Section II: Family Dynamics, Parents, and Divorce

The Lived Experiences of Non-custodial Parents in Canada: A Comparison of Mothers and Fathers

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Abstract. This paper reviews the literature to provide an overview of what is currently known about the situations and experiences of mothers and fathers who become the non-resident parent post-separation/divorce. It also documents the results of a new qualitative study of similarities and differences between divorced non-custodial mothers and fathers in Canada in their experience of parenthood after divorce; focusing on (a) patterns of attachment, loss and grief related to involuntary child absence, (b) mothers' and fathers' perspectives on their children's needs in the divorce transition, and their responsibilities in relation to those needs, and (c) mothers' and fathers' perspectives on the responsibilities of social institutions to support divorced parents. I explore mothers' and fathers' views of the salient issues regarding post-divorce parenting, with a focus on the process and outcome of child custody determination. The principal question explored is, "Are the experiences of nonresident parents gender-based, or is their status as non-resident parents a more salient factor in their subsequent relationship with their children?" Findings indicate that there are many similarities in women and men's experiences regarding the difficulties they each encounter when parenting at a distance. A key finding is that both parents experience the harmful effects of existing child custody law and policy, and speak strongly to the need for child custody law reform in the direction of a joint physical custody presumption. I examine mothers' and fathers' own views regarding child custody determination and needed changes in direct service provision to non-custodial parents.

As a long-time researcher of divorced non-custodial fathers, I was approached by a small mutual aid group of divorced mothers in Victoria, British Columbia, to undertake a study of mothers without custody, a largely invisible but growing group often assumed to have either voluntarily relinquished care and control of their children or being incapable of providing their children with the care they need. After interviewing the 14 mothers who volunteered for the study, I found the opposite to be true; non-custodial mothers are no different from other mothers, but through the play of circumstances over which they have relatively little control, find themselves on the periphery of their children's lives subsequent to a legal determination of paternal custody. Their situation parallels that of the non-custodial fathers I had studied for many years, but with some subtle and important differences. This paper documents both the similarities and differences between non-custodial mothers and fathers in Canada, focusing on patterns of attachment, loss and grief related to involuntary child absence; mothers' and fathers' perspectives on their children's needs in the divorce transition, and their own responsibilities in relation to those needs; and mothers' and fathers' perspectives on the responsibilities of social institutions to support parents during and after divorce. We will

explore mothers' and fathers' views of the salient issues regarding parenting after divorce, with a focus on the process and outcomes in child custody determination. Finally, we examine proposals for law reform in child custody determination, and needed changes in direct service provision to this population.

An unasked question in current feminist analyses of child custody determination—is sole maternal custody of children truly in women's best interests?—was raised by the mothers in our study. From their perspective, the present sole custody system is neither in women's nor men's interests, and is not meeting the needs of their children. When mothers find themselves situated in the same position as many fathers after divorce, as non-custodial parents, their views on child custody determination and on needed reforms in child custody process and outcomes overwhelmingly support the need for a legal presumption of shared parental responsibility.

For the purposes of our study, we defined divorce as inclusive of a broad range of co-parenting partnerships prior to parental separation, including never-married parents.

Research on Non-Custodial Parents and Child Absence

While divorce research has mainly focused on the experience of single mothers and increasing attention is being paid to the situation of non-custodial fathers, there remains little research on the growing phenomenon of mothers who lose custody of their children after divorce. The few studies that exist have tended to focus on "voluntarily relinquishing" mothers; those who are involuntarily removed via a court order have been largely ignored in the literature. There are no extant studies comparing the experiences of non-custodial mothers and fathers.

