

**PARENTING FROM A DISTANCE: ILLUMINATING THE LIVED EXPERIENCES
OF NON-RESIDENT DIVORCED MOTHERS.**

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ABSTRACT

Non-resident divorced mothers are said to be increasing in numbers, neglected in research and often inappropriately stereotyped. In these role-reversed post-divorce arrangements, they are also considered an at-risk population who warrant a sound understanding, particularly by those in the helping professions. This qualitative study attempts to meet this demand by illuminating experiences of some South African divorced mothers who are parenting their children from a distance.

The study was approached from a constructivist position and followed grounded theory guidelines. After the relevant literature was perused, data were collected during in-depth interviews with 15 participants selected by means of purposive sampling strategies. Two small case studies and a focus group interview enhanced the richness of the data. A theoretical model was constructed during a process of continuous interplay between data collection, thematic analysis and sampling.

Despite certain limitations inherent to qualitative methodology, the emergent theory grounded in the data, supports some modest conclusions that can inform future interventions with divorcing families. They are summarised as follows:

- Notwithstanding the all too frequent gross simplification that non-resident mothers are selfish or morally tainted, there are non-resident mothers who found fulfilment in motherhood when afforded the opportunity. They however surrendered custody for altruistic considerations or lost custody against their wishes, sometimes after traumatic custody litigation. These mothers often experience long-term internal discomfort related to distant parenting, social stigma and a diminished sense of self.
- Some strategies that emanate from their discomfort can have negative consequences, but others, like reframing the situation, can lead to personal growth and restored relationships.
- Non-resident mothers, living with custody decisions effected through conciliatory procedures, appear to find it easier to maintain mothering roles in their children's lives although from a distance. Respectful co-parenting relationships with the ex-husbands also appear to be more likely in these cases, which can predict better child adjustment.

Recommendations generated from these findings relate to therapeutic interventions available to non-resident mothers, replacing divisive custody decisions with parenting plans ensuing from conciliatory procedures and honouring children's voices in decisions concerning them.

Recommendations for future research are also presented.

I declare that this thesis is my own unaided work. It is submitted for the degree of Doctor of Philosophy in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other university.

J T Pieterse

31st day of July 2007

To Coenraad

in appreciation of his commitment to his family

and for sharing the delightful experience of parenting with me.

After a study like this I know that it is a privilege not to be taken for granted.

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CHAPTER 1

1.1 INTRODUCTION

This study is about gaining a better understanding of the lived experiences and perceptions of the non-resident mother as part of the family system altered by divorce in terms of South African family law. It is also a study giving voice to mothers who experienced internal discomfort related to parenting their children from a distance, marital breakdown, and custody litigation, experiences they offered as their truths, human truths that can inform other mothers, practitioners and policy makers.

In order to guide the reader on this exploratory journey through the life-world of non-resident divorced mothers, a synopsis of the thesis will be provided in this chapter.

1.2 RATIONALE

While parents are married, they may sometimes disagree about their parenting roles and responsibilities, but they do not often make their disputes public or seek legal intervention regarding the custody of their children. However, when the same parents decide to separate it frequently not only affects the marital dyad, but child custody becomes an issue that does not leave the hitherto co-parental relationship unscathed. This sundering of the parents is according to McWhinney (1995: 305), “the fundamental fallacy of custody law”. It is a fallacy that has already led to endless discussions in courtrooms and legislatures, a fallacy on which the last word has not been said in literature either. It is also a fallacy that makes an appeal to those from the helping professions who hope to understand and assist those in the real world of divorced individuals and divided children.

Social perceptions of child custody have over the years been informed by the changes happening in society at large. It is therefore not unexpected that the tender years doctrine, which assumed that young children were best cared for by their mothers (Van Zyl, 1997), became redundant in a society where a new awareness of human rights and gender equality lead to the acceptance of more egalitarian parenting roles. The traditional gendered arrangement of resident mother and non-resident father can therefore no longer be taken as a

given outcome of custody litigation and Kielty (2006) asserts that the number of non-resident mothers is steadily rising.

Despite the rise in these role-reversed arrangements in post-divorce families the paucity of information on non-resident mothers is consistently mentioned in literature. Greif (1997b: 46) claims that surprisingly little research on these mothers, whom he regards an “at-risk population”, has been published in professional literature. This is echoed by Pagano(2000) and almost ten years after Greif (1997b), Kielty (2006:76) still describes studies investigating non-resident motherhood as “minimal and in the embryonic stage”.

This appears to be relevant to the South African context as well. The need for a better understanding of the non-resident mother was already suggested during my study on paternal custody (Pieterse, 2002). The lacuna in literature was further emphasised when the library sources I consulted (amongst others the National Library of South Africa; Nexus database of the National Research Foundation and National Information Services Corporation USA-South African studies) did not produce any information on recent South African studies regarding non-resident mothers.

At the same time, it appears that mothers’ adaptation to the non-residential situation can be difficult and Pagano (2000), a non-custodial mother herself, identifies their struggle with negative stereotypes, the legal system, and the adaptation to their non-traditional parenting role, as significant causes of distress when she concludes “We as women never feel *ok* with our noncustodial situation” (Pagano, 2000: xii). Some non-resident mothers are therefore likely to seek social work intervention for issues related to these and other experiences. More insight into their lived experiences will therefore be of value to those in the helping professions (Greif, 1997b). By virtue of the systemic nature of the family, it is also likely that the distress experienced by the mother, can prompt changes throughout the system. The impact this can have on the well-being of the children is another factor the social work profession cannot ignore. Furthermore, the involvement of social workers in the functions of the family advocate remains important and necessitates an ever-increasing understanding of the range of family experiences associated with divorce.

The need for research in this area is further emphasised by the realisation that new child care legislation (Children's Act 38 of 2005) imminent in South Africa will soon demand a new approach from professionals dealing with divorcing families. This new approach will eschew terms such as custody and access and endorse a language talking about parenting plans and parental rights and responsibilities. McWhinney (1995) is of the opinion that this approach will place a new emphasis on the needs of individuals at law and also on the more complex and interacting needs of families. A sound understanding of all the members of divorcing families, including non-resident parents will therefore be crucial. It is against this backdrop that I considered the timing appropriate for research on non-resident divorced mothers.

1.3 CONTEXT OF THE STUDY

I am aware that the place of literature in a grounded theory study is sometimes contested particularly since classic grounded theorists (Glaser & Strauss, 1967; Glaser, 1978) advocate delaying the literature review in order to avoid contamination of one's emerging theory by preconceived ideas (Charmaz, 2006). Dey (1999: 251) however argues that "prior conceptions need not become preconceptions". He is supported by McCallin (2003) and Andrews (2006) who believe that a preliminary reading of the literature can be consistent with the principles of grounded theory. Eventually I followed Dick's (2005) advice to read widely at first in order to create some understanding of the context in which participants made their decisions and carried out their actions. I will briefly discuss this context here when I refer to literature available to me on the family, the divorcing family and on the landscape of family law.

1.3.1 The Family

The term family, although a very commonly used term, remains difficult to define probably because it is an emotionally charged word that has different meanings to different people (Janosik & Green, 1992). However, like any other researcher wishing to do research in the area of family life it is important for me to contextualise 'family' for this particular study.

An attempt to find a definition for this "elusive collectivity" (Robinson, 1993: 24) can be even more problematic in South Africa where the diversity of contemporary society is not

always reflected in family law, which still revolves mostly around the establishment, content and dissolution of nuclear families. The nuclear family is then understood to be a family created by individuals in a marital relationship and their offspring (Bekker & Van Zyl, 2002). Van Heerden (1998) is also concerned about this narrow definition when she indicates that the family thus understood, does not reflect the reality of South African society and indeed many other African countries. Many children in these countries, according to Van Heerden (1998), stay with a range of persons during the course of their childhood and these people are not necessarily their biological parents.

A suggestion from Maluccio, Pine and Tracy (2002) that a definition of the family should be open and broad enough to include whomever the family itself designates, appealed to me and was indeed found in the White Paper for Social Welfare (Ministry of Welfare and Population Development, 1997) where family is described as:

Individuals who either by contract or agreement choose to live together intimately and function as a unit in a social and economic system. The family is the primary social unit which ideally provides care, nurturing and socialisation for its members. It seeks to provide them with physical, economic, emotional, social, cultural and spiritual security. The various family forms and structures are acknowledged in this document.

(Ministry of Welfare and Population Development, 1997: 68)

This understanding of families suffices for this study since it is comprehensive enough to make provision for the different family forms according to which the participants in this study organised their lives; these included nuclear families, extended families, single-parent families, stepparent families and cohabiting couples either heterosexual or not. In addition to this understanding of the family, the study was furthermore informed by a systems approach which in itself is not without its fair share of controversy. However if the re-formed extended family systems model developed by Robinson (1993), is used as a point of departure, most of the limitations inherent to other systems approaches which are discussed in more detail in Chapter 2, are circumvented. This model is considered particularly appropriate because it can accommodate both intact families and families who are

experiencing difficulties or who are in transformation between marital breakdown, divorce and remarriage.

Some regard those relationships commonly referred to as family as significant enough to be considered the basis of society. Connell (1987) however also considers family relationships some of society's most complex products. There are not many instances where this will be better illustrated than when divorce enters the arena of family life.

1.3.2 The divorcing family

The most dramatic change in family life during the 20th century was according to Amato (2000) the sharp increase in the rate of divorce as a result of which it is now predicted that roughly 40 per cent of children are likely to experience the divorce of their parents before adulthood. Some even go as far as thinking of divorce as a predictable life risk for almost half of all adult women (Haffey & Cohen, 1992).

Certain reforms in family law ostensibly played an important role in the sharp increase in divorce since the early 1970's (Kim, 2000). One of the most significant reforms mentioned by Van Zyl (1997) was when South Africa followed the example of various other Western legislatures by introducing the no fault divorce in terms of the Divorce Act, 70 of 1979. After this reform the primary aim of law was no longer the protection of marriages but to facilitate divorce with decency and dignity. This hope is according to Cohen (1993), not borne out by experience. While it is possible that this approach contributed to the increase in divorce, it is also important to understand that divorce is not essentially an isolated event that occurs in a courtroom. Removing blame from marital dissolution can therefore also be seen as a way of acknowledging the intricate dynamics of marital breakdown.

Divorce, apart from being an ongoing process, is also a complex multidimensional process (Bohannon in Mc Daniel & Coleman, 2003) that can for some be an extremely painful experience. Until as recently as 20 years ago, the common notion was that divorce represented a fleeting crisis from which families would recover without too much difficulty. This comfortable illusion was however challenged by results from Wallerstein and Blakeslee's (1989) longitudinal study on divorced families. They concluded that divorce can

have an impact on almost every aspect of the lives of the entire family. An even more contentious pronouncement is Wallerstein, Lewis and Blakeslee's (2000) later claim that the harm caused by divorce is graver and longer lasting than first suspected. They argue that a bad marriage is still better for children than living with the long-term consequences of their parents' divorce. Interestingly, Wallerstein herself once believed that a good divorce is better than an unhappy marriage but three decades of lengthy in-depth interviews with 131 children of divorce brought her to new insights (Kern, 2000). Amato (in Kern, 2000), although agreeing with Wallerstein about divorce's sleeper effect (problems that crop up only after children are grown) claims that large-scale, in his view, more scientific research indicates that growing up in a divorced family may elevate the risk for certain kinds of problems, but it does not necessarily doom children of divorce to a terrible life. The same author together with Booth (Amato & Booth, 1997) however admits that low conflict marriages that end for soft reasons such as having grown apart or not meeting each other's needs any longer, are still good enough from the children's standpoint. Divorce that ends such marriages proves to be the most damaging to the children. This they (Amato & Booth, 1997) claim, accounts for between 50 to 70 per cent of divorces.

From just these few arguments, it is clear why Bryner (2001) holds that the divorced family is not a minor variation of the intact family and therefore deserves to be studied in depth. Studies that can contribute to a better understanding of the contingencies that cause some individuals to benefit from divorce, others to have temporary impediments to their well-being and still others never to recover completely, will be particularly helpful. This study on non-resident mothers, one of the at-risk members (Greif, 1997b) of the divorced family, is such an attempt.

1.3.3 Non-resident divorced mothers

A commonly accepted stereotype of a mother without custody is that she is either licentious and incompetent (Greif, 1997b) or someone who willingly relinquished custody in order to pursue personal goals that excluded a mothering role (Ebaugh, 1988). If this was true for all non-resident mothers, research in this area may not have been such a priority. The emotional and psychological pain associated with non-resident motherhood is however consistently

documented in literature (Chesler, 1991; Herrerias, 1995; Babcock, 1997; Santora & Hays, 1998; Pagano, 2000) and begs for a better understanding of this population.

Assuming the position of non-resident parent can be a difficult transition for mothers and fathers alike, but Kielty (2006) emphasises that dominant cultural norms which expect mothers to stay with their children, cause non-resident motherhood to be a different psychosocial phenomenon. Pagano (2000) adds to this, the vulnerability of a mother's self-concept and identity when she departs from the mothering relationship, particularly since women tend to define themselves in the context of relationships. The difficulties of redefining themselves and dealing with social stigma result in diverse coping activities. Denying the existence of children or lying about her custodial status are therefore not uncommon reactions for non-resident mothers.

While this study mainly attempts to illuminate the experiences of the non-resident mother, the co-parental relationship unavoidably also comes under scrutiny. This is a dimension of divorce that can unleash very intense emotions and there is compelling evidence in literature (Luepnitz 1982; Galatzer-Levy & Kraus, 1999), that conflict in this area is strongly associated with child maladjustment. This dimension of the divorce process essentially involves decisions about custody and visitation which often have to be taken when parents are at their most vulnerable in the immediate aftermath of separation. Many cannot separate the parenting relationship from the marital relationship and conflict originating from the once marital relationship is then perpetuated and manifested in the area of co-parenting. These are the parents who often rely on judicial procedures to determine their children's future. However, these procedures do not necessarily simplify matters and McWhinney (1995) argues that this fallacy of custody law both invites and reinforces further parental strife. Some understanding of the intricacies of family law may clarify McWhinney's contention.

1.3.4 The landscape of family law

It is widely accepted that children generally do best when they have a rewarding secure relationship with both parents. From this follows logically that there is rarely a rational basis for preferring one parent over another from the perspective of the child. Paradoxically this is

exactly what custody decisions in an adversarial family court system attempt to achieve. McWhinney (1995) challenges this positional bargaining over child custody and argues that the best interests of the child understood systemically, do not correspond with the legal concept of awarding the right to the care and control of the child to only one parent. This creates two paradigms within which professionals involved in custody decisions have to operate while the concept of custody cannot bridge the two (McWhinney, 1995). This may explain why custody decision-making procedures have almost universally been regarded as inadequate despite the fact that jurisdictions the world over have instituted, reviewed, improved or rejected a variety of child custody decision-making models during the previous half century (Barratt & Burman, 2001).

The deep problem around custody determination is further complicated when one considers that custody decisions are taken within the constraints of what Boshof (2001: 312) calls “the ideologically fractured landscape of family law.” Boshof (2001) claims that the legal system, including its family law section, is fractured by male/female and market/family dichotomies. There are however also other tensions such legal dualism (two legal systems that are recognised and enforced within the same state) that can complicate decisions on custody. An example of legal dualism in the South African context is the recognition of both civil marriages in terms of the Marriage Act, 25 of 1961 and customary marriages in terms of the Recognition of Customary Marriages Act, 120 of 1998, an arrangement with its own set of challenges. These issues are discussed in more detail in Chapter 4.

As if the issues mentioned do not complicate custody decisions within the family law system enough, Blank and Ney (2006), referring to Foucault’s theories of discourse, convincingly illustrate how the privileged discourse of law and psychology/psychiatry, which are intended to resolve parental conflict or offer profitable information, often ignite parental conflict. In this construct the discourses of divorcing parents, caught in a process they often do not understand, are subjugated by powerful legal and other expert discourses. Skillfully articulated arguments convince the court to make a custody ruling in favour of one party while the other party’s version is devalued and rejected. In terms of legal discourse, justice was served and an appropriate custody decision was taken. The legal discourse is however not the only discourse involved. In another discourse, that of the post divorce family, one

party achieves victory, control and custody while the other party leaves the process discredited, feeling confused and defeated (Blank & Ney, 2006). The concern raised by McWhinney (1995) is that the subsequent loss of meaningful parental status can detrimentally affect both parent and child. What is however even more perturbing is that many children who normally just yearn for an unconditional positive connection with both parents, eventually have to live with the outcomes of court decisions in which their own discourses were relegated. It is not strange that Kirn (2000) criticizes the practice of decision makers who, like sparring parents, discuss what is best for the children of divorce behind closed doors, out of earshot of the children in settings such as courtrooms, legislatures or universities.

The problem around custody determinations in an adversarial system is further explained by Blank et al. (2006) who claim that the legal system is not efficient in dealing with the grey areas of complex human systems like the family. These dynamics and nuances are therefore then either ignored or forced into simplistic dichotomies. In support of this argument, McWhinney (1995) also emphasises that questions dealing with a child's needs cannot adequately be met with a single decision at a single point in time. The laboriously attained legal settlement of a custody matter therefore seldom ends spousal conflict or terminates the crisis of adjustment. In the place of positional bargaining over custody, he (McWhinney, 1995) advocates a mechanism that can elicit parental cooperation and enable families to survive the crisis of their separation. Instead of negotiating custody from established positions he suggests that parents negotiate underlying issues and eventually formulate their own parenting plan. A parenting plan providing detailed descriptions of the manner in which parents intend to continue caring for their children after divorce, is likely to enhance positive ongoing involvement of both parents. At the same time, parents are more likely to comply with a plan in which they have participated as opposed to a court order imposed on them. (Kisthardt, 2005).

The parenting plan concept is now provided for in the South African Children's Act 38 of 2005 and indeed in many other legislations (Kisthardt, 2005). While these developments can only be welcomed by those who have seen the atrocities ensuing from some custody disputes, there is also a challenge to those professionals who are expected to help dissolving

families in the restructuring process. The social work profession from its unique person-in-situation perspective, should according to Severson, Smith, Ortega and Pettus (2004) take the lead in this regard by, amongst other things the development of theory. This study attempts in a small way to meet this directive. I will now continue to explain the objectives, theoretical framework and the research method that was used for this purpose.

1.4 OBJECTIVES OF THE STUDY

The intellectual puzzle that informs according to Mason (1996) all qualitative research, comprised the following questions in this study:

- What occurred during the marital breakdown or divorce process or in the post divorce phase that resulted in custody being awarded to the father?
- How did the non-resident divorced mother experience the custody decision-making / litigation process?
- How does the mother experience her post divorce non-resident status?
- What suggestions does the non-resident divorced mother have for future custody decision-making policies and practices?

In addition to the direct focus on the experience of the mothers during the interviews and focus group discussion, two case studies involving members of their family systems, were undertaken in order to gain some understanding of the following:

- How the other family members perceived the same processes.
- The nature of the impact the process had on the network surrounding the non-resident mother.

The following questions were addressed during a focus group discussion:

- How did you experience participating in the research?
- If you could influence policy and practice, how would you organise the process of parenting decisions at the time of divorce?

For the purpose of addressing these sets of research questions, the following objectives were identified:

- To contextualise the study through a preliminary reading of the available literature relevant to the research topic.
- To recruit a sample of participants.
- To undertake an exploratory study of non-resident divorced mothers' experiences.

- To transcribe, analyse and present the data collected in such a way that knowledge about divorced mothers parenting their children from a distance, can be generated.
- To make certain recommendations for policy and practice that can enhance the position of divorcing families.
- To identify and recommend areas for future research.
- To observe ethical principles at all times.

Before discussing the research methodology used to address this intellectual puzzle, I will explain the theoretical framework that influenced this enquiry.

1.5 THEORETICAL FRAMEWORK

The perspective of a researcher about the nature of social reality and how we are to know it, shapes according to Riessman (1994) the research method elected, the questions asked and what is believed to count as knowledge. My own position which is discussed at length in Chapter 5, is broadly qualitative and constructivist. For this study on the experiences of women a constructivist paradigm which is understood to assume a relativist ontology (there are multiple realities) a subjectivist epistemology (researcher and subject create understandings) and a naturalistic (in the natural world) set of methodological procedures (Denzin & Lincoln, 1998) nevertheless appears most suitable. This paradigm is compatible with the social work frame of reference as well as most feminist approaches to research, all emphasising the interactive context-bounded attention to the dignity of the individual in his or her uniqueness (Rodwell, 1998).

A research method considered suitable to display the richness and intricacy of the divorce process and the distinctiveness of divorced, reconstructed and other family forms represented in this study, was chosen and will now be discussed.

