

Impact of Divorce on Families: Clinical and Legal Perspectives

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CE POSTING

Activity Name:

- BH Education: December 2025 Education Day

Date & Time:

- December 5, 2025 - 9:00 AM

Presentation Title:

- The Impact of Divorce on Families: Clinical and Legal Perspectives (#49739)

Speakers & Planners Information:

Name of individual	Individual's role in activity	Nature of Relationship(s) / Name of Ineligible Company(s)
Allison DePoy, LISW-S	Other Planning Committee Member	Nothing to disclose - 06/19/2025
Kelly Kelly, LPCC	Other Planning Committee Member	Nothing to disclose - 12/17/2024
Anna J Kerlek, MD	Other Planning Committee Member	Nothing to disclose - 07/02/2025
Jennifer Reese, PsyD	Other Planning Committee Member	Nothing to disclose - 09/24/2025
Brittany Schaffner, IMFT-S, LPCC-S	Faculty	Nothing to disclose - 07/11/2025
Sarah A Scott, IMFT	Other Planning Committee Member	Nothing to disclose - 07/08/2025
Melinda K. Small, JD	Faculty	Nothing to disclose - 06/09/2025
Yvonne Staton, MEd	Activity Coordinator	Nothing to disclose - 10/10/2025

Session Objectives:

- 1 Describe 2-3 risk factors for children and families navigating divorce
- 2 Identify areas of impact and apply 2-3 strategies or resources to support children and families
- 3 Describe legal terms related to divorce and role of the court system and identify 2 community or legal resources available for families navigating divorce



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CPCE Program Document Vers 2; 1.6.2022



Learning Objectives



- Participants will:
 - ☐ Describe 2-3 risk factors for children and families navigating divorce
 - ☐ Identify areas of impact and apply 2-3 strategies or resources to support children and families
 - ☐ Describe legal terms related to divorce and role of the court system and identify 2 community or legal resources available for families navigating divorce

DIVORCE

Nobody has responded yet.

Hang tight! Responses are coming in.



23% of households are single-mother headed (US Census, 2017)

