Psychological characteristics of noncustodial fathers involved in child custody litigation

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The College of William and Mary, 1987
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Psychological Characteristics of Non-Custodial Fathers Involved In Child Custody Litigation

A Dissertation
Presented to
The Faculty of the School of Education
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree
Doctor of Education

by
Sandra Wells Underwood
December 1987
Psychological Characteristics of Non-Custodial Fathers Involved in Child Custody Litigation

by

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Approved November 1987 by

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CHAPTER I

Introduction

Chapter one, to follow, will present, very briefly, a summary of each of the sections of the following study. Each section will then be expanded in more detail in the following chapters.

Need for the Study

Three areas of change—the women's movement, the high divorce rate, and greater equality for men in court—are all responsible for increased involvement by fathers in parenting and for more single fathers attempting and gaining custody following separation and divorce (Grief, 1985). Despite a growing trend toward, and acceptance of, joint-custody decisions, the majority of contested child placements in divorce cases are still completed through the court system. As a result, mental health professionals remain active in assisting courts in this process through evaluation of the relative merits of each parent. Noticeably lacking, however, has been even descriptive data on the personality characteristics of these parents (Ollendick & Otto, 1984), and the literature dealing with the psychological characteristics of non-custodial fathers involved in custody litigation is even more scant. Most articles which address fathers in custody litigation are based on observations of
professionals such as lawyers, judges, and mental health counselors. Only one empirical study delineating the psychological characteristics of non-custodial fathers during child custody litigation could be located.

**Statement of the Problem**

The purpose of this study is to investigate differences, if any, in the psychological characteristics of separated and/or divorced, non-custodial fathers classified into three groups as follows:

1. Separated and/or divorced, non-custodial fathers who have never attempted to obtain custody of their children.

2. Separated and/or divorced, non-custodial fathers who are attempting to obtain custody of their children through custody litigation and have been involved in this process for six months or less.

3. Separated and/or divorced, non-custodial fathers who are attempting to obtain custody of their children through custody litigation and have been involved in this process for six months or more.

Divorce researchers (Ambrose, Harper, & Pemberton, 1983) recognize that divorce involves major changes in the behavior of all those involved. Learning to adapt and readapt one's life is complex and difficult enough, but it is made worse by
the absence of any socially agreed upon pattern of social behavior for divorced people. Nowhere is this deficiency seen more clearly than in the position of a father who has not been granted custody of his children. Coping with the loss of a partner and, in many instances, the loss of the children as well, clearly has potential for deep-seated effects on men's view of themselves.

**Theoretical Rationale**

The central theme to non-custodial fathers is a theme of loss—loss of spouse—loss of children—loss of the physical surroundings of the home. The impact of this loss can be immense—even the loss of physical surroundings can have a major impact on one's sense of self and identity (Mead, 1972).

The presence of children during the midlife period seems to meet some basic needs for feeling like an integral part of the creation of a new generation—what Erikson (1959) referred to as generativity. There appears to be a basic need to be a part of a generational line that has both a past and a future (Leakey & Lewin, 1978)—a need to fulfill a responsibility to the future (Erikson, 1959). Additionally, children during the midlife years provide a focal source for adult's need to nurture as well as adult needs to be perceived as being needed (Erikson, 1963; Gould, 1982).
Children are love objects through which adults can relive their own past, correcting their own faulty misperceptions of their experiences as well as a chance for the adult to undo perceived wrongs through his/her own parenting (Gould, 1982).

It stands to reason, then, that when children are lost due to divorce, the impact in terms of basic needs can be immense. Bowlby (1973) has suggested that there is a predictable pattern to psychological responses to loss revolving around protest, despair, and detachment. When a person is separated from a love object unwillingly, he/she shows distress. The predictable pattern of behavior to follow is for the person to protest vigorously and attempt to recover the love object. Later, he/she seems to despair of recovering the love object but still remains preoccupied with it. Later still, he/she seems to lose interest in the object and to become emotionally detached from the object.

Elisabeth Kubler-Ross (1969) suggests another predictable pattern for responding to loss which involves states of denial, anger, bargaining, depression, and acceptance. Though her work has focused mainly on the responses of terminally ill patients, her stages of responding to loss and the fear of loss can also be seen in other situations involving loss such as separation and divorce.
Erikson has, therefore, proposed issues concerning parenthood and discussed its importance in the identity formation of the adult. Gould has highlighted changing issues that are faced throughout adulthood and has discussed the nature of loss as it relates to growth and development in adults. Psychological responses to loss have also been examined by Bowlby and Kubler-Ross. The sum of these researchers' work would suggest a clear association between having children and the adult parent's identity. Likewise, there appears to be potential for adverse psychological impact on the identity of those who lose their children as in the case of fathers in divorce.

Given this link, there has been a paucity of research examining the psychological dimensions of non-custodial fathers who fight for custody and those who do not as a preliminary step to future investigations of the impact of the litigation process itself on psychological functioning.

Definition of Terms

In order to facilitate consistency in interpretation, terms important to the understanding of the research and discussion are as follows:

Affective state. Any emotional, subjective, or psychological state associated with feelings of any degree of intensity. The feelings in question may be
pleasurable, painful, normal, pathological, conscious, or unconscious. Affective states influence and are influenced by perception, cognition, memory, and somatic factors (Goldenson, 1984).

Child custody litigation. The involvement of the legal system to determine the physical placement of a child with a separated/divorced parent.

Depression. An emotional state of persistent dejection, ranging from relatively mild discouragement and gloominess to feelings of extreme despondency and despair. These feelings are usually accompanied by loss of initiative, loss of appetite, and difficulty in concentrating and making decisions (Goldenson, 1984).

External control. Refers to the perception that the expectancy of a reinforcement is not contingent upon one's own actions but rather is due to luck, change, or fate beyond the individual's personal control (Rotter, 1954). Operationally, a high score on the Adult Nowicki-Strickland Internal-External Control Scale indicates external control (Nowicki & Duke, 1974).

Internal control. Refers to the perception that the expectancy of a reinforcement is contingent upon one's
own actions or under the individual's personal control (Rotter, 1954). Operationally, a low score on the Adult-Nowicki Internal-External Control Scale indicates internal control (Nowicki & Duke, 1974).

**Locus of control.** A construct found in social learning theory which describes the source from which an individual perceives or attributes reinforcement (Rotter, 1954). Non-custodial father. A separated or divorced father who does not have legal or physical custody of his child/children.

**Self-concept.** The individual's conception and evaluation of himself, including his values, abilities, goals, and personal worth (Goldenson, 1984).

**General Research Questions.**

The purpose of this study is to investigate differences, if any, in the psychological characteristics of separated and/or divorced, non-custodial fathers who are or are not involved in child custody litigation. The general research questions are as follows:

Are there differences in the self-concept, affective states, locus of control, levels of depression, and parental attitudes of separated and/or divorced, non-custodial fathers who are not involved in child custody litigation; and
Sample and Data Gathering Procedures.

This study investigates differences between separated and/or divorced, non-custodial fathers not involved in child custody litigation and fathers involved in child custody litigation for less than six months and for more than six months. Each volunteer responded to the Adjective Check List (Gough & Heilbrun, 1983), the Beck Depression Inventory (Beck & Beamesderfer, 1974), the Adult Nowicki-Strickland Internal-External Control Scale (Nowicki & Duke, 1974), the Parent Attitude Survey (Hereford, 1963), and a demographic data form devised by the researcher. Responses were tabulated and subjected to direct discriminant function analysis between the three groups.

Limitations

The following limitations of the study are presented:

1. Selection of the sample was based on those non-custodial fathers contacted who volunteered to participate in the study.

2. The sample of the non-custodial fathers was not drawn on a random basis due to the unique
characteristics of the subjects and the limited number of subjects meeting the criteria.

Ethical Considerations

A proposal outlining the study was submitted to the Human Subjects Review Committee of the College of William and Mary for review and approval.

Protection of privacy for the individuals participating in the study was assured by guaranteeing the anonymity of responses and explaining the confidential use of the research collected.

General findings of the study were made available to the participants of the study.