1.6 RESEARCH METHODOLOGY

There is a variety of methodological tools available for research in the social and behavioural sciences, but each set of tools will be more appropriate for some purposes and less so for others. While most divorce research, according to Rokach, Cohen and Dreman (2004), has been based on quantitative data, these authors maintain that studies using qualitative

methods are more successful in capturing the long-range processes of divorce and the complex and multidimensional nature of the experience. With this in mind and informed by the constructivist paradigm described above, the research design, techniques of data collection and analysis in this study were informed by a qualitative method, using constructivist grounded theory guidelines. This methodology is discussed in detail in Chapter 5. A brief summary will be presented here.

In order to recruit information-rich cases from which I could learn a great deal about issues of central importance to non-resident divorced mothers, participants were selected according to a purposive sampling method. Similar to claims in literature (Babcock, 1997; Pagano 2000; Bailey & Zvonkovic, 2003), it was difficult to locate and recruit participants from a limited population of non-resident divorced mothers. It is also likely that the sensitivity of their non-resident status may inhibit some mothers from participating in a study like this. Eventually recruitment through the media proved to be the most effective because it yielded, although limited in size, an intensity sample, which Patton (1990) describes as a sample that manifests the phenomenon of interest intensely. Of equal importance is the unobtrusive nature of this recruitment procedure offering potential participants optimal protection from exploitation (Baber, 2004).

True to the nature of a qualitative interviewing design, the various steps of the research design did not take place as a linear process, but a continuous interplay between data collection, analysis and sampling was allowed (Schurink, 1998). An attempt at theoretical sampling was therefore only made after the initial data collection when I wanted to explore certain criteria for testing the emerging theory.

Data collection procedures included in-depth interviewing, two small case studies, a focus group interview and the study of some documents. Interviews were audio taped with the participants' consent and transcribed verbatim as soon as possible after the interviews.

This study was furthermore informed by constructivist grounded theory guidelines. When I considered using a grounded theory approach I was aware that this approach, based on the premise that an emerging theory must be grounded in the data, was not without its own complications. To mention some, La Rossa (2005) holds that grounded theory methodology

can be opaque and confusing while Dey (1999: 23) points to the irony “that a methodology that is based on interpretation should itself prove so hard to interpret”. This methodology nevertheless appealed to me particularly when taking into account the explicit yet flexible strategies and legitimacy of grounded theory methods mentioned by Charmaz (2006). I was furthermore convinced by Dick (2005), another author who admits that he had to read a lot of Glaser before he thought he understood the process. Besides also mentioning the rigour inherent to grounded theory, Dick (2005) suggests that an emerging theory has the potential to help people in the situation to make sense of their experience and to manage the situation better. This persuaded me as a researcher representing a helping profession and studying an “at-risk” population (Greif 1997b: 46). From a constructivist perspective and bearing feminist critiques of positivism and objectivity in mind, I preferred to follow a constructivist grounded theory approach. This approach, according to Charmaz (2000: 523), recognises that the “viewer creates the data and ensuing analysis through interaction with the viewed” in order to construct one understanding of reality and not to discover it. Through a method of constant comparison, thematic analysis of the data was conducted and a theoretical model grounded in the data was constructed and presented.

1.7 ANTICIPATED VALUE OF STUDY

This study, giving voice to non-resident divorced mothers, begins to address critical shortcomings in divorce literature identified amongst others, by Greif (1997b), Pagano (2000) and Kielty (2006).

As far as could be established this is the first study on non-resident divorced mothers in the South African context. The White Paper for Social Welfare (Ministry of Welfare and Population Development, 1997) however identifies children of divorce as a vulnerable group and further recommends the re-organising of the post-divorce family system, through a process of mediation. A richer understanding of the non-resident mother as part of this system can therefore be of value to social workers and mediators who wish to formulate intervention strategies for those families.

This study can also add to the developing body of knowledge, which can inform the crafting of parenting plans, now provided for in the new Children’s Act 38 of 2005.

1.8 LIMITATIONS OF THE STUDY

Certain limitations intrinsic to qualitative methodology are relevant to this study and have to be acknowledged. The small number of participants in this in-depth interview study essentially limits the degree to which the findings can be generalised. In this interpretive study, understanding the complexity of the lived experience of non-resident divorced mothers was however the point and not the representativeness of the findings.

It is possible that the sensitive nature of the phenomenon studied dissuaded some non-resident mothers from participating and there could well be individuals from whom much could be learnt. Similarly, mothers who are content with their self chosen non-resident parenting situation could have added value to this study, but none responded for reasons about which one can only speculate.

A very unfortunate limitation particularly within the South African context, is that no mothers previously married in terms of customary law could be recruited. A recommendation to this effect was made for future research.

1.9 OUTLINE OF REMAINDER OF THESIS

The rest of the thesis will unfold as follows:

Chapters 2, Chapter 3 and Chapter 4 delineate literature available to me on the family, the divorcing family and on the landscape of family law. These chapters are intended to locate the study within the relevant fields of literature.

Chapter 5 provides a comprehensive discussion on the theoretical framework informing this study, the research design and methodology and the construction of the emergent theory.

Chapters 6 to 10 provide an exposé of the voices of non-resident divorced mothers who have navigated the experience of parenting from a distance.

In Chapters 6, 7 and 8 their experiences of marriage and divorce, of parenting both in the pre-divorce and post-divorce phases and of custody litigation are reflected and compared to existing literature related to these themes. In a similar way, experiences of loss and comfort related to non-resident motherhood and experiences of the community divorce from the 'atypical' position of the non-resident mother are uncovered in Chapters 9 and 10.

Chapter 11 presents the emergent theory grounded in the experiences of the participants. Recommendations for policy and practice emanating from the same process are also offered in this chapter.

1.10 DEFINITION OF CONCEPTS

Divorce is the term that normally refers to the legal dissolution of a marriage, but for the purpose of this study divorce is not regarded as an event that occurs at a particular point in time, but a multifaceted psycho-social process with different dimensions of which the legal divorce is only one dimension (3.4.1- 3.4.6).

Adversarial system is a system which arrives at a decision by having each party to a dispute present and argue the case before a neutral decision-maker who decides what is true and who should prevail in the light of the opposing presentations and arguments (Saltzman & Proch, 1990).

Other concepts are explained in the relevant chapters.

Pseudonyms have been used for the participants and certain details have been changed in order to ensure the anonymity of the participants.

CHAPTER 2

THEORETICAL PERSPECTIVES ON THE FAMILY

2.1 INTRODUCTION

There are authors who believe that human beings can be understood and helped only in the context of the intimate and powerful human systems of which they are part. The family is then identified as one of the most important of these human systems (Maluccio, Pine & Tracey, 2002). Defining this important institution is however not straightforward which Janosik and Green (1992: 11) attempt to explain by stating that “family” is an emotionally charged word which means different things to different people. A fundamental task for any researcher involved in family studies would therefore be to contextualise “family” for that particular study. This is what I will attempt to do in this chapter.

2.2 CONCEPTUALISING THE FAMILY

There are various theoretical perspectives on the family which have different and often contradictory implications for the way in which the family will be approached. While every social scientist or researcher is free to subscribe to the perspective of his or her choice, Viljoen (1996) advises that this should only be done while familiar with alternative approaches. It also needs to be done recognising that the choice of any one perspective begins to colour the worldview of the researcher and this should raise particular concerns when working with participants who may well have very different understandings.

According to Muncie, Wetherell, Dallos and Cochrane (1995), it is widely assumed that the most dominant family type in contemporary society, is the nuclear family. They describe this family type as a small unit derived from the relationship between a man and a woman legally bound together through marriage as husband and wife. The nuclear family is created when a child is born to (or adopted by) this couple. They share a common residence and are united by ties of affection, common identity and support. While this assumption may be a reflection of traditional Western beliefs as to how sexual, emotional and parental relationships ought to be organised, Muncie et al. (1995) acknowledge that it does not necessarily explain how

numerous other individuals actually organise their family lives today. Other authors also disagree with the stereotyping of the traditional two-parent family style as normative for all societies. Lamb (1999) for instance also criticises the evaluative preference for the nuclear family and adds that the stereotyping of mothers as full-time homemakers and care providers and fathers as primary breadwinners forms part of this misconception. It is also against this nuclear family narrative and the notion of women that accompanies it, that feminist theories take a stand. They draw attention to the violence and degradation within the walls of the nuclear household and refer to the social and economic inequalities associated with a patriarchal system where the normative roles assigned to women on the basis of gender are mostly subordinate to and supportive of the male role (Carrington, 2002). Besides the points mentioned it is also evident that the traditional nuclear family form does not reflect the reality of South African society. In this regard, Van Heerden (1998) argues that the most striking characteristics of the physical care of children in African countries which includes South Africa, are fluctuation and movement. These children are often placed with someone other than the biological parent and can stay with a range of persons for different periods during the course of their childhood.

This observation supports Janosik and Green's (1992) position that nuclear and extended families that have for decades been neatly labelled by means of two criteria, being consanguinity (blood ties) and marriage (legal ties), still exist in large numbers, but have been diluted by other family forms. They (Janosik & Green, 1992) then mention the proliferation of single-parent, foster parent and stepparent families as well as cohabiting couples who may or may not be heterosexual. Added to these family variations are arrangements whereby a residence is shared by a group of individuals unrelated by blood or marriage, but who consider themselves to be a family. Another family form that can certainly be added, particularly in the South African context is the child-headed household. In this arrangement a child, in the absence of another adult family member, has assumed the role of primary care-giver in the household because the parent or primary care-giver of the household is terminally ill or has died of AIDS or another cause (Children's Act 38 of 2005).

One can begin to understand why Harvey (1997) considers it more accurate to speak of 'families' rather than to speak of 'the family'. In saying this he does not only have nuclear

family and extended families in mind, but also other family forms such as the three-generation families, co-habiting families, and single-parent families. Some of these family forms may well be variations of the nuclear family model, but others such as communal or single parent arrangements are possibly quite deliberate and explicit attempts to reject this so called traditional arrangement (Lamb, 1999).

In view of what has been said, it is possibly with good reason that Carrington (2002) has reservations about the tendency of some contemporary conservative politicians (and indeed many others) who argue that the nuclear family constitutes the traditional family which is held to be threatened and in decline. In the first place, Carrington (2002) believes that it is not new for people to think of the family in terms of decline and crisis. She contends that this also happened in the 1950's, but recalls that Talcott Parsons even then pointed out that the family was not in decline, but that a new family form suited to new social and economic conditions, was emerging. This new family form was nothing else but the nuclear family understood as the patriarchal mother-father-children formation. Interestingly, two South African authors also refer to the impact social change can have on family structure, but it is evident that they have two completely different family forms in mind. Viljoen (1996) undoubtedly has the nuclear family in mind when she refers to the massive impact social changes have had on the family which she holds, nevertheless proved itself as a remarkably robust and adaptable institution. Simultaneously, another South African author, Nzimande (1996), also referring to the impact of social change on the traditional family structure, implies a movement away from the extended family to new forms tending to be smaller – perhaps even nuclear units. This may rest Carrington's (2002) case that the concept 'family' is not only in itself contested and fluid, but is also enmeshed within the politics of nationhood and economics.

Besides a lack of consensus on how 'family' should be conceptualised, there are also different opinions on social changes affecting this institution. Carrington (2002) again emphasises that the nuclear family does not exist unattached to an entire economic, political and social milieu and she is therefore sceptical of a government agenda to selectively reconstitute such a family form in the hope of addressing social problems ranging from falling literacy rates to increasing juvenile crime. In similar vein, Viljoen (1996) refers to

those who believe that changes in society have revealed the outmoded character of the family and that it will either have to disappear or have to be radically refashioned. In this case, it is suggested that the decline of the family may be applauded due to the alleged harmful effect of the family in its “peculiar nuclear” (Viljoen, 1996: 17) form. In direct opposition, Professor Lyn Wardle, former president of the International Society of Family Law and co-author of several books takes a strong stance in favour of marriage and two-parent families. He mentions “a significant and growing marriage renaissance movement in the United States” (Wardle, 2006: 50) and refers to the efforts every American state has taken during the past decade to strengthen marriage or two-parent families. He (Wardle, 2006) further contends that the devaluation of marriage can have grave consequences for society when amongst other things, inadequately parented youth overwhelm juvenile courts and what he calls feeble welfare systems.

In just these few positions one can see the complexity of working in the field of those relationships loosely referred to as family. One’s own perspective clearly colours the assumptions one makes and these in turn colour the range of understanding and perceptions to which one has easy access. It is therefore not difficult to see why Robinson (1993: 24) refers to the family as an “elusive collectivity” and O’Connell (1994) expects any model of the family to reproduce the dynamic character of the phenomenon. It appears that this was largely achieved in the White Paper for Social Welfare (Ministry of Welfare and Population Development, 1997) where the family is defined as follows:

Individuals who either by contract or agreement choose to live together intimately and function as a unit in a social and economic system. The family is the primary social unit which ideally provides care, nurturing and socialisation for its members. It seeks to provide them with physical, economic, emotional, social, cultural and spiritual security. The various family forms and structures are acknowledged in this document.

(Ministry of Welfare and Population Development, 1997: 68)

This definition is also likely to meet the standards suggested by Maluccio et al. (2002) when they emphasise that such a definition should be open and broad enough to include whomever the family itself designates. It is interesting that this is indeed what children also do when

they describe their families not only as those who live in the household, but also other blood relatives, stepfamily members or friends (Svare, Jay & Mason, 2004).

A discussion on families will not be complete without clarifying how one of the most prevalent family constructions in South Africa, the extended family, is understood in the context of this study.

2.2.1 The extended family

Broadly the extended family can be seen as a family group that includes one or more nuclear families as well as other individuals related by blood or marriage (Janosik et al., 1992). From a developmental cycle perspective, Nzimande (1996) sees the small family unit of the nuclear type then only as a phase in the development of the extended family structure which may contain between twelve and a hundred or more relatives. In Nzimande's (1996) view the extended family as part of the African cultural heritage enshrines a broader, more noble concept of family than that of the West (assumed to be more nuclear). He explains:

.... the extended family has provided a marvellous security for those for whom there was no other security at all. It is a net wide enough to gather the child who falls from the feeble control of neglectful parents, it receives the widow, tolerates the batty and gives status to grannies. (Nzimande, 1996: 48).

Although the extended family appears to be a more durable social unit than the nuclear family, it is clearly also not immune to social change. According to Nzimande (1996), research on the changes in the black family system indicate that there has been a movement away from the extended family structure to a nuclear type family structure as a result of industrialisation, urbanisation and the migratory labour system. This system resulted from economic developments around mining areas and harbours where black people took up employment as migrant workers and initially lived as individuals, but later lived on a restricted basis with their families. A new lifestyle was created and urban black people developed different family structures from their rural counterparts. It appears that the increase in physical and economic security on the individual level caused the extended family to become less of a factor in the material survival of the individual. It should however not be forgotten that individuals in these families are at the same time isolated from the

supportive effect the kinship and extended family structure can have (Nzimande, 1996). In this regard, Wardle (2006) refers to the well-known quote that it takes a village to raise a child, meaning that child-rearing is so important and such a huge undertaking that the entire community needs to support parents in this task. He (Wardle, 2006) however takes this idea one step further when he holds that it also takes a village to make a marriage flourish implying that few marriages can survive the onslaught in these individualistic times without the support of family and community networks.

The trends just mentioned remind one most forcefully of the arguments within sociology advanced by Talcott Parsons (Muncie et al., 1995). He contends that the nuclear family is an adaptive response to industrial economies where the characteristics of these societies are incompatible with the maintenance of extended families. Nuclear families on the other hand, are smaller units that are geographically and economically more mobile and therefore find it easier to respond to the changing demands of an industrial economy.

Parsons (in Muncie et al., 1995) furthermore describes the pre-industrial family as a large-scale kinship unit which performed religious, political, educational and economic functions. Obligations to this kin group were paramount and superseded those afforded to the mother-father-child relationship, largely because the kin group was also a unit of production. This may explain why other authors like Fletcher (1966) and Shorter (1977) quoted by Muncie et al. (1995) describe the pre-industrial family in negative terms and hold that industrialism freed the family from its custom ridden (extended) form in which its needs were secondary to those of the community. They see the twentieth century family as a strengthened version of its predecessors since it offers opportunities for greater closeness and intimacy than was possible in pre-industrial societies. A key function of this family according to them is its ability to provide a locus for emotional support and fulfilling relationships. They do not appear to deal effectively with the issues of isolation which Nzimande (1996) and Wardle (2006) refer to, so yet again the particular perspective taken, limits the kind of understanding available.

While there appears to be little doubt that the diverse composition of today's families mirror the changes occurring in society, Janosik et al. (1992) acknowledge that there are people

who believe that family diversity can also be the result of efforts to fulfil individual needs within a family structure. Some of the functions this elusive social collectivity is supposed to fulfil will now be explored.

2.2.2 Functions of family

Suggestions that the family is a crucial institution in modern society are not new. It was the basic position of authors from the functionalist school who argued that society is upheld by social institutions, each of which has well-defined functions to perform. Based on Parson's Structural Functionalism, two core functions were assigned to the nuclear family, namely the primary socialisation of children and the stabilising of the adult personality which, in turn would lead to a stable, healthy society (Muncie et al., 1995; Carrington, 2002).

Janosik and Green (1992) however remind the reader that it is unrealistic to expect everybody to agree on what essential family functions are and further argue that what is considered a primary function in one family could be of secondary importance in another family. To illustrate this notion, they (Janosik & Green, 1992) refer to Murdock (1949) who identified sexual, economic, reproductive and educational functions as the four essential family functions while Levy and Fallers (1968) mentioned education and socialisation as primary family tasks. Janosik and Green (1992), without differentiating them in importance, identify five major functions of the present-day family namely, partnering, nurturing, communicating, adapting, and providing respite for members.

From what has already been said about nuclear and extended family forms, it is evident that family tasks do not only differ from family to family, but also from one epoch to another and certainly, between cultures, religions and other social constructions. Not too many centuries ago the family, in many parts of the world, was a production unit that was more or less self-sufficient. Nowadays, most non-rural families are the consumers in the industrialised societies where they live and produce very few of the products they use. In these industrialised societies there are realities like the mobility of the work force and frequent relocations of families from one geographic area to another that have distinctive effects on the family. One such an effect is that uprooted families, isolated from extended families, old friends and familiar neighbourhoods have to turn inward for security and psychological

support. Zaretsky (in Muncie et al., 1995) approaches this aspect from a Marxist perspective and argues that a new form of family that could provide an avenue for the expression of subjectivity and for personal relationships was the logical consequence of the loss of individual identity as a result of the separation of work and family ensuing from capitalism. It is interesting that Zaretsky (in Muncie et al., 1995) suggests that the family's resilience despite constant predictions of its demise, may be a result of meeting this important need.

While the increased emotional involvement amongst family members may be comforting at times, it is apparent that it can eventually also claim its toll particularly in families where members have unrealistic expectations of one another (Janosik & Green, 1992). In order to form some understanding of the impact this can have on the family, one only needs to consider Hamel's (2006) argument when he asserts that families by their very nature can produce high levels of conflict. In addition to the expectations that the family should meet basic emotional needs of its members, many demanding tasks like raising children and generating income, are also assigned to the family. Given that families consist of individuals from different generations, at different developmental levels, and with competing needs and interests, high levels of stress can be expected in this institution. If issues such as poor impulse control and insufficient problem-solving skills are also present, intense conflicts and sometimes even physical violence can be very real threats to the family's well-being. It is therefore not strange that Strauss (in Hamel, 2006) depicts the family as the most violent institution a citizen is likely to encounter. It is however ironical that this same institution, tormented as it is sometimes, can also be described as "the only refuge in a brutal society" (Zaretsky in Muncie et al., 1995: 25).

2.2.3 Challenges from the challenged family

It is now clear that small nuclear families mostly have few peripheral members to neutralise family stress or discharge family responsibilities when confronted with adverse conditions in a brutal society. It is then that a disproportion between the family's needs and its resources, can cause the equilibrium in the family to be precarious and appropriate role enactment can become fragile and tenuous. This may explain the incidence of family types Janosik et al. (1992:17) refer to, some as "marginal families" and others as "disorganised families". Marginal families are then understood as those families that attempt to cope by engaging in

appropriate, but inadequate role enactment while those families that engage in distorted or inappropriate role enactment are referred to as disorganised families. These are the family types likely to confront social work and other helping professions with particular challenges for which a sound understanding of family theories and other concepts that explain aspects of family life, are essential.

According Janosik et al. (1992), family theory starts with the premise that the problems of any individual mostly originate or are perpetuated by interactions with the family and therefore they hold that difficulties of individual members often reflect family dysfunction. The point is also made that in the same way that individual family members are part of the family they belong to, families are also part of the community around them. Since families and communities then share the characteristics of reciprocal interaction and interdependence which are basic to general systems theory, Janosik et al. (1992) believe that the application of a systems theory to family life is both appropriate and useful to shed light on the complexities of family life. Street (1994), also in support of a systems approach to the family, concludes that families, in whatever way they are composed, form part of the natural world and that it is impossible to think of the functioning of the natural world without thinking in terms of systems.