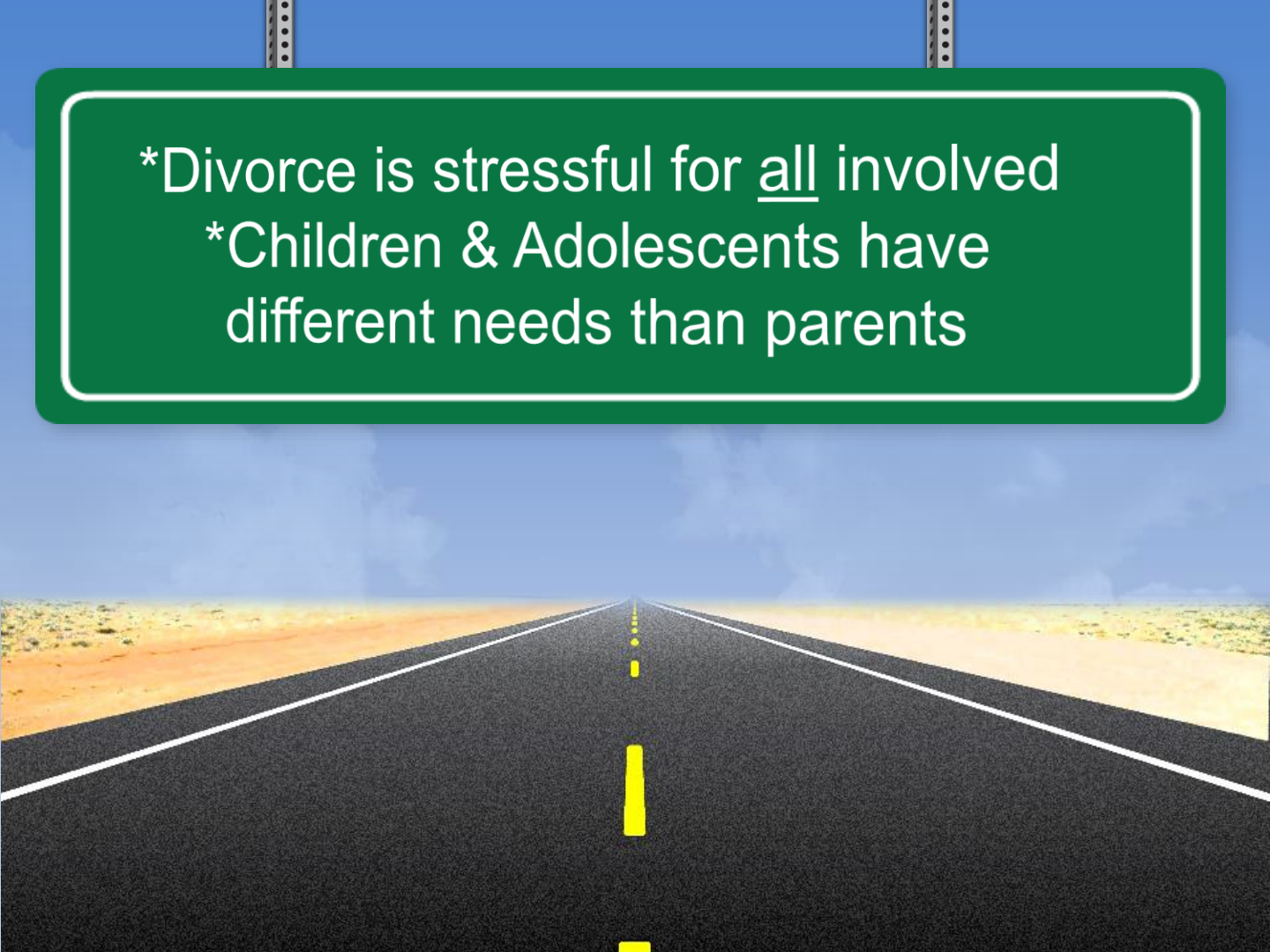
US estimated 50% of 1st marriages end in divorce

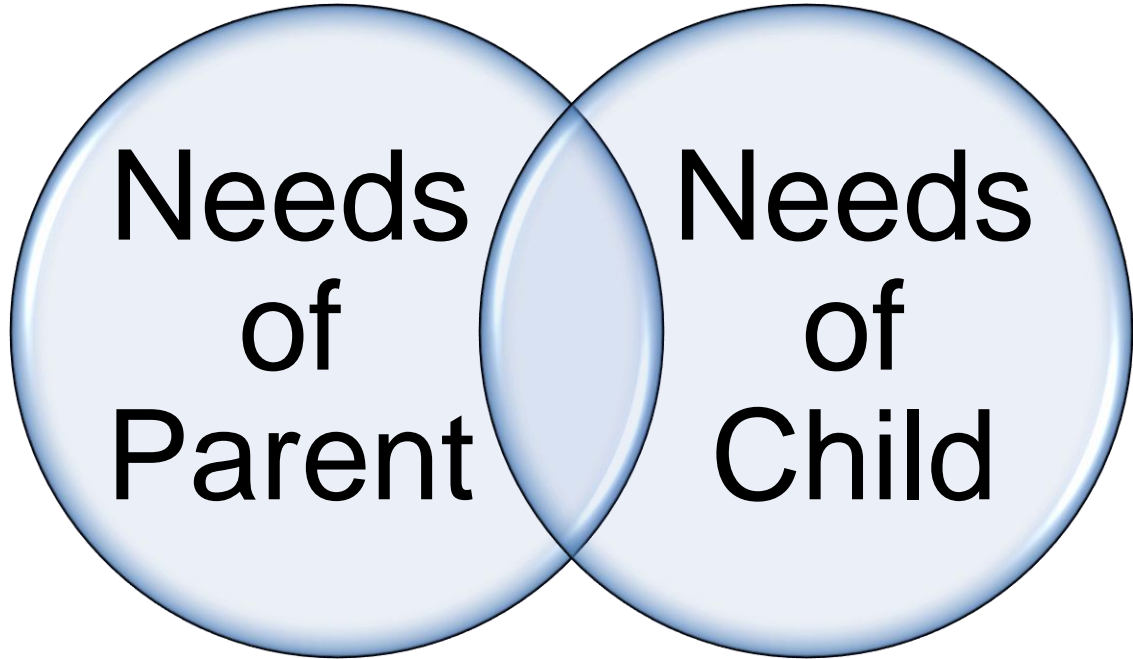
In, 2008 Approximately 1.2 million children experienced the divorce of their parents

