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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

W H I T E   B L A C K  
L E G A L

# **IMPACT OF DIVORCE ON CHILD'S WELL-BEING AND LONG TERM CONSEQUENCES OF DISPUTED CUSTODY**

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## **ABSTRACT**

Divorce is a difficult life event that has a significant impact on children's well-being, especially when there are disagreements over custody. The effect of divorce on child's social, intellectual and emotional growth in addition to the long term effects of custody conflicts. High levels of parental conflicts can aggravate emotional experiences that children may have, such as sadness, rage and confusion. Relationships between parents and children may deteriorate, which could have an impact on academic achievement and lead to behavioral problems including violence and criminality. Divorce has been shown to raise the risk of mental health issues, with consequences that persist into adulthood and a higher chance of divorce in the future. Resilient kids, however, might adjust well if they have caregiver assistance. Comprehending these impacts is essential for formulating efficacious measures to assist kids in managing the difficulties arising from parental divorce.

## **INTRODUCTION**

Another name for divorce is dissolution of marriage. The couples are legally distinct from one another. Divorce can occur for a variety of reasons, such as poor communications or a decline in social acceptance. Divorce will ensue from those issues during the courtship. The addition, in not being accepted as genuine makes the associate a drug or alcohol addict. The divorce has numerous negative effects on child. The kids who reside with their parents are picking up life lessons from their behavior. They will examine the good and bad ideas. It is more likely that the youngster will use harsh language if the parents are divorcing or if they use it in front of the child. Early home departure by children is linked to divorced mothers or dads who are living apart from one another. A family's chances owning a home will increase if they are financially sound. Even though divorce can have both wonderful and terrible outcomes, it's always a difficult moments for families because it signals the end of marriage. The couple's time is likely to be taken up by the emotional rollercoaster combined with stressful circumstances of sorting out the paperwork, which will leave the child behind. It is extremely abrupt and harsh to come to terms with idea that their parents no longer love them but someone else, and that they cannot live together. When they go from living

under one roof with all of their lives will have upended. Reduced interaction with one discern after years of consistency has a negative impact on the determine baby bond. Numerous studies have reported that children of divorced parents experience less hardship . Many studies have found that divorce between parents makes children less difficult or horrible for the children. Divorce is particularly for couples who are unable to stay together or control each other so they are legally maintaining apart from very specific. If the partners have children, the child is struggling with the effects of divorce. Numerous sociologists, psychologists and economists have reported on the negative effect or effects for children of divorce both as toddlers and adults. Divorce rates are rising daily. Perform poorly with teachers as well, getting low marks on test of arithmetic, reading, spelling and IQ. Divorce causes emotional pain for everyone in the family, but it can be especially difficult, confusing and terrifying for children. Youngsters frequently find it difficult to understand why they must skip between houses. They may be afraid that if their parents quit loving them but for someone else, they would eventually lose their parents, affection for them. Kids can also be acknowledge that they are to blame for the divorce. If they have made a mistake or misbehaved, they can also be accepted as genuine. As a result of the separation and the changes it requires, teenager may also grow indignant. They might also hold one person accountable for the dissolution of the marriage, or they might hold one or both parents accountable for the problems within the family circle. These young people more likely to get married or live together early on, and they may also decide to end their marriage or become independent. Men who have experienced exceptionally high rates of unemployment are the main reason of the rising divorce rates. If you look at other places where divorce rates are comparatively lower, you will notice that the men who work and stable finances are better. Adults in non- marital relationships and with both parties may experience increased relationship instability as a result of one sided separation. Children from divorced homes no longer perform as well academically, despite the fact that their minds are always excited many things going on in the world then at particular moment. Offspring of divorced parents are prone to engaging in hazardous conduct, in addition to substance abuse and early sexual engagement. Children who have experienced the divorce or separation are more likely to commit crimes that could put them in juvenile. Adolescents who witness a weeding go awry develop problems with love and harmony in relationship. They find it difficult to settle disputes in relationships and deal with stressful situation with take – delivery. When they are older, these kids will enter any dating from a terrifying angle. Divorce can have negative effects on children of all age. Newborn and children from early infancy up to the age of eighteen months can experience the parental worry within the home. On the other hand, small children are incapable of understanding the logic underlying the arguments. Younger children under the age of eighteen months frequently exhibit clinging and irritable behavior. These younger children are susceptible to delays in developments and regressions. On the other hand,