2.2.4 The family as a system

In terms of this theory, families are viewed “as a system of interrelated parts, organised in terms of interconnecting relationships and feedback that flows from one member to the other” (Carrington, 2002: 25). Janosik et al. (1992) believe that the family, viewed as a system of interdependent members, also possesses two fundamental system attributes namely structure and function. Structure in this context refers to membership while function refers to the interaction within the family. Any attempt to understand the family as a system will then begin by considering the structure, in other words, who belongs to the family and how they function as a dynamic system engaged in interaction within and across their borders. These borders or boundaries surround each individual family member and help them to preserve their individuality. Boundaries however also surround subsystems within the family as well as the entire family unit and determine the specifics of the members’ interaction within and outside the family (Janosik & Green, 1992). Ultimately it is also the

nature of family boundaries that will determine whether the family system is fully open, entirely closed or somewhat permeable. According to Durst, Wedemeyer and Zurcher (1985), the ideal is that families should establish clear, but flexible boundaries that are neither too rigid nor too enmeshed.

There are also other assumptions inherent to systems theory which need to be understood in their application to the family as a system. One such assumption is that all living systems are organised in a hierarchal arrangement. In terms of this arrangement complex higher-level systems emerge from simpler lower level systems. This is also how Janosik et al. (1992) believe individuals make up family systems that are in turn part of larger systems such as communities. Families however also require and, in fact, develop structural features within themselves that are hierarchical in nature. In the intact family, leadership will reside in the spousal subsystem, a dyad that excludes the children and nourishes the adult needs of the two spouses. The parental subsystem which includes the children and is directed towards their needs is then supposed to be subsidiary to the spousal subsystem (Durst et al., 1985)

Another assumption that is of particular significance for the social work profession is that a change in one family member or subgroup will effect change throughout the entire system. It can therefore be assumed that an intervention at any point in the system will have an impact on the entire system. This is aptly illustrated when the family system is compared to a tuning fork where a strike at the one end causes the other end to reverberate (Compton & Galaway, 1994). In the same way, it is impossible for an individual in the family system not to interact since even the absence of explicit interaction can in itself be seen as some interaction. This interaction appears to be so inherent to family life that Burgess quoted by Broderick (1993) said:

...the actual unity of family life has its existence not in any legal conception, nor in any formal contract, but in the interaction of its members. For the family does not depend for its survival upon the harmonious relations of its members, nor does it necessarily disintegrate as a result of conflicts among its members. The family lives as long as interaction is taking place.(p. 27)

In order to be able to function appropriately it can also be assumed that the family system needs some equilibrium or homeostasis. This equilibrium is however not necessarily static, but rather a constant search for balance amid internal and external forces intruding the family system (Janosik & Green, 1992). Family boundaries as explained above, play an important role in maintaining equilibrium since boundaries that are too permeable can promote a climate of instability. Family stability can however also be impaired if boundaries are not permeable at all and the internal tension generated from the emotional connections between family members can be released before it reaches intolerable levels in a system that is too closed (Janosik & Green, 1992).

Further notions regarding the family as a system are assumptions that family behaviours are not linear but circular and that families attempt to regulate interactions between members and with the larger systems by means of positive and negative feedback (Janosik & Green, 1992). Feedback itself is not a linear sequence of events but also a circular process where members of the system reciprocally influence one another while there is a continuous process of input and output exchanges between the family and the larger system, the community.

Practitioners involved in interventions with families frequently prefer a systems approach to families. In the first place, family dynamics can become more visible when the family is seen as an active interdependent system in which the different members, as well as extended family members and the community, influence one another in reciprocal ways. It then follows logically that a systems approach also facilitates the development of frameworks and models of intervention (Robinson, 1993). In addition, Janosik and Green (1992) mention that a system's approach is helpful since it avoids putting all the blame for family pathology on a single family member. A systems-inspired approach can furthermore help to identify strengths in the family which is useful for reinforcing the confidence and competence of all family members and for promoting a climate conducive to the well-being of all the members (Janosik & Green, 1992).

Applying a systems theory to the family may be appealing to many but is also not without criticism. Carrington (2002) for instance opposes this approach for several reasons. Not only

is it criticised for over-emphasising the role of the larger system, the family, at the expense of exploring smaller subsets for example, parent / child or sibling relationships, but it is also accused of diminishing personal accountability of family members and encouraging them to blame the family for their personal problems. She also claims that it only accommodates a reductionist concept of the family since it lacks the “theoretical delicacy” (Carrington, 2002: 27) to deal with issues of changing subjectivity and the movement of individuals through various social fields other than the family system. Carrington’s (2002) gravest concern however is its unreserved acceptance of the nuclear family as a norm, thereby reducing other family forms to varieties of dysfunction. Following the same line of argument Haffey and Cohen (1992) refer to family systems theory as a myopic view. They claim that marriage is not just an interactional scene, but a political institution reflective of a patriarchic culture in which it is immersed where women enter the family arena with less access to economic resources and advancement, with less visibility and power in policy making positions in both public and private spheres. While power certainly has the potential to be abused particularly in a family system, Blank and Ney (2006) nevertheless from a more positive approach argue that it can, as a property of a social system of relations, also be perceived as a shared resource that can be activated from many different positions within that system.

Depending on the specific point of view, these critiques possibly all have some validity. A more flexible systems approach to the family like the one offered by Robinson (1993) may address some of the objections just mentioned and may therefore be more useful when studying for instance, the divorcing family.

Robinson’s view of family life is that it is not just one rich, interwoven and living tapestry, but a complex system, moving through sequential individual and family life cycles or spirals, as well as through those of the society they live in (Robinson, 1993). In a society subscribing to a patriarchic culture, it will therefore be possible to explore power relations within the family from this systemic approach. What makes Robinson’s (1993) approach even more appealing for this study, is her belief that a systems perspective can be used for families in transformation between marital breakdown, divorce and remarriage. She however contends that there is no one comprehensive and proven theory either for studying and understanding families or for interventions with families experiencing difficulties.

The model Robinson developed is referred to as a “re-formed extended family systems model” (Robinson, 1993: 25) thereby implying that the reformed extended family is neither better nor worse than the original nuclear family, but merely different from the family that consisted of two married parents and their biologically related children. In order to allow for the inclusion of stepparents, all the children of parents, grandparents, step-grandparents, and others related in various ways, the boundaries of this reformed extended family system would be more diffuse than that of the original nuclear family. This model appears to be a suitable model for family studies in the South African context where various family forms and structures are acknowledged in the White Paper for Social Welfare (Ministry of Welfare and Population Development, 1997) as indicated earlier in this chapter.

2.3 CONCLUSION

It is indeed not easy to define the family and in conclusion it is perhaps fitting to agree with Connell (1987) that far from being the basis of society, the family is one of its most complex products with relationships so extended in time, so intensive in contact and so dense in their interweaving of economics, emotion, power and resistance.

This chapter was nevertheless an attempt to clarify what ‘family’ means in the context of this study. The diversity of options people have for living together was emphasised in particular. One may now reasonably ask whether legal systems that often reduce families to a very limited set of structures, offer legal practitioners and others involved in family dissolution, a sufficient range of options for facilitating family decisions on issues like custody, maintenance and the like. These and other questions may be clarified in the following chapters when literature on divorcing families and family law will be discussed.

CHAPTER 3

THEORETICAL PERSPECTIVES ON THE DIVORCING FAMILY

3.1 INTRODUCTION

As mentioned before, the demands of modern industrialised, urbanised societies have not left the family unscathed which, according to Steyn (1997), is evident in the increasingly complex, problematic and fluid nature of family relationships, the increase of family violence and the growing number of divorces amongst all population groups in South Africa. It is then appropriate that the focus of this chapter will be on divorce and its impact on the family. Areas that will be explored in particular are: factors underlying divorce, the impact of divorce, the divorce process, the divorcing mother and specifically the non-resident divorced mother.

3.2 UNDERLYING FACTORS

Simons and Associates (1996) also follow the line of argument advanced by Steyn (1997), when they refer to the high incidence of divorce in the United States which Haffey and Cohen (1992) call a predictable life risk for almost half of all adult women. Neither Steyn (1997) nor Simons et al.(1996) believe that the high rate of marital break-up necessarily reflects a decline in the importance attached to family life. Based on the results of surveys, the crude marriage rate and the high incidence of remarriage amongst previously divorced people, they argue that marriage as an institution is still popular and most people still assume that they will marry one day and that their marital relationship will last a lifetime. Statistics however indicate that this can be a very difficult ideal to achieve particularly in advanced industrialised societies. In 2005 alone, 32 484 divorces involving 32 394 minor children were officially recorded in South Africa (Naudé, 2007). Van Zyl and Bekker (2000) contend that the current disintegration of family life is one of the most painful episodes in history and they hold that the real life drama of quarrelling parents and confused children is performed daily in millions of families all over the globe.

What social changes have caused marriage to fail so often? Simons et al. (1996) blame socio-economic conditions and structural arrangements which naturally emerge from urbanisation. In many families that have migrated from rural areas to cities, the traditional household division of labour is no longer functional and women join men in the labour force. At the same time, new perspectives on social customs and religious ideology together with the availability of birth control techniques, liberate sex and childrearing from marriage (Simons et al., 1996). Once this happens and women can support themselves, two of the most important rewards provided by marriage are lost, which inevitably increases the possibility of divorce. It is interesting however that the same authors (Simons et al., 1996) noticed that, coupled with the decline in economic and sexual benefits associated with marriage, there appears to be a greater need for intimacy and emotional support from marital partners. They explain that frequent relocations and life in large cities have a negative impact on close relationships with friends and extended family members. The intimacy function of the marriage can therefore be an important preserving factor of marital relationships in modern societies, but it is in itself not without complications. Intimacy and affection in marriage can become very fragile under the onslaught of occupational demands, differing values and interests, disagreement over child rearing, finances and in-laws together with numerous other modern day challenges. Once mutual love and support have made way for communication problems and escalating conflict it can become very difficult for the couple to sustain such a relationship (Simons et al., 1996). If it is assumed that these factors, endemic to advanced industrialised societies, are contributing to marital disruption it is also easier to understand the dramatic rise in the incidence of divorce between 1960 and 1990 in virtually all modern societies (Simons et al., 1996).

3.3 THE IMPACT OF DIVORCE

Some would believe that the increase in divorce is an indication of positive social change in a society where women now have greater freedom to leave domineering and abusive relationships. Cherlin (1992) however warns that this greater autonomy can only be achieved at a substantial cost through a process that is emotionally and economically draining for parents and traumatic for children. In support of this contention, Simons et al. (1996) argue that any benefits derived from divorce almost exclusively apply only to adults since children are often the ones most affected by the disrupted parenting, the economic distress and other

negative life events ensuing from divorce. The impact of divorce is also well illustrated when Galatzer-Levy and Kraus (1999) describe it as a process of social and psychological changes in the individual and in family relationships that can extend over many years, and that has no real counterpart in other crises of adult life. In this regard, they explain that the loss, which is a critical component of divorce, can be analogous to bereavement but together with the grief, they also identify other powerful affects like rage, sexual jealousy, and unrequited love, which are not normally present in bereavement.

Clear and distinctive patterns of social and psychological problems for men and women after divorce are not out of the ordinary. For women the sense of guilt, self-blame and sadness caused by the ending of a relationship are likely to be summarised as depression and forms part of a wider pathology which can be referred to as the “feminisation of psychological distress”(Simpson, 1998: 92). For men on the other hand it is not nearly so culturally acceptable to express their distress and therefore emotional problems are frequently obscured, leading to somatisation of stress. Health problems that develop are often aggravated by drinking, smoking and over-working in the aftermath of divorce. Where there are children involved, these problems are likely to be compounded by their distress, dependency and demands (Simpson, 1998).

Despite the far-reaching impact of divorce, researchers and clinicians reject the traditional assumption that following divorce, the family inevitably dissolves, ending spousal and non-resident parent-child relationships (Durst, Wedemeyer & Zurcher, 1985). On the contrary, they recognise the existence of ongoing transactions between former spouses and continued involvement of both parents after divorce, because “parents are forever the parents of their children” (Robinson, 1993: 39). Emery (1994) elaborates, stating that the divorced family is still a family, possibly not sharing the same residence any longer, but still sharing relationships which, even when highly conflicted, are still relationships. Assuming that the feelings, thoughts and actions of individual family members cannot be understood apart from the broader family system, it follows logically that relationships will continue beyond the divorce even if these relationships have to be renegotiated. He furthermore suggests that a major goal for successful post-divorce parenting, is to make the quality of parent-child relationships less closely tied to the quality of parent-parent relationships. This is supported

by Durst et al. (1985) who found in their study that only families where new structures with clear and flexible boundaries between the parental and former spousal subsystems had evolved, succeeded in maintaining co-operative, co-parenting relationships after divorce. In addition to these they also identified the following contributory factors. (1) Both the mother and the father place a high value on the opportunity to perform the parenting role, (2) both former spouses have cross-perceptions of the high quality of each other's parental role performance, (3) the couple have attained a high degree of resolution of inter-spousal conflict.

It then appears that most divorcing families will go through different transitions which Jones (1995) summarises as follows:

- Systemic separation, referring to the physical separation of the spouses and the division of property and custody rights.
- Systemic reorganisation, the paradoxical and complex process of redefining relationships within the divorced family when children are involved. Clarification of roles and boundaries between parental and spousal subsystems is necessary.
- Family redefinition, where the family is supposed to change from nuclear to binuclear with the children serving as the focus of two separate households.

3.4 THE DIVORCE PROCESS

While all this can be negotiated, there are frequently many issues which are not satisfactorily resolved when a relationship as intense and intimate as a marital relationship is dissolved. This may explain why Ahrons (in Jones, 1995) is of the opinion that divorce remains a crisis of family transition. Unlike other crises, the crisis of divorce does not occur suddenly, but is preceded by a period in which marital conflict escalates and marital satisfaction decreases. This process that starts long before marital separation takes place, does not essentially cease at the point when the decree of divorce is issued. Hagestad and Smyer (1982: 187) describe divorce as a “multifaceted process of multiple social and psychological ceasings” and concluded that the longer the marital relationship, the greater the number of bonds that need to be severed. Their model of divorce that developed from this understanding classifies the divorce process of people then as orderly or disorderly depending on whether the social and psychological bonds of marriage are dissolved before the legal separation takes place. The

social and psychological bonds they refer to are (1) emotional cathexis or investment of emotional energy in the marriage, (2) attachment to the spousal role and (3) shared routines.

In support of this process-oriented perception of divorce, both Parkinson (1987) and Mc Daniel et al. (2003) refer to the work of Bohannon who also conceptualised divorce as a complex multidimensional process. This framework, which Mc Daniel et al. (2003) consider a useful tool for understanding divorce across the lifespan, divides divorce into six different dimensions that can be studied and analysed independently. These dimensions are the emotional, legal, economic, coparental community and psychological divorces which will be briefly discussed.

3.4.1 The emotional divorce

The emotional divorce which refers to the deterioration of emotional attachment between divorcing spouses can take place long before the couple separates physically. Some of the reasons for this can be because some older couples gradually drift apart or some young couples part before ever becoming deeply attached. These mutual disengagements however appear to be rather the exception than the rule. More common are the difficult divorces which occur when one partner desires to end the marriage while the other party desperately wants to save it. It is then that emotional attachment can continue long after the legal divorce is finalised and it can be the most distressing aspect of divorce (Mc Daniel et al., 2003).

3.4.2 The legal divorce

In South Africa this dimension is brought about by section 4 of the Divorce Act, Act 70 of 1979 which determines that a competent court may grant a divorce on the ground of the irretrievable breakdown of a marriage. This Act, which makes provision for removing blame from marital dissolution, introduced the no-fault approach to divorce in South Africa. The philosophy underlying this approach appears to be that it is unrealistic to hold one party only responsible for marital break-down. The primary aim of sound divorce law, according to Church (1992), is then to take account of social reality, but also to provide for the protection of the interests of society in general and of its weaker members in particular. At the same time, McWhinney (1995) sees the no-fault approach as a first attempt in family law to introduce systemic thinking, based on the principle that an individual cannot be understood

in isolation from the interactional context of his or her immediate human environment - in this case the family.

The no-fault divorce can potentially reduce the acrimony and emotion, which previously characterised divorce proceedings. Divorcing families with minor children may however not reap the same benefits since a decree of divorce cannot be granted until the court is satisfied with the provisions made with regard to any minor child of the marriage. It is in this area that Van Zyl and Bekker (2000) believe that the guilt principle is still intact because the parties often go to extremes to prove each other unfit to have custody of, or access to the children.

3.4.3 The economic divorce

This dimension of divorce refers to the division of assets of the marriage, as well as post-divorce maintenance, which can often cause as much or even more conflict than custody issues.

Although Parkinson (1987), when discussing the economic divorce, does not mention the legal costs ensuing from divorce, it is an aspect not to be ignored. King, quoted by van Zyl (1997: 8), refers to litigation as an “expensive ritual” and Arenstein (1989) claims that the costly litigation of the High Court is beyond the reach of the average person. This was well illustrated in an earlier study (Pieterse, 2002), where one of the participants referred to the costs as “frightening” and another, together with his ex-wife had spent almost three times the value of their joint estate on legal costs before they opted for mediation. Any of the parties can be confronted with unaffordable litigation costs since South African law in terms of section 10 of the Divorce Act (Act 70 of 1979) does not bind the court to make a cost decision in favour of the successful spouse (Visser & Potgieter, 1998). It is also unlikely that the cost of litigation will influence a judge to make snap decisions or to refrain from calling or allowing expert witnesses, issues which can in turn lead to prolonged even more expensive litigation (Elster, 1989).

The economic divorce can clearly have a significant impact on both men and women. There is however sufficient evidence to suggest that women are more likely to be impoverished after divorce (Cohen, 1992). Women who are financially dependent on their husbands may,

according to Haffey and Cohen (1992), be in greater jeopardy when separation occurs. Their argument is that the party with less access to money, credit, assets, and information about the family's financial status is more at risk of exploitation in a divorce settlement. In this regard, Cohen (1992) even goes as far as describing divorce settlements and their enforcement, especially with regard to the payment of maintenance, as economic crimes committed against women. He (Cohen, 1992) is of the opinion that this is unlikely to happen if a dispute can be settled during a process of mediation. Other authors (Severson et al., 2004) also make an appeal to those who mediate family disputes to address the financial issue. They suggest that parents should be assisted in finding ways to reframe the money issue so that they can more readily accept their financial obligations towards their children.

3.4.4 The community divorce

This dimension refers to the adjustment problems divorcees may encounter in their social lives. Many divorced people have to move away from their familiar environments after divorce, often with a sharp decline in their living standards. This may be the reason why research findings quoted by Luttig (1997) suggest that most couples felt worse a year after the divorce, even in cases where they experienced euphoria and relief directly after the divorce. Social support, understood as the emotional and instrumental assistance received from others in their lives, can be of immense value to the divorcee in this period of transitions through divorce. It is however ironical that this is exactly the time that many divorced individuals experience a disruption in social support (Bailey & Zvonkovic, 2003).

As important as support from significant others may be, Johnston and Campbell (1988) also warn that support can have a double-edged nature. Chesler's (1991: 155) suggestion of a "mother competitor" who actively participates in the battle for custody and in the father's brainwashing campaign is but one example of the negative impact so called support can have. Turkat (2000) elaborates on this phenomenon and mentions that an intrusive outsider such as an emotional grandmother can ignite hostility between the parties and add additional stress to their custody battle.

Important institutions like schools and churches appear to find it easier to include two-parent intact families in their programmes. Although it is widely recognised that children benefit

from parent involvement at school, schools tend to exclude non-residential parents (Austin, 1993; Standing, 1999). Similarly, Bailey et al. (2003) suggest that churches, intent on marriage as a life-long commitment, may find it hard to recognise the binuclear divorced family and in the process, deprive those individuals of the support they badly need. It is probably in view of these deficiencies in community support that Braude and Francisko-La Grange (1993) advise social workers to enhance the awareness of the broader community, including other professionals, of the needs of divorced families and the support they can offer them. Van Zyl et al. (2000) support this recommendation and particularly emphasise the significant role churches can play in this regard.

Another source of social support is according to Bailey and Zvonkovic (2003) located in the workplace. Additional to the support from colleagues, Hoge (2002) also found that women whose husbands abandoned them, experienced a career as an area of self-realisation relatively uncontaminated by rejection.