1 out of 10 children will experience two divorces before turning 16

Research suggest 1/3 of divorced adults have difficulty establishing healthy relationships

Evidence for positive effects from divorce

- 
- *Divorce is stressful for all involved
 - *Children & Adolescents have different needs than parents




Common Complexities & Dynamics



- Grief and Loss
- Role Shifts
- Emotional Waves
 - Worries and Future Worries
 - Excitement or Relief
 - Betrayal
- Parental Differences
 - Communication, consistency, & discipline
- Blame & Justification of Actions
- Power Struggles
- Projecting the Worst
- “Wish” to have parents together or to get along
- **Unpredictable**



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Risk Factors:

Parental Loss

- Physically
- Emotionally

Financial


- Decrease in income & availability
- Decrease money for "fun" or "family" activities

Diminished Parenting

- Loss of support & person to make decisions with
- More tasks



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Risk Factors:

More Life Stress
-Changes
-Transitions

Parental Adjustments
-Coping
-Supports

Parental Conflict
-High stress & conflict
-Emotional reactivity



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Difficulties for Children

- Emotional impact
- Identify Impact
- Parental Fighting
 - Disappearance or irregular contact with the other parent
 - Harmful, frequent, intense with lack of resolution or compromise
- Exposing too soon to new partner
- Loyalty Conflicts
- Triangulation

Treatment Considerations

- Understand divorce and effects on all members
- Custody arrangements
- Session Structure
- Curious
 - *How did you make that decision?*
 - *How was it shared?*
- Parent support and education
 - Age-appropriate explanations
 - *What questions do you have?*
 - Scripting
- Use of names
- Relational Supports
 - Parenting skills
 - Promote healthy relationships
 - Reduce exposure to conflict

Both/And

- Encourage parents to make choices that benefit child **AND** parent/child relationship
- Boundaries that separate former partnership from the co-parenting relationship
- Childs Rights **AND** Parents Rights

- Removing them from **any and all** responsibility of the divorce
- Recognize difficult or harder times.. *Holidays, school transitions, drop offs*
 - Familiar things in both environments

- Encourage and support the child's relationship with the other parent
 - Extended families
- Realistic expectations and recommendations on co-parenting

Avoid Vague Directives

Roles and Responsibilities

Cannot make other parent "good" parent

Talk directly to each other about concerns

- Common or comparable rules in both environments

Agree on rules.. that will minimize stress

Whose problem?

Ways to support others parenting decisions

- Finding mutual goals for their child

Different Types of Familial Legal Relationships

- **Legal Custody**
 - May be a parent or non-parent; can be sole or shared
 - **Parenting Time/Visitation Only**
 - One parent has custody, the other only has time
 - **Financial Responsibility Only**
 - Parent may have to pay child support and/or provide health insurance, even if they do not have any parental rights
 - **Legal Guardianship**
 - Typically for medically-complex individuals over 18
-

Paternity

- **Paternity:** A legal determination that a man is the father of a child
 - **Paternal Rights:** Legally authorized custodial rights, interests, and abilities that a father is allowed to exercise over his child
 - **Parental rights** refers to parents of any gender
 - **Presumption of Paternity:** A woman's husband is presumed to be the legal father of a child if the parties were married to each other when the child was born or at any time during the 300 days prior to birth
-