There is strong evidence that non-custodial fathers experience considerable emotional hardship after divorce: the risk of suicide is high for divorced fathers (Kposowa, 2000), and men do not feel sustained by social support systems (Coley, 2006; Warshak, 2000). Jacobs (1986) concluded that the most striking effects of divorce for fathers were in the area of mental health: between 60-80% of men in Jacobs' study reported a number of long-lasting stress-related symptoms such as sleeplessness and reduced energy. For most non-custodial fathers, contrary to the "deadbeat dad" stereotype, the potential loss of one's children and the pre-divorce father-child relationship is of primary concern (Braver & O'Connell, 1998). Kruk (1993) generated a profile of non-custodial fathers as a high-risk population, many remaining at a high level of distress several years after divorce; the absence of their children from their lives, the loss of the parental role, and the constraints of the new "access" or "visiting" relationship, were key factors. Research on non-custodial fathers has documented the following effects of child absence on mental health: loss, grief and learned helplessness (Frieman, 2003; Braver, 1998); depression and apathy (Amato, 2000; Braver, 1998; Kruk, 1993) and inadequacy and feelings of incompetence (Coley, 2003; Hetherington, 2002). Studies have also examined the physical health effects of divorce on these fathers; Jacobs (1986) found that almost half of divorced fathers develop physical symptoms, including weight loss, nerve-related eye and dental problems, high blood pressure, increased drinking, sleeping and eating difficulties, and a host of psychosomatic complaints after divorce.

The research on non-custodial mothers, compared to fathers, is relatively sparse. The first studies were completed in the early 1980's and mainly focused on mothers who had voluntarily relinquished custody after divorce. Paskowicz (1982) challenged the societal prescription that mothers are to be primarily responsible for their children's upbringing, and the primary caregivers of children as stay-at-home moms, finding that voluntarily relinquishing mothers were confident, self-assured, emotionally stable, responsible and successful, transcending prescribed gender-based norms and roles with few if any negative repercussions on their children. Constantatos (1984) examined the factors that affect a woman's decision to relinquish custody, with financial considerations and a preference for paternal caregiving for children being major factors in their decision. Greif and Pabst (1988) examined mothers' adjustment to separation in greater depth, comparing mothers who had voluntarily relinquished custody with those who had custody removed by the court system, concluding that whereas the voluntarily relinquishing were comfortable with their situation, mothers who lost custody had mixed or negative reactions. Depner (1993) found that "voluntarily relinquishing" mothers experienced more painful feelings and a more difficult adaptation to the non-custodial situation than was previously reported. Herrerias (1995) studied 130 voluntarily relinquishing mothers and found that many would deny that they had children, often using an avoidance strategy on the subject of children; and Mayer (1997) reported that non-custodial mothers were highly dissatisfied and distressed regarding their relationships with their children, with few if any sources of support in this regard. No evidence was found that non-custodial mothers were more unfit than custodial mothers in terms of mother-child attachment, living arrangements, abuse, substance use, or other problem areas. Since 2000 there have been few further studies, but the focus has been on ethnographical accounts, including autoethnographical studies, that examine the experiences of mothers in the cultural context of being a non-custodial mother (Eicher-Catt, 2004; Gustafson, 2006; Herrerias, 2008; Pagano, 2000; Richardson, 2006).

Method

We undertook two identical exploratory and descriptive qualitative studies that utilized narrative inquiry as the main approach to data collection, one of non-custodial (and some custodial) divorced fathers, and the other of non-custodial mothers, and then compared the two. Each study was rooted in grounded theory and informed practice principles that emphasize the importance of individual experience in knowledge construction.

Sampling

A survey research method was utilized with a sample of 82 divorced fathers, resident in Vancouver and surrounding regions of southwestern British Columbia, Canada. Recruitment via the Fatherhood Involvement Network of British Columbia, an association of professional service providers and father associations, yielded the first 18 respondents, and from there a snowball sampling approach was used. The sampling

generated 150 respondents who met the study criteria (separated and divorced fathers of dependent children); the first 82 to contact the researcher were included in the study.

Following completion of the divorced fathers study, a mutual aid group of non-custodial mothers in Victoria, British Columbia approached the author with an interest to participate in a research study that would explore the experiences of non-custodial mothers and give voice to their struggles to maintain a presence in their children's lives. Four mothers from the group volunteered as participants and then snowball sampling was used to generate a sample of 14 mothers without custody of their children after separation.

Data Collection and Instrumentation

Each parent participated in one audio-taped face-to-face interview approximately one and one half hour in duration. Instrumentation comprised two phases of narrative storytelling about each parent's personal history as it related to his/her separation from her/his children, and a semi-structured interview with open-ended questions pertaining to children's needs and parental responsibilities in the divorce transition, as well as the responsibilities of social institutions to support parents. The stories of the first phase provided context for the remaining data, and assisted the participants in accessing the memories that would help to inform their responses to the questions in the second phase.

