lives. Although they are more concerned with their future than with their parents, they are afraid that they will not be able to maintain good relationships and family as their parents³.

Conflicting environment and destructive communication of parents seriously threatens of the child's life - it hurts his personality and negatively affects his functioning in society. Certain stability in the life of a child can offer a school environment - an important man/woman is a teacher or social pedagogue who is competent to help children manage a difficult life situation. The school has an irreplaceable place in providing support services to children from divorced families - it should even be at the

² See: M. Przybysz-Zaremba, *Family problems as factors threatening child's health - polymorphous dimension*, (In.) *Fyzioterapia a hudobné aktivity, rehabilitácia, regenerácia a zdravie*, E. Králová, L. Král, Z. Krajčovičová, V. Meluš (Ed.), Wyd. Fakulta zdravotníctva, Trenčianska univerzita Alexandra Dubčeka v Trenčíne, Trenčín 2015, s. 26-32; M. Przybysz-Zaremba, *Selected family dysfunctions and conditions of social maladjustment of children and youth - implications and actions*, (In.) *Socialni pedagogika ve službe cloveku a spoločnosti*, S. Neslusanova, I. Emmerova, E. Jarosz (Ed.), Institut Mezioborowych Studii, Brno 2014, s. 520-533.

³ J. Langmeier, D. Krejčířová, *Vývojová psychologie*, 2. aktualizované vydanie, ed. Grada, Praha 2006.

forefront in front of counseling centers and social custody because it is a familiar and safe environment for them to provide targeted interventions. Providing assistance in external institutions can hurt and stigmatize the child even more.

Joint child custody: the possibilities of eliminating the negative effects of divorce

In the Slovak Republic became joint child custody legal until 1 July 2010. Previously, it was customary to entrusted children after divorce almost exclusively to mothers care. Although it is increasingly frequent to hear fathers engaging in actively promoting the same right to care for their children, the exclusive care of mothers remains the predominant model of the divorce arrangement, with agreed child visits to the father. In the Slovak Republic, children were entrusted to mothers in 80.9% of cases in 2011, 9.4% to fathers, and 4.6% to joint custody. In the Czech Republic, approximately 83.5% of the children were entrusted to mothers, 8% to fathers and 7.9% were in the care of both parents.

Joint child custody is a family arrangement where the parents of a minor are not living together, but both care of their child at the same rate. The main purpose of the mainstream care is to arrange parental care so that a child can continue to benefit from a relationship with both parents after divorce, so that both parents are fully involved in the care and education of their child in order to maintain the child's mental and physical health.

Matoušek⁴ defines alternate care as „preventing estrangement between parents and a child (usually a father with whom a mother does not live in a household after a divorce) but poses very high demands on the ability of parents to cooperate together after the divorce. The decision about joint custody should be conditional on the parents' agreement ... the disadvantage of alternate care may be that the child will lose of a home. If joint custody will make the

⁴ O. Matoušek et kol., *Metody a řízení sociální práce*, ed. Portál, Praha 2003, p. 229.

child unable to go to the same school, to do the same extra-curricular activities and to meet the same friends, it would be stressful for the child. „It follows from the above that the child's needs are the first - and so the decision depends on whether or not is joint custody beneficial for the child. Therefore, it is not appropriate to apply this form of childcare generally, but considerations pros and cons should be considered. In practice, it looks like the child can have one home and the parents can alternate in it, or the child can live alternately in one home and the another one.

For the child is best if parents decide about joint custody cooperatively - if they can not agree on their own, they can ask for a professional family mediator, or they can ask for help the social custody. In any case, however, both parents have to be able to care for their child and have good conditions for it. It is also necessary that:

- both parents live close to each other (due to school),
- makes constructive communication,
- parents' requirements are in line.

Alternate care is, in any case, a way to help children reduce their suffering after parental divorce, and also to eliminate the negative impact of the situation on mental and physical health. Children do not have to choose between parents and are not „robbed” of parent's love and gender patterns. Joint custody also has advantages for parents - they do not come up with everyday joy and worries associated with child care, and the balance of organization provides more room for the work and personal lives of both parents. However, Warshak (1992) and Berger and Gravillon⁵, for example, point out that some children may have problems with moving between two homes and adapting to the two-home regime. However, a greater problem can be caused by parents' efforts to intensely fulfill the wishes of the child (double gifts for Christmas, birthday, etc.) and abuse of this situation to child's (material) benefit.

⁵ M. Berger, I. Gravillon, *Když se rodiče rozvádějí: jak pochopit citění dítěte a jak mu pomoci*. Vyd. 1., ed. Portál, Praha 2011.

In the organization of joint custody it is necessary to take into account the child's developmental period, the quality of the previous relationship with the parents, the personality of the child, and also the maturity and moral integrity of the parents' personalities. The form of rotation should not ignore the developmental needs of the child. If one of the parents was absent in childcare during the previous period, a transitional period of gradual convergence is recommended, after which an appropriate form of alternate care may be followed.