toddlers and preschoolers, who fall between the long period of 18 months and six years, responds differently. Divorce will have significant impact on child as young as six. This age group is aware of what's going on and maintains a close bonds with their parents. They are more likely to think that their father's and mother's divorce was their fault. In response, these children typically scream louder and require greater attention than typical children do. Divorce can have an negative impact on a 6 year old child, such as thumb sucking, resistance to potty training, trouble sleeping and dozing off on their own. They most likely grew up in a loving environment. One of the long term effect of divorce on an eight year old is an development of an increased fear of being abandoned. They are significantly more likely to understand the arguments between their parents. These kids will also worry about the potential loss of their discernment. They also have a unique reason to remember that their parents are unkind and avaricious, and that they express their anger in a variety of ways, including while they are in their college.

### **SOME TECHNIQUES FOR HELPING CHILDREN IN DEALING WITH THE MENTAL REPERCUSSIONS OF DIVORCE**

- It has been demonstrated that children feel even more let down when there parents fight. Overt hostility has been connected to children's behavioral issues, such with yelling and putting each other in danger. Even a small amount of stress might exacerbate a baby' discomfort. Seeking professional assistance is advised if you and your former associate are struggling with co- parenting.
- It doesn't matter if kids are asked to choose their favorite figure or are given notes to deliver to their unique father and mother. Kids who finds themselves are more prone to delight hopelessness and anxiety in the midst of a disaster.
- Excellent conversation, parental devotion, and coffee layers of warfare can all help children adjust to divorce. After divorce, a solid bond between figure and the baby has been committed to supporting children's advancement in self satisfaction and academic success.
- Following a divorce, parents who closely monitor their children's activities and social circles are far less likely to witness their children's behavioral issues worsen. This is associated with a lower likelihood of substance abuse and fewer academic difficulties.

- Mental health issues are more prevalent in young people who doubt their ability to handle change and who see themselves as helpless victims. Instruct your child that no matter how difficult divorce is, he has the mental capacity to discuss it.
- Children who use active coping strategies, such as problem-solving and cognitive restructuring, are better able to adjust to divorce. Teach your child how to control his feeling, ideas and actions in a way that is healthy.
- Fears of being abandoned and worries about the future might make anxiety worse. One can lessen clinginess and the likelihood of intellectual health issues. By allowing your child to feel safe, comfortable and loved.

Parents are frequently a little too involved and unprepared for how their children will react to a split or divorce. Children should know that their parents love them, that they are not to blame for the divorce, and that they can be provided for their essential needs. Children show their distress in a very different way than the adults do. On the one hands, parents must find a way to balance allowing their kids to express their dark feeling while also providing them with structure and clear, consistent guidance when needed.

### **THE EFFECT OF DIVORCE ON CHILDREN**

The child's life is drastically altered by divorce, regardless of child's age. They will observe their parent's declining levels of love and devotions. The loss of one parent will have a terrible daily effect on the children's existence. These children will always ask themselves "who will deal with me?" this is because they are inherently tied to the figure, and when they get older, they require greater attention, love and affection from their parents. If the child's parents are not in this shape, it will have a detrimental effect on child's fate. The mental health of children, which is in every cycle, the same person answers the similar series of inquiries about the child's intellectual readiness. The anxiety depression scale is a seven item measure that ask the examiner to rate how often, how infrequently, or whether it is in no way true that the child looks to be sad, unhappy or depressed; whether the child isn't as happy as other children; whether the child is simply too fearful; whether a child cries a lot, seems miserable, is unhappy, tearful; and whether the child is anxious, overly sensitive and traumatized.