Anonymity of responses was guaranteed as the responses were group analyzed and not individually analyzed.
CHAPTER II

Review of Literature

Summary of Rationale

Erikson (1968) and Gould (1982) have posited theories of development which included crises, or phases, of adult development. Both theorists recognize a mid-life stage of development which emphasizes family and parenthood as being important in the formulation of identity. The separation of a father from his children through legal separation and/or divorce has the potential to produce a level of trauma for the father which may interfere with the formulation of identity as an adult male.

Gould (1979) emphasized the significance of the unquestioned beliefs that are carried over from earlier phases of life, particularly from childhood. Many of these assumptions, such as the belief that people's families will always be intact, that nobody important to them will die, that competence will be rewarded, and that life is fair, are helpful during certain stages of childhood and adult development. When a loss is encountered, however, some of these beliefs are challenged. These challenges usually result in the disruption of the way in which the person can view his or her world, and changes the behaviors on which the now questionable assumptions were based (Schneider, 1984).
Significant alterations in the natural course of the dominance of these assumptions takes place when loss is experienced. For example, the childhood-based assumption that "there is no evil or death in the world. The sinister has been destroyed," which Gould attributed to the mid-life decade, is challenged much earlier by those who were soldiers in war, lost a parent at an early adult age, or went through a divorce (Schneider, 1984, p. 55-56).

Similarly, assumptions about the invulnerability of the family are assaulted whenever parents die or get divorced or when children leave home or die. Multiple losses early in adulthood can accelerate or change the order in which those assumptions are challenged and grieved. There can be a significant change in the nature of growth and development as a function of the timing and nature of loss events a person experiences (Schneider, 1984).

Some research has been conducted looking at fatherhood, divorce, and custody litigation. To facilitate understanding, a review of the research in these areas will be divided into five sections and related, where appropriate, to the more general questions of generativity and identity. The five sections are as follows:

1. Fatherhood: historical/theoretical conceptualizations and significance;
2. Characteristics of divorced fathers;
3. Stress factors for litigating fathers;
4. Stress factors of litigation for professionals and significant others; and
5. Relation of research to the problem.

A critique will follow each of the first four sections.

Fatherhood: Historical/Theoretical Conceptualizations and Significance

Past and recent studies have extensively investigated the role of the mature adult in stage seven (generativity vs. stagnation) of Erikson's theory of development of identity, particularly with reference to the role of the male and father image projected on society. This section will explore several studies examining this concept and relate it to stage seven of development as proposed by Erikson (1968). The role of loss in relation to identity is also discussed.

Benedek (1958) called attention to the roots of paternal identity as found in Erikson's stage seven and the importance of such development for fathers and children alike. She recognized that parenthood remolded and matured a man's psychic organization, noting that the experiences of raising children powerfully affects feelings of self-worth and competence.

Benedek's (1958) work provides an in-depth view of the
psychology of being a parent. She notes that there is an emotional normative symbiosis between parent and child that is based on the parent's prior experience of childhood which operates through the mental principle that "the introjected object is merged with the introjected self in the drive experience and thereby object representations and self representations are established in inseparable connection with each other" (Benedek, 1958, p.401). This means that the parent is capable of structural change because, in the deep part of his/her mind, the experiences he/she has with his/her child are opportunities to rework intimately tied, structure-determining memories of his/her own childhood. This is all made possible by a kind of limited regression and emotional symbiosis on the part of the adult parent to the level of the developing child. This normative regression and blurring of self-definition is a detailed look at what Erikson called mutuality during the stage of generativity (Benedek, 1958).

Anthony and Benedek (1970) purport that the biological root of fatherhood is in the instinctual drive for survival. On the developmental role of fatherhood, Benedek likens those functions which represent fatherhood, fatherliness and providing as being parallel to motherhood, motherliness, and nurturing. Adult self evolves as the individual engages the
major developmental tasks of adulthood. The experience of fatherhood is a determining influence on the evolution of the adult self because it is such a central experience, full of narcissistic gratification and disappointment (Anthony & Benedek, 1970).

John Ross (1975), in his review of the psychoanalytic literature, contended that fatherhood may evoke a paternal love on a man's part that resonates with a productive identification with his own father who now replaces his mother as the nurturing and creative figure with whom to identify. An assumption of the father's role on reproduction and relation to caretaking helps an adult man come to terms with his hitherto repressed and disquieting "maternal" desires. Ross further suggests that the successive stages in the epigenesis of paternal identity during the first decade might run as follows:

- Being nurtured by mother; acting to extract nurturance from her and to parent oneself by way of traditional phenomena; the further employment of these to create a sense of "me" and build ego structures (1975, p. 786).

Grief's (1977) study found that the greater the father's involvement with his child, the greater his sense of having an ongoing parental role in the child's life following
divorce. This behavior becomes self-reinforcing: the more opportunities fathers have to act as fathers, the more they see themselves as fathers and the more they seek to continue that involvement. The clear danger of child absence is role loss, leading to further withdrawal from the child. Grief notes that we tend to approach families of divorce as though the non-custodial parent ceased to exist. The intricate intertwining of fatherhood with fathers' self concepts, both past, present, and future suggest that the loss of fatherhood through divorce has the potential to devastate the sense of the continuity of self over time equivalent to the loss of a child through death but without the closure of death.

Critique

Several studies have examined the roots of paternal identity and the importance of the psychology of being a parent to identity and self-concept (Anthony & Benedek, 1970; Benedek, 1958; Ross, 1975). Through identification of the child as a love object, adults are able to rework some of their own unresolved issues of childhood. This merging of self-definition with the child suggests that having children can be an important aspect of adult identity development, with the adult needing the child as well as the child needing the adult.

It seems reasonable to assume that if a father is
separated from his child/children through divorce, resulting role loss may evoke a change in perceptions of self-concept and identity on the part of the father which may interfere with continued formulation of identity.

Characteristics of Divorced Fathers.

Prior to 1960, very few fathers were awarded custody of their children and then, only in unusual circumstances. Fathers rarely contested the assumption of mother custody and, if they did, the courts demanded that they prove the mother "unfit" for parenthood (Hetherington, Cox & Cox, 1976). Also, the backlog of divorce settlements rarely allowed a judge the luxury of carefully selecting between the two parental alternatives. This kind of social and legal process probably led Goode (1956) to draw the following conclusion from his study of divorced women:

There are many factors to make us believe that the father actually does approve of the custody arrangement that gives care of the child to the mother. Most of these factors may be classified under the headings of (a) the social role of the father; (b) male skills; and (c) allocation of time to occupation...these factors operate to make husband custody neither easy nor very desirable (to husbands) in our time. Consequently, we are inclined to believe
our respondents when four out of five claim that their husbands agreed to the custodial arrangements, which almost always gave the custody to the wife (1956, p. 312-313).

Salk (1977) concurs with Goode's findings stating that fathers are defeated before they begin. For this reason, many fathers chose not to even attempt to gain custody of their children, even when they, others, and many professionals concerned with the welfare of the children felt that a father would indeed be psychologically better equipped to be the custodian of the children. Fathers were almost forced to abandon their children and sit by helplessly while they sustained a certain degree of psychological or physical neglect that the fathers could have prevented if given the opportunity. By being males they were precluded from the decision.

Ambrose et al. (1983) discuss their findings of the internal difficulties which relate to the emotional problems facing non-custodial fathers. Divorce itself involves coping with a failed relationship and the subsequent blow to the person's pride, self-esteem, and self-identity. Where there are children involved, fathers are faced with their feelings about the break-up, what they have done to their children, and how they might repair the damage. Some clearly become
depressed, others feel very guilty, and others act out their angry feelings in a vindictive and revengeful manner. Rebuilding an unhinged identity and finding new sources for restoring damaged self-esteem are key internal issues facing all divorced fathers, and the way this process is handled is likely to affect the amount of contact and the kind of relationship between fathers and their children.