Data Analysis

The research data, consisting of the audio-recordings, transcriptions and a field journal of ongoing notes, were approached using elements of a reflexive grounded theory approach and a constant comparative method of content analysis. This multi-modal approach involved switching between deductive and inductive reasoning and contextualization and decontextualization throughout the analysis. We sought to base theorizing in the data rather than imposing a pre-determined hypothesis, examining the data with existing influences made explicit, but with an openness to the theoretical implications of the raw data (Scourfield, 2001).

A single-case analysis was conducted with each transcript. The classification system of Lieblich et al. (1998) was used, including holistic-form, holistic-content, categorical-content and categorical-form analysis. The holistic-form approach examined narratives for turning points related to mothers' accounts of their divorces and separation from their children. The holistic-content method was used to discover patterns and themes within the context of the whole story. Categorical-content analysis entailed the selection of subtext that corresponds to categories derived from the interview questions. Lastly, a cross-study analysis sought out common themes and negative evidence.

The N-Vivo qualitative data analysis tool was used in the analysis of the data.

Results and Discussion

Eighty two divorced fathers, 65 of which were non-custodial fathers, and 30 of which had no contact with their children, were interviewed, as were 14 mothers without custody, 8 of which had no contact with their children. The fact that all of the mothers were non-custodial parents while some fathers had custody of the children may skew the following results; however, 65 of the fathers were non-custodial parents, and most of the 17 fathers with custody had a period of time as non-custodial parents before obtaining legal custody. The 14 mothers had a total of 32 children, 21 boys and 11 girls. As far as pre-divorce relationships were concerned, mothers reported high levels of involvement in their children's lives and attachment to their children, with 12 of the 14 mothers reporting having been primary caregivers of their children before divorce. The 82 fathers had a total of 182 children; 91 of which were male and 91 female. Eighteen of the 82 fathers reported having been primary caregivers of their children before divorce.

Narrative data. Mothers and fathers were asked to recount the story of their divorce, particularly in regard to their relationship with their children, from the point of parental separation to the present. Although their divorce narratives paralleled each other, some important differences were observed, both in regard to core themes and the progression of the stories themselves (Table 1).

Table 1
Themes and Story Patterns in Parents' Narratives

Core Themes - Fathers:	Core Themes - Mothers:
•Grief and loss; broken attachments with children •Mothers' discouragement of contact, access denial, and parental alienation; mothers as gatekeepers; importance of mothers' encouragement of contact •Adversarial system heightening conflict; support services non-existent or unhelpful •Conflict and violence; abuse of fathers, especially legal abuse; sole custody/removal of custody; false allegations •Effects on children: children's needs not being met; fear and worry regarding children's (emotional) well-being •Financial losses •Positive outcomes: father-child involvement and attachment	•Grief and loss; broken attachments with children •Legal abuse: perceived non-conformity to motherhood ideal by the court; internalization of legal abuse •Physical violence and emotional abuse; effects of witnessing mother abuse on children •Access denial and parental alienation; fathers as gatekeepers •Social stigma, including service providers; mothers actively concealing their non-custodial status •Lack of support services; appearance of support; self-reliance of mothers •Financial losses
Story Pattern - Fathers:	**Story Pattern - Mothers:**
•Precipitating event; family stress, tension •Lack of external social support •Mothers as initiators of separation and divorce •Financial dispute leading to child custody dispute; legal system involvement •Parental alienation; abuse allegations •Heightened conflict; violence; initial paternal disengagement •Effects of conflict and paternal disengagement on children •Structural and psychological obstacles to father-child involvement and attachment •Involuntary paternal disengagement; legal removal of custody •Attempts to reestablish relationship; fathers as self-litigants	•Abuse and violence by former partner •Active resistance of abuse: fight or flight •Resistance judged harshly by the court •Paternal custody award a consequence of mothers' resistance to partner abuse, following mutual allegations of abuse; mothers' accounts discounted by the court •Parental alienation •Structural and psychological obstacles to mother-child involvement and attachment •Involuntary maternal disengagement •Stigma and internalization; judged as undeserving of support services •Attempts to combat deflated self-concept

Seven core themes emerged from fathers' narrative accounts of their divorce process, particularly in regard to their relationship with their children:

1. *Grief and loss; broken attachments*. Divorced fathers experience a grieving process which contains all the elements of bereavement, primarily linked to the loss of their children and the breaking of the attachment bonds with their children.