3.4.5 The psychological divorce

The psychological divorce is defined as “the separation of self from the personality and influence of the ex-spouse” (Parkinson, 1987: 21). It can be extremely difficult to confront and master the problem of personal autonomy, at a time when one’s self-esteem is shattered. Johnston and Campbell (1988) explain that the separation experience evokes a well-known series of feelings of humiliation (narcissistic hurt), loss, anger, helplessness and guilt. Depending on pre-existing character styles, defensive structures as well as early childhood and recent traumas, divorcing couples have differing capacities to manage and integrate these divorce-engendered feelings. They (Johnston & Campbell, 1988) add that high conflict, litigating parents are mostly more psychologically vulnerable and less able to manage these feelings. Disputes then helped them to restore the delicate psychological balance that had been disrupted by the divorce and its aftermath. This may explain why literature indicates that many divorced individuals experience negative feelings toward their ex-spouses long after the divorce has been finalised (Rye, Folck, Heim, Olszewski & Traina, 2004). To this Walzer and Oles (2003: 198) add that people in the “uncoupling process” often try to be done with each other in ways that are not realistic. They (Walzer & Oles, 2003) eloquently explain:

Divorce stories do not end - happily ever after or at all - but those that seem more happy are narratives in which the characters recognise they are in a new chapter, and one in which they feel perhaps less righteous, but more wise and in control of their fates. (p. 199)

The relevance of this statement is likely to become very obvious in the next section.

3.4.6 The coparental divorce

For adults divorce can have many meanings, the escape from an unhappy abusive situation, a tragic disappointment or a fresh start with new possibilities. Absorbed in the emotional, legal and financial issues of divorce, those with children may not even realise what the impact of this transition means to their children. Yet, even in the best of situations divorce can be a defining moment in the lives of those children, something that will be a factor in their lives for many years even into adulthood (Neuman, 1998; Wallerstein, Lewis, & Blakeslee, 2000).

It would seem that it is not the divorce as such that affects children so much. How parents deal with the coparental aspect of divorce can however have a substantial and enduring effect on the adjustment of the children. More specifically, the more hostile the conflict, the more emotionally damaging it can be (Grych, Fincham, Jouriles & McDonald, 2000).

The coparental divorce can however be one of the most difficult dimensions of the reorientation process after a marriage has ended (McDaniel et al., 2003). Parents at their most vulnerable in the immediate aftermath of separation, have to face what appears to be the incongruous demands, of letting go of their marital relationship but also retaining and even improving their coparenting relationship (Robinson, 1993). The magnitude of this predicament is evident when one considers Walzer et al.'s (2003) argument that the process of uncoupling calls for disengagement and 'healthy' anger, but shared parenthood requires continued engagement and low levels of conflict. It is amid these tensions that ex-spouses are expected to get on with the difficult business of making the necessary arrangements for the future care of their children, taking into account the requirements of their now two-household (binuclear) families.

Many divorcing parents do this successfully, but there are numerous separating parents who cannot reach an agreement on the future of their children. These parents eventually fall back on the court for the adversarial attainment of custody. The adversarial process may be an acclaimed process of law, but few people rejoice in its effects on families and custody disputes have already been referred to as “the ugliest of all litigation” (Elster, 1989: 124). McWhinney (1995) also believes that the court is the last place to approach for help in determining the best interests of a child and suggests that parents go to court on custody matters only when they have abandoned their joint parental search for the best ways in which they might meet their child's needs.

While McWhinney is of the opinion that the provision for custody determination in family law both invites and reinforces adversarial behaviour, he also acknowledges that there are other complex reasons for this type of behaviour. Emery (2004) supports this and warns parents that legal issues are often their unresolved emotions in disguise, something they do not recognise when they are caught in the emotional static caused by divorce. The work of Johnston and Campbell (1988) is particularly helpful when one attempts to understand the dynamics of divorcing families. They believe that a divorce transition impasse is often multilayered at three different levels; external, interactional and intrapsychic. In brief, at the external level the conflict between the divorcing parents can be exacerbated by significant others like extended kin, new partners, legal representatives and helping professionals who encourage uncompromising stands. Johnston and Campbell (1988: 51) indeed refer to those as a “Greek chorus which only the parent can hear” but which is manifested during mediation in unreasonable stands, resistance to settling and failure to abide by agreements. At the interactional level, disputes are broadly those that are the legacy of a destructive marital relationship or those that result from a traumatic or ambivalent separation. Impasses at the intrapsychic level can result from unconscious conflicts such as discussed above (3.4.5).

The five styles of postdivorce parental partnerships Ahrons and Rodgers (1987) identified create distinct emotional environments for children of divorce. The styles referred to as “Perfect Pals”, “Cooperative Colleagues”, “Angry Associates”, “Fiery Foes” and “Dissolved Duos” (Coleman & Ganong, 1993: 115-117) fall on a continuum of cooperation, ranging

from a great deal of mutual respect to acrimony in the parental dyad and ultimately indifference of the non-resident parent towards the children. Although these descriptive categories may not be definite, they can nevertheless be useful for understanding the restructuring process of families after divorce (Durst et al., 1985).

With an estimated 75 percent of those who divorce likely to remarry, becoming a stepfamily is another transformation that can pose challenges to divorcing parents and introduce children of divorce to yet another set of adjustments (Svare, Jay & Mason, 2004). It appears that stepparents vary widely in the extent to which they are involved in parenting their stepchildren, but Svare et al. (2004) found four distinct approaches to stepparenting in the families they studied. The differences were related to handling discipline, spending time with the children, and defining themselves as a parent figure. They concluded that each approach was constructed in response to the needs of the spouse, children, and stepparent and the involvement of the non-residential parent, but in each of those approaches stepparents attempted to fill a gap created by divorce in the family. One of the classifications of stepfamilies Svare et al. (2004: 94) identified was “extended family stepparenting” where all the parental figures in the children’s lives form a stepparenting team. While this approach can expand opportunities for love, guidance, and financial resources for the children, it also has its own set of challenges related to intense emotions to work through in such an inclusive approach.

Like Robinson (1993) Svare et al. (2004) also believe that step-families, although on the increase, have few normative expectations of roles and relationships and ultimately stepparenting approaches have to be adjusted to meet the needs of each unique family system.

With some understanding of the impact of divorce, particularly where children are involved, the position of divorcing mothers can be explored.

3.5 THE DIVORCING MOTHER

This sharpened focus on the situation of the divorcing mother and in particular the non-resident divorcing mother is not a presupposition that there is necessarily a difference

between fathers and mothers in the intensity or duration of their experience of divorce. In line with the purpose of this study it is however necessary to gain a better understanding of the effect changes in society itself and subsequent perceptions of children have on the positions of divorcing mothers.

3.5.1 Influence of History.

According to McNeely (1998), courts rarely intervened in the father-child relationship in the 1800's because the father, as a man, had a rightful claim to the custody of his children as he did to his other property, including his wife. McNeely (1998) further explains that women, in this patriarchal society, were seen as incapable of handling legal or financial matters and were also believed to lack the necessary sophistication and skill to prepare their children for life. The principle that fathers automatically received custody therefore prevailed until the late 1800's, when fathers began to work away from the home in droves as a result of the Industrial Revolution. Mothers, mostly because of their cultural and legal exclusion from the workplace, stayed at home and now had to take responsibility for managing the home front, including the care of the children. This significant change in the roles society imposed on fathers and a developing respect for motherhood had an influence on judicial decisions in custody disputes. What was to be known as the tender years doctrine inevitably followed. In terms of this doctrine, the development of the child was viewed as essentially and exclusively dependent on the emotional relationship between the mother and the child (McWhinney, 1995).

Women were now viewed as good mothers when they stayed at home and devoted their lives to childrearing. This ensured external societal validation and subsequently personal confirmation of female self-identity. While effective fatherhood ceased to be an indicator of the validity of one's maleness, effective motherhood continued to serve as the standard by which a woman's worth was measured (McNeely, 1998). This severe bifurcation of gender roles and exaltation of the female role as keeper of the hearth and creator of perfect children, resulted in mother-custody preference firmly rooted in the family court system with the tender years presumption becoming the rationale for awarding custody of children of all ages to the mother (Pagano, 2000). This doctrine influenced custody decisions until late in the twentieth century and Thompson and Laible (1999) indeed refer to the typical situation when

they write about mothers assuming physical custody and fathers becoming non-custodial parents.

A cultural reverence for motherhood now prevailed and Pagano (2000: 4) even refers to the “deification of motherhood”. Wetherell (1995: 231) explains that such an unattainable high standard was set for the “good mother” that this ideal was eventually replaced by the ideal of a “good enough mother”. Even the good enough mother was expected to prioritise childcare, to subordinate her own needs and ambitions to those of her family. Failure to live up to this ideal could result in maternal guilt, feelings of inadequacy and public censure. At the same time social etiquette excluded her from the workplace thereby ensuring her continued economic subjugation and her dependence on the husband for economic survival (McNeely, 1998).

A growing awareness of the high cost women had to pay for social acceptance, resulted in the women’s movement of the 1970’s taking action against the oppression of women in a male-dominated society (Carrington, 2002). With these feminist issues in mind, many women reconsidered their positions and opted for paid work outside the home. There is however evidence in literature (Griswold, 1993) that there were also women who were forced into the workplace due to a change in household economics and not necessarily because of feminist ideals. Whatever the initial motivation, women were now in a position where they could begin to free themselves from stereotypical, secondary, and dependent roles within the family. With this new-found liberation also came the realisation that it was very difficult to balance work with parenting, and therefore fathers were soon expected to share more substantively in child care (McNeely, 1998). Both Greif (1997) and Pagano (2000) contend that this thrust of the women’s movement for equality, had the unintended consequence of opening the custody issue and giving fathers equal rights as far as child custody in divorce cases was concerned. With the workplace offering more opportunities for the mother to define herself and with fathers being more involved in childcare the tender years presumption soon came under close scrutiny. Confronted by questions of gender bias and the acceptance of more egalitarian parenting roles, this presumption was soon eliminated from statutory law and was replaced by the principle that the best interests of the children should be the real issue in custody awards (Emery, 1994). Judged by the criticism from both

legal and family theory perspectives the best interests principle does not appear to be ideal either. From a legal point of view this principle is considered “notoriously indeterminate” (Van Zyl, 1997:5) while the ideas of serving a child’s best interests while relegating one of the parents can also not be reconciled from a psychosocial perspective (McWhinney, 1995).

It is nevertheless clear that maternal custody is not a given outcome in divorce cases any longer. In 1973, a New York court already ruled as follows in *ex rel. Watts v. Watts*: “The simple fact of being a mother does not, by itself, indicate a capacity or willingness to render a quality of care different from that which the father can provide” (Mason, 1994: 123). A similar judicial precedent was created in South African family law, in *Van der Linde vs Van der Linde* (1996 3 SA 509 O) when the court held that ‘mothering’ can be undertaken by the father in given circumstances (Robinson & Wessels, 1998). These views challenged nearly a century of a judicial presumption in favour of maternal custody and Greif (1997b) claims that a burgeoning population of mothers do not obtain custody these days, a trend that is according to him, unlikely to reverse itself.

Summing up, it can be stated that in the absence of a parental agreement on the way in which the custody of their children will be organised, the court will intervene and does so using a set of rules which are claimed to be imprecise by definition. The custody awarding process will then be one in which a value judgement is made with respect to what would be ‘better’ when in fact, very often, particularly in the child’s understanding, there may be no real fault and thus no real better or worse. It is nevertheless possible that custody can be awarded to either parent and in some cases the mother will parent her children from a distance after divorce. Since this study seeks to illuminate the experiences of those mothers, the literature available on mothers in a non-resident position will now be discussed.

3.6 THE NON-RESIDENT DIVORCED MOTHER

The non-resident mother can be defined as a mother who, after divorce, lives away from her children most of the time (at least five nights during the week), while the bulk of the child-care and nurturing responsibilities rest elsewhere, usually with the father. These mothers are furthermore described as an at-risk population who make an increasing demand on clinicians. While a better understanding of their experiences is essential for formulating

appropriate assessment and intervention strategies, very little research on this population has been published in professional literature since the 1980's (Greif, 1997b). Two areas that will be now explored in the limited literature available are the reasons why mothers become non-resident mothers and how they experience their non-resident status.

3.6.1 Why do mothers become non-resident mothers?

While non-resident fathering is often a natural and expected consequence of the father's degree of predivorce involvement with his children, it appears that the dynamics around the transition to non-resident mothering can be very complex (Thompson & Laible, 1999). The long-standing tender years presumption of which maternal preference formed an integral part probably contributed to this complexity particularly if one considers Van Zyl's (1997) contention that social attitudes are slow to change, causing many people still to believe that parenting means 'mothering'. The reality that a custody award is at least implicitly a statement about the merits of one parent over another as indicated above, places even more pressure on those most often awarded custody (mothers) not to relinquish it at the risk of being considered bad or less worthy.

Consistent with the view that parenting means mothering, Luepnitz (1982) found that some mothers in her study had the perception that they had a right to custody of their children. It is most unlikely that a mother with this frame of mind will relinquish custody voluntarily and therefore the transition to non-residential status for them will more often be the result of a court decision. There are those who believe that custody decisions will not be made in the best interests of the child for as long as cultural beliefs or the "myth of motherhood" cause mothers to feel obligated to retain custody regardless of what is best for them or the children (Coleman, Ganong, Killian & McDaniel, 1998: 119). There are however mothers who actively volunteer to become non-resident mothers because they dislike or feel unsuited to the work of mothering (Glubka, 1983; Babcock, 1997; Herrerias, 1995; Rosenblum, 1986), while others may feel that their personal needs for growth and independence are restricted within the confines of family life and motherhood (Ferguson, 1994; Meyers & Lakin, 1983). Similarly, popular South African media (Ferguson, 2003) also reported that there are mothers who willingly relinquish custody in order to pursue personal goals.

Babcock (1997) mentions that some of the mothers in contested cases eventually lose custody by default because they either withdraw their petitions before the case begins or before the judge reaches a custody decision formally. There is however ample evidence in literature of a large number of mothers who relinquish their claim to custody voluntarily (Thompson & Laible, 1999; Babcock 1997; Ferguson, 2003). However, this does not deny that some of the so-called voluntary decisions have been influenced by factors beyond the control of the mother. In this regard, Thompson and Laible (1999) found that the majority of mothers they interviewed, described circumstances such as significant financial problems, a destructive relationship with the ex-spouse and personal problems that left them no alternative but to relinquish custody. Some of the personal problems cited by Pagano (2000) are poor health and youthfulness.

Considering Haffey and Cohen's (1992) argument that women often have less access to money than do their spouses while the party with the financial resources mostly controls the outcome of a divorce case, one can begin to appreciate the dilemma of some divorcing mothers. In addition to this, some fathers may also manipulate the situation to secure custody. By withholding financial contributions and maintenance the mother may eventually be forced to surrender her claim in order to avoid an acrimonious battle of wills or hardship for her children (Ferguson, 2003). Greif (1997b: 47) elaborates on this when he mentions that some children were "bought off" while Mason (1994), in similar vein explains that some fathers who may have no real desire for custody threaten mothers with the possible loss of custody in order to secure advantage in property division, spousal and child support. It is therefore not surprising that some mothers ultimately withdraw from the battlefield simply because they do not have the financial or emotional stamina to continue with the litigation process (Pagano, 2000).

It has to be acknowledged however that there are fathers who are so strongly committed to parenting that the mothers truly believe that the fathers are the more suitable parents to meet the children's best interests. This is especially true in view of the shift of roles in the family over the past few decades. Alternative child-care arrangements are common these days, involving not only the father, but also extended family members or even nonfamilial child-care. This again opens for debate the perceived importance of mothers as central to

children's needs (Campion, 1995). Several authors indeed indicate that there are mothers, who relinquish custody these days as a result of feminist ideals or in order to pursue careers or other personal objectives (Pagano, 2000; Thompson & Laible, 1999; Greif, 1997a; Ferguson, 2003).

Whether a mother relinquishes custody voluntarily or for altruistic reasons or whether it results from a court decision against her wishes, Greif (1997b) believes that the mother's emotional stability and financial status remain important considerations in custody decisions. Van der Merwe (1990) also explains that even a parent who is not necessarily psychotic or seriously disturbed, can have a negative impact on a child if his or her impulse control or nurturing skills are impaired as a result of emotional instability. It is however important to evaluate whether those incidents are isolated and related to the divorce process or whether the person has a history of inadequate coping skills. In this regard, Haffey and Cohen (1992) contend that the stress involved in making decisions is intensified for divorcing women who, along with unequal access to money, may experience confusion about legal and financial matters, terror about abandonment and fear of retaliation. This is aggravated when the spouse convinces her of his interpretation of her behaviour as crazy, selfish or sick. The ensuing confusion and depression can be misinterpreted as pathological while it is more likely to be a manifestation of the divorce related internal turmoil she is experiencing. In his wide-ranging discussion of post traumatic stress reactions Schiraldi (2001) explains that these reactions are normal responses of normal people to deep emotional wounds which result from exposure to an overwhelmingly stressful event or series of events. These reactions can result from a wide range of events including separation and divorce. In families where there are indications of violence, it is important to take note of Hamel's (2006) observation that certain male batterers can be highly manipulative and can effectively project a nonabusive image. It can then happen that their victims may, as a result of the anxiety, depression and other psychological symptoms concomitant with the abuse, appear to be the ones who are not suitable for parenting (Kernic, Monary- Ernsdorff, Koepsell & Holt, 2005).

Those in the helping professions have to be aware of these possibilities so that assessments can be more accurate and interventions more effective. From the same premise Stone, Clark and McKenry (2000) also advise professionals against labeling every situational adjustment

problem as indicative of psychopathology. They (Stone et al., 2000) suggest a strengths based approach where the focus will be on the strengths and competencies of the client while the effects of recent influencing factors on current behaviour are not overlooked.

While psychological and emotional problems can influence the mother's parenting capabilities, it appears that a custody award will only be made against her if the court is convinced that her mental or emotional status is such that it will have a negative impact on her relationship with the child or seriously impair her ability to meet the child's needs (Stahl, 1994).

Greif and Kristall (1993) mention that a mother can also lose custody of her child when the child elects to live with the father. While it is best not to ask the child about his or her preference, it has to be considered when the child states the preference spontaneously, and it does not appear to be a mimic of one of the parents. In many jurisdictions adolescents' wishes are granted unless there is a significantly overriding factor that excludes the preferred parent (Stahl, 1994). A non-resident mother can be devastated when a child chooses to live with the father, but such a choice does not necessarily reflect negatively on the mother's parenting qualities. Greif (1997b) for instance believes that the very reason why the father is chosen in some cases, is because he is an unknown quantity while the child already feels secure in the relationship with the mother. In order to avoid ongoing parental conflict, some children may also decide to withdraw from the mother because they feel less intimidated by her and therefore find it easier to disengage from her. There are however also cases where the separation is relationship-driven because conflict is present in the mother/child relationship. Adolescence in particular is a developmental stage in which this is likely to happen (Greif, 1997a). Stahl (1999) also refers to the separation from a parent as a result of legitimate frustration after a long-standing disturbed relationship. He however also warns that some adolescents can be rather mercenary, pitting one parent against the other in emotional or material blackmail. There are however also cases where the rejection is related to the moral indignation of the parent's divorce-related behaviour or as a result of alienation by the other parent.

Parental alienation syndrome (PAS), can be described as a theory according to which children, through the disparaging of one separated spouse, become preoccupied with viewing one parent as good and the other as bad. The bad parent is hated and verbally maligned, whereas the good parent is loved and idealised (Gilmour, 2004). There has been considerable controversy within the professional community regarding the concept of alienation, and whether PAS does occur, and if so, to what extent. Ackerman, Ackerman, Steffen and Kelley-Poulos (2004) however found that psychologists, judges, and attorneys ranked alienation as a concern in custody decision-making second only to substance abuse. Further research in the area of alienation, its prevention, and its effects on families is therefore suggested.

Whatever the reason for the mother's non-resident status, it appears that some unique experiences are related to this phenomena. Some of those experiences described in literature will now be discussed.

3.6.2 Experiences of non-resident mothers

As indicated above, the rise of women's liberation and gender equity, brought with it a dwindling possibility of presumptive maternal custody and therefore an increase in the numbers of non-resident mothers (Babcock, 1997; Greif, 1997b). Very little is known about the non-resident mother however and Pagano (2000) reports that only a small group of studies focus exclusively on the experiences of this so-called "at-risk" population (Greif, 1997b: 46). In the limited literature available, there is however one continuous refrain, that of the discomfort and pain non-resident mothers experience. Pagano (2000: xii), a non-resident mother herself, aptly summarises this saying, "We as women never feel *ok* with our noncustodial situation". She (Pagano, 2000) however acknowledges that no two women are the same and therefore surmises that each non-resident mother's experience will be somewhat distinctive and eccentric. The possibility therefore exists that there could also be non-resident mothers who experience a sense of relief when the fathers attain custody. Babcock (1997) for instance refers to the only mother in the group she studied, who consistently reported feeling positive about her decision to relinquish custody. This was a mother who wanted to escape from the emotional and economic strains associated with parenting because she felt that she was not meant to be a mother, and therefore she did not

enjoy it and she did not feel that she was a very good mother. This was in striking contrast to Babcock's other respondents who expressed deep feelings of pain, loss and sadness.