Ambrose et al. (1983) further state that for men who may have lost the day-to-day contact with both partner and children the world can rapidly become a very lonely place. Given that most men have been socialized since infancy not to talk freely about their personal feelings, even to close friends, the emotional isolation can become almost complete. This isolation can help fuel the worst feelings men have about themselves. In fact, these feelings can develop into what might be called a "self-fulfilling stigma reinforcing cycle" (Ambrose et al., 1983, p. 165). The cycle may start with for example, the man feeling guilty about the break up and about the "damage," real or imagined, it may be causing the children. He therefore judges himself to be "bad" and assumes that others will judge him similarly. This feeling is reinforced by a selective reception of "signals" from the world at large and especially from social service agencies who, for statuatory and other reasons, are geared to help
mothers and children rather than the lone males. These signals serve to confirm, and reinforce, this original assessment of himself.

Seagull and Seagull (1977) compare the loneliness and depression of the non-custodial father to mourning. In discussing the mourning process for fathers, they suggest three factors which contribute to this process. First, men, especially, are singularly unprepared for expressing their emotions and feelings in this society. Added to the process of mourning the loss of the relationship with the ex-spouse are the non-custodial parent's feelings that he has lost his children. Not having custody of children can cause a dull, nagging ache. The pain of separation is profound, and it is no wonder that many a father would prefer visiting less often than undergoing this weekly trauma. A third factor which adds to the depression and mourning of this phase of the divorce process can be the move itself. In many cases, when the mother retains physical custody of the children, it is the father who leaves their previously shared dwelling place and moves into a place of his own. The disorganization and personal confusion attendant upon any move are exacerbated by the father's emotional state, already overwhelmed by loss, and usually by the lack of housekeeping skills. These depressing surroundings, in addition to their loneliness,
make "home" the place the non-custodial father neither wants to be himself nor wants to take his children (Seagull & Seagull, 1977).

Hetherington et al. (1976) suggest that perhaps because it is the divorced father who leaves the home and suffers the trauma of separation from his children, he seems to undergo greater initial changes in self-concept than does the mother. In this study, fathers complained of not knowing who they were, of being rootless, having no structure or home in their lives. The separation induced great feelings of loss, previously unrecognized dependency needs, guilt, anxiety, and depression. This study indicated that one of the most marked changes in divorced fathers in the first year following divorce was a decline in feelings of competence. The frenetic social activity and self-improvement which occurred one year following divorce seemed to be an attempt to resolve some of the identity and loss of self-esteem problems experienced by the divorced fathers.

Critique

Historically, fathers have rarely been awarded, or contested, custody of their children following separation and divorce (Goode, 1956; Hetherington et al., 1976; Salk, 1977). With the loss of spouse, children, and home, it is not surprising that many divorced men respond to the trauma
of multiple losses with feelings of guilt, depression, and anger (Ambrose et al., 1983). Feelings of loneliness and isolation further serve to confirm and reinforce the negative thoughts that men have about themselves during this time in their lives.

The loneliness and depression felt by these fathers has been compared to mourning (Seagull & Seagull, 1977). In our society, men are not taught to express emotions openly. Given this training, the pain of separation and loss of children is increasingly difficult for non-custodial fathers to express and greatly induces feelings of rootlessness and lack of structure in their lives (Hetherington et al., 1976).

Attempting to resolve identity and self-concept problems, divorced fathers often pursue increased social activity and make active attempts toward self-improvement. The continuing theme for divorced fathers without their children remains a theme of traumatic loss coupled with identity and self-concept diffusion.

Stress Factors for Litigating Fathers

Three areas of change—the women's movement, the high divorce rate, and greater equality for men in court—are all responsible for increased involvement by fathers in parenting and for more single fathers attempting and gaining custody following separation and divorce (Grief, 1985). Fathers who
legitimately feel they have a right to custody of their children are beginning to get their day in court (Orthner, Brown & Ferguson, 1976). However, existing literature which discusses the psychological characteristics of non-custodial fathers who are involved in child custody litigation is extremely scant. Gardner (1982) states that the psychological wear and tear on parents and children involved in custody litigation has not been given the attention it deserves.

Having been involved in custody litigation for many years, Gardner (1982) recognizes that the adversary system, which purports to help the parents resolve their differences, is likely to prolong and intensify the hostilities. Often, the divorce proceedings become a more cruel operation and cause greater psychological pain to the parties than the marriage which brought about the decision for divorce in the first place.

Gardner (1982) states that of all the forms of marital litigation, the most vicious and venomous by far is custody litigation. In working with litigating couples, Gardner has seen attorneys and their commitment to the adversary system as a first step in resolving custody conflicts bring about psychopathology when it does not exist and exacerbate and prolong it when it does.
Neely (1984), in discussing civil litigation, states that court procedures alienate most domestic litigants because emotion-charged human problems must be presented exclusively in terms of pre-existing, abstract legal categories. Litigants are disappointed that they are not permitted to "spill their guts." Emotional satisfactions are often denied when complex personal relationships must be dissected so that the facts can be forced into one or another pre-conceived legal categories. Litigant satisfaction in divorce matters is far lower than in any other type of case due to the highly charged emotional issues involved. Neely (1984) feels that the problems of child custody litigation can be avoided by not litigating the issue in the first place and by recognizing the adverse economic and psychological effects of litigation concerning custody.

Epstein (1974) purports that men who fight for custody of their children do so out of one of three motives: hatred of their ex-wives, fear of losing their children, or a genuine belief that they are better suited to raise the children. With stakes pushed up so high and the feelings running so deep, it is hardly surprising that in contested custody cases the stage is set for the maximum possible viciousness. Epstein further states that whatever a father's motive for contesting custody, he must do it with the
throttle full out. Halfway measures will not do the job. In the court room, the deck is stacked against decent fighting, the father contesting the custody must submerge his ex-wife, rough up her character as a mother and plow it under. Once he has decided to fight for custody, no other route is open. A custody fight is a fight of the most serious and fundamental kind; and if one loses it, one is guaranteed an enemy for life—and an enemy, unlike all other enemies, who will be raising one's children.

Levine (1976) concurred that the adversary system is unsparing. One litigating father stated, "Emotionally, no matter how long this lasts, you're constantly reminded, you're constantly looking for things to enhance your case. You have to keep all these sordid pieces of information in your mind or jot them down so you don't forget them. I feel rotten about it, but that's what you have to do" (Levine, 1976, p. 45-46). Parents may manufacture evidence at the trial or during a pretrial investigation in order to gain custody. Even when evidence is not manufactured, the adversary proceeding often distorts the information to make one parent appear "better" and the other "worse," resulting in lowered self-respect, anger, and bitterness (Taylor & Werner, 1978).

When parents cannot decide who should have custody of
their children, the court will typically order the local county department of social services to complete a custody evaluation. Ollendick and Otto (1984) looked at parents contesting custody who had taken the Minnesota Multiphasic Personality Inventory (MMPI) as part of the custody study. The MMPI data revealed that parents receiving custody of their children scored significantly different from non-custody parents on seven of the fourteen MMPI scales studied. Gardner (1982) observed that some parents may develop neurotic or psychotic symptoms in response to the stress of divorce litigation as evidenced by 43 of the 76 parents (57 score greater than 70. Fathers, in general, scored higher on the scales measuring depression, anxiety, and mania. These men may have been aware of the maternal bias of the court in awarding custody and thus were more anxious, worried, and irritable than mothers. The inferences from the data of this study suggest that parents receiving custody tend to represent themselves in a healthier fashion, cope with feelings of anger and impulsivity more effectively, are more open and trusting toward others, and receive lower alcohol use scale scores than parents not receiving custody.

Gardner (1982) points out that another situation that contributes to the parents' and the children's deterioration in custody litigation is the slowness of the courts. Having
observed this deterioration in many clients, Gardner has seen suicidal attempts, alcohol and drug abuse, psychotic breaks, and heart attacks which he considered directly attributable to the psychological trauma of protracted divorce and/or custody litigation. He further reports witnessing an intensification of pre-existing psychogenic symptoms, exacerbations he feels would not have taken place had the persons been able to avoid prolonged adversarial proceedings.

**Critique**

Though more fathers are attempting and gaining custody of their children following separation and divorce, the litigation process remains adversarial and painful for those involved (Grief, 1985). The psychological characteristics of divorced fathers in general was discussed in the previous section. When custody litigation is added to the stress of divorce, it is not unusual to see psychopathology develop due to the adversarial nature of the litigation process (Gardner, 1982).