## **EFFECT IN THE RELATIONSHIPS**

Children of divorced families typically have a negative outlook on the outcome of divorce. They don't agree on anything, especially when it comes to the truth that they have seen from their family's circle of relatives a negative impact on the divorce concept. They will primarily be reluctant to go in the route of marriage. They see firsthand how erratic and unstable marriages can be. The child is affected by the family breakdown and may be more accepting of divorce. The anxiety and stress that women experience while choosing a spouse could be really excessive. Boys may find their fathers care to be extremely important and crucial, and they lack of father figure may be result in a much more feminine and less masculine sense of self. Children of stepfamilies, single parents, or toddlers are far less likely to depend on marriage. It asserts that marital instability transcends from one technological period to the next. If the couple decide to have a child together, the marital behavior may also negatively affect the individual. They can also include drug use, excessive drinking, disagreements over money, disagreements over religion, lack of agreements between partners.

## **EFFECTS INSIDE THE EDUCATION AND HEALTH**

Divorce of parents affects the child's overall performance in college. The children have a lower grade point average and are far more likely to hang onto a grade. If the father and mother are divorced when the child is young, there is a far greater chance that it will have emotional impacts and affect the child's schooling. Children living in stepfamilies perform less well academically than children who live with their own or biological parents. It has an impact on young people. Parental divorce can also affect a child's behavior in school especially in case of adolescents. The infant will start abusing alcohol, tablets and many more substances. Women are more impacted than males. Suspension, dropout, and expulsion from the college will follow from these. Children of divorced parents are not the only ones affected; but also affect children living with stepfamilies. Not just the divorce of one's parents, but also the subsequent marriage may have an impact on the physical health. Such as risk of allergies and the majority of malignance in the anus, pancreas, lungs, the autodigestive system and other organs. The child will also be at higher risk of developing tobacco and alcohol related cancer.

## **THE EFFECT OF GOVERNMENT ON CHILD SUPPORT**

### **ENFORCEMENT ON MARITAL DISSOLUTION**

For girls and young children, the circle of relatives profit has a major role in marital breakdown. The husband is required to provide the wife and child with financial support and maintenance.

It is also recognized as CSE. With the enactment of Social Security Act Title IV- D in 1975, CSE arrived in United States. The CSE coverage ensures that the husband wants to increase the number of children he may provide for the divorce spouse in United States. A significant decline in the income of girls and children's circle of relatives is frequently linked to marital breakup. Child assistance- the payment that the non- resident, usually the father, is committed to making to the resident- is meant to give children with financial support after a divorce.

## **RIGHTS OF PARENTS AND CHILDREN INVOLVED IN CUSTODY**

### **CASES**

Long running disputes over child custody are often the basis for divorce decision. Thus, it is essential to investigate the challenges associated with caring for a toddlers and methods. The custodial arrangements have a significant impact on children. Custody refers to the responsibility of managing, caring for and watching over a baby. Custodial parents are frequently overburdened with their children's responsibilities and may be the parent for each minor's person and property. Being the non- custodial parents has additional repercussions, such as the inability to remove the child from the home without the court's approval. In a custody dispute, the social consensus is easily divided on whether or not to treat the child as a separate person, apart from his or her ancestry, or to highlight the family from the perspectives of the figure. One of the inherent rights that accompany motherhood is the right to child custody, which is based on the common law concept of parental autonomy and is difficult for courts to reject. A parents inalienable right to care for their child takes precedence over that of a complete stranger. But cases like V. Meenapushpa vs. V. Ananthan Jayakumar indicates that grandparents are also receiving custody of their grandchildren while maintaining consistency with the desires of a weaned infant. This essentially contradicts the parental autonomy that parents achieve through the unique quality of starting a child at an age when state interference is no longer relevant.