Bogdan⁶ points out that until July 2010 in 90% of cases of divorces were children entrusted to mothers. Even the case for fathers whose pathological behavior has not been confirmed and who have shown an active interest in having the child reimbursed. From the legal, human and moral point of view, it is impossible that a man who has been a good father during the marriage to lose this ability. Present fathers think that the laws in force do not allow them to defend themselves and defend the right of the child to both parents. In this context, Warshak (1992) talks about the mystique of motherhood - it is the belief that childcare is primary role of mothers, not fathers, and that mothers are biologically predisposed to the care of children more than fathers. However, care for children and their upbringing should not only be the primary right of women, just as work is no longer the primary right of men. Most fathers, therefore, do not consider divorce only for the termination of marriage, but also for the gradual loss of their children. First two years after the divorce is the encounter of the father with the child very frequent, but then the frequency gradually decreases, especially in cases where the mother will again get married (Warshak, 1992).

At the same time, researches shows that father's presence improves children's educational and social outcomes; for the sons, his presence is an important prevention of antisocial behavior

⁶ M. Berger, I. Gravillon, *Když se rodiče rozvádějí...*, tamže.

during adolescence and an irreplaceable persona for forming healthy relationships in adulthood for daughters. Therefore, it would be desirable if all competent systems of judgments were to consider parental competencies irrespective of the gender of parents, and to make the most of their decisions for benefit of children (Warshak, 1992).

What role plays social pedagogy in the prevention and intervention of child health after the divorce

Effective ways of successfully solving family problems after divorce are focused on socio-pedagogical intervention based on the precise knowledge of the family in its social context. By analyzing family history, family interactions, behavior and communication, a social pedagogue should know to create a comprehensive assessment of the family situation and propose solutions. In his intervention, he should monitor the optimization of the life of all members of the family and the functioning of family relationships that with the divorce do not end. An important means of helping divorced families is, according to Matoušek et al.⁷ social counseling, in which the social pedagogue influences the thinking and action of man by changing the perspective and view of the problem. Through a properly conducted consultation interview, the client (using his/her own resources) can find a solution to his complex family situation.

Sociopedagogical intervention is the effective use of professional practices aimed at eliminating undesirable phenomena. A social pedagogue can provide invaluable help - either through direct counseling for children or indirectly by providing their services to teachers, educators and parents. The intensity and effectiveness of interventions depends on the type of school on which the social pedagogue works, on his/hers professional competence, experience, working style. In schools, there is also room for preventive

⁷ O. Matoušek et kol., *Metody a řízení sociální práce*, ed. Portál, Praha 2003.

programs to develop empathy and assertiveness, support programs for empowerment of communicative skills, sebakpresadenia, self-development, self-assessment, self-control, etc. Through such preventive activities, a social pedagogue can create a positive space for strengthening the resilience of children and young people, not only in the situation of parental divorce.

A social pedagogue (but also a teacher, educational counselor, childcare professional) can be useful for children of divorced families if he/she knows to:

- give to children the opportunity to talk about their feelings,
- allow children to keep their privacy, if they need it,
- create a stable environment,
- show respect and respect,
- promote rational expectations,
- to give to help with planning a child's near future,
- inform parents about the progress of the child or its difficulties,
- guide parents to be open, honest, supportive and empathetic to their children,
- makes activities planned for both parents together.

Conclusion

The father's right to a child is the same as the mother's right to a child - both parents are equal partners for the child. Joint custody has its negatives, but to ensure the intense presence of both parents in the life of a child after divorce we have nothing better yet. Surveys investigating the impact of joint custody to child health (and also their wellbeing) are still just starting out - long-term (longitudinal) researches and studies are missing. However, studies who describe the quality of life of children in the last ten years clearly say that joint custody (if it's basic rules are respected) is always better solution for a child than a repetitive „hell” in court (very often for example in case of inability of parents to cooperate with respect to benefit of the child). And that's a lot.

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Zdrowie dziecka po rozwodzie i wspólna opieka nad dziećmi: opcje reintegracji i interwencji pedagogiki społecznej

W pracy analizuje się wpływ sytuacji rozwodowej na psychiczne i fizyczne zdrowie dziecka oraz możliwości pomocy i wsparcia pedagogiki społecznej w eliminacji negatywnych skutków rozwodu dla zdrowia dziecka. Po rozwodzie sytuacja często występuje, gdy rodzice myślą tylko o swoich potrzebach, a nie potrzebach swoich dzieci - w praktyce społecznej i pedagogicznej widzimy fatalne konsekwencje tego rodzicielskiego działania na zdrowie dziecka (w najlepszym przypadku dzieci te, trafiają w ręce wychowawców społecznych i innych specjalistów w szkołach; szkolne kluby lub centra doradcze). Najczęściej jednak sytuacja rodziców dziecka po rozwodzie kończy się na opiece społecznej, która jest ostatnią instytucją pomagającą i wspierającą dzieci. Są to sytuacje graniczne, w których rodzice nie wiedzą lub raczej nie chcą zorganizować opieki nad dziećmi⁸.

Słowa kluczowe: zdrowie dzieci, rozwód, opieka zastępcza, pedagogika społeczna

⁸ O takich przypadkach autor słuchał bardzo dużo, jako wykładowca projektu edukacyjnego sędziów, urzędników sądowych, prokuratorów i kuratorów społecznych, który koncentrował się na pracy z dziećmi żyjącymi po rozwodzie ich rodziców, dziećmi z zespołem CAN, itp.