

Post Separation Overnight Care of Children 0-3 Years

Reflections on the AFCC Think Tank Recommendations.

The recent AFCC Think Tank of 32 family law experts resulted in a table of considerations for determining post-separation overnight care of children aged 0-3 years.

The table is reproduced on the last page of this document and is available online at <http://www.afccnet.org/Resource-Center/Center-for-Excellence-in-Family-Court-Practice/ctl/ViewCommittee/CommitteeID/27/mid/495>

The table is a handy tool to assist in the assessment of individual families. Although its not easy to navigate, it does respect the developmental needs of infants and the unique dynamics of a family system. I am very concerned however by introductory clause number 3 at the top of the document, which reads:

Even when all parenting conditions are met, higher frequency overnights are not generally indicated for infants 0–18 months. For reasons of temperament or maturation, this will also apply to older infants/toddlers who demonstrate regulation difficulties or other signs that they are stressed by the arrangements.

This statement is unjustified and undermines the value of this document. If a family were to satisfy all 29 "conditions" in this table (which are clearly considerations, not conditions), on what basis could it be "not generally indicated" for an infant under 18 months to have 5+ overnights per month with their other parent? I'd suggest that the concerns listed in the second sentence (temperament, maturation, regulation difficulties and stress) would be identified within the 29 considerations.

In addition, this clause contradicts the published articles that the table is based on, which conclude that "Cautions against overnight care during the first three years are not supported". See the introductory key points from the articles on the next page of this document.

See a blog on the issue of overnight care after parental separation - on the ARACY Fatherhood Research Network <http://aracyfatherhoodresearchnetwork.tumblr.com>

Dawson Cooke

August 2014

Post Separation Overnight Care of Children 0-3 Years

Key points from two articles published in Family Court Review

Part 1. Key Points for the Family Court Community (Pruett, McIntosh, & Kelly, 2014):

- An integrative perspective suggests that the goals of attachment and early parental (typically paternal) involvement with very young children after separation are mutually attainable and mutually reinforcing rather than exclusive choices.
- An optimal goal for the family is a “triadic secure base” developed through a co-parenting environment that supports the child’s secure attachment with each parent and the recognition by each parent of the other’s importance to the child.
- Cautions against overnight care during the first three years are not supported. The limited available research substantiates some caution about higher frequency overnight schedules with young children, particularly when the child’s relationship with a second parent has not been established and/or parents are in frequent conflict to which the child is exposed.

Part 2. Key Points for the Family Court Community (McIntosh, Pruett, & Kelly, 2014):

- Parenting orders or plans for children 0–3 years of age should foster both developmental security and the health of each parent–child relationship, now and into the future.
- From a position of theoretical and empirical consensus, we provide an integrated set of assumptions and considerations to guide decision making about overnight parenting plans.
- These considerations apply equally to planning in the individual case and to policy level decisions.

References

McIntosh, J. E., Pruett, M. K., & Kelly, J. B. (2014). Parental Separation and Overnight Care of Young Children, Part II: Putting Theory into Practice. *Family Court Review*, 52(2), 256-262. doi: 10.1111/fcre.12088

McIntosh, J. E., Pruett, M. K., & Kelly, J. B. (2014). Parental Separation and Overnight Care of Young Children, Part II: Putting Theory into Practice. *Family Court Review*, 52(2), 256-262. doi: 10.1111/fcre.12088

Table 1**Considerations for determining postseparation overnight care of children aged 0–3 years**

Bear in mind when using this chart, that. . .

- 1) The left column reflects conditions within the caregiving environment to be considered in determining the presence or absence, and frequency, of overnights.
- 2) Parents and other decision makers will need to weigh not only the number of overnights, but the spacing and frequency of transitions between homes, and the emotional ease of the exchanges for the child.
- 3) Even when all parenting conditions are met, higher frequency overnights (see right hand column) are not generally indicated for infants 0–18 months. For reasons of temperament or maturation, this will also apply to older infants/toddlers who demonstrate regulation difficulties or other signs that they are stressed by the arrangements.
- 4) When either lower or higher levels of overnights are not indicated initially, they may become so with the child's maturation, and/or with the assistance of educational and/or counseling support for parents, or mediation. An agreed "step-up" plan is helpful in progressing toward overnights.
- 5) This developmentally based guidance for children 0–3 (i.e. up to 48 months) *is not intended to override the discretion of parents who jointly elect to follow other schedules in the best interests of their child, and in the context of their own circumstances.*

<i>Considerations (In order of importance)</i>	<i>Rare/No overnights indicated</i>	<i>Lower frequency overnights indicated (1–4 per month)</i>	<i>Higher frequency overnights indicated (5+ per month)</i>
1. Safety A) The child is safe in the care of each parent B) Parents are safe with each other	A or B are absent	A is established. B: Conflict is separation-related & non-threatening or endangering	A and B are established
2. The child's trust and security with each parent The young child: A) is continuing an established, trusting relationship (of 6 months or more) with a parent When resident parent is not present, the young child: B) seeks comfort from and is soothed by the other parent C) finds support for exploration with the other parent	A or B & C absent	A is established, B & C are emerging.	A–C are established
3. Parent mental health The parent has: A) sensitivity in recognizing and meeting child's needs B) no or well-managed drug and alcohol issues C) no or well-managed mental health issues	Any of A–C are absent	A–C are emerging	A–C are established
4. Health and development The young child: A) has significant developmental or medical needs B) such needs are well supported in the proposed arrangement C) the infant is exclusively breast-feeding or will not yet accept a bottle	A exists but B is absent; C exists	A and/or C are absent; or A exists but B is emerging/ established	A and C are absent; A exists and B is established
5. Behavioral adjustment Relative to temperament and stage of development, the child shows any of the following persistent behaviors (i.e., over 3–4 weeks): A) irritability, frequently unsettled, without medical cause B) excessive clinging on separation C) frequent crying or other intense upset D) aggressive behavior, including self-harming behavior E) regression in established behaviors, e.g. toileting, eating, sleeping F) low persistence in play and learning G) any regressions or difficulties in the above are short lived and readily resolved	Any of A–F exist; G is absent	Any of A–F sometimes exist but G is established	Any of A–F are rare; G is established
6. Co-parental relationship Parents are able to: A) communicate civilly about and plan for their young child together B) manage conflicts arising, using interventions as needed C) be consistent yet responsive with the schedule D) value or at least accept the child's relationship with the other parent E) put their child's needs before their own wishes for time/contact F) ensure low stress exchange of the child at transitions		A–F are established or emerging	A–F are established
7. Pragmatic resources to support sharing of overnights Parents: A) can be the main caregiver for the young child during scheduled overnight and majority of scheduled day time (excluding work time) B) live within a manageable commute of each other C) when a parent cannot personally care for the child overnight, care by the other parent is prioritized	A, B and C are absent	A and B are established, and C is emerging	A–C are established
8. Family Factors A) Arrangement reflects status quo and/or older siblings sharing the same overnight schedule are a source of security to the young child B) Overnight arrangements would enable maintenance of other relationships that are sources of security to the child, (e.g., grandparents) and/or enable exposure to important elements of each parents' cultural or religious practices.		A exists if applicable; The importance of B for the child is emerging or established	A exists if applicable; B is established