Painful, painful is the operative word, and mind-blowingly awful, disgusting, disheartening, grief.

2. *Access denial and parental alienation*. Mothers' discouragement of paternal involvement was associated with paternal disengagement in many cases, with access denial and parental alienation featuring in many fathers' stories.

Nothing ever happens to her she just basically goes along and does whatever she wants and nothing ever happens to her…She denies access for a month and I actually got to the point where I went to the police and I said I want to lay a charge and they're like, we don't deal with this; it's a civil matter.

3. *Adversarial proceedings*. The role of the adversarial system in heightening conflict was emphasized, especially when child custody was in dispute.

He (the judge) thought I had delusions of grandeur, because I wanted so strongly to have regular access to my child…He granted the mother sole custody. He wrote these 3 sentences, number one, the father has a basic misunderstanding of the role of the father in a child's life, number two, the mother believes that joint custody can never work for any child even if both parents are fully cooperative and fully communicative. This attitude of the mother's, he wrote, is very unhealthy for the child. And thirdly, he wrote, with this order for sole custody to the mother the father fears, with good reason, that the paternal relationship will be choked off entirely. And yet they're supposed to act in the paramount best interest of the child and it's in the best interest of the child to have all of their relationships choked off on the paternal side.

4. *Partner abuse and legal abuse*. Spousal violence and abuse was reported by several fathers, including physical, emotional, and (especially) legal abuse such as false allegations of abuse, which put fathers on the defensive in the legal process.

Throughout the entire court process it was allegations of domestic violence, sexual abuse, everything, I've had it all thrown at me in attempt to thwart my relationship with my child…The allegations were found to be completely unfounded and made with malicious intent, and this malicious intent has further hampered my parental time with my child. But it didn't do me any good in court, bringing all that material forward to a judge. Put it this way, it all got swept under the table.

5. *Effects on children*. Fathers' stories focused on the effects of ruptured father-child attachment bonds on their children.

My son had an absolute temper tantrum when they found out that they couldn't see me…It was obvious that she was sharing all the aspects of our disagreements with them and at that point, my son became more and more angry, withdrawn, confused, hostile, difficult to control, temper tantrums, really hard to control at times.

6. *Financial losses*. The enormous financial losses incurred by fathers, resulting from both legal fees and child support payments, was another theme.

I've spent $275,000, all my RRSP's, the equity I had in my house, as much as I hate to say it, my son's education fund, my parent's retirement fund, they helped me to the tune of 100,000. Just to get to where we're at today and all I really wanted was to be involved and to have a say.

7. *Positive outcomes*. Those fathers who were able to surmount the obstacles to restoring their relationship with their children focused on positive outcomes and restoration of father-child bonds.

My daughter was two years old and the mom recognized that I was as important if not more important in meeting our daughter's needs ever since she was born...I was supportive and involved.

Seven themes also emerged from our analysis of mothers' narratives:

1. *Grief and loss; broken attachments*. Like fathers, the emotional impact of broken attachments to children was the primary theme in mothers' accounts.

You're broken as a mother and I'm speaking as a mother. I was broken. I don't know that all mothers are broken but for me I was in the deepest depths of despair I've ever experienced, ever.

It's very deep. I felt so depressed, I felt, you know, I thought about suicide, you know, though not going to hang out there very long but I definitely felt like life isn't even worth living, you know. I went through that because, you know, my sweet girls are not in my life. But I got back to, well they're alive and look at what there is to be grateful for. But yeah definitely it's like, well, imagine any, any parent or you know having their children in a sense taken out of their lives through the courts and through manipulation; yeah, it's a very devastating and painful, excruciatingly painful experience and it's constant, it's something that never really goes away. It's just constantly there.

2. *Legal abuse*. Legal abuse and the harsh judgment of the court when mothers' behaviour did not conform to judges' views of the motherhood ideal was a second theme; mothers internalized these judgments, and spoke of their internal conflict as they fought to repair their damaged self-concept as capable and loving parents.

He could steal the children, had all the money and the power, the system congratulated him and gave out, you know, all the kudos to do all the maximum damage legally as he

could.

3. *Partner abuse*. Physical violence and emotional abuse by the former partner was the third theme; mothers spoke of the effects of mother abuse on their children in a poignant way, and were particularly concerned about their children modeling their fathers' behaviour.