The focus during litigation appears to be a shift from concerns of parenting to winning the custody battle of the children. It is a conflictual time for fathers psychologically as they are generally in a state of questioning their identity and self-concept; however, they must prove that they are the "best" or "most fit" parent.
During the process all who are involved suffer; the parents, the children, and the relationship among family members. The one existing study of parents undergoing this process indicated that litigating fathers presented as more anxious, worried, and irritable than mothers (Ollendick & Otto, 1984). Fathers continue to fight the historical maternal bias of the courts in awarding custody. It is understandable that this pre-existing bias and the slowness of the courts could serve to exacerbate and reinforce negative self-concepts of the litigating fathers.

**Stress Factors of Litigation for Professionals and Significant Others**

In addition to the litigating parents, others adversely affected by the litigation process include the children, grandparents, and other extended family members, lawyers, judges, and social service persons who may serve in the capacity of providing expert witness testimony.

Judge Byron Lindsley (1980) stated that no other process is more likely to rip husband, wife, mother, father, and child apart so thoroughly and bitterly. Girdner (1985) found that when parents choose the court as a forum for resolving a dispute over the custody of their children, their relationship and interaction are partially reframed through the structure of the judicial process. They engage in
competitive and individualistic strategies which focus primarily on building a case to convince the judge. This has ramifications for the judicial system and the family. The judges unanimously agreed that custody disputes are their most difficult cases.

The ramifications of involvement in litigation for the family extends beyond the courtroom. Parents become increasingly hostile and combative during the course of litigation. Their sense of injustice grows and is not placated even when they "win." The bitterness and turmoil which begins and increases in the course of litigation continues after the court battle is over (Girdner, 1985). Many parents return repeatedly to court to have visitation explicitly defined or request a change of custody order. The net effect of using friends, neighbors, and relatives as witnesses is the division of the parents' and the children's social worlds into two opposing camps. The children are caught in the middle of a power struggle. Several psychologists and psychiatrists, who were expert witnesses, described the children's experience as a form of child abuse. Therefore, the process of custody adjudication stands in contradiction to the very concept which it functions to serve, which is, the best interests of the child (Girdner, 1985).
In concurrence, Neely (1984) describes an accurate composite of cases that he had handled as a lawyer. Once a custody battle is contemplated, the relationship between parents and children changes for the worse. The overriding need to prepare for court will dominate the lives of both parents, and if the opinion of the children are to be polled, either directly through court testimony or indirectly through the probing of experts, each parent is going to attempt to poison the other parent's case. Furthermore, the parent with whom the children are living during the litigation will have an advantage in any poisoning operation. The guerilla warfare among parents, and collateral relatives as well, not only makes life difficult at the time of divorce, it may also undermine the children's relationships with one side of their family, which serves as their natural emotional support network, for the rest of their lives. In this regard, a term frequently used in custody battles is "brainwash" (Neely, 1984).

The slowly grinding machinery of the courts inevitably exacerbates the emotional stresses that any divorce causes. Preeminent among the untoward effects of custody litigation per se are uncertainty, painful psychological probing such as "Who do you love more, Mommy or Daddy?" and competitive parental bribery. If the children have no idea with whom
they will live or under what terms or even where, their consequent insecurity undermines their ability to function. Their relations with other children suffer; their ties to the community are threatened; and often the stress they are under causes academic failure (Neely, 1984).

In discussing the role and stresses for attorneys involved in divorce and custody litigation, Kreseel, Lopez-Morillas, Weinglass, and Deutsch (1979) cite several contributing factors to this stress. These authors state that the position of the matrimonial lawyer is in many ways unenviable. Lawyers cannot hope to find much satisfaction in the adversary use of the law but can expect strong pressures to utilize the adversary system. In addition, their attempts to predict how the dynamics of the marital relationship will affect the proceedings will be hampered by the one-sided source of their information and their own lack of psychological training; their efforts are likely to be regarded with disappointment and mistrust by clients; and there is a good probability of being matched with an opposing counsel whose views are very different than their own and with whom it is difficult to work.

Involvement for the mental health professional is also stressful in contested child custody cases. Gardner (1982) states that therapists who involve themselves in such
proceedings must have thick skins. Many mental health professionals are reluctant to become involved in court hearings because of the problems resulting to their private practice, as well as the lack of respect evidenced by judges who may seem to ignore their information and make decisions in direct contradiction to their statements (Taylor & Werner, 1978).

Critique

Though the focus of this study is on the non-custodial, litigating father, the literature review suggests that everyone who is involved in the litigating process experiences stress and in some cases, trauma. Extended family members and professionals become painfully involved in the dissolution of a family and usually recognize immediately that the relationship between parents and children generally changes for the worse once a custody battle has been initiated.

Few professionals, whether they be judges, lawyers, or mental health counselors, are able to derive satisfaction from being part of a process that exacerbates the emotional stresses that are caused by divorce.

Relation of Research to the Problem

Some research has been conducted looking at fatherhood, divorce, and custody litigation. Given the importance
attributed to loss of generativity (Erikson, 1968) and adult identity (Gould, 1982) through loss of children in divorce, it is important to investigate the psychological effects of custody litigation on non-custodial fathers and their identity as fathers.

The number of existing studies examining the importance of parenthood and generativity to the development of adult identity and self-concept are extremely scant. This study examines, empirically, the psychological characteristics of non-custodial fathers who have not been involved in child custody litigation and compares them to non-custodial fathers involved in custody to see what differences, if any, may exist between the two groups relative to identity, self-concept, and attribution. This study hopes to add to the present research base in this area and to provide additional empirical data that may prove to be of assistance to persons involved in this process to understand what psychological and personality factors may be at work in such a process.
CHAPTER III

Methodology

Population and the Sample

The population for this study was separated and/or divorced, non-custodial fathers not involved in child custody litigation and separated and/or divorced, non-custodial fathers involved in custody litigation for six months or less, and separated and/or divorced non-custodial fathers involved in custody litigation for six months or more. The subjects used in this study were volunteers obtained from such sources as counselors, attorneys, support and advocacy groups such as Fathers United for Equal Rights, Parents Without Partners, the Association of Disenfranchised Parents, and personal referrals from persons aware of the research study being undertaken. Due to the unique and limited nature of this group of subjects, all who volunteered and met criteria were used, e.g., subjects were not randomly drawn from a pool of subjects.

The researcher contacted the previously mentioned sources in an effort to locate volunteers for the study. The researcher made an attempt to contact each volunteer personally through visits or telephone calls. The sample consisted of 49 non-custodial fathers across the three groups.
Data Gathering Methods

The researcher provided each volunteer with a packet of questionnaires and instructions for completion. The packet included the following instruments:

1. Adjective Check List.
2. Beck Depression Inventory.
3. Adult Nowicki-Strickland Internal-External Control Scale.
4. Parental Attitude Survey.
5. Demographic Data Questionnaire.

The researcher attempted to have the volunteers complete the questionnaires at the time of contact. If the volunteers were unable to complete the questionnaires at the time of contact, the researcher provided the volunteers with stamped, self-addressed envelopes in which to return the completed questionnaires. If the volunteers preferred to mail the questionnaires to the researcher, the researcher maintained telephone or written contact with the volunteers until the questionnaires had been received by the researcher.

Instrumentation

Instruments used in this study are as follows:

1. Affective states and self-concept were measured by the Adjective Check List (ACL). The ACL was developed by Gough in 1952 at the Institute of Personality Research and
Assessment. The ACL consists of 300 adjectives and adjectival phrases commonly used to describe a person's attributes. The ACL was initially developed for use by observers in describing others; however, self-description is the modal application that has emerged over the years (Gough & Heilbrun, 1983).

The ACL has been primarily a research instrument rather than a diagnostic or selection device. The scale development work for the ACL is sophisticated and sound (Vance, 1978).

Zarske (1985) notes the ACL to be of greatest utility to researchers and theoreticians interested in the study of self-concept. It appears particularly applicable for researchers interested in self-descriptions.

