



**DEPARTMENT OF APPLIED PSYCHOLOGY
UNIVERSITY OF THE PUNJAB, QUAID-E-AZAM CAMPUS, LAHORE**



No.D/284/A. Psy

Dated: 25-03-2013

Honorable High Court, Lahore
Lahore

re: Case No WP No: 28566-2011 Dated 30-1-2013

**Subject: Two Hours once a month visitation at the premises of court to the Noncustodial Parents:
Psychological perspective on implications for the Child, Suggestions and Recommendations**

Dear Sir,

Honorable High Court has required the undersigned to submit recommendations as a senior psychologist from University of the Punjab, Lahore. Following are my submissions and Recommendation for your kind considerations.

Recently, matrimonial relationships have become extremely volatile and divorce rate has risen in the recent past. Family courts have been approached by couples for divorce which results in custody battles. Children are often in a very vulnerable position between the battle of both parents. Custodial parent usually is oblivious of need for the presence of noncustodial parent and its significance for normal psychological and emotional development of the children. Subsequent to divorce, both parents may move on with their lives but infact it's the children who bear the brunt of the situation. It is very common that parents manoeuvre and manipulate the situation through children without realizing the emotional and psychological agony caused to the child during the process. Children facing such situations can develop a wide range of psychological problems e.g. anxiety, depression, somatic complaints, conduct problems, attention and concentration problems, personality problems, substance abuse, psychopathic problems.

In our society, the custodial parent may intentionally get indulged in child abuse by removing or retaining the child from the other parent, seeking to gain an advantage in the expected or pending child custody proceedings, or because that parent fears losing the child in the lengthy pending child custody proceedings. Whatever, the reason of retaining or removing the child may be, it causes irreparable damage to the emotional and psychological well being of the child. However, psychological impact on child is often ignored and remains unaddressed.

The worst a child can experience during the custody battles is inherent ambiguity, uncertainty and continued negativity in form of heightened negative emotions, ordeal of court of hearing and his/her visits to the court which at times is even nerve reckoning experience for an adult. The child becomes a rolling stone and witnesses very ugly discourses and displays among his/her parents and to the child future seems bleak. Continued exposure to stressful situations inculcates pessimism and negativity in minors. The parents who are meant to render unconditional love, care and protection to the child seem unaware of the psychological trauma being suffered by the child.



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Cases pertaining to custody/visitation issues of the minors are not ordinary cases like other cases and considering the delicacy of emotions and sentiments of the minors being involved and the short term and long term psychological implication for their personality and psychological adjustment. The resolution and adjudication of this special kind of matters, therefore warrant the need for special considerations and these cases should be conceived, considered and settled in a different perspective and context, keeping in view the welfare of the minor. However, maternal and paternal natural instincts of love and care for their child cannot be overlooked and ignored as both parent and child are integral part of the whole ordeal and both matter a lot to each other.

Family matters, particularly those involving minors need empathetic procedural facilitations to mitigate the negative effect of ongoing trauma faced by the child after having his/her parents, grandparents, and significant others being divided. The foremost importance should be the welfare and betterment of the minors which may be determined and decided without getting into the procedural technicalities e.g. schedule of visitation and venue of visitation should be negotiated and finalized at very early stage of litigation keeping in view that the noncustodial parent is not a lesser one and has also been affected emotionally and psychologically. Delays in court proceedings keep children from meeting their non-custodial parent for months and in some cases years and the lapse of time in such cases may be fatal for the psychological development of the child and his/her relationship with the noncustodial parent. With the passage of time it is easy to change the innocent mind. Within months due to lack of interaction with non-custodian parent and probable brain washing by the custodian parent and his/her family, the child may start forgetting and in many cases disliking the non-custodian parent who once used to be extremely dear and loved one.

Long delays in the court proceedings and visitation schedules have negative short and long term impact on mental health of the minors. As per the existing practice of the esteemed court, to allow noncustodial parent meet the minor/s months after the divorce/separation for a very brief time at the premises of the court and in the presence of the custodial parent may add to the agony of both the child and the parents. Few of the psychological impacts (as identified by research) of delayed, limited visitation and visitation in the court premises on the minor/s are:

1. Become distant to noncustodial parent
2. Lack of intimacy and detachment
3. Become hesitant, fearful & scared
4. Blame noncustodial parent for the situation
5. Become quarrelsome & aggressive
6. Defiance & Stubbornness
7. Anxiety
8. Depressed mood
9. Agitation/temper tantrums
10. Lack of attention and concentration which effect their academic performance
11. Lack of confidence and self-esteem



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12. Disbelief in people and world around them
13. Conduct disorders (which may lead to psychopathic behaviours)}
14. Social withdrawal and Aloofness
15. Self blame and guilt feelings
16. Confused about their role in the situation
17. Overall maladjustment due to change of school, friends, relatives and environment.
18. Lack of control over the situation

In view of the above it is highly recommended that:

1. Schedule of visitation is negotiated, finalized and implemented as the first step) i.e. soon after the case is filed (from day 1).
2. Visitation should be ensured and delays be avoided. The custodial parent's absence from the court hearing be discouraged by accumulating the total number of visits in lieu of their absence.
3. Two hours visitation of the minor and noncustodial parent in the court environment where the minor is likely to witness emotional displays may cause severe distress to the child. It is not advisable that the child meets his/her noncustodial parent in such an emotionally heightened situation.
4. Noncustodial parent may be allowed to meet the minor in more peaceful and familiar premises e.g. home. Noncustodial parent may be allowed to take the minor home for fair length of time e.g. for a day, night stay, weekends, summer vacations (depending on the age of the minor) so that quality time is available to the child and the parent to interact. Moreover, it would allow the minor to interact with extended family members of the noncustodial side. Court may devise some mechanism to ensure the minor's protection instead of depriving a minor of the noncustodial parent's love, affection and care, as the child needs both parents' presence for healthy psychological functioning.

Submitted for your kind considerations

Yours Sincerely,

Prof. Dr. Rukhsana Kausar Chairperson

Director, Centre for Clinical Psychology University of the Punjab, Lahore.