So when I left him there was a lot of domestic violence going on, so when I finally left him I went to a transition house because I seen what he was doing to me my children were starting to do as well. They're all boys… I started seeing them treating me the way he was treating me and I wasn't going to stand for that.

4. *Access denial and parental alienation*. Access denial and parental alienation was a fourth theme, with custodial fathers' gatekeeping and controlling behaviours vis-à-vis child access reported as a key factor in their struggle to maintain contact.

If you're told that your mother left you, your mother doesn't love you, and you're told over and over again, the child's going to remember that and then they're going to start to hate that person.

5. *Social stigma*. Fifth, the experience of shame, stigma and humiliation was acute for these mothers, with many actively concealing their non-custodial status.

A mom has to try a lot, lot harder because she has that stigma against her right from the beginning, you're labeled as a hated person that, you know, you're vindictive.

6. *Lack of support services*. The almost complete lack of professional support available to mothers was identified. Many mothers felt judged as unfit parents undeserving of support services.

In my situation I wish there was some way for me to get some sort of support. I felt I couldn't do it, there was no one to talk to. I wish there was someone who could advise me what I could do in particular circumstances and at the time, I felt helpless because I also needed to develop a new life, and I went back to school and I had to look for a job and I wish I had some access to some resources that would have allowed me to place that need, that was my primary need, to have my children in my life…I wish I was offered some sort of financial support so I could do actually do something rather than sit helplessly, rather than not know what I would or should do. Social and legal support, I really didn't know anyone who could advise me, or could help me with my grief and loss.

7. *Financial losses*. Severe financial losses compromised mothers' ability to maintain custody of their children, as fathers' stronger financial position allowed them to obtain better legal help, as mothers were forced to rely on often inadequate legal aid funding.

He had the stability, he had the home, the money, the you know the environment that they

needed. I guess that's what he had going for him. What did I have? I had nothing because I wasn't working because I was a stay at home mom.

The themes that emerged from parents' accounts of their divorce experiences and their diminished relationships with their children followed a certain progression. Fathers described a process where attachment stability was replaced by chaos in the father-child relationship. Fathers' stories typically started with a precipitating stressful event, leading to family turmoil, with few social supports available; fathers sought support services, but were either unsuccessful or found services unhelpful; most fathers were respondents and mothers initiators of the divorce, and fathers either gave up or kept going to court in an effort to preserve their relationship with their children; parental alienation occurred in degrees, with initial discouragement of paternal contact and abuse allegations; with heightened parental conflict came paternal disengagement from children; children's deteriorating emotional well-being became evident; both psychological and structural barriers mitigated against fathers in their efforts to restore their attachment with their children; as fathers struggled with access to children and lost custody of their children in legal proceedings, their absence from their children's lives became permanent; serious physical and mental health problems became evident as fathers' continued efforts to reestablish meaningful contact bore little fruit.

The trajectory of mothers' narratives accounts followed a different pattern: mothers found themselves in either violent or exploitative situations, with several mothers reporting abuse and violence by the former partner; they actively resisted the abuse through a fight or flight response, either leaving the situation or fighting back; their resistance was viewed negatively by the court, with self-defense seen as not in keeping with the motherhood ideal; a paternal custody award was the consequence of mothers' resistance to partner abuse, as mothers' accounts were discounted by the courts; structural and psychological obstacles to mother-child involvement and attachment worked against mothers' efforts to restore their relationship with their children; as mothers struggled with access to their children and lost custody in legal proceedings, their absence from their children's lives became permanent; stigma and shaming of others led to internalization of these judgments, and mothers were made to feel undeserving of support services; finally, mothers strove to combat their formerly deflated self-concept, in the interest of reconnecting with their children in the future.

The primary theme in both mothers' and fathers' narratives was that of their painful feelings associated with the loss of their children and their roles as parents. Mothers' accounts of serious family violence were more in evidence, whereas the theme of false allegations emerged for fathers but less so for mothers. The biggest difference in the narratives related to social and cultural perceptions of non-custodial mothers and fathers, with the stigma and shaming experiences of mothers being more pronounced. Whereas non-custodial fathers who identified themselves as non-custodial parents were able to garner some degree of sympathy in the public realm, mothers without custody were simply assumed to be unfit mothers showing disregard for their children's needs, deserving of their fate, and left largely without support. At the same time, fathers reported that when they spoke of their experience of woundedness and trauma connected to the loss of their children, they were subjected to a mean-spirited cultural response, where such "trauma" discourse was mocked.