Whether custody was lost or relinquished voluntarily can apparently determine the success the mother will have in adjusting to the non-resident situation (Greif, 1997a). Interestingly enough however, the same author (Greif, 1997a) notes that even mothers who willingly give up custody for altruistic reasons, still experience some sadness. The voluntary decision nevertheless sets the foundation for positive relationships thereby freeing the parents to work towards the best interests of the child.

There appears to be some controversy about the effect non-residential status can have on fathers and mothers. While Thompson and Laible (1999) argue that there are differences in the ways mothers and fathers typically assume non-resident status, they believe that their views of the challenges and difficulties associated with these roles are very similar. Greif and Kristall (1993) do agree that non-resident mothers suffer many of the same feelings and stresses as do fathers, but they hold that these feelings are intensified for mothers for a number of reasons. Besides the possible hardship of greater economic instability, non-resident mothers are subject to external and internal pressures as a result of societal expectations. Babcock (1997) follows the same line of argument when explaining that a non-residential father can continue to meet the normative expectations associated with fatherhood such as economic support and contact with his children. He therefore only risks being stigmatised when he fails to meet these role expectations. Motherhood on the other hand, represents a position laden with societal expectations of physical and emotional labour in the daily nurturing of children and therefore the non-residential mother, can be stigmatised simply by virtue of her new status (Babcock, 1997).

This view is supported by Pagano (2000) who refers to earlier studies on non-resident mothers by Paskowicz (1982), Greif (1997), Greif and Pabst (1988) and Chesler (1991) in which experiences of stigma and contempt were mentioned as recurring themes throughout the findings. Based on the data elicited from interviews in her own recent American study on noncustodial mothers, Pagano (2000) also identifies the mothers' struggles with negative stereotypes, the legal system, and the adaptation to their non-traditional parenting role, as

significant causes of distress. In addition to the manifold stressful factors already mentioned, Greif (1997b) adds that many mothers lose their sense of self when they are separated from their children. This is further clarified by Babcock (1997) who contends that the influence of ideology is powerfully demonstrated in the contemporary concept of motherhood. Becoming a mother is viewed as an important rite of passage into adulthood and serves to prove womanhood. It follows logically then that those who do not have their children with them are seen as less than complete, unfulfilled women. Pagano (2000: 11) goes as far as stating that non-resident mothers in this construct are viewed as "nonmothers" and somehow morally tainted because "they openly affront the most cherished notions of motherhood". Although this idealised conceptualisation of motherhood is according to Babcock (1997) not supported by current social conditions, it is also evident that non-resident mothers are still subject to not only external pressures, but also to internal conflict. Most women have been socialised to believe that their psychological needs for self-esteem are achieved through meeting the needs of others and therefore mothers accept that they have to be self-sacrificing and nurturing, often negating their own needs in favour of her children's. Although this myth of motherhood has been challenged by feminists over the last few decades, the belief that motherhood is the highest calling for women is deeply embedded in the belief systems of many women (Pagano, 2000; Van Schalkwyk, 2005). When they do put their own needs on a par with others, such as mothers who elect to pursue their careers and personal goals, they may be overwhelmed by feelings of guilt and shame (Haffey & Cohen, 1992). In Pagano's (2000) study, non-custodial mothers described turning from this illusion as their most painful experience. This may explain why many of these mothers experience so much guilt, shame and anxiety, that they find it difficult to discuss their noncustodial status with others and some even choose to hide this aspect of their lives or to lie about it (Greif & Kristall, 1993). It also sheds some light on Greif's (1997a) earlier contention that many non-resident mothers lose their sense of self.

In addition to these internal and external pressures, Greif (1997b) identifies money and child support, visitation and relations with the father and the children as key issues non-resident mothers have to face. Literature on the parenting practices of non-resident mothers is limited and in the literature available, there is some controversy regarding the interaction of non-resident mothers with their children (Kielty, 2006). Authors like Grief (1997a); Seltzer

(1994); Maccoby and Mnookin (1992) hold that non-resident mothers are more involved parents than non-resident fathers and are more likely to maintain their parental roles across households while they are at the same time less likely to fall back on leisure activities when they spend time alone with their children. In a more recent study, Stewart (1999) however found that non-resident mothers adopted a parenting style similar to that of non-resident fathers in that they also relied predominantly upon leisure based activities during contact visits. While it can be comforting for non-resident mothers to interact with their children on a regular basis, Pagano (2000) refers to the renewed mourning of the relationship after every visit. Kielty (2006) describes it as a chronic reminder of what they have lost, the day-to-day activities in their children's lives. The distress this may cause is emphasised when one learns of Babcock's (1997) finding that the one aspect the majority of mothers she studied, reported as the worst part of their non-residential experience, was missing those everyday activities they had previously shared with their children.

3.7 CONCLUSION

Divorce at its simplest refers to the legal mechanisms for dissolving a legally constituted marriage. This chapter on the divorcing family however convincingly intimates that divorce is much more than that. It is something so immense that it cannot be reduced to a once off legal event where a decree is signed, lawyers paid and the family members happily continue with new lives, now possibly in more than one household. Neuman's (1998) description of divorce as a series of gains and losses, breakthroughs and setbacks, calm and crisis, provides a more realistic reflection of the emotional, economic, social and psychological impact of divorce revealed in this chapter and in the consultation rooms of those in the helping professions all over the world.

Yet, divorce is also not just a complex continuous social process. The framework that directs, manages and regulates the movement of husbands, wives, their children and their property once marriage has ended, is provided by the family law division of different jurisdictions. This study can therefore not proceed before the role family law plays in the lives of divorcing families, is clarified through literature. This will be done in the next chapter.

CHAPTER 4

THE LANDSCAPE OF FAMILY LAW

4.1 INTRODUCTION

Deciding on the future of children at the time of divorce can be a daunting task and parents, overwhelmed by the immensity of this demand, often abdicate their responsibility in the hope that the court will solve these important matters. This is what family law indeed attempts to do, but it remains a formidable commission not only because family issues are often complex and emotive, but also because it has to be accomplished within the constraints of what Boshof (2001: 312) calls “the ideologically fractured landscape of family law.”

This chapter will attempt to shed some light on the influence of different and often competing ideologies on the landscape of family law over the years. Before discussing the process of custody decision taking, more tensions in family law will be discussed. The chapter will proceed to discuss aspects of the current custody decision-making process and will conclude with a discussion on some attempts to improve the current decision-taking model. As a point of departure it is however necessary to understand family law within the context of the entire legal system.

4.2 FAMILY LAW IN CONTEXT

Based on feminist legal discourse, Olsen (1995) argues that much of family law theory is informed by the classical liberal understanding of social reality as a dual system, one where things are divided into contrasting spheres or polar opposites. From this understanding emanates the assumption that the dualisms are gendered and therefore consist of male and female sides that are not analogous and comparable, but have a hierarchical structure with the male half assumed to be superior to the female half. According to Boshof (2001), this does not only explain the traditional subordination of women to men, but in the context of family law, the dichotomy manifests itself in the division between the public/male marketplace and the private/female family.

In terms of an understanding shaped by these dualisms, the social and political practices that constitute 'law' are identified with the dominant male side of the opposing pair with the assumption that the legal system will be rational, objective, abstract and principled. Yet, certain areas of the law, such as child custody decisions, are considered to be necessarily subjective and more personalised and contextualised (Unger, 1976). With regard to this tension, Boshof (2001) believes that law has traditionally responded in two ways to its 'feminine' branch dealing with the intimate lives of families. Firstly, as much as possible was delegated to the inaccessible domain of the private, but on the other hand it also adhered closely to the objective/male styles of legal reasoning. She (Boshof, 2001) further argues that family law, assumed to belong more within the realm of the subjective, the personal and the concrete, somehow resists the principled and abstract objective/male styles of legal reasoning and therefore forces the legal system to confront the ethical considerations of its violent dealings with actual human beings.

As already mentioned, Boshof's (2001) contention is that the division between female/soft law subjects like family law and the other male/hard subjects is directly related to the early nineteenth-century family/market ideology where the market was believed to structure people's productive lives while the family, particularly suited to women, would structure their affective lives. This dichotomous ideology had far reaching and complex implications for women and the legal system, which will be evident in the following section where the historical development of family law, particularly with regard to child custody will be discussed.

4.3 HISTORICAL DEVELOPMENTS

An overview of the history of international custody determinations over the last two centuries provides ample evidence that custody decisions have to a large extent been based on cultural and economic determinations of male and female roles. While Warshak (1992) does not pinpoint the Industrial Revolution as the absolute reason for the swing of the legal pendulum away from fathers in custody cases, he holds that it did figure prominently in the emergence of stereotypical images of fathers as familial breadwinners and mothers as domestic caretakers and primary child rearers (The men/women and market/ family dichotomy). This continued until the 1970's with the emergence of feminism which afforded

women an option to be liberated from stereotypical, secondary, dependent roles within the family's economic structure. Mothers were no longer restricted to the family, but now also had access to the market. With the realisation that it was not easy to balance work with parenting, came the recognition that fathers could share more substantively in childcare, and parenting was no longer perceived as singularly a maternal responsibility (Griswold, 1993). This more flexible approach to parental role expectations, together with pressure from feminists and father's rights groups in favour of gender-neutral standards in custody decisions, contributed to the elimination of the tender years doctrine from family law.

Late in the twentieth century it was clarified that children's holistic needs should be considered and that custody decisions should be based on their best interests (Emery, 1994). This standard is supposed to focus attention away from the gender attributes of the parents towards the custody situation deemed best for the child, but even the best interest principle was soon widely debated. While it is lauded by some for its flexibility to accommodate the complexities and ambiguities of family life (McWhinney, 1995; Banda, 1994), others claim that it is too indeterminate to be helpful in custody decisions (Elster, 1989; Van Zyl, 1997).

The question that arises now is whether the best interest principle which appears to fit the more soft/subjective/female side of law, is suitable for informing court decisions on custody if it fails to meet the standards of the hard/objective/male styles of legal reasoning? Another question that inevitably follows is whether custody decisions belong in the domain of hard/objective / male styles of legal reasoning at all?

4.4 TENSIONS IN FAMILY LAW

The issues discussed so far are not the only challenges to a legal system fractured by male/female and market/family dichotomies; there are also other tensions such as legal dualism or protection versus privacy considerations that can complicate custody decisions even further.

4.4.1 A dual legal system

The implication of legal dualism is that two legal systems are recognised and enforced within the same state. According to Fourie (In Bosman-Swanepoel, Fick & Strydom, 1998),

it can be attributed to the recognition of two different systems of personal law based on the distinctive identities of particular cultural or religious groups in some countries. Legal dualism in Africa has its origin in the colonial period when customary law with its roots in the traditional rural African community, was applied in the colonial courts together with colonial legislation, but only in so far as it was not in conflict with Western ideas of justice and morality. Subsequent attempts to incorporate indigenous law into the received European legal systems were not successful and had so little advantage for African culture that some even accused it of being “neither customary nor law” (Bosman-Swanepoel et al., 1998: 43).

Reconciling Western and customary law with regard to marriage was not without complications and for a long time the policy in South Africa was to avoid the integration of marriage laws. The two types of marriages have therefore existed side by side although the customary union had not enjoyed the same recognition as the civil marriage. It is only since the acceptance of the Constitution of the Republic of South Africa (Act 108 of 1996), that customary law enjoys equal mention with common law in terms of Section 39(2) and (3) of the Constitution (Himonga & Bosch, 2000). The ensuing dual legal system now makes provision for two forms of marriage, a civil marriage in terms of the Marriage Act (Act 25 of 1961) and a customary marriage in terms of the Recognition of Customary Marriages Act (Act 120 of 1998). After the commencement of the latter act on 15 November 2000, the Divorce Act (Act 70 of 1979) and the Mediation in Certain Divorce Matters Act (Act 24 of 1987) now also apply to the dissolution of customary marriages.

Literature (Himonga & Bosch, 2000; Nkosi, 2000; Bonthuys, 2001b, 2002) indicates that South African courts still face many challenges in their application of this dual legal system within a constitutional framework. Although it is beyond the scope of this paper to discuss the challenges in depth, it is necessary to mention one that particularly affects divorcing families. I refer to the conflict between the right to equality, one of the most important constitutional rights in South Africa and the right to culture in terms of section 30 of the Constitution of the Republic of South Africa (Act 108 of 1996), which forms an important theme in the academic discourse on the position of customary law (Pieterse, 2000). To illustrate this, one has only to consider the position of African women in customary marriages concluded before the commencement of the Recognition of Customary Marriages

Act (Act 120 of 1998). This act, which was intended to alleviate the subordination and inferior status of women in customary law, indeed now recognises their customary marriages and gives them equal legal status with their husbands. The proprietary consequences of these marriages are however, still governed by customary law, which envisages that, upon dissolution of the customary marriage, the wife leaves the husband with only her personal possessions while the children of the union remain in the paternal family (Jansen, 2002). These women are then only entitled to maintenance from their former husbands in terms of Section 7 of the Divorce Act (Act 70 of 1979). The South African Law Commission (1998) however regards the system of post-divorce maintenance as inefficient and difficult to enforce, particularly on African men who are likely to see the right of a former wife to maintenance as a radical break from customary law. This is clarified by Bonthuys (2001b) who explains that a paternal family that has paid ‘lobola’¹ is likely to frown upon a wife’s claim for maintenance and custody of the children. What is more, the former wife may be reluctant to claim maintenance since customary law also dictates that a man who is obliged to maintain his wife, is entitled to her household and sexual services, which she might want to avoid, literally at all cost.

It is Robinson’s (1995) contention that the court should be careful not to allow the right to culture to be a shield for defending aspects of customary law that can deny women their rights to dignity and equality. This can be a considerable challenge particularly if one considers that the very Act intended to protect some of the most marginalised women in South Africa, in the words of Jansen (2002: 125), “still leaves them out in the cold”. This may be one of the reasons why Mqeke (1999) argues that this Act (Recognition of Customary Marriages Act) does not come anywhere close to social reality and refers to it as “failed law” (pp 61-62).

4.4.2 Other tensions fracturing the landscape.

Other tensions that can complicate custody decisions will also be briefly discussed.

¹ Bride-wealth

4.4.2.1 Best interests versus culture

It appears that the position of child custody in this dual legal system is no less complicated. While it is in terms of the Constitution a child's right that his or her best interests should be served, customary law, integral to a child's culture to which he or she also has a right in terms of the Constitution, dictates that a child whose father has paid or agreed to pay 'lobola'² belongs to the paternal family (Bonthuys, 2001b, 2002). It could thus be argued that it is in the best interests of an African child to be raised according to customary norms, but considering that there are also many other facets to a child's best interests, a fundamental tension between the best interests standard as applied in civil law and constitutional rights to culture and religion is indicated. This is still not the end of the list of tensions complicating family law.

4.4.2.2 Privacy versus protection.

Another intricate question related to custody decisions is whether intervention by the state in family affairs does not constitute an infringement of the family's right to privacy? Some feminists believe that concerns such as the power imbalance in the traditional patriarchal nuclear family and the incidence of family violence outweigh the retention of family privacy and implore the state to intervene on behalf of its weaker members (Ramolotja, 1999). On the other hand, there are also arguments claiming that most children individually and collectively are better off because of the autonomy parents have in raising their own children (Bartlett, 1999). This is not to say that parental autonomy produces uniformly good results in every individual case, but it cannot be denied that most parents, while living together, have broad and near absolute power to raise their children in even unconventional ways. There is normally no interference in parenting practices even if parents for argument's sake, would decide to spend all their money on luxuries instead of providing for their children's future. However, when the same parents decide to divorce, all aspects of parental decision-making suddenly come under intensive scrutiny. It can be argued that the State has an obligation to protect children against decisions taken by parents whose emotional state during divorce cannot always guarantee the priority of the children's interests. The same intervention by the

² Bride-wealth

State can however also mean intrusion on the decision-making process of well-meaning sensible parents (Bartlett, 1999).

Bearing in mind the different perspectives discussed so far, the current custody decision-taking process will now be discussed.

4.5 THE CURRENT PROCESS OF CUSTODY DECISION-TAKING

For the duration of a marriage, both parents usually have custody of the minor children born from that marriage. When those parents divorce, South African Family Law makes provision, in terms of section 6 (1)(a) of the Divorce Act (Act 70 of 1979) that a decree of divorce shall not be granted until the court is satisfied with the provisions made or contemplated with regard to any minor child of the marriage. With this established, the court will in terms of section 6 (3) of Act 70 of 1979 grant a custody order determining the physical care and control of the child (Visser & Potgieter, 1998). According to Hahlo (1985), the powers of the court under this section are so wide that it is difficult to think of any order the court cannot make. It may for instance also grant to either parent the sole guardianship of the minor if that appears to be in his or her best interests. For the sake of clarity, some frequently used concepts with regard to custody orders such as guardianship, custody and access are explained in more detail in Appendix 1.

It is estimated that as many as 90 per cent of divorcing parents are able to arrive at an amicable resolution regarding the future of their children, with or without professional intervention (Barratt et al., 2001; Stamps, 2002). There are however others for whom the conflict is so entrenched that divorce becomes what Fricker (in Barratt & Burman, 2001: 556) calls “a war of attrition, with children one of its casualties”. In these cases, family court judges are forced to make difficult decisions in the interest of young children with no clear rules apart from the best-interests-of-the-child test to guide them (Mason, 1999). This test in itself has a reputation of being “notoriously indeterminate” (Van Zyl, 1997: 5) and it may leave room in some custody disputes for the values and beliefs of the presiding judge to influence the outcome. On the other hand, more constraining rules that do not provide for family diversity and social pluralism are not suitable either (Bartlett, 1999).

Elaborating on their position about the inadequacy of custody decision-making procedures, Barratt and Burman (2001) explain that divorce courts everywhere are known to be overloaded and it is estimated that the High Court in South Africa, on average spends less than five minutes per divorce case. The reality is that custody is more often than not decided outside the court through the intervention of legal counsel. The court's role in these cases is then merely to confirm consent papers. Stamps (2002) however asserts that those agreements, although claimed to be voluntary are usually completed while "bargaining in the shadow of the law," a term coined by Mnookin and Kornhauser (1979: 950). This term implies that parties are only free to negotiate an agreement that stays within the confines of the relevant divorce law and that the divorce court will scrutinise it to ensure just that (Van Zyl, 1997).

In South Africa there are also many families for whom custody of children is typically fluid and it is not unusual for those children to spend periods of time with members of their extended families. This is unlike the South African legal system, informed by Roman-Dutch law that understands child custody within the context of the nuclear family. For people accustomed to more traditional African models of the family, the court custody model provided for in common law may therefore have little relevance (Barratt et al., 2001). Discussions with Advocate Claassen, President of the Southern Divorce Court (Personal communication, August 28, 2006) and Advocate G. Moloi of the South African Law Commission (Personal communication, October 06, 2006) indeed revealed that many parents who terminate their customary marriages still make their own 'traditional' custody arrangements despite the proviso in section 6 of the Divorce Act (Act 70 of 1979).

It also has to be remembered that custody disputes, where there is irrefutable proof of, for example alcoholism or child abuse on the part of one parent, are not as a rule complicated from the point of view of the court. Disputes however become complicated when both parents have some chance of obtaining custody (Van Zyl, 1997) and it is almost impossible to find a rational basis for preferring one parent to the other (Elster, 1989). In deciding these cases, judges mostly have little basis for making judgements and have to rely on evaluations by experts. An ever present risk however is that these custody evaluations can further discourage settlement efforts since parents often engage in strategic behaviour in order to

win the favour of the expert (Emery, 1994). Another problem is that the experts involved often disagree in their assessments which Bartlett (1999) believes happens because many of these questions have more to do with values than with science. Despite the possible risks just mentioned, custody evaluations still play an important role in custody decision taking and therefore more perspectives on this widely discussed practice will be presented now.

4.5.1 The process of evaluation

Custody evaluators are asked to do what parents, engrossed in the emotional turmoil of divorce, often find very difficult to do, namely to decide on their children's future. From what has been said so far it is evident that this is no easy assignment and one that is open to controversy. A custody evaluation can however also be an opportunity for a divorcing family to find help and practise new ways of relieving tension or to understand each other (Bosman-Swanepoel, Fick & Strydom, 1998). This more positive approach is supported by Gould (2004) who states that the ultimate purpose of a child custody evaluation is to assist children and their families to restructure their family lives after divorce. Whether this is achieved will according to Gould (2004), to a large extent depend on the use of state of the art forensic methods and procedures. He (Gould, 2004) therefore suggests that the method for gathering data and the techniques used to evaluate the data have to be scientifically reliable. Kirkpatrick (2004) does however not think that a custody evaluator necessarily has to be a forensic psychologist or psychiatrist, but he does believe that specific skills, knowledge, and the expertise required for operating in a forensic (legal) context are essential. Notwithstanding the reluctance of important professional associations to provide definitive standards for custody evaluations, Kirkpatrick (2004) found that current behavioral science literature provides consistent evidence of a set of methods and procedures agreed upon by common practice. In an attempt to address the need for standards, Kirkpatrick (2004) listed a set of 26 minimum practice standards for custody evaluations which can be a helpful tool for evaluating one's own practice. This list of standards is provided in Appendix 2.