Reliability data is based upon internal consistency and retest data (Zarske, 1985). Reliability coefficients for the various scales show wide variation (.34 to .95); however, the median value in the mid 70's attest to generally adequate reliabilities for most of the scales.

Although the ACL provides results on thirty-seven personality characteristics, for the purposes of this study only the scales relating to self-concept and affective states were used.

2. Depression was measured utilizing the Beck Depression Inventory (BDI) (Beck & Beamesderfer, 1974). The
BDI is used to identify and measure undiagnosed depression and assess the need for therapy. It is a 21 item self-report questionnaire constructed to assess symptoms of depression such as affective, cognitive, motivational, and physiological, to provide a grading for the intensity of each symptom, and to determine whether or not depression could be diagnosed as primary (Beck & Beamesderfer, 1974; Beck, Ward, Mendelson, Mock & Erbaugh, 1961; Bumberry, Oliver & McClure, 1978).

Most studies of BDI reliability have been undertaken with psychiatric patients. Test-retest reliability figures in a study of 38 patients were above .90 (Beck, 1970). Item analysis also demonstrated a positive correlation between each item of the BDI and the total score. These correlations were all significant at the .001 level. Internal consistency studies demonstrated a correlation coefficient of .86 for the test items, and a Spearman-Brown correlation for the reliability of the BDI yielded a coefficient of .93 (Stehouwer, 1985).

In assessing the validity of the BDI, the readily apparent face validity must be addressed. The BDI looks as though it is assessing depression (Stehouwer, 1985).

Content validity would seem to be quite high since the BDI appears to evaluate well a wide variety of symptoms and
attitudes associated with depression (Stehouwer, 1985). Studies undertaken with regard to concurrent validity have produced correlations of .66 to .77 (Stehouwer, 1985).

According to Beck, the depression inventory was recommended for use by all general practitioners in Great Britain (Beck & Beamderfer, 1974).

Since the BDI was designed for use with a psychiatric population, its diagnostic validity in a college population was also tested, and it was determined to be a valid instrument to measure the state and depth of depression in that setting as well (Bumberry, Oliver & McClure, 1978).

3. Locus of control was measured with the Adult Nowicki-Strickland Internal-External Control Scale. The Adult Nowicki-Strickland Internal-External Control Scale (ANS-IE) is a forty-item self-report questionnaire which was developed by Nowicki and Duke (1974). The instrument requires the subject to respond "yes" or "no" in a forced-choice format. According to Nowicki (1980) the ANS-IE was developed to overcome the shortcomings of the Rotter Internal-External Locus of Control Scale and provide a measure of Rotter's construct of locus of control. The Rotter Internal-External Locus of Control Scale has received much criticism due to a consistent and significant relationship being found between I-E scores and social
desirability responding. In addition, the Rotter instrument's forced-choice format and difficult reading level may make it inappropriate for noncollege populations. The ANS-IE requires only a fifth grade reading level. The adult scale items of the ANS-IE were derived through modifying the Children's Nowicki-Strickland Internal-External Control Scale (CNS-IE), mostly changing the word "children" to "people" and by changing the tense of some items to make them more appropriate for adult subjects (Nowicki, 1980).

With regard to the instrument's internal consistency, Nowicki and Duke (1974) reported split-half reliabilities in the .60s for college (n=56) and community samples (n=33). The test-retest reliability reported by Nowicki and Duke (1974) for college subjects over a six week period was .83 (n=48). This is comparable to the test-retest reliability found by Chandler (1976) over a seven week period of r=.65 (n=70). Mink (1976) reported a test-retest reliability over one year of r=.56 (n=854) for community college students.

With regard to discriminative validity of the ANS-IE Nowicki and Duke (1974) investigated the relation of ANS-IE scores to social desirability. This was considered important due to the growing criticism of the Rotter I-E scale for its scores being significantly related to social desirability. The researchers found that ANS-IE scores were not related to
scores on the Marlowe-Crowne Social Desirability Scale given two samples of college students (n=48 and n=68); the respective correlation coefficients are r=.10 with df=47 and r=.06 with df=67. Also, the relation of ANS-IE scores to intelligence was investigated by Nowicki and Duke (1974). They found that the correlation between ANS-IE and Scholastic Aptitude Test scores was not significant (n=48, r=.11).

With regard to construct validity, Nowicki and Duke (1974) administered both the ANS-IE and the Rotter Internal-External Locus of Control Scale to two college and one community samples. In all three samples, the correlations between the two measures were significant (r=.68, df=47, p<.01, r=.48, df=37, p<.01). Their results were viewed by the researchers to be consistent with the contention that these two measures are assessing the same construct, but not in an identical manner, thus establishing construct validity.

To determine a subject's score along the internal-external dimension of the ANS-IE, the number of external responses are totaled yielding a single score. The higher the subject's score, the more external the locus of control. Conversely, the lower score is interpreted as a more internal locus of control.

4. A measurement of parental attitudes was obtained by
the use of the Parent Attitude Survey. The Parent Attitude Survey (PAS) was developed by Carl Hereford (1963). It was part of a four year research project in methods of parent education (1963). The PAS has five scales which measure parental attitudes towards their children.

Confidence in parental role is the first scale. It contains items concerned with detecting the degree to which the parents feel that they have more problems than most parents and are really uncertain as to what to do about these problems. Also included are assessments of the belief that being a parent requires suffering and sacrifice, and that it is a difficult, time consuming, thankless task. Parents at the numerically high end of the scale would disagree with these beliefs.

The second scale relates to Causation. Parents who score low believe it is impossible to change a child from the way he is "naturally," and in essence that the child's behavior is predetermined.

The Acceptance scale measures parental acceptance or rejection of the child's behavior and feelings. Specifically among these behaviors are the need for affection, self-expression and aggressiveness. Parents scoring high on this are generally more accepting.

Understanding is the fourth scale. It focuses upon
communication between parents and children. The degree of participation in decision making, talking out problems and freedom of expression are concepts measured. Parents at the low end of the scale believe that "children should be seen and not heard" (Hereford, 1963, p. 55).

The final scale is labeled Trust, and it measures the degree to which parents feel children are not to be trusted and need to be watched. An attitude respecting children as individuals who can be trusted would be characteristic of parents at the higher end of the scale.

The ratings for the choices are summed for each of the five scales and a score is calculated for the total test. The scales have a range from -30 to +30, with positive scores being indicative of a general psychologically healthy attitude.

In developing the PAS, Hereford began with two hundred statements, forty for each scale. Five judges classified the items by scales, which reduced the number to twenty-five items per scale, with one hundred percent agreement from the judges. Product-moment correlations were computed for the responses of seventy-two parents. The fifteen items with the highest correlations were selected for each scale.

Reliability of the five scales was computed by means of the split-half method. The reliability coefficients range
from .68 to .86 with a mean reliability of .80. An
interscale correlation matrix was computed which indicated
that the scales were all measuring related attitudes but were
not duplicating the measurements. The intercorrelations
ranged from .33 to .63 with a mean interscale correlation of
.46.

5. Demographic information was obtained through the use
of a Demographic Data Form that had been devised by the
researcher. This form included information relating to age,
socio-economic status, education, number, age, and sex of
child/children, length of separation/divorce, visitation, and
child support. This form required approximately five minutes
to complete. The form was piloted on approximately
twenty-five people to determine clarity of understanding of
the items.

Research Design

Subjects were divided into three groups:
divorced/separated non-custodial fathers never involved in
custody litigation; divorced/separated non-custodial fathers
involved in custody litigation for six months or less; and
those fathers involved in custody litigation for six months
or more.

Specific Research Questions

The questions asked in this study are as follows:
1. Are there differences in the self-concept of separated and/or divorced, non-custodial fathers who are not involved in custody litigation; and separated and/or divorced, non-custodial fathers involved in custody litigation for six months or less; and non-custodial fathers involved in custody litigation for six months or more?

2. Are there differences in the affective states of separated and/or divorced, non-custodial fathers who are not involved in custody litigation; and separated and/or divorced, non-custodial fathers involved in custody litigation for six months or less; and non-custodial fathers involved in custody litigation for six months or more?