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Custody

- **Custody:** Legal and physical control of a child
- **Sole Custody:** One parent has primary legal authority over the child
 - The non-custodial parent may still have parenting time
 - Unmarried mothers **automatically have sole custody** of their children in Ohio
- **Shared Parenting:** Both parents share legal authority over and physical custody of the child
 - Does not mean parenting time is equal or that child support is eliminated

Parental Rights

- **Parental Rights and Responsibilities:** Not defined in the Ohio Revised Code; Supreme Court of Ohio has considered PR&R to equal “custody and control”
- **Parenting Time:** Time with the child specifically awarded to one parent or the other
- **Parenting Plan:** Specifies PR&R when **one parent** is the “residential parent and legal custodian”
- **Shared Parenting Plan:** Allocates PR&R when **each parent** is a “residential parent and legal custodian”

Marriage Terminations

- **Dissolution:** Spouses agree to terminate their marriage and settle all financial and child-related issues
 - Filed in the domestic relations division of the common pleas court
 - All initial paperwork is usually filed jointly, by both spouses
- **Divorce:** Case starts when one spouse files to terminate the marriage
 - Filed in the domestic relations division of the common pleas court
 - May be contested or uncontested
 - Parties may still reach a settlement for some or all issues

Marriage Terminations – con't.

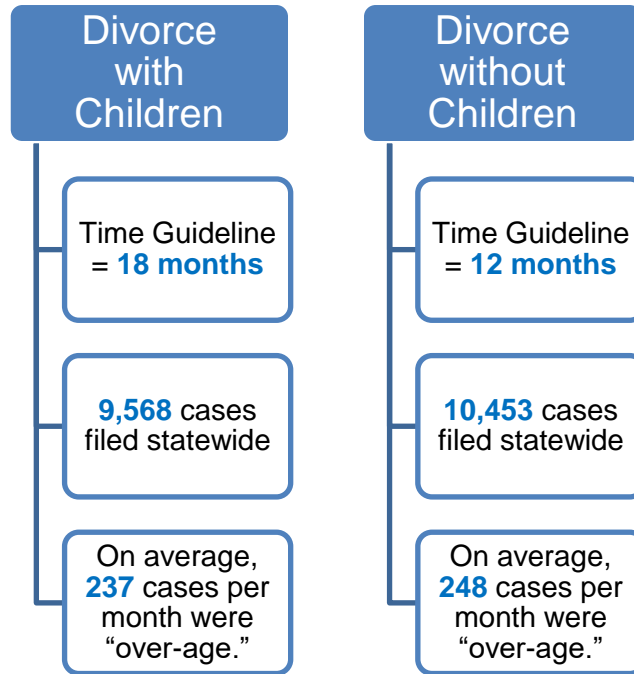
- **Legal Separation:** Parties remain legally married, but operate as a couple whose marriage is terminated
 - Filed in the domestic relations division of the common pleas court
 - Legal separation is a distinct legal status – it is more than just physical separation
 - Much less common in Ohio than divorce or dissolution
- **Annulment:** Declares a marriage to be void or invalid
 - Filed in the domestic relations division of the common pleas court
 - Rare in Ohio; very specific requirements must be met
 - Different than religious “annulments” or “divorces”

* LFK assists with divorces, but not dissolutions, legal separations, or annulments *

Custody Rights of Married Parents

- Married parents are **both** legal custodians with **equal rights** until a court determines otherwise. R.C. 3109.03.
 - Married parents stand on equal legal footing for custody purposes – neither parent is automatically favored over the other
 - Conflicts can arise when parties are physically separated but there are no court proceedings or court orders issued yet

Timelines for Ohio Divorce Cases – 2024 Statistics



Source: Supreme Court of Ohio Statistical Reports



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An Overview of the Divorce Process

1. Determine eligibility to file the case – certain residency requirements must be met



2. The spouse seeking a divorce (the Plaintiff) files a Complaint for Divorce.



3. The other spouse (the Defendant) is served with the Complaint and has the chance to respond.

An Overview of the Divorce Process – con't.