There appears to be a growing demand for the assistance of custody evaluators and Shear (2004) believes that there has also been a concomitant growth in the professional literature used to prepare evaluators for this specialised task. From her discussion on one of these works (Benjamin & Gollan, 2003), it is however evident that not all literature is equally

helpful to the evaluator who needs a definitive template for the evaluation process. While it is beyond the scope of this study to provide such a model, a few valuable suggestions from literature will be presented here.

Some important requirements for an evaluation to meet forensic standards are mentioned by Gould (2004). He for instance suggests that it will help a court to determine a fact in issue if information about parental behavior or parent child interaction is not merely mentioned but also demonstrated. Similarly, a global assertion as to what is in a child's best interests has little probative value, unless empirical data indicate that the specifics upon which that opinion is based have predictive value. The most important component of a child custody evaluation in Gould's (2004) view however, is acquiring reliable and relevant collateral information. This information can help to construct an understanding of parental and child functioning in the real world, outside the contrived circumstances of the evaluator's office. This is supported by Galatzer-Levy and Kraus (1999) who see it as a way of detecting unconscious and conscious distortions, likely to feature as parents try to 'win' custody. Similarly, obtaining historical records may shed light on parenting weaknesses and strengths or the co-parenting and parent-child relationship over a period of time.

While some evaluators tend to focus on parent's rights, Stahl (1994) and Mason (1994) underscore the importance of focussing on the developmental needs of children instead. If this is not done, custodial arrangements can be imposed on children regardless of the child's age and without considering a vast body of developmental research that details the specific needs of children at different stages in their maturity. In his own work, Stahl (1994: 31-42) elaborately discusses children's needs from a developmental perspective. This discussion can be of great value, since the identification of children's needs forms such an important part of custody evaluations and the crafting of parental responsibility and rights agreements and parenting plans (Appendix 4). Similarly, guidelines for assessing parents can be helpful and Bosman-Swanepoel et al.(1998) believe that the criteria Judge King used in the case of *McCall vs McCall* (1994 3 SA 201 (C) 204-J) are so complete and effective that they can serve as guidance for all. These criteria are discussed in Appendix 3.

While there was a time when presiding judges in South Africa had to rely on their own judgement when they implemented a rigid set of rules and principles in deciding custody disputes, Bosman-Swanepoel et al. (1998) hold that they now have recourse to the services of the family advocate, who in turn has access to numerous experts available to assess individual needs and situations relevant to custody awards. Some of these role players will be discussed in more detail now.

4.5.2 The Role players in custody evaluations

4.5.2.1 Judges

According to Van Zyl (1997), judges are often criticised for their approach to custody and access disputes. They are often said to represent a conservative sector of society, to be uninformed about children's needs during and after divorce and always to come down on the side of well-entrenched community views. Van Zyl (1997) further contends that judges are members of a conservative profession, few of them are young and some of them are slow to accept new concepts like joint or paternal custody which can result in allegations that they display personal prejudice and bias.

While giving the assurance that judges are well aware of the grave responsibility they bear in these matters, Van Zyl (1997) also refers to certain complications inherent to their task. When taking decisions, they for example have time restrictions in the interest of all concerned, particularly for the children. At the same time, previous decisions can only help them to a limited degree, because the personalities and individual circumstances in each disputed case are unique. This, as well as the fact that judicial discretion in custody cases is particularly wide, poses exceptional challenges to presiding judges in disputed custody cases. It is also true that despite the contributions from other professionals, it is ultimately the judge that has to make the order. In this regard, Champion (1995) also holds that there are many enlightened judges who recognise the responsibility they carry, but who also acknowledge the limitations of the law as an instrument for promoting good parenting.

When covert motivations are operating, Turkat (2000) believes that they can lead to a judgement quite different from the direction given by the evidence before the court. Turkat

(2000) continues to explain that judges and attorneys like all other human beings have biases that can influence the decisions they take. If a judge therefore dislikes a certain type of person, he or she is unlikely to admit it when a ruling against that litigant is made. It can nevertheless cause additional stress for the litigant as the search for a viable explanation of an unexpected ruling may remain elusive. This may explain why Johnston and Campbell (1988) assert that the court itself can instigate prolonged custody conflicts when for example punitive reactions to unreasonable parents can lead to premature or unwise judgements. Given that the authority of the court has powerful symbolic meaning, court outcomes can legitimise each spouse's view of the other, so that the winner becomes the 'good parent' and the loser the 'bad parent'.

4.5.2.2 The family advocate.

In South Africa, the establishment of the first Family Advocate's Office in terms of the Mediation in Certain Divorce Matters Act (Act 24 of 1987) was an important milestone in making sure that the South African judicial system takes the time and trouble to safeguard the interests of every child of divorcing parents (Van Zyl, 1997). After this Act was introduced, the Divorce Act (Act 70 of 1979) had to be amended to provide that a decree of divorce should not be granted until the court had considered the report and recommendations of the family advocate if an enquiry had been instituted by the family advocate.

Family advocates are legally trained and therefore likely to be more influenced by legal rather than mental health perspectives, but they are assisted by family counsellors who are usually social workers. They also frequently recruit expert advice from social workers in the field, psychologists and psychiatrists. Bonthuys (2001a) therefore believes that the office of the family advocate is a site where legal and mental health conceptions of the best interests of children interact and contribute to the formation of new discourses of parenthood and childhood.

The Mediation in Certain Divorce Matters Act (Act 24 of 1987) in terms of Section 4 confers on the family advocate the power and duty to institute an inquiry in order to furnish the court at a trial or hearing with a report and recommendations on any matter concerning the welfare of children of the marriage or on other matters referred to him or her by the

court. The role of the Family Advocate is further described by Bosman-Swanepoel et al. (1998) who state that an obligatory enquiry must be instituted by the family advocate if requested by any of the parties or by the High Court. Even when not requested, the family advocate may apply to the court for authority to institute an enquiry if it is deemed in the interest of a minor child.

In terms of Section 6 of the Mediation in Certain Divorce Matters Act (Act 24/1987), the family advocate or family counsellor may appoint any other person to assist them with an enquiry.

4.5.2.3 Family counsellor and other social workers.

The Minister of Justice may in terms of section 3 (1) of the the Mediation in Certain Divorce Matters Act (Act 24 of 1987) appoint at each division of the High Court of South Africa one or more suitably qualified or experienced persons as family counsellors to assist the family advocate with an enquiry. Although the Act does not define 'suitably qualified', the family counsellors are usually qualified social workers. The terms family counsellor and social worker are therefore interchangeable in this text.

The functions of the family counsellor are also not described in the Act, but Froneman (1999) suggests that the family counsellor should not be seen as a 'detective', but should conduct the investigation in a respectful, open and honest manner. The family will then be more open to sharing information. The family counsellor must be able to recognise the children's distress, to act to remedy it and to speak for them. It is furthermore recommended that the family counsellor should conduct the custody investigation without unnecessary delay in order to keep this painful time for the families as short as possible. Prolonged litigation about a child's future is deeply damaging to the child, because of the uncertainty it brings and the harm it does to the relationship between the parents (Neethling, 1993). Home visits are also recommended so that the family counsellor can assess the social atmosphere of the home, and observe and better understand the parents' behaviour and emotional reactions as they occur in day-to-day life (Froneman, 1999).

In acknowledging the skills of social workers for obtaining social histories and for interviewing small children, Van Zyl (1997) states that they play a major role in cases

handled by the family advocate, but raises concerns that social workers are often overworked and take long to complete reports. These concerns were also emphasised when, Glasser (2002) in his evaluation of two offices of the family advocate, found that they lacked capacity due to insufficient and poorly trained staff and inadequate equipment. He concluded that the best intentions of very dedicated staff were not sufficient to cope with an ever increasing workload. To overcome the shortage of particularly family counsellors, the family advocate has to rely on the assistance of outside social workers in the rural areas. In most cases, the levels of competence and expertise of these social workers are unknown to the family advocate (Glasser, 2002).

Van Zyl (1997) nevertheless believes that, given adequate time to delve into all angles of a custody dispute and using their evaluative skills, social workers should be able to fill the gaps in lawyer's knowledge of child development. Although like the other role players, they are unable to predict the future, they are at least able to predict future risks for the child. Johnston and Campbell (1988), without denying the important role social workers can play, also warn that they can fuel the conflict between divorcing parties, for example, when they see only one parent, encourage uncompromising stands, reify distorted views of the other parent and write recommendations and even testify on behalf of their client with little understanding of the child's needs, the other parent's position or the couple and family dynamics. A systemic view of the family undergoing traumatic changes can according to Robinson (1993) prevent a natural inclination to side with one party.

It is quite understandable why Venter, Van der Berg, Van der Merwe and Van Rensburg (1995) hold that family counsellors are expected to be experts on basically all aspects of the family, including adult pathology, children, adolescents, families, psycho-diagnostics and even certain aspects of the law. They are however aware of the fact that social workers are often not trained in all these aspects. Froneman (1999) supports this stance and also recommends regular group training that can at the same time also address issues of being biased which can have distorting effects on evaluations.

4.5.2.4 Psychologists.

It is unlikely that legal professionals whose training does not normally include areas like child development and family dynamics will be able to make reliable assessments of the parties involved in custody disputes without the assistance of mental health professionals such as psychologists. There are however legal professionals who have reservations about input from psychologists, since they claim that the social sciences are not value-free. They are also sceptical about the rapidity with which theories in this field change (Van Zyl, 1997). Notwithstanding these misgivings, custody decision-makers still frequently seek guidance from psychologists. This makes sense when Gould (2004) mentions that psychological testing in child custody evaluations can provide a set of data genuinely scientific in origin. Several of these tests such as the MMPI-2 (Minnesota Multiphasic Personality Inventory) and the MCMI-III (Millon Clinical Multiaxial Inventory) can give indications of psychopathology or personality functioning, factors that are vital when assessing parenting capacity (Gould, 2004). Despite their intrinsic value these evaluations also have a downside and Greenberg, Martindale, Gould, and Gould-Saltman (2004) indeed claim that child custody cases represent the fastest growing source of ethics complaints against psychologists. This can emanate from professionals using biased or inappropriate procedures, violating role boundaries, or exceeding the limits of their competence or information base in expressing opinions. Expert evidence marred in this way can have a profound effect on the progress of a case and the welfare of those involved (Greenberg et al., 2004). With accusations of bias lurking in the background, one can understand why more than one study (Ackerman & Ackerman, 1997; Ackerman et al., 2004) suggests that judges and attorneys, similar to child custody evaluators, prefer evaluators to be court appointed. Although it appears to be widely recognised that a neutral evaluator is best, it does not rescind the parents' rights to appoint their own experts for second opinions or rebuttal of allegations. Bonthuys (2001a) however warns that too generous admission of mental health evidence can make custody litigation even more expensive and can ignite animosity between the parents. Wise counsel therefore comes from Martindale (2004) who advises evaluators, who often operate in an atmosphere of distrust and animosity, to use procedures designed to contribute to trust and openness.

In their discussion on high conflict divorces, Blank and Ney (2006) also express very distinct views on these evaluations which they claim, are driven by, and designed for courtroom expediency. In the process, the language of diagnostic labeling that is used is often misdirected and damaging. The discourse of mental health experts and the procedures of court often become more important than the child's personal discourse (Blank & Ney, 2006). This may be one of the reasons why Glasser (2002: 74) refers to children as "the voiceless members of society". This does however not mean that children have to be questioned in open court where they may be overawed and too distressed to express their true wishes (Van Zyl, 1997). There are more child-friendly options suggested, amongst others, by Kassan (2004) who advises that children's preference should be conveyed to the court through an intermediary or a court-appointed legal representative. This suggestion is based on the rights of children entrenched in the United Nations Convention on the Rights of the Child (1989) and the African Charter on the Rights and Welfare of the Child (1990). In terms of these human rights instruments, children have a right to express their views and to make their voices heard in matters that affect them. These rights are further entrenched in the Constitution of the Republic of South Africa (Section 28(1)(h) of Act 108 of 1996) that provides for legal representation for children at state expense in civil proceedings affecting them.

This inevitably brings the discussion to the role of those professionals referred to as 'lawyers', 'attorneys' or 'advocates' who provide legal representation to parents and children during divorce and custody decision-taking. In this text the terms will be used alternately, but will be understood to mean the same.

4.5.2.5 Legal representatives.

One of the essential interventions Haffey and Cohen (1992) suggest to those who attempt to help divorcing women is to refer them to a network of attorneys for consultation so that they can gain a feeling of realistic control over their lives. This is confirmed when Turkat (2000) opines that the custody battle litigant represented by an attorney has significant advantages over the litigant who chooses to represent her or himself (known as a 'pro se' litigant). Keeping in mind the high cost of divorce litigation and the risk of ending up in a less desirable position than when litigation began, Turkat (2000) immediately emphasises the

importance of selecting the right attorney. Other authors (Van Zyl, 1997; Stahl, 1994) join Turkat (2000) and warn that there are lawyers who are highly litigious, fighting for their client's interests only with little regard for the child's interests and the cost of their work. Van Zyl (1997: 105) indeed refers to custody litigation as "prohibitively expensive" while Robinson (1993) alleges that solicitors often fail to provide their clients with sufficient information in relation to costs. This situation is according to Turkat (2000) aggravated in many instances when the one party is court ordered to pay the fees of the opposing attorney.

In their interrogation of the divisive and hierarchical process of high-conflict divorce litigation, Blank and Ney (2006) raise particular concerns about the role professionals sometimes play. With 'discourse' understood as systems of thought that construct subjects and their worlds (Schwandt, 2001), Blank and Ney (2006) argue that a form of conflict evolves out of a hierarchy of discourses in high-conflict divorce litigation that can have a grave impact on those most vulnerable to the litigation outcome, mostly the children. Similar to professional sportsmen, physicians and indeed numerous other groups, one will find that law professionals use specialised languages or discourses to construct their respective realms of activity. The implication is then that those who know the discourse can control the inseparable knowledge/power axis. Hence, if a specific discipline, practice or institution has a special discourse that is privileged (such as legal or medical/psychological discourse) and not accessible to an individual, it means that that discipline, practice or institution can control the individual who does not know the discourse (Blank & Ney, 2006).

From this theoretical premise, Blank and Ney (2006) continue to illustrate how the powerful legal and medical (psychiatric) discourses dominate and create conflict in high-conflict divorce cases and ultimately subjugate and marginalise individuals caught in a process they may not even fully understand. The argument continues, pointing out that in the process of litigation, power will shift to clients who can best align their version of events, their truths and facts with the discourse of law and therefore they employ lawyers who are proficient in co-opting and rewriting personal narratives into the dominant discourse of law, a discourse filled with fixed binaries (guilty/innocent, win/lose, best parent/worse parent). The 'good' lawyer will therefore not only make sure that the transformation of the personal narrative has legal veracity, but will also skilfully discredit the narrative of the opposing party. In the

process, the more flexible and mutually compliable construction of the conflict is denied in order to legislate 'right' from 'wrong'.

The manoeuvres attorneys make as they engage in tactical warfare with other attorneys, can take on different forms. Johnston and Campbell (1988) for example mention that they can submit a series of motions that attempt to characterise the other party in the most unfavourable light. These papers often cite unhappy incidents and separation-engendered desperate behaviours of the parties, often out of context, which then become public charges and counter charges. Separating spouses, in the midst of this devastating process of making private sorrows into public issues, often do not realise that all this can emanate from the strange practices of the adversarial system and they invariably see it as emanating from the other spouse. In many of these cases the motivation to continue the dispute draws its energy from the attorneys themselves and not from the parties. The narrative the court ultimately accepts by means of a ruling becomes respected, valuable and accepted as approximating the truth while the rejected narrative is disrespected and considered inferior, valueless even not true. In terms of legal discourse justice was served, a resolution to conflict was found and the narrative ends (Blank & Ney, 2006).

The legal discourse is however not the only discourse at play. There are also parents, at their most vulnerable in conflict with one another and confronted with legal machinery they do not understand (Robinson, 1993). In their discourses one party achieves victory, control and custody while the other party leaves the process discredited, feeling defeated and alienated from the outcome, often asking: "Why is it that no one seems to be hearing what I say?" and "Why is it that I don't understand how this works?" Both questions suggest an engagement with confusing, divisive, competing, non-mutual discourses that have filtered down to the most personal sense of esteem, subjectivity, understanding, and agency. It is even more perturbing that those questions are sometimes asked by a child who is forced to literally live with the outcome of a legislated decision based on a hierarchy of discourses with his or her own discourse possibly not heard or attended to at all (Blank & Ney, 2006).

Having said all this, it is immediately necessary to also point out that lawyers differ widely in competence, empathy and style and Robinson (1993) mentions that a large group of

lawyers actually subscribe to the counsellor's stance, with a more co-operative orientation towards divorce settlement negotiations. Lawyers who adopt this stance can contribute to defusing the volatile interpersonal nature of divorce disputes so that divorcing parents, for the benefit of their children, can solve their differences in a minimally antagonistic, non-adversarial atmosphere (Severson & Bankson, 1995).

South Africa, like many other jurisdictions the world over, has made several attempts to improve the custody decision-making model during the previous half century (Barratt & Burman, 2001). Some of these attempts will be briefly discussed now.

4.6 ATTEMPTS TO IMPROVE THE CUSTODY DECISION-MAKING MODEL

There are those who believe that the adversarial system is so harmful that any alternative which is based on a theory of cooperative dispute resolution, is preferable (Emery, 1994). It is probably from this same understanding that several attempts were made to improve the process of custody decision-making in South Africa. The Report on the Structure and Functioning of the Courts of Law in South Africa (Hoexter Commission, 1983) for instance recommended a single family court with comprehensive jurisdiction in family matters. This has not materialised yet. The acceptance of the Mediation in Certain Divorce Matters Act, (Act 24 of 1987) was another attempt to facilitate the process, but according to Cohen (1993) the use of the word 'mediation' in the title of the Act is a misnomer. Hoffman and Wentzel (1992) explain that the Act does not make provision for mediation as described in literature, but is dictated by the family advocate's own understanding of the mediation process. Another report from the Hoexter Commission followed in 1997, once again recommending an independent Family Court with superior court status. The report also recommended a Family Counselling Service as part of the Family Advocate's Office. While this report was still pending, and with political pressure to attend to the interests of women and children increasing, a Family Court Task team was formed, which eventually recommended that Family Court Pilot Projects be established. The first such Project was launched in Cape Town on 29 January 1999. When Burman, Dingle and Glasser (2000) assessed the court, they found that all that actually existed at the time was a small under-funded isolated court,

which nevertheless proved to be a surprising success as far as the demand for the court was concerned. It was however still a far cry from the recommendations of the Hoexter Commission, and families did not have access to a system of divorce mediation via family courts. More than ten years later, Tatchell (2000) also found that the Office of the Family Advocate in the area she studied appeared to be still doing custody evaluations, which were rooted in litigation as opposed to mediation. Van Zyl and Bekker (2000) explain this by stating that parties who come to the family advocate come to do battle and not to negotiate since they have already taken an adversarial stance. They (Van Zyl & Bekker, 2000) nevertheless believe that there should be ways in which the adversarial system can be removed from custody and access decisions. It appears that this is what the Children's Act, (Act 38 of 2005) attempts to achieve when it talks inter alia about a parenting plan and states as follows:

- (5) In preparing a parenting plan as contemplated in subsection (2) the parties must seek-
 - (a) the assistance of a family advocate, social worker or psychologist; or
 - (b) mediation through a social worker or other suitably qualified person.
- (Section 33, Act 38 of 2005).

It appears that there is still much ambiguity about the extent to which the state should supervise custody decisions and according to Barratt et al. (2001) two broad categories of responses are discernible. Many jurisdictions have invested in expensive machinery to improve state supervision of custody decisions while others vest the responsibility for such decisions in the parents themselves, but provide increased assistance to them in order to ensure that they can reach informed child-centred decisions. According to Barratt and Burman (2001), elements of both trends are present in the current South African policy on custody law, but they warn that elaborate family court machinery can be prohibitively expensive. The reality in South Africa and in most other jurisdictions, dictates that divorcing parents have to take responsibility for the post-divorce arrangements of their children possibly with only minimal state supervision (Barratt & Burman, 2001). This may not only be a more affordable approach, but may also satisfy those who have appealed for an alternative model that can address the individual needs of the child within the interactional

framework of the family as opposed to the current adversarial, win-lose model (McWhinney, 1995).

4.7 ALTERNATIVE APPROACH

From what has been said so far there remains little doubt that custody evaluations and in fact the entire custody decision-making process can be intrusive, highly emotional and very expensive for families. The outcome can be grave for a family that has been under intense scrutiny for weeks or even months while at their most vulnerable in the aftermath of marital dissolution.