3. Are there differences in the locus of control of separated and/or divorced, non-custodial fathers who are not involved in custody litigation; and separated and/or divorced, non-custodial fathers involved in custody litigation for six months or less; and non-custodial fathers involved in custody litigation for six months or more?

4. Are there differences in the levels of depression of separated and/or divorced, non-custodial fathers who are not involved in custody litigation; and separated and/or divorced, non-custodial fathers involved in custody litigation for six months or less; and non-custodial fathers involved in custody litigation for six months or more?
5. Are there differences in the parental attitudes of separated and/or divorced, non-custodial fathers who are not involved in custody litigation; and separated and/or divorced, non-custodial fathers involved in custody litigation for six months or less; and non-custodial fathers involved in custody litigation for six months or more?

**Statistical Analysis Technique**

The specific research questions proposed were investigated using discriminant analysis with the direct method. Scores from the ACL, BDI, ANS-IE, and the PAS were used as predictor variables among the three groups. Two discriminate functions were derived and examined for statistical significance and, if significant, further examined for predictive strength.

The Statistical Package for the Social Sciences (SPSSX) was used to compute the statistical analysis.
CHAPTER IV

Results

The results of this study are organized into three major sections. First, data collected from the Demographic Data Questionnaire is included to provide a description of the Ss who comprised the total sample and of each of the three groups represented. Secondly, data analysis of the total group and each individual group will be discussed. Finally, the results of the discriminant analysis will be presented with a table outlining the classification of results.

Description of the Total Sample Based on Data from the Demographic Data Questionnaire

Of the 49 total subjects responding, 25 were not involved in child custody litigation, and 24 were involved in child custody litigation. Ten of the litigating respondents has been involved in litigation for six months or less and 14 subjects had been litigating for six months or longer. Ages of the subjects ranged from 29-53 years (M = 38 years, 7 months). Six subjects had incomes of $10,000-15,000, 19 subjects had income levels of $15,00-25,000, and 24 subjects had income levels in excess of $25,000.

Education levels of the subjects ranged from not completing high school to completion of an advanced degree. One father responding did not complete high school.
fathers were high school graduates, 19 reported having earned some college credits, 13 had received undergraduate degrees, and 10 had completed advanced degrees.

Number of children and sex of children represented in the study are as follows: 16 fathers reported having no sons, 22 had one son, 10 had two sons, and one father had five sons. Eighteen fathers reported having no daughters, 22 had one daughter, seven had two daughters, one had three daughters, and one father had four daughters. The number of children ranged from one through seven with the average age of the children being nine years, three months.

Current marital status revealed fourteen subjects who had been separated for an average of one year, eight months, and 35 subjects who had been divorced for an average of four years, eight months. For the 47 subjects, the range of the number of years married went from 1 to 23 years (M=12 years, 1 month) with two subjects undeclared.

Five of the 49 respondents report that they pay no child support, 42 stated that they pay child support, and two fathers did not respond. Of the 45 respondents who do pay child support, they report paying an average of $408 per month. Twenty-two of the subjects had not remarried, 20 subjects had remarried, and seven did not state marital status. When asked if their former spouse had remarried, 23
subjects reported that they had not remarried, 16 reported that they had remarried, and 10 did not respond.

Nineteen of the fathers reported seeing their child/children at least one time per week during the past six months, one subject reported seeing his child/children less than one time per week, eleven subjects see their children two times per month, and four fathers were undeclared.

Geographic locations of the subjects responding are as follows: 24 from the state of Virginia, 13 from North Carolina, one from Massachusetts, one from Austria, and ten did not indicate their geographic locations, however, most of the data gathering was done in Virginia and North Carolina.

**Description of Each Group Based on Data from the Demographic Data Questionnaire**

**Non-litigating fathers**

Twenty-five fathers participating in this research project were not involved in child custody litigation. These fathers ranged in age from 29-53 years old (M=39 years, 10 months). Twenty-four of the non-litigating fathers were white, and one father was hispanic. Five fathers had incomes of $10,000-15,000, five had incomes of $15,000-25,000, and 15 had incomes exceeding $25,000. Educational levels represented by this group include two fathers who were high school graduates, twelve had some college, eight had
completed undergraduate degrees, and three had advanced degrees. Eleven of these fathers did not have any sons, eight reported having one son, five had two sons, and one father had five sons. Six fathers had no daughters, fourteen had one daughter, and five fathers had two daughters. Number of children per father ranged from 1-7 with mean age being nine years.

Six of the fathers responding were separated, with the average length of separation being 3.3 years. Eighteen fathers were divorced for an average of 5.2 years. One father did not declare his marital status. Twenty-four of the 25 subjects responding had been married for an average of 10.5 years. Two of the fathers report paying no child support, while 23 report paying child support ($M=432). Ten fathers had not remarried, ten fathers had remarried, and five did not respond. Eight subjects report that their former spouse had not remarried, eleven stated that their former spouse had remarried, and six fathers did not respond.

Eight subjects report seeing their children one or more times per week, one father sees his child/children less than one time per week, seven report seeing their children two times per month, eight see their children less than two times per month, and one father did not respond.

Eleven of the fathers responding were from Virginia,
five were from North Carolina, and nine did not indicate geographic location.

Fathers litigating six months or less

Ten fathers in the research study had been involved in child custody litigation for six months or less. The mean age of these fathers was 37 years, 4 months. Nine fathers were white and one was black. One father reported income between $10,000-15,000, five fathers had income of $15,000-25,000, and four reported income in excess of $25,000. One of the subjects did not complete high school, one was a high school graduate, four reported having earned some college credit, and four had advanced degrees.

Two of the fathers reported having no sons, six fathers had two sons, and two fathers had two sons. Four respondents had no daughters, five had one daughter, and one had two daughters. Number of children ranged between 1-3, with the mean age being 12 years, 8 months.

Three fathers responding are currently separated with the average length of separation being one year. Seven respondents were divorced and had been divorced on an average of 3.2 years. The ten respondents had been married an average of 11 years.

One father reported paying no child support, while nine reported paying an average of $367 per month. Five of the
fathers had not remarried and five had remarried. Eight respondents stated their former spouse had not remarried, and two reported the former spouse had remarried.

Eight fathers reported seeing their children one or more times per week, one father sees his child/children two times per month, and one father reported seeing his child/children less than two times per month. All ten fathers report that they are attempting to get custody because they feel they are the most suitable parent. Some fathers also stated other reasons as follows: feel ex-wife is not a good mother, afraid they will lose contact with the children, want joint custody, the children hate their mother, and the children have asked to live with their father. Nine of the ten fathers report this as their first attempt to gain custody. Fathers responding represent six from Virginia, two from North Carolina, one from Massachusetts, and one from Austria.

Fathers litigating for six months or longer

Fourteen fathers participating in the research had been involved in child custody litigation for six months or longer. The mean age of these fathers was 37 years, 1 month. Thirteen fathers were white and one was black. Nine fathers reported incomes between $15,000-25,000, and five fathers had incomes in excess of $25,000. Three fathers were high school graduates, three report having some college credits, five had
completed undergraduate degrees, and three had advanced degrees.

Three of the respondents had no sons, eight had one son, and three had two sons. Eight fathers reported having no daughters, three had one daughter, one had two daughters, one had three daughters, and one father had four daughters. Number of children ranged between 1-5 with the mean age of children being nine years.

Two fathers responding were separated and had been separated for an average of one year. Ten fathers were divorced and had been divorced for an average of five years. Two fathers did not declare their marital status. Thirteen of the fourteen respondents had been married an average of 16 years, and one father did not state how long he had been married.

Two fathers reported not paying child support, ten fathers do pay child support, and two did not respond. Of total fathers responding and paying child support, they paid an average of $392 per month. Seven of the fathers had not remarried, and two were undeclared. Seven respondents state that their former spouse has not remarried, three state the former spouse has remarried, and four did not respond.

Three fathers reported seeing their children one or more times per week, three see their children two times per month,
five see their children less than two times per month, and nine did not state how often they see their children. Eight fathers are attempting to get custody because they feel they are the more suitable parent to raise the child/children, three fathers feel their former spouse is not a good mother, three are afraid they will lose contact with the child/children if they don't have custody, two wanted joint custody, and one stated that he wanted to keep his kids together. Two fathers reported hatred of the ex-wife as the reason for attempting custody. Seven fathers report that this was not their first attempt to obtain custody, six reported this as being their first attempt, and one did not respond. Seven of the respondents were from Virginia, six from North Carolina, and one did not respond.