Unmet needs and unfulfilled responsibilities. Mothers and fathers were asked for their views of their children's needs in the divorce transition, and their responsibilities as parents in this regard. Tables 2 and 3 summarize their views. As far as children's needs are concerned, according to both mothers and fathers, children need a stable and unthreatened *parental* (not "access" or visiting) relationship with both their parents; and they need to be loved, and in no way felt to blame for their parents' divorce. However, whereas fathers identified security and protection as a core unmet need of children, mothers were more likely to identify the need for inter-parental cooperation and respect, as well as the need for stability and consistency in children's routines and relationships. As far as parental responsibilities are concerned, virtually all of the fathers and mothers cited the responsibility to *be there for your kids*, in some form of loving parental capacity. For mothers, this was followed closely by respect toward the other parent; for fathers, this was followed closely by the notion that fathers basically have only one responsibility: respect for their children's needs. A large number of fathers identified fathers' responsibility for ensuring the safety, security and protection of their children; this was less likely to be cited by mothers as a core maternal responsibility. Thus whereas fathers tended to see their parental role as largely one of protection, mothers were more likely to emphasize inter-parental cooperation and shielding children from parental conflict.

Table 2
Needs of Children After Parental Divorce

	Total %: _____	
	Mothers Identifying	Fathers Identifying
▪ Shared parenting	86(12)	80(66)
▪ Stable relationship with both parents		
▪ Love	71(10)	59(48)
▪ Reassurance that children are not to blame		
▪ Parental cooperation	43(6)	30(25)
▪ Mutual respect		
▪ Stability, Consistency	36(5)	30(25)
▪ Safety; Security	29(4)	72(59)
▪ Physical needs: food, shelter, clothing	29(4)	89(73)
▪ Financial provision		
▪ Roots	7(1)	49(40)

Table 3
Parental Responsibilities

	Total %	
	Mothers identifying	Fathers Identifying
▪ Active love, care	100(14)	100(82)
▪ Being there		
▪ Access; spending time, engagement (fathers)		
▪ Continuity (mothers)		
▪ Respect for co-parent	43(6)	9(7)
▪ Mutual respect (fathers)		
▪ Respect for/sensitivity to children's needs	21(3)	49(40)
▪ Roles: teacher, guide, role model (fathers)		
▪ Emotional development	7(1)	16(13)
▪ Food, shelter, clothing	7(1)	34(28)
▪ Financial provision		
▪ Safety; Security; Protection	---	29(24)

Parents were also asked about their views on the responsibilities of social institutions to support parents in the fulfillment of their parental responsibilities (Table 4). Mothers and fathers concurred in regard to the responsibilities of social institutions to support both parents as responsible and active parents after divorce, and to recognize mothers and fathers as having equal value, status, and involvement in children's lives. Whereas fathers emphasized the provision of legal rights and services, and social support services for parents, mothers highlighted the provision of mediation and counselling services. Whereas fathers spoke more about access enforcement, mothers emphasized access facilitation (as well as legal rights and services).

Table 4
Social Institutional Responsibilities

	Total %	
	Mothers Identifying	Fathers Identifying
▪ Legal rights and services	29(4)	62(51)
▪ Shared parenting (fathers)		
▪ Recognition of mother/father as parent	7 (1)	40(33)
▪ Respect, validation		
▪ Support of mother/father as parent	29(4)	---
▪ Court/legislative reform	29(4)	37(30)
▪ Civilian oversight (mothers)		
▪ Dealing with gender bias (fathers)		
▪ Dealing with parental alienation (fathers)		
▪ Dealing with false allegations (fathers)		
▪ Mediation, counselling	43(6)	24(20)
▪ Remove adversarial system/court		
▪ Mediation as an alternative		
▪ Support services	36 (5)	40(33)
▪ BIOC=attending to children's needs	---	21(17)
▪ Counselling for children	21(3)	---
▪ Access enforcement	7(1)	15(12)
▪ Access facilitation	29 (4)	---
▪ Legal rights and services	29 (4)	---