From McWhinney's (1995) perspective, it is not only the decision-making model that has to be reviewed, but the concept of custody in its entirety needs rethinking. This author describes how positional bargaining over custody produces win-lose results and how the subsequent loss of meaningful parental status can detrimentally affect the entire family system. He therefore argues that the psychosocial concept of the best interests of the child understood systemically, does not correspond with the legal concept of awarding the right to the care and control of the child to only one parent. This according to McWhinney (1995) creates two paradigms within which professionals involved in custody decisions have to operate while the concept of custody cannot bridge the two. Yet it remains the children of divorce who are claimed to be the real victims and whose suffering is perceived to be exacerbated by the adversarial legal process (Bonthuys, 2001a).

Against this background, McWhinney (1995) suggests an alternative model and believes that quite simple changes in language or rules can make a significant difference. An earlier study on paternal custody (Pieterse, 2002) also indicated that a family dispute should not be viewed as a contest with the children as prizes. It was therefore suggested that certain terminology that may be indicative of adversarial divisive procedures such as 'custody award', 'win custody' or 'lose custody' and 'Mother versus Father' should be used with caution. If the point of departure is that the child needs both parents and that they can both contribute significantly to his or her future, expensive and elaborate custody evaluations to prove one parent unfit, will no longer be necessary.

Reforms that have been introduced in South African family law (Children's Act 38 of 2005), remind of McWhinney's suggestions in many respects. Divorcing parents will, for example, no longer be granted custody or access. Instead, their respective rights and responsibilities will be delineated and the living arrangements for the children will be described in what will be known as parental responsibility and rights agreements and parenting plans (Sections 22 & 33-35, Act 38 of 2005). With this provision it is indeed recognised that the status of a parent should not be affected by a change in marital status, a concept that has already been introduced in a number of countries such as America, Australia and England (Kisthardt, 2005; Barratt et al., 2001).

From Bartlett's explication (1999) it is evident that parental responsibility and rights agreements and parenting plans go beyond granting custody to one parent and reasonable access to the other. It rather serves as mechanisms for determining how caretaking arrangements will continue in the post divorce family. Residential arrangements can be specified in detail, but it can go even further to specify provisions for day care, health care and numerous other matters significant to the child's well-being. These agreements and parenting plans also have to be dynamic instruments that can predetermine how unanticipated changes and conflict will be resolved in the future (See Appendix 4). This is important considering that Bekker and Van Zyl (2002) argue that law, when dealing with parents and children, should be sensitive to human development and should therefore not impose fixed limits "where nature knows only a continuous process" (p.129).

While this alternative approach holds the promise of reduced parental conflict and more effective post divorce parenting practices, Bekker and Van Zyl (2002) raise certain concerns about the practicality of parenting plans which they interpret as part of an elaborate and sophisticated process that might be beyond the reach of less affluent, less educated members of society. Mkhize (1992) however argues that mediation as a method is not unfamiliar to traditional societies who practise African Customary law in their daily lives. Those tribes are used to depending on the expertise of their own family members to resolve disputes.

Another concern of Bekker et al.(2002) is that the trust, reasonability and flexibility required for compiling parenting plans may be wanting in a relationship of divorcing parents. Bartlett

(1999) on the other hand contends that the requirement to submit a plan will compel divorcing parents to undergo the useful exercise of articulating concrete plans with the focus on their child's best interests. This may be a valid point, but it should not be forgotten that Marlow and Sauber (1990) argue that it is not their conflicting interests that keep a couple from an agreement, but rather feelings of disappointment, anger, hurt and fear which are often inherent to the personal crisis of divorce. It follows logically then that at least some couples will not be able to work together on crafting a parenting plan without some kind of intervention that can help them to deal with divorce engendered feelings. Once again the South African law maker has apparently foreseen this need and Section 33(4) of the Children's Act (2005) indeed provides that parties when preparing a parenting plan must seek (a) the assistance of a family advocate, social worker or psychologist; or (b) mediation through a social worker or other appropriate person.

Since mediation is likely to feature more prominently in family law in the near future some aspects of this method of dispute resolution will now be discussed.

4.8 MEDIATION

By now it is clear that divorce takes place within an adversarial legal system where paradoxically parties can, in the process of obtaining legal assistance to resolve their dispute, become adversaries. According to Marlow and Sauber (1990), this happens because divorce is seen as a legal event, while they emphatically contend that it is in the first place not a legal event but a personal event of painful transition in a family's life. They (Marlow & Sauber, 1990) further argue that it is not conflicting interests, as the law would have it, that keep a couple from an agreement, but rather the destructive feelings inherent to the personal crisis of divorce which are intensified during an adversarial process. It follows logically then that the dispute resolution procedure employed should address these destructive feelings, and not intensify them. Mediation, described in its most simplistic form as getting parties to talk to one another again (Roberts, 1997), appears to grant them this opportunity.

A more comprehensive definition of divorce mediation is offered by Van Zyl (1997) when he states:

Mediation is a co-operative process whereby the disputing parties attempt to reach a mutually acceptable agreement or settlement on specific issues, or failing agreement

or settlement, at least reduce conflict. A third party participates in the discussions, assist the parties, may act as a facilitator and even as leader in the negotiations, and may initiate, nourish and sustain the bilateral process and narrow the field of discussion but does not make decisions for the parties. Thus the outcome of the mediation is determined by the parties and not by the mediator. (p.142)

According to Severson et al. (2004), mediation at its inception was advanced as a model for achieving better and swifter resolutions of conflict and with less expense than if litigated. They however quote a judge who stated that the real benefit of mediation belongs to the parties when they find a solution to their own problem This is particularly relevant in cases where warring parties have an obligation to be part of an on-going relationship after the resolution of their battle, such as a coparental post divorce relationship (Goldstone, 1992).

It is interesting that Van Zyl (1997) attributes the value of mediation to its potential to reduce conflict even if an agreement or settlement is not reached. This is supported by McWhinney (1995) who also asserts that mediation should not be regarded simply as a dispute-resolution device per se, but should rather be viewed as a helpful, healing, educational, and conciliatory means of enabling families to survive the crisis of their separation. Another important consideration when resolving family disputes is that parties reach a mutually acceptable settlement themselves. Emery (1994) indeed argues that a system that takes away the responsibility from the parents to decide on their children's best interests, is overly invasive in family matters and can be divisive for parents. To this, Kisthardt (2005) who believes that it is important to honour parental autonomy, adds that parents are ultimately the people who know best what will work for their families. She also refers to some evidence to suggest that parties will comply more readily with plans that they have created as opposed to ones that have been imposed upon them.

It appears that the success of mediation in custody disputes cannot be stated conclusively, possibly because couples come into mediation with different agendas. The primary indication for a successful outcome of mediation is parents who, with the mediator's help, demonstrate the capacity to contain their emotional distress and focus on the children's issues (Gilmour, 2004). However, one will also find couples for whom the process has more

to do with getting even than with negotiating their children's future. These parents are most likely to have lost sight of the best interests of the children although they may often use the phrase to strengthen their arguments. They are, according to Johnston and Roseby (1997) mostly enmeshed and highly conflicted couples who are ambivalent about their separation and may have severe psychopathology or personality disorders. They (Johnston & Roseby, 1997) hold that all the characteristics of high-conflict divorce are usually present and therefore a more impasse directed kind of mediation is indicated for them. This type of mediation differs from ordinary mediation in that elements of therapy and parent education have to be added to the process. The goal of this type of mediation will not be the completion of the access agreement itself, but rather to help the family through divorce transition, and to build a structure to support the parents' and children's growth and development (Johnston & Roseby, 1997).

The question that inevitably arises, is whether even the so called 'high-conflict divorcing couples' will not fare better in a system where the adversarial attainment of custody and a day in court are no longer options? After all, exploring the best possible parenting arrangements both parents can make jointly for their child is significantly less divisive and emotive than a question about who the better parent is (McWhinney, 1995). Choosing between the parents can exacerbate the shame and humiliation already present as a result of the loss of the intimate partner relationship, often the core of divorce impasses (Shear, 2004). Conversely, if the exercise is not about choosing between the parents but finding how parenting responsibility can be best distributed so that parents can buffer each other's limitations and augment each other's strengths, a power balance that reduces conflict is possible.

4.9 CONCLUSION

Acknowledging the limitations and complexities of law, as was done in this chapter, does not take away the responsibility from those in the helping professions to continuously strive to improve the plight of divorcing families. This appeal is even more compelling when one takes in account that children of divorce are considered a vulnerable group in terms of the White Paper for Social Welfare (Ministry of Welfare and Population Development, 1997). In the drastically reformed child care legislation imminent in South Africa the legislator

demonstrated the paramountcy given to those children. However, law alone cannot prevent embittered adversarial adults from waging battle over children, neither can it guarantee that children will obtain the love and nurture that they most need (Bartlett, 1999).

The social work profession from their unique person-in-environment perspective on the other hand, can assist families (however that may be defined) to restructure their rules, roles and communication styles after divorce. If parents can, assisted by a social worker, craft their own strategies to ensure that both can remain meaningfully involved with the children, those children can still reap the benefits of the whole while living in its parts (Severson et al., 2004). It is however critical that family mediation practice should be both informed and advanced by evidence of its efficiency. The social work profession can and should according to Severson et al. (2004) therefore take the lead by inter alia the development of theory.

I trust that this study can in a small way contribute to the development of theory on non-resident divorced mothers in particular but also on families affected by divorce in general. This attempt essentially requires a research method suitable to display the richness and intricacy of the divorce process and of post divorce parenting. I will now proceed to discuss the research design elected for this study.

CHAPTER 5

METHODOLOGY

5.1 INTRODUCTION

The review of the available literature on the family, divorcing families and the landscape of family law, presented in the previous chapters, offered surprising and enriching perspectives such as suggestions of gendered dualism in law and unbridgeable paradigms in custody decision-making (Boshof, 2001; McWhinney, 1995). While a reconsideration of discourses on the aspects under scrutiny has the potential to expand one's understanding of those aspects, it can also lead to more questions and can instil a desire in the reader to explore those questions.

There has been increasing attention in the literature and the law to the reality that more and more fathers are contesting and being awarded custody. There has even been some work on why and how that is happening (Arenstein, 1989; Pieterse, 2002). The obvious next question relates to the nature of the experiences of the mothers who have given up or lost custody of their children. It is evident that although there is a shift occurring in the predictability of custodial arrangements, women are still perceived as the primary caregivers and thus when they are not awarded custody of their children a whole new social phenomenon begins to occur. Questions about this phenomenon formed the intellectual puzzle (Mason, 1996) that prompted this study in the first place. Together with the theoretical perspective of the researcher it was also this intellectual puzzle (1.4) that ultimately determined the method used to explore those questions and that will be discussed now.

5.2 THEORETICAL PERSPECTIVE

My own position is broadly qualitative and constructivist, although I recognise that both terms are not exact and are in many ways overused and over extended. As a social researcher, Denzin and Lincoln (1998) would in some sense also consider me a philosopher since they argue that social researchers, like most human beings, are guided by highly abstract principles. In terms of research, some of these abstract principles are according to

Schurink (1998) beliefs about ontology (perceptions of the nature of reality) epistemology (the relationship between the inquirer and the known) and methodology (how knowledge is gained about the world). Rodwell (1998) further explains that it is through this process of paradigmatic thinking that the context for social work research develops. The controversy for most of social science involves ontological and epistemological questions about human/social reality. Is reality external to the individual or is it the product of the individual's consciousness; is knowledge hard, real, capable of being transmitted in tangible form or is it softer, subjective, of a unique and personal nature that can only be acquired or personally experienced? Or about human nature, do humans relate to the environment in a mechanistic, deterministic way or are they innovative enough to create their own environments with free will?

Different answers to questions like these reflect different philosophical perspectives that shape how the researcher sees the world and acts in it and will therefore bind him or her within a net of epistemological, ontological and methodological premises which is referred to as a paradigm (Guba, 1990; Schurink, 1998). A social scientist, according to Schwandt (2001), is likely to see a paradigm as a type of disciplinary matrix consisting of commitments, beliefs, values, methods, outlooks and so forth across a discipline. With this understanding of a paradigm, I will now discuss the constructivist paradigm that guided this enquiry.

5.2.1 Constructivist paradigm

It is common cause that a simplistic positivist approach to understanding humanity is rarely advocated these days – especially in the study of difficult and rare phenomena. Because positivism essentially argues that any social phenomenon has real existence, external to the individual; that knowledge is hard and factual; and that humans are shaped by their environment, it is not a useful strategy for research that seeks to make sense of new or rare or unusual human experiences even if it does have some value in describing or explaining common things. Rare experiences, like women in South Africa giving up the custody of their children, simply cannot be reduced to independent variables and processes (Rodwell, 1998). As opposed to a positivistic focus on a distinct 'social reality' 'out there', separated from those who experience it, I, like other proponents of a constructivist persuasion attempt to

understand the complex world of lived experience from the point of view of those who live in it. From this constructivist perspective, the world of lived reality is viewed as constructed by particular social actors in particular places at particular times. Reality thus perceived is the product of individual consciousness so the 'out there' has no reality other than what has been created and interpreted by each individual and therefore cannot claim to reflect only one 'true picture' (Lincoln & Denzin, 1994; Schwandt, 1994; Schurink, 1998; Rodwell, 1998; Creswell, 1998). In the same way, knowledge is not perceived as a set of verifiable facts, but is rather constructed as a product of social and individual assumptions and is developed through language (Fisher, 1991).

The constructivist paradigm is further explained by Guba and Lincoln (1989: 179) when they emphasise the joint attempt by inquirer and participants to construct a case through a "dialectic" of iteration, analysis, critique, reiteration, reanalysis and so forth. Reason and Rowan (1981) follow this same line of argument by stating that persons as autonomous beings have a moral right to participate in decisions that claim to generate knowledge about them. A true human enquiry therefore, not only needs to be based firmly in the experience of those it purports to understand, but also needs to involve a collaboration between researcher and the participants so that they may work together as co-researchers. In constructivism, it is understood that the inquirer and the object of inquiry interact to influence one another to such a degree that the knower and the known become inseparable. It is assumed that the inquirer and the participants create data in this interaction. This deep engagement with the subject of enquiry is, according to Reason (1988), the touchstone of the co-operative method and is in direct contrast to the superficial engagement in an orthodox enquiry, when subjects respond to a questionnaire or are paid to take part in an experiment while having at most, superficial knowledge and interest in what is being studied. Shaw and Gould (2001) argue that this type of enquiry can even be a morally compromised endeavour because participants, despite their consent to participate, are not afforded the opportunity to influence the research process at all. This argument is crucial for the study under discussion considering that it is about uncovering women's experiences and therefore needs to consider feminist epistemology.

5.2.2 Feminist research

Just as there are many forms of feminism, there also appear to be numerous feminist research methods. There are those (Ramazanoğlu with Holland, 2002) who argue that there is no research method that is consistently or specifically feminist while Maynard (2004) also refers to the abundance of healthy disputes in this regard. Literature nevertheless indicates that feminist epistemology is gentler, listens and hears more, talks less and humanises both participants and researcher and therefore challenges assumptions of positivism and objectivity (Rubin & Rubin, 1995; Schwandt, 2001; Riessman, 1994).

It appears then that a constructivist paradigm which is understood to assume a relativist ontology (there are multiple realities), a subjectivist epistemology (researcher and subject create understandings) and a naturalistic (in the natural world) set of methodological procedures (Denzin et al., 1998) is likely to be compatible with most feminist approaches to research. At the same time, these are not foreign concepts to the social work practitioner since there is a discernible link between the epistemological perspective of constructivism and the social work frame of reference. Central to both is an interactive context-bounded attention to the dignity of the individual in his or her uniqueness and similar to constructivism, social work values also hold that human knowledge is never final or absolute (Rodwell, 1998).

I am aware that some would perhaps suggest that such an approach is simply too vague or subjective to offer useful understandings of the world in which we participate. I would argue that this is not the case, but would agree with Rodwell (1998) that there is a necessary and legitimate tentativeness about constructivist findings since values and views differ from place to place, from group to group and from one epoch to another and therefore all these findings require an understanding of the particular social context. Accepting and defending the individualised nature of experience does not negate then the social or cultural realities in which such experience takes place, but actually emphasises the need to understand the societal context that forms such an integral part of the individual experience and understanding. Thus the study of literature which describes what is commonly understood or done, has created some understanding of the context in which the women from this study have made their decisions and carried out their actions. In a different time or different social

reality it is true that these decisions would have had a different meaning – socially and individually. This study nevertheless seeks to begin to develop an understanding of the individual, contextually embedded experiences of divorced mothers in the current South African context, in order to assist social workers and other women seeking meaning, personally or professionally, in the arena of child custody issues.

Will the findings of this study have any relevance in another context? Metcalfe (2004) contends that a researcher cannot be expected to have what he calls a ‘God’s eye’ view of the social world in all its complexity and therefore it is not up to the researcher but to others instead, to investigate whether the research can be transferred to their situation. Rodwell (1998) elaborates on this contention when stating that neither the inquirer nor the participants will know which aspects of their study will be meaningful in another context at another time. She (Rodwell, 1998) therefore urges the inquirer to produce a final report that has sufficient richness so that an informed reader can determine the relevance of the study to another context at another time. This is what I have attempted in this study, but then with the understanding that the responsibility for testing and transferring the findings to another context at another time, remains that of the reader who will be familiar with that other context.

I will now continue to discuss the methodology I considered suitable for producing an accurate rich reconstruction of the various perspectives within the context of this investigation.

5.3 METHODOLOGY

Chafetz (2004) deems it appropriate to talk about methodologies of theory development explaining that the word ‘methodology’ in the social and behavioural sciences also refers to the use of systematic approaches to accessing the empirical world, which is one way of ensuring that social science is indeed science and not just philosophy. Methodologies then include approaches to issues of research design and techniques of data collection and analysis for which Chafetz (2004) believes there are large kit bags of methodological tools available in the social and behavioural sciences.

Each of the sets of tools available to these disciplines will be more appropriate for some purposes and less so for others. While most divorce research, according to Rokach, Cohen and Dreman (2004), has been based on quantitative data, these authors maintain that studies using qualitative methods are more successful in displaying the richness and intricacy of the divorce process. With this in mind and informed by the constructivist paradigm described above, a qualitative method, using some grounded theory guidelines was selected for this study.

5.3.1 Research design

In my quest to understand the lived experience of divorced non-resident mothers I, like other qualitative researchers Silverman (2000) refers to, gave preference to a process of in-depth interviewing. I believe that this process allowed me to enter these mothers' life-worlds as they were lived and made sense of (Schwandt, 2001) in such a way that I was able to develop an empathic understanding of a world I had never experienced personally. Another advantage of a qualitative interviewing design is that it is flexible, iterative and continuous, rather than prepared in advance and set in stone. The original design could therefore be redesigned continuously during the research process depending on emerging ideas and themes (Denzin et al., 1998; Rubin et al., 1995) which was very useful when I had to change some of the methods of data collection, as will be discussed below.

I will now discuss the research plan I followed, but in view of what has just been said it must be understood that although the various steps are discussed chronologically here, it did not take place as a linear process since there was a continuous interplay between data collection, analysis and sampling during the course of the study (Schurink, 1998). As already explained, data collection initially took place during an interviewing process with non-resident divorced mothers who had either lost custody or relinquished custody of their children. In this study the mothers have been selected purposefully and will be referred to as participants.

5.3.2 Sampling strategy

When selecting participants, Patton (cited in Merriam, 2002) advises that it is important to recruit, what he calls information-rich cases, from which one can learn a great deal about issues of central importance to the purpose of the research, hence the term purposive

sampling. Morse, Barrett, Mayan, Olson, and Spiers (2002) believe that obtaining an appropriate sample that can produce optimal quality data is one way of adding value and reliability to a study. The decision on what an appropriate sample would be, does however not appear to be entirely straightforward. According to Kvale (1996) some interview studies appear to be designed on a quantitative presumption of the more interviews the more scientific the study will be. Commenting on this approach, Kvale (1996) paradoxically answers that one should focus on a few intensive case studies if the aim of a study is to obtain general knowledge. He bases this argument on the history of psychology when Freud and Piaget, for example, focussed on a few case studies which produced significant knowledge that was later found to be generalisable to larger groups. Mason (2002) on the other hand acknowledges that qualitative samples are usually small as a result of time and financial constraints, but does not see any reason why a qualitative sample has to be small. In this interpretive study, understanding the complexity of the participants' lived experience was the point and not the representativeness of the findings. Hence when I had to decide on an appropriate sample, I considered Kvale's (1996) emphasis on quality rather than quantity and Rubin et al.'s (1995) advice that interpretive researchers' quest is for thick and rich descriptions of the topical arena they are studying and for an empathetic understanding of the world of participants. These views are supported by Marsden (2004: 68) in his reflections on his research career of 40 years when he concludes that a large-scale sample in his study on lone mothers was a "con" and that the major insights came from ten people who had interesting experiences, and who were reflective, articulate and willing to talk, rather than the whole sample of 120. In addition to these views, Morse (2000) also holds that researchers with more experience and strong interviewing skills will require fewer participants as they can guide and encourage the participant to reveal the data.