4. Either party can ask the court to issue Temporary Orders for temporary custody, child support, spousal support, use of property, and payment of expenses.



5. Attend interim hearings, exchange discovery, and participate in settlement negotiations; full or partial settlements will be put in writing for the court's review



6. Litigate any remaining contested issues; court orders are issued to finalize all terms of the divorce (Decree of Divorce, Shared Parenting Plan, etc.)



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“Sole” Custody

- One parent is the “residential parent and legal custodian”
 - The other usually has parenting time; may be per court’s Local Rule schedule, but can be (and often is) more
- Non-custodial parent may have to pay child support and/or provide health insurance coverage
- Rights are typically set forth in a **Parenting Plan** or another type of court order
- Statutory rights – even if the non-custodial parent has minimal (or no) parenting time, they likely still have rights to access records (medical, school, etc.)

Shared Parenting

- Parents work together to raise child and make decisions
 - One parent may be the “**final decision-maker**” on certain kinds of issues if the parents cannot agree.
- Does not mean parents have equal parenting time
- One or both parents may be ordered to carry health insurance for the child.
- Child support can still be ordered.
- Rights are set forth in a **Shared Parenting Plan**

How is custody determined if parties can't agree?

- R.C. 3109.03 – A court must treat both parents as standing upon equality when making the custody designation.
- Court determines what is in the best interests of the child after considering evidence on statutory factors for custody
- No decision can be made on finances alone.
- A **guardian ad litem** will be appointed if either parent requests one; the court can also order a GAL unilaterally.
- An **attorney advocate** may be needed.

Ohio's Custody Factors: The “Best Interests” Standard – R.C. 3109.04

1. Wishes of the child's parents
2. Wishes and concerns of the child (if interviewed by the court)
3. Child's interactions and relationships with parents, siblings, and others in the respective households
4. Adjustment of the child to home, school, and community
5. Mental and physical health of **all persons** involved in the situation

Ohio's Custody Factors, con't.

6. Which parent is most likely to facilitate parenting time
7. Failure to make child support payments (including arrearages)
8. Convictions for or guilty pleas to criminal offenses for child abuse or neglect; findings of non-criminal child abuse or neglect; convictions or pleas for violent crime involving a family/household member; reasonable belief of child abuse/neglect
9. Whether either parent has denied court-ordered visitation
10. Whether either parent plans on living outside Ohio

Ohio's Custody Factors, con't.

11. Child support deviation factors (R.C. 3119.23)
 12. Parents' ability to cooperate and make joint decisions
 13. Capacity of parents to encourage love, affection, and contact between the child and the other parent
 14. History of – or potential for – child abuse, spousal abuse, other domestic violence, or parental kidnapping
 15. Geographic proximity of parents to each other
 16. Recommendation of the GAL, if one is appointed
-

What issues may impact families during the divorce process?

- Timelines for divorce
 - Cases may take much longer than the “ideal” guidelines
- GAL/Attorney Advocate involvement
 - GAL investigations take time; if the child’s wishes conflict with the GAL’s recommendations, Attorney Advocate may be needed
- Financial and emotional costs/toll of litigation
- Domestic violence/child protective services involvement
 - DV may start or increase
 - Abuse/neglect allegations made to CPS – real or weaponized

Resources



- **Families**

- [Supporting Kids During a Divorce - Child Mind Institute](#)
- [Divorce - Sesame Workshop](#)
- Books

- **Clinicians**

- [When Mom and Dad Separate: Children Can Learn to Cope with Grief from Divorce: Heegaard, Marge: 9780962050220: Amazon.com: Books](#)
- [Children with traumatic separation professionals.pdf \(nctsn.org\)](#)

- **Legal**

- [Lawyers for Kids \(nationwidechildrens.org\)](#)
- [Information Sheets for Patients and Families](#)
- Self-representation resources ([Ohio Legal Help](#))
- Communication apps ([Our Family Wizard](#))



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The Impact of Divorce on Families: Clinical and Legal Perspectives
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Thank You!



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