Data analysis of the Total Group

Total respondents were measured on nine variables as follows: self-concept; affective states; parental attitudes of confidence, causation, acceptance, understanding, and trust; depression, and locus of control. Results for each group across the nine variables are summarized in Table 1.
Table 1

<table>
<thead>
<tr>
<th>Data</th>
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<tr>
<td>Age</td>
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<td>Income</td>
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<td>$20,000</td>
<td>$20,000</td>
</tr>
<tr>
<td>M Age kids</td>
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<td>12.8</td>
<td>9.0</td>
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<tr>
<td>How long married</td>
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<td>11.0</td>
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<td>$393</td>
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</tr>
<tr>
<td>Self-concept</td>
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<tr>
<td>Affective status</td>
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<td>52.3</td>
</tr>
<tr>
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<td>53.7</td>
</tr>
<tr>
<td>Causation</td>
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<td>58.4</td>
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<tr>
<td>Acceptance</td>
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<tr>
<td>Locus of Control</td>
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</tr>
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</table>
The first two variables, self-concept and affective states, were measured utilizing the Adjective Check List. Realizing that several scales on this instrument could be used to measure these two variables, for the purpose of this research project the scales of self-confidence and ideal self were used to measure self-concept, and the scales of nurturance and succorance were used to measure affective states. For self-concept, 47 of the 49 subjects responded for a mean score of 50.9 indicating that these fathers are initiators, confident of their ability to achieve goals, and characterized by interpersonal effectiveness. On the variable of affective states, 47 of the 49 subjects responded yielding a mean of 52.3, suggesting that the respondents appear to like people, have a cooperative, unaffected, and tactful social manner, to be sympathetic and supportive in temperament, and to be independent.

The five parental attitudes of confidence, causation, acceptance, understanding, and trust were measured utilizing the Parent Attitude Survey. In interpreting the means of the data to follow, the mid-point for scoring these scales is 37.5. Any score under 37.5 is considered to be low and indicative of more negative parental attitudes. Any score above 37.5 is indicating more positive parental attitudes.

The variable of confidence refers to the parent's
concept of himself. Forty-eight of 49 respondents yielded a
mean of 53.9, indicating they feel sure of themselves,
adequate to meet the demands of parenthood, and unconcerned
about the difficulties of parent-child relations. The
variable of causation is concerned with the interpretation a
parent makes of his child's behavior, and the extent to which
he involves himself as a causation factor. Forty-eight of 49
fathers responded to questions on this scale with a mean of
58.9, suggesting that these fathers feel their children's
behavior is determined by parent-child interaction, by
environmental influences, and by parental behavior and
attitudes.

Acceptance measures the degree to which a parent is
satisfied with this child, finds that the child's behavior
fits in with his own concepts, and sees the child as an
individual in his/her own right. Forty-seven of 49 fathers
responded with a mean of 61.3 indicating accepting and
permissive parents.

The scale of understanding refers to attitudes
concerning mutual understanding and may be thought of as a
communication or interaction variable, although it is not
necessarily dependent on the amount of verbal exchange. The
48 of 49 fathers responding produced a mean of 61.5,
suggesting that these fathers prize the reciprocal exchange
of both the intellectual and emotional aspects of living.

The scale of mutual trust measures the amount of confidence that parents and children have in each other. Total responses to this scale were 47 of 49 with a mean of 56.6, indicating a relation characterized by mutual confidence and trust.

The variable of depression was measured by the Beck Depression Inventory. All 49 fathers responded to this inventory with a mean score of 9.0, indicating they are a non-depressed population.

Locus of control was measured with the Adult Nowicki-Strickland Internal-External Control Scale. In scoring, the number of external responses are totaled yielding a single score. The higher the subject's score, the more external the locus of control. Conversely, the lower score is interpreted as a more internal locus of control. All 49 fathers responded to this instrument yielding a mean of 9.4, indicating these fathers are internally controlled and feel they are able to exert influence and control over their own lives as opposed to feeling their lives are controlled by forces outside themselves.
Results of the Discriminant Function Analysis

No significant discriminant function was derived on any of the variables as indicated by chi-square \( (x^2{18}, 10.6, p > .05) \). See Table 2 for the classification results of subjects by group.
Table 2

Classification Results

<table>
<thead>
<tr>
<th>Actual Group</th>
<th># of cases</th>
<th>Predicted Group Membership</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>21</td>
<td></td>
<td>18</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Non-litigating</td>
<td></td>
<td></td>
<td>85.7%</td>
<td>4.8%</td>
<td>9.5%</td>
</tr>
<tr>
<td>Group 2</td>
<td>10</td>
<td></td>
<td>5</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Under 6 months</td>
<td></td>
<td></td>
<td>50.0%</td>
<td>30.0%</td>
<td>20.0%</td>
</tr>
<tr>
<td>Group 3</td>
<td>11</td>
<td></td>
<td>6</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Over 6 months</td>
<td></td>
<td></td>
<td>54.5%</td>
<td>9.1%</td>
<td>36.4%</td>
</tr>
</tbody>
</table>

Percent of "grouped" cases correctly classified: 59.52%
CHAPTER V

Summary, Conclusion, Discussion, and Recommendations

This chapter is organized into four main sections. First, a summary of the study is presented. Second, conclusions based upon the analysis of the data are provided. Third, a discussion of the implications of the results is presented. Finally, some recommendations for future research are offered.

Summary

Existing research on divorce indicates that the women's movement, the high divorce rate, and greater equality for men in court, are all responsible for increased involvement by fathers in parenting and for more single fathers attempting and gaining custody following separation and divorce. The literature dealing with the psychological characteristics of non-custodial fathers involved in custody litigation is extremely scant.

As previously stated, the purpose of this study was to investigate differences, if any, in the psychological characteristics of separated and/or divorced, non-custodial fathers classified into three groups, as follows: non-custodial fathers who are not attempting to obtain custody of their children; non-custodial fathers who are attempting to obtain custody of their child/children through
custody litigation and have been involved in the process for six months or less; and non-custodial fathers who are attempting to obtain custody of their children through custody litigation and have been involved in this process for six months or more.

The psychological characteristics investigated were self-concept, affective states, depression, locus of control, and the parental attitudes of confidence, causation, acceptance, understanding and trust.

The instruments used to tap these variables were the Adjective Check List, the Beck Depression Inventory, the Adult Nowicki-Strickland Internal-External Control Scale, and the Parent Attitude Survey. Demographic data utilizing a Demographic Data Questionnaire devised by the researcher was also included.

The sample of the population used in this study was 49 volunteers obtained from such sources as counselors, attorneys, support and advocacy groups such as Fathers United for Equal Rights, and Parents Without Partners, and personal referrals from persons who were aware of the research project being undertaken. Of the 49 fathers participating in the study, 25 were non-litigating, 10 had been litigating for six months or less, and 14 had been litigating for six months or more.
Data collected from the Demographic Data Questionnaire provided descriptive information on the sample. The demographic variables of age, race, income level, education, number and ages of children, marital status, and child support and visitation frequency information were examined.

The specific variables proposed were investigated using discriminant function analysis with the direct method. Scores from the Adjective Check List, the Beck Depression Inventory, the Adult Nowicki-Strickland Internal-External Control Scale, and the Parent Attitude Survey were used as predictor variables among the three groups. No significant discriminant function was derived on any of the variables as indicated by chi-square ($\chi^2\{18\}, 10.6, p > .05$).

Conclusions

The results of this study indicate a lack of variance among the variables examined. Though no statistically significant differences were found among the groups on the variables of self-control and affective states, it is encouraging to note that the fathers in this study are represented very positively on these variables. Scores indicate that they feel confident of their ability to initiate and achieve goals and are interpersonally effective. They like people, are cooperative, and tend to be sympathetic and supportive in temperament.
The data collected on depression indicates a non-depressed group, which again, is positive for the fathers.