Although the criteria for determining a great pastime have not been formally established, the courts considered following crucial components:

- Age, gender, intellectual level, physical maturity, and parents
- Emotional and relational bonds between the child and discern.
- The capacity of parents to give their children food, shelter, clothes, medicine and education.
- Children's mounted living examples in the home, community, and school.

The Hindu Minority and Guardianship Act of 1956 is used to make decisions about guardianship



and custody matters under Hindu Law. The acts section 6(a) defines “herbal guardian” in the instance of a boy or single woman as the father and thereafter mother. It should be mentioned that the father who is the child’s biological mother, doesn’t automatically become the child’s guardian.

### **MOHAMMEDAN LAW**

Muslim law states that although the mother has the primary right to custody, the father is the child’s real parent. The Shia School assert that the mother’s claim to custody of the child terminates concurrently with the kid’s arrival at Hanafi School, with the right to continue until the boy is seven. Both educational institutions concur that a mother is entitled to custody of a minor until she reaches puberty.

### **OTHER STATUTORY PROVISIONS**

The Guardians and Wards Act, which unifies and modifies the regulation pertaining to guardians and wards, is the first codifications of the law on toddlers custody, dating back to 1890. The Guardians and Ward Act of 1890 is the terrestrial law that regulates guardianships in organization other than Hindu and Muslim organizations. It establishes the basic authority of the father. Christian couples planning for child custody might refer to the Divorce Act of 2000. Section 436 of the Parsi Marriage and Divorce Act, 1936 addresses child custody for the Parsis.

### **CUSTODY ISSUES AND THE SEX OF THE CHILD**

It is now settled rule that both parties may choose who gets custody of the child. From a sociological perspectives, studies recover that girls reared with the assistance of dads and males raised with the mothers may also fare better than children raised by the opposite sex. Nonetheless, the contentment with the decide toddler bond has a bigger impact on children’s adjustment after a divorce than a child’s gender.

### **EFFECTS AND SCENARIO OF REMARRIAGE ON CHILDRENS**

The child need to be informed about the divorce by the parents as soon as feasible. Both the child and couple go through a very trying time when they get divorced. These days, the child living with their own parents has decreased, but the number of stepfamilies has increased. Children may mostly have suffer from remarriage. A youngster who is separated experiences trauma at a very early age. Children who experiences remarriage often struggle to form emotional bonds with their friends, experience health issues, have low shallowness, which makes it difficult for them to make friends, have unpleasant lifestyle, experience stomach discomfort, feel sick, receive inadequate educations

and many other negative outcomes. The parents must talk to the youngster boldly and make an effort to understand the child's circumstances in order to prevent such a predicament. Give the child time to adjust to the own family with the help of declaring the child as the reason for the second marriage. Avoid treating the child badly or in an aggressive behavior. A remarried couple's logo new child creates a new network of relatives and advances the fundamentally complex character of their connections. According to Duberman's Case(1975), a remarried couple emblem new infant may serve as a kind of bond between some of their older children. But other practitioner focused literature pointed out that scientific data regarding how a new child affects a couple own family link transfers in remarriage is contradicted.

## **STEPFAMILIES**

Another name for stepfamilies is united circle of relatives. In essence, stepfamilies are made up of one determine and one toddler who are not genetically related to each other. However, the child is from the compliance prior courtship. The reason for prior dating could have been a spouse's passing or a divorce. The term "stepparents" refers to a non natural toddlers brought into the family through marriage, while the term "stepchild" refers to a non biological figure. Because of the stepfamilies, there are a lot of disputes that arise inside the family, especially for the child. Due to the number of issues, it will make the members of the relative's circle more stressed. Granting the stepchild considerably less respect and ceasing to regard it as their own kid. The toddler might not feel at ease having a new family member present, which is why the child should have expressed his or her resentment of the stepparent. In the second scenario, the figure is unable to meet the child's needs if they are under extreme hardship. When the stepparents favor the good child among the offspring, conflict arises. To some extent, stepparents are a failure because they typically have little positive influence on the family. It causes stress for both the child and the parents.