A striking finding was the degree to which parents indicated a preference for an equal or shared parenting arrangement after divorce, as opposed to sole custody or other arrangement. When asked, "When parents are in dispute about parenting arrangements, what position do you think the law should take which would best meet children's core needs?," 12 of the 14 mothers (86%) indicated equal or shared parenting (defined as children spending either equal or at least 40% of their residential time with each parent after divorce), compared to 64 of 82 fathers (78%). This is consistent with a recent Canadian government survey (N=1,002) which found 78.3% of women and 77.7% of men in support of federal and provincial legislation to create a presumption of equal parenting in child custody cases (Nanos Research, 2009). Non-custodial parents' primary issue of concern was the lack of such a presumption, which would have allowed them to preserve their relationship with their children; in its absence, both non-custodial fathers and mothers felt powerless to deal with access denial and parental alienation.

Although mothers and fathers reported the presence of abuse and family violence in their former relationships, with most accounts describing reciprocal violence, and more emotional than physical violence, the severity of some mothers' accounts of fleeing situations of violence, in which they were left unprotected by the legal system, and in some cases endangered by legal processes, was striking. It was these mothers, however, who were the strongest proponents of both a shared parenting presumption and the use of mediation in high conflict cases. Their viewpoint is supported by data which identifies 50% of first-time interparental violence as taking place in the post-divorce period, in the context of an adversarial child custody contest, when parent-child attachments are at

stake and only a "win-lose" outcome possible (Corcoran & Melamed, 1990). Shared parenting, on the other hand, is associated with reduction of inter-parental conflict (Bauserman, 2002).

Implications

When mothers and fathers are both situated as non-custodial parents, there are virtually no differences between the genders with respect to their views on child custody; although there exists a gender gap between divorced custodial mothers and non-custodial fathers on the issue, there is no such gap between non-custodial mothers and fathers. Both want equal shared parenting responsibility presumption in law.

The views of non-custodial mothers and fathers with respect to current proposals for law reform in child custody outcomes, and the child custody process, moving away from adversarial resolution toward the use of non-adversarial processes such as mediation, warrant consideration by policymakers. A policy forum on child custody and family violence, bringing together child custody experts and woman-serving organizations specializing in policy in the field of family violence, is urgently needed.

The implications for direct practice with non-custodial mothers and fathers suggest that the two groups have distinct needs. The barriers to engagement of non-custodial parents by professional service providers were emphasized by both mothers and fathers, but were more pronounced for mothers. Non-custodial mothers are subjected to severe stigmatization and marginalization, assumed to be bad mothers and deserving of their fate, and left largely without support from women-serving and other organizations. Similarly, fathers indicated that support services were largely absent, and although most were subjected to a mean-spirited cultural response when talking about their grief related to the absence of their children in their lives, few experienced the intense stigmatization reported by mothers.

The majority of mothers and many fathers in our study provided primary caregiving for their children before divorce but this was not seen as a sufficiently compelling factor in judicial decision-making. Although they did not regard themselves as "perfect" parents, none of the parents interviewed had been found to be abusive or neglectful of their children. These parents were no different from other parents, but through the play of circumstances over which they had relatively little control, found themselves on the periphery of their children's lives subsequent to a legal determination of sole custody. Mothers in particular were treated harshly when seen as not conforming to a standard of motherhood established by the court.

Our study found that support systems to promote the responsible participation of non-custodial parents in their children's lives are sorely lacking. In the realm of direct practice with non-custodial parents, it is critical that service providers recognize that fathers and mothers without shared custody of their children are in need of advocacy support in regard to child custody and parental alienation in particular. Connecting non-custodial fathers and mothers politically and facilitating mutual aid and cause advocacy groups are essential. Where estrangement between parents and children has taken place, reunification services are desperately needed.

The responsibilities of social institutions to support both parents in the fulfillment of their parenting responsibilities after divorce, the overlooked issue in current child custody debates, was emphasized by both mothers and fathers. The lack of such support is an issue of social justice, too long neglected in policy and practice. Both mothers and fathers who were responsibly involved with and attached to their children and suddenly found themselves removed from their children's lives via sole custody orders experienced trauma writ large. Above all else, the need to engage these parents is urgent, and to do so we must validate their parenting identity and support their ongoing parenting role.

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