On the variable locus of control, the total group score indicated that they are an internally controlled group and feel they are able to exert some control over their lives and what happens to them; they are not just passive accepters of fate.

On the measurement of parental attitudes of confidence, causation, acceptance, understanding, and trust, all groups again scored in a positive direction. Though statistically significant differences were not found among the groups on parental attitudes, it is important to note that the fathers in this study present as capable, confident, accepting, understanding, and trusting parents, which is certainly of benefit to the children of divorce represented by these fathers.

The results of this study suggest that litigating and non-litigating non-custodial fathers are much healthier than current literature based on observations, and not empirical data, suggests.

Discussion

It is important for mental health professionals who remain active in assisting the courts in evaluating the
relative merits of each parent during the custody evaluation process to have as much empirical data as possible to aide in such a difficult decision making process. It is felt that judges need to order more thorough psychological investigation into the relative merits of each parent as part of the information gathering during a custody evaluation. Simple observations of each parent during this process may not provide adequate or clear pictures of these parents, as affective states and behaviors may be clouded by the litigation process itself, which for many people is an unfamiliar experience.

It is possible that the lack of variance among the groups on the variable of depression may have been affected by the readily apparent face validity of the Beck Depression Inventory. When the instrument was typed for distribution for this study, the word "depression" was omitted from the title for its possible suggestiveness to respondents; however, the face validity of the statements on the instrument remain apparent.

Important data gathered utilizing the Demographic Data Questionnaire indicates that most fathers were attempting to obtain custody of their children because they felt they were better suited to parent the child/children or because they were afraid of losing contact with the children if they did
not have some form of formal custody. Epstein (1974) purported that men who fight for custody of their children do so out of one of three motives: hatred of their ex-wives, fear of losing their children, or a genuine belief that they are better suited to raise their children. In this study, only two of 24 litigating fathers reported hatred of their ex-wife as being a motivating factor for attempting to obtain custody.

Based on the data collected in this study, it may be assumed that fathers may not be exerting the negative influence on their children as many courts appear to believe as evidenced by their almost unanimous awarding of child custody to mothers. This study presents a limited amount of empirical data concerning fathers and nurturance; however, the 49 fathers represented in this study appear to like people, have a cooperative, unaffected, and tactful social manner, and to be supportive and sympathetic in temperament, all of which describe nurturance.

**Recommendations for Future Research**

As a result of this study, several recommendations are offered for consideration in future research. First, it is felt that the collection of additional data on non-custodial fathers and their ability to nurture would provide beneficial information to mental health professionals and judges who
work together to evaluate parents and make custody decisions.

Second, there is a need for additional empirical data concerning loss and the effects of loss for these separated and divorced fathers. This information would be of special benefit to counselors working with this clientele.

So little empirical data of any type has been collected on litigating fathers that almost any studies could only add to our knowledge of these parents.
APPENDIX A

Letter to Participants
Dear Sir:

I am a Doctoral Candidate at the College of William and Mary in Virginia conducting research on non-custodial fathers. Your name has been referred to me as being a father who may be interested in participating in my research study. I will need for you to complete some questionnaires which will take approximately 1-1½ hours of your time. A stamped, self-addressed envelope is enclosed for your convenience in returning the questionnaires.

All replies will be confidential and your participation is voluntary. Your cooperation will be much appreciated, as research on non-custodial fathers is extremely scant and much needed.

Should you have any questions, please do not hesitate to contact me at the address or phone number listed below.

Thanking you again, in advance, for your cooperation.

Sincerely,

[Signature]

Sandra W. Underwood
6750 Forest Hill Avenue
Richmond, Virginia 23225
804-320-2246
APPENDIX B

Subject Consent Form
SUBJECT CONSENT FORM

Researcher: Sandra W. Underwood

Title of Project: Psychological Characteristics of Non-Custodial Fathers Involved in Child Custody Litigation

Your participation in this study is voluntary. This study will examine the psychological characteristics of non-custodial fathers who are and are not involved in child custody litigation.

You will be expected to complete a brief demographic questionnaire, a locus of control inventory, a depression inventory, a parental attitude survey, and a personality inventory that will be used to examine self-concept.

The researcher will insure confidentiality of all data collected on individual participants. The results of the project will be made available to any interested participant by contacting the researcher after the Summer Session of 1987.

Thank you for your involvement in this study.

I agree to participate in this research project.

Participant signature__________________________

Print Name________________________________

Date_______________________________________
APPENDIX C

Demographic Data Questionnaire
DEMOGRAPHIC DATA QUESTIONNAIRE

Are you currently involved in child custody litigation attempting to obtain custody of your children? ______yes ______no
If so, how long have you been involved in custody litigation?

____Six months or less
____Six months or more

Please respond to the following questions as they apply to you:

Age_____

Race: ______Caucasian
________Black
________Hispanic
________Other, specify____________________

Income level:
____under $10,000 per year
____$10,000-15,000
____$15,000-25,000
____over $25,000

Grade completed in school:
____Did not complete high school
____High School graduate
____Some college
____Undergraduate degree
____Advanced degree

How many children do you have? ______boys ______girls

How old are your children? ______boys ______girls
Are you currently ______ separated, or ______ divorced? (check one)

How long have you been ______ separated, or ______ divorced?

How long were you married? ______ years

Do you pay child support? ______ yes ______ no

If so, how much do you pay per month? ______

If divorced, have you remarried? ______ yes ______ no

Has your former spouse remarried? ______ yes ______ no

In the past six months, how often have you seen your children?

______ One or more times per week

______ Less than one time per week

______ Two times per month

______ Less than two times per month

If you are currently involved in child custody litigation, why are you attempting to gain custody of your children?

______ Feel that I am the most suitable parent to raise the child/children.

______ Feel that my ex-wife is not a good mother

______ Hate my ex-wife

______ Afraid that I will lose contact with my children if I don’t have custody

______ Other, specify ________________________________

If you are involved in child custody litigation, is this the first time you have attempted to get custody through the courts? ______ yes ______ no

In what state do you live? ________________________________
APPENDIX D

Beck Depression Inventory
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These consist of pages:

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P. 85-87
P. 89-96

University
Microfilms
International
300 N Zeeb Rd. Ann Arbor, MI 48106-1370 734.761.4200
APPENDIX E

Nowicki-Strickland Internal-External Control Scale
APPENDIX F

Parent Attitude Survey
References


Vita

Sandra Wells Underwood

Birthdate: February 12, 1954

Birthplace: Henderson, North Carolina

Education:

1978-1987 The College of William and Mary in Virginia
Williamsburg, Virginia
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Doctor of Education

1978-1980 Virginia Commonwealth University
Richmond, Virginia
Master of Science

1972-1976 Virginia Commonwealth University
Richmond, Virginia
Bachelor of Science
Abstract

PSYCHOLOGICAL CHARACTERISTICS OF NON-CUSTODIAL FATHERS INVOLVED IN CHILD CUSTODY LITIGATION

Sandra Wells Underwood, Ed.D.

The College of William and Mary in Virginia, December 1987

Chairman: Fred L. Adair, Ph.D.

The purpose of this study was to investigate differences, if any, in the psychological characteristics of separated and/or divorced non-custodial fathers involved in child custody litigation. Three groups of fathers were investigated and delineated by length of time involved in litigation. Psychological characteristics examined included self-concept, affective states, depression, locus of control, and parental attitudes of confidence, causation, acceptance, understanding, and trust.

The sample of the population used in this study was 49 volunteers obtained from such sources as counselors, attorneys, and support and advocacy groups.

The specific variables proposed were investigated using discriminant function analysis with the direct method. No significant discriminant function was derived on any of the variables as indicated by chi-square ($\chi^2(18), 10.6, p > .05$).

The results of this study suggest that litigating and non-litigating non-custodial fathers are much healthier than current literature based on observation, and not empirical data, suggests.

Further study is needed on non-custodial fathers and their ability to nurture. In addition, studies concerning loss and the effects of loss for non-custodial fathers is also needed. There is such a paucity of empirical data on non-custodial fathers that any study conducted on this group could only add to our knowledge of these parents.