## **THE WORST AGE FOR DIVORCE FOR A CHILD**

Divorces are never prearranged. They rise above discord in their relationships. Regardless of the opinions of the couple's family circle, having children or not, divorces happen when the couple doesn't own any remarkable option but to give up. Psychologists claim that while emotional traumas like divorce can affect children of all ages, they have a greater effect on those between the ages of three and fifteen. According to toddler psychologists Dr. Scott Carroll, "once a toddler goes through puberty there's greater capability to simply accept and apprehend a discern divorce" on a parenting webpage. Many elderly people assume that a child as young as this might not remember some details, but this is untrue.

For children whose parents is divorced, the most crucial years are those between the ages of 6 and 12 and up until puberty. Children begin to ask inquiries about everything. This age stimulates curiosity about everything. The kid that belongs to this age groups express questions aloud that a more impressionable child may not always be able to ask. Children frequently participate in the arguments between their parents at this age.

## CONCLUSION

Divorce can have detrimental effects on a child's long-term development and general well-being. Compared to children from intact households, research has repeatedly demonstrated that children of divorced parents typically score poorer on measures of academic achievement, conduct, psychological adjustment, self-concept, and social interactions. Loss of time and attention from both parents is one of the main ways divorce impacts children. Parents who divorce may find it difficult to juggle their new responsibilities and may have less physical and emotional energy to devote to raising their children. A "moratorium on parenting" may result from this, in which the kids spend less time with all of their parents—especially their dads. Losing financial stability can also be harmful because custodial moms typically have a 25–50% decrease in income following a divorce. Children who experience divorce may also have an increase in emotional and behavioral issues. While they attempt to adjust to the changes in their family, children may experience feelings of resentment, agitation, guilt, and emotional sensitivity. Particularly in teenagers, divorce has been associated with increased rates of anxiety, sadness, and even suicidal thoughts or attempts. Regressive behaviors in children can also include bedwetting, clinging, and temper tantrums, especially in younger age groups. Divorce-related interruptions and diversions might have a detrimental effect on a child's academic performance and concentration. Divorce has also been linked to a decline in social engagement and trouble establishing positive peer relationships.

Divorce can have wider societal repercussions than just the particular child. It has been demonstrated to negatively impact religious practice, erode family structures, encourage early sexual experimentation, and lessen a child's capacity for success in the future. In addition, divorce raises the possibility of criminality, drug misuse, and other expensive social issues. Children who experience divorce may have severe and enduring long-term repercussions. According to a long-term research, many children were still having problems in their own relationships with trust, intimacy, and commitment decades after their parents' divorce. Divorce-related grief and suffering can have a long-lasting effect on a child's mental health.

It's crucial to remember, though, that not every child is affected equally by divorce. After a divorce,

some kids can adjust and even thrive, especially if they have access to resources and strong support networks. The effects on the child are largely determined by the unique circumstances and family dynamics. The detrimental consequences on the child may be much more severe in situations involving custody disputes. The stress, worry, and conflicting loyalties that a kid experiences can be intensified by protracted court fights and continuous parental strife. Youngsters may experience conflicting feelings towards their parents, uncertain about which to support. This may result in more behavioral and emotional issues as well as a breakdown in the parent-child bond.

It is essential for parents to put their children's welfare first during the divorce process in order to lessen the negative impacts on the kids. This can entail getting professional counseling, keeping lines of communication open, and doing everything in your power to reduce conflict and disturbance in the child's life. It is critical that parents set aside their personal grievances in custody disputes and concentrate on coming to a decision that is best for the child.

In summary, divorce can have a profound and long-lasting effect on a child's wellbeing and long-term development. Children of divorced parents are more likely to experience social, emotional, and academic setbacks in addition to wider societal repercussions.



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