Besides these opinions, I could also not ignore remarks made by Babcock (1997), Pagano (2000) and Bailey and Zvonkovic (2003) about the scarcity of non-resident mothers and the difficulty in locating them. Pagano (2000) interviewed nine participants for her doctoral research and contends that non-resident mothers are not only scarce, but the stigma attached to their position is also likely to inhibit them from participating in studies. Heeding these opinions I tentatively decided to follow Kvale's (1996) suggestion of 15 participants but

with the understanding that, true to the flexible nature of this qualitative research design the sample size could also be adjusted as the research unfolded.

Section 12 (3) of the Divorce Act (Act 70/1979) allows access to the records of the High Court, and the Southern Divorce Court for research purposes and I assumed that those would be information-rich cases. When I approached those offices I learnt that records were not readily available, meaning that I would have had to work through a large number of records myself to find suitable participants. I had to reconsider this option since my experience during earlier research on custodial fathers (Pieterse, 2002) was that I only identified 4 participants from those records of which 3 could not be traced from the addresses on the files. Remembering that Durst, Wedemeyer and Zurcher (1985) warn that the use of court records is not feasible due to geographic mobility after divorce, I decided to explore other options. I subsequently sent electronic mail about my research to all the Family and Marriage Association of South Africa (FAMSA) branches in the Western and Eastern Cape as well as to the Family Life Centre in Johannesburg. I also approached the offices of the Family Advocate in Cape Town, Johannesburg and Bloemfontein. None of these attempts produced any participants. I then decided to make use of the local and regional media. Letters explaining my research were published in three Eastern Cape newspapers and within days I received responses from four non-resident mothers and the mother of a non-resident mother. I was able to interview these five mothers. In the meantime I also recruited two participants through my professional and social networks.

After I started analysing the data from these interviews, subsequent sampling was informed by the emerging analytical framework which will be discussed in more detail below. Because I was successful in recruiting participants through the media before, I decided to send similar letters to some newspapers in the Western Cape. This attempt once again proved to be fruitful and I had responses from seven non-resident mothers who all agreed to meet me for an interview. When I provided them with more details on my research one of them also recruited an acquaintance for participation. This sampling technique is sometimes referred to as snowball sampling (Mack-Canty & Wright, 2004) which according to Brown (2005), is very useful when the population under investigation is hidden, either due to low

numbers of potential participants or the sensitivity of the topic, both applicable to non-resident divorced mothers.

In retrospect, it appears that recruiting through the media was most effective because it indeed yielded in my view, information-rich cases. It also proved to be less intrusive than being approached for research purposes because one's name appears on some official records. This was vital to me because I was committed to avoiding exploitation of those whose lives would become the focus of my study (Baber, 2004).

There is certainly a possibility that non-resident mothers, at peace with their situations would perhaps not respond although care was taken in the media letter (Appendix 6) to implicate them as well. Another possibility is that some non-resident mothers, like the participants in Simpson's (1998) study saw participation as an opportunity to correct assumed or actual mis-representations committed by ex-partners, solicitors or the community at large. My letter therefore could have a greater appeal to those who felt aggrieved like some of my participants indeed indicated:

Jane: *...my life now depends on not what's right and what's fair but on who's got the best lawyer and who is prepared to spend the most money or who has the most money. (611-614)*

Jill: *I don't care about what's in that report I am their mother, this whole thing has been highly unfair. (364-365)*

It is unfortunately also true that the range of demographic characteristics one is able to draw into a sample is dependent on the method one uses to access that sample and also on the impact that one's own demographic profile has on the networks to which one has access. This limit is clear in the sample I managed to access. Admittedly, these aspects could have had an influence on the characteristics of the sample or even limited the sample, but it does not eliminate the value of those who did choose to participate and what value is added by giving an opportunity to even a narrow group of those with little or no societal voice to 'talk back' (Rubin et al., 1995).

5.3.3 Recruitment

Once potential participants were identified, recruitment was conducted as follows: Every attempt was made to respect the privacy of the mothers and careful attention was given to informed consent. The first approach to the two participants recruited by a friend and a colleague was anonymous since they were provided with letters containing sufficient information to make informed decisions about participation, before they voluntarily decided to contact me (Appendix 7). As far as the twelve participants recruited through the media were concerned, there was an added advantage because they already knew a lot about my research from reading the letter (Appendix 6) in the newspaper, before they decided to contact me. Seven of those participants responded by means of electronic mail and I was able to send them more detailed recruiting letters upon which they all agreed to participate in the study. The other participants responded by means of short messages on my cell phone and provided their contact details so that I could send them the necessary information after which they also agreed to meet me. For some of them the decision to contact me was not an easy one of which Jill and Beth were examples. Jill said that she consulted her pastor before she contacted me and Beth read my letter in the newspaper and responded by means of a short message on my cell phone (Identifying details changed).

XXX vs XXX, 1996. I will talk to you after u've read judgement (nothing just it was). Often thought 2 do my doctorate on similar topic- too painful (Sent: 22 -03-2006).

I surmised that it was a sensitive issue for this person and remembered Charmaz's (2006: 30) advice that the participant's comfort level was more important than obtaining "juicy" data. I was therefore committed to showing respect and observing ethical principles right away in the recruitment phase. Modern technology provided an excellent means to facilitate this since short cell phone messages and electronic mail are possibly much less intrusive than direct communication. Attesting to this, Hewson, Yule, Laurent and Vogel (2003) hold that unlike any other method, Internet communication can maintain complete anonymity and the researcher will be unaware of the participant's biosocial attributes unless he or she chooses to divulge them. With this in mind I asked Beth for her electronic mail address after I had perused the court report she suggested. Further recruiting took place by means of electronic media of which an extract follows to illustrate the attempts to protect her interests. Identifying details were changed.

Monday, March 27, 2006

Hi Beth

Thank you for the e-mail address. I think this a much easier way to communicate since you can now read it in your own time or decide not to read it at all if that is better for you.

Is my assumption correct that you are the mother in XX vsXX case?

I attach my recruiting letter with some more info. I want to emphasise again that you are under no obligation to participate. I cannot even imagine the agony you have been through all these years and therefore I do not want to add to it in any way whatsoever. If I do not hear from you again I will accept that you are not ready for participation and I will not contact you again.

However, should you feel that you want to assist me you can just send me mail and we can make further arrangements. I do believe that your contribution can add value to my research particularly since you have not only personal but also professional experience in this field (that is if my assumption is correct). Kind regards.

Two days later she responded as follows:

29 March 2006 08:14 PM

hi tyzie

yes, i am the mother. i am willing to participate as i feel that this is worthy cause. we can therefore certainly talk. i at times feel i should have written a book!

keep well. beth.

Beth eventually participated and made a valuable contribution to the study.

5.3.4 Theoretical sampling

After the first six interviews were analysed I realised that none of those mothers had relinquished custody of their children voluntarily. Literature (Pagano, 2000) and the popular media (Ferguson, 2003) however suggest that there are nowadays mothers who willingly relinquish custody in order to pursue personal goals. It was at this point that I decided to send a letter to newspapers in Cape Town which can be considered a large world city, in the hope that some mothers for whom non-resident status was a positive experience would respond. The letter (Appendix 6) was formulated in such a way that it alluded to those particular mothers. Although eight non-resident mothers responded still none of them had relinquished custody voluntarily for personal gain. According to my understanding, this was an attempt at theoretical sampling, a the kind of sampling that is concerned with constructing a sample that is meaningful theoretically, because it builds in certain characteristics or criteria that help to develop and test an emerging theory or explanation (Silverman, 2000). In

the process it is important to seek negative cases that can uncover aspects of the developing analysis that are initially less than obvious (Morse et al., 2002).

I am also aware that the size of the sample can be adjusted during the research until saturation point is reached when the data stops eliciting anything new about the social process under scrutiny. I understand saturation of the data to mean that sufficient data to account for the immediately apparent aspects of the social process under scrutiny have been obtained. It is however not possible to anticipate in advance when and how that point will be reached (Mason, 2002; Morse et al., 2002) neither can it be asserted that this saturation begins to approximate a full understanding of the phenomenon under study. To reiterate, it is likely that the sensitive nature of this study deterred some non-resident mothers from participating and they could well be mothers from whom much could be learnt. It is equally possible that there are those mothers whom Ferguson (2003) referred to who are content with their self chosen non-resident parenting situation and they could certainly add value to this study but did not respond for reasons about which I can only speculate. While these are limitations of the study that have to be acknowledged, I find some comfort in Mason's (2002) reminder that qualitative research is particularly good at constituting arguments about how things work in particular contexts rather than representing the full range of experience. Although limited in its size, it appears that the sample I used can be considered what Patton (1990: 171) refers to as an intensity sample, a sample of "information-rich cases that manifest the phenomenon of interest intensely." How this rich information was collected will now be discussed.

5.4 DATA COLLECTION

Data collection procedures included in-depth interviewing, 2 small case studies, a focus group interview and the study of some documents and electronic mail.

5.4.1 Qualitative interviewing

The interviewing process enabled the participants to reconstruct their reality and experiences in their own words which was of great value since it afforded me the opportunity to understand experiences and reconstruct events in which I did not participate (Rubin et al.,

1995). I am nevertheless aware that this method of data collection is open to criticism, particularly by those positivists in favour of the experimental quantitative methods of the established natural sciences. From that position, a qualitative interview based on interpersonal interaction can appear to be unscientific since objectivity remains a controversial aspect of interviewing.

Both Kvale (1996) and Schwandt (2001) argue that the term objectivity can be defined in more than one way. In an ontological sense, it can refer to an accurate representation of reality and in a mechanical sense it can refer to adhering to the rules or procedures because these are a check on human judgement which is regarded as subjective (Schwandt, 2001). While some would then claim that the qualitative research interview lacks objectivity due to the human interaction inherent to the interview, there are equally strong criticisms against the notion of objectivity as a regulative ideal for an inquiry. Likewise the understanding of objectivity as a position from which an inquirer can view social life without the interference of prejudices and personal characteristics is highly suspect. One cannot help asking whether it is at all possible to provide a mirror reflection of the social world (Shaw et al., 2001). It is more likely that this devotion to objectivity is based on only one limited understanding of science, a science that Denzin et al. (1998) argue, silences too many voices. However, the most significant problem I, as researcher, guided by feminist epistemology (Oakley, 1981; Finch, 1993; Ramazanoğlu et al., 2002) have with putatively objective science, is the hierarchical and controlling relationship it has imposed on the researcher/researched relationship.

My contention is that the aim of this interpretive study is not to explain human behaviour in terms of universally valid laws, but rather to gain an in depth understanding of the lived experience of non-resident divorced mothers in a particular context at a particular time (Schurink, 1998). For this purpose Charmaz (2006) holds that intensive interviewing is a useful method to gain access to the meanings people attribute to their experiences and social worlds while Fontana and Frey (1994) also refer to interviewing as one of the most powerful ways we can use to understand fellow human beings.

While interviewing is an activity with which many people are familiar, research interviewing can differ in some ways from the everyday activity and a range of opinions exist on how research interviewing differs from the everyday activity. In survey research literature, interviewing is portrayed as objective, scientific and controlled by the researcher, which is very unlike everyday interviewing. Those from a qualitative perspective, however acknowledge the essential humanness and the interactive nature of interviewing (Gregg, 1994). There are however different approaches to interviews even within qualitative literature. According to Shaw et al. (2001), the main dimensions of these interviews, regardless of context, appear to be the amount of structure in the interview, the level of depth the interviewer attempts to achieve and the extent to which standardisation is sought across interviewees and contexts.

For this study from a constructivist perspective, in-depth interviewing was elected as a method for data collection. Informed by Huysamen (1994) who suggests that, what he calls a guide, can be used in the interview, a schedule in the form of loosely worded open-ended questions to uncover the participants' views on a few general topics related to the research questions was developed (Marshall & Rossman, 1999). The use of a schedule may suggest more structure in the interview, but Schurink (1998) describes this method as unstructured and holds that the schedule only serves as a guideline for the interviewer. Like Charmaz (2006), I found that having an interview guide with well-planned open-ended questions helped me to prepare for the interviews and I could approach the interview with confidence because I had a good idea of what it was I hoped to hear. I however also remembered the warning from feminist researchers that an interview should not involve a scientific instrument sterilely applied to a passive object, but should resemble normal conversation in which the interviewee influences the exchanges (Rubin et al., 1995). My experience with all the interviews was that after asking them the first question the participants spontaneously covered most of the topics I wanted to explore. During the first two interviews, I only used the guide as a type of checklist at the end of the interview to make sure that all the topics were covered, but afterwards I did not even find that necessary because I was more familiar with the questions by then. It is also possible that my increasing experience in research interviewing helped me to become less perturbed about what was in the schedule and what I hoped to hear and more immersed in what the participant wanted to share. I however assume

that an interview guide can be of value when interviewing a less responsive participant. I have not encountered that problem in this study. It was therefore possible to keep the interviews loosely structured allowing the participants to introduce topics at their own pace and in ways comfortable to them. This happened to be quite unique in each interview which I will now continue to discuss in more detail.

5.4.1.1 The interview process

In this qualitative inquiry I considered it important to enter the participants' worlds in a naturalistic way by which I mean that I did not want to meet them in a setting that was artificial or manipulated for research purposes (Schwandt, 2001). I therefore gave them the choice of location for the interviews. Eight of the participants invited me to their homes, two met me at their places of work, but took trouble to ensure privacy. I met another three at coffee shops of their choice, one in my car at the beach front and Helen asked me to arrange a venue because she felt that her home did not offer enough privacy. We met in my office on a Saturday afternoon and I endeavoured to keep it as informal as possible.

Although all the participants had already read either the letters in the newspapers or my recruiting letters before the interviews, I gave them consent forms before the interviews started which they were requested to read and sign while they also had the opportunity to ask questions about their participation (Appendix 8). None of the participants indicated that they had second thoughts and they all signed the forms.

There are researchers (Munro, Holly, Rainbird & Leisten, 2004: 298) who describe in-depth interviewing as an exhausting and fascinating process. They mention stresses like finding the right location and worrying if the participant will turn up, concerns with which I can identify, particularly because I did not find participants readily. I had to travel long distances to do most of the interviews, sometimes as far 900 kilometres and then had to find my way to their addresses in a strange city. I was however elated when the participant was available and the interview could proceed. For several reasons I could equally identify with the fascination Munro et al. (2004) mention. I for instance found it fascinating that women who did not know me at all appeared to trust my research endeavour with their readiness to talk to me. I understood what Munro et al. (2004: 299) meant when they referred to an "easy flow

of information” when women interview women because none of my participants needed to be probed to tell their stories. This is according to Finch (1993) the advantaged position of a woman researcher. The fact that I am a mature woman with more than 20 years experience of social work interviewing, possibly also enhanced the easy flow of information. Strauss and Corbin (1998) as a matter of fact assert that interviewing skills usually acquired through experience, can put participants at ease and create a more conversational atmosphere that has the aura of trust.

After some introductory talk I mostly asked the participants to tell me about their families before they divorced or to tell me how it happened that the father had custody. After the initial question I could in most instances just follow the flow of their narratives, listen empathetically and ask a clarifying question here and there and found 40 to 60 minutes later that all the topics in my interview schedule were covered without even mentioning the schedule.

I was aware of Finch’s (1993) experience of sometimes leaving an interview situation with a feeling that interviewees should know how to protect themselves against people like her. I therefore tried my best to ensure that participants were comfortable during the interviews.

An extract from the interview with Vee serves as an example:

- Vee: ... he’s the original reason for me wanting to get out of this horrible relationship.
TP: Tell me about that....your original reason?
Vee: Uuugh..... just the abuse ...the mental...physical violence ... and then he makes me out to be criminal and the villain when he’s been a criminal all his life ...just the abuse ... I really...it upsets me so....
TP: You don’t have to tell me more I just wanted to know was that the reason... (167-175)

There was some laughter in all the interviews, but I also realised that the prospect of sharing one’s life story with a strange researcher can cause stress which Lynn verbalised in the following dialogue:

- Lynn: I was up all night last night thinking now what am I going to say, what can I possibly say to be helpful?
TP: You know my research is about your experiences so what you’ve told me is helpful because if you didn’t tell me I won’t know..... (385-388).

Eight of the participants also cried at some point during the course of the interviews.

Sandy: *And that tore me apart ((tearful))³ ...it totally totally tore me apart because here my child was looking forward you know to something that he wanted you know and he's prevented to do that....(246-249)*

Marina: *I have a good relationship with the kids ... I ... also have a strained relationship with them ... because he ...he will like turn around and ((started crying)) say to the kids your mother doesn't love you (76-78)*

Emma who was still very angry with a social worker whom she believed did her an injustice in the custody dispute, at some stage during the interview appeared to have projected that anger onto me when she said:

Emma: *...and on these grounds I lost custody of my kid or kids ... I don't think its fair. There should be a law against women or social workers now I know you're a social worker and I don't... if you take offence that's your own problem ... but there should be a law against sucking up to people, buddy buddy. (169-173)*

In one of my field notes I remarked: "I marvel at the honesty of participants even to their own disadvantage (drinking Sandy & Vee)" (Field note tp15-11-2005). This is an aspect I need to emphasise. Five of the participants told me that they were abusing alcohol at some stage, one told me of a pregnancy after a one night stand and another one told me about a baby she gave up for adoption. All these participants revealed some intimate details of their lives which I would never have known about if not for their openness.

5.4.1.2 Rapport

In reflecting on my interview study I pondered over the reasons why these interviews were so meaningful from a researcher's point of view. Was it simply my status and demeanour as a woman or was it for a number of other possible reasons or even for none of those reasons but I speculated more or less as follows.

³ Double parentheses indicate author's remark and not what participant said.

As stated above, I was informed by literature (Oakley, 1981; Finch, 1993) of women's vulnerability to exploitation when interviewed by other women and therefore I made sure that there was a non-hierarchical relationship between my participants and me at all times. This was not difficult for me because I was deeply aware that they 'knew' what I needed to learn of which the dialogue with Lynn mentioned above, bears an example. I believe that the recruiting process where they took the initiative to contact me, also had an equalising effect.

Similar to Gregg (1994) I also found that I could offer them non-judgemental acceptance which came naturally to me after many years as a social work practitioner. This possibly created the climate and space for them to share intimate feelings and experiences. I also found that empathising with them came naturally and it took a much more conscious effort to suppress my emotional responses sometimes. I however realised that the research was about their feelings and not mine and therefore took pains not to over empathise with them. At one point in my interview with Jill my defences did fail me and I quote from that transcript:

Jill: *And... I remember driving away... and I will be honest in saying this, thinking... Do I end my life now? The pain was too much, Tyzie I remember the overwhelming pain (said in a slow soft tone but the pain in her voice was so profound that it actually brought tears to my eyes) in knowing that this is the decision that they have made and what am I gonna do? I'm... I... I've lost my children it, it felt like death. (131-136)*

I am aware that Oakley (1981: 49) contends that there is "no intimacy without reciprocity" and Fontana et al. (1994) allow interviewers to show their human side in feminist research but I also agree with Gregg (1994) that some research conventions have to be observed in the interest of the research endeavour. I for instance had to make a concerted effort to remain in the role of researcher and not to adopt the role of social worker at some points during the interviews where providing support or reassurance would come naturally to me.

As the research unfolded I developed an increasing respect for these mothers and particularly for their resilience in the face of their personal adversities. I must admit that I at times even thought that it would be enriching to befriend some of them, but I realised that they entered a research relationship with me and I had to respect their autonomy. I was also aware that I

knew them much better than they knew me. This was not only because they shared their life stories with me, but I found that the hours I spent transcribing their interviews and listening to their voices made them very familiar to me. I understood why some proponents of qualitative research recognise the interview as a distinct type of social relationship that may create many differing aspects of social interaction, such as friendship, reciprocity, shared understanding and unfortunately also power (Birch & Miller, 2000).

The interviews were to some extent emotionally charged and therefore I made every attempt to bring it to closure at a positive level (Charmaz, 2006). For this reason some of my last questions were normally about their suggestions to change policy and practice with regard to parenting decisions during divorce and also about advice to mothers in similar positions. I hoped that these thoughts would engender some feelings of empowerment within them.

As stated before it would be sheer speculation to say which, if any of these aspects contributed to the rapport I had with the participants. I however need to mention that I had the same experience with the fathers I interviewed in an earlier study where I referred to Rubin et al. (1995) and said “.....fathers may not always have a voice in custody decisions. By allowing these fathers to ‘talk back’ was then giving those who have been silenced a voice through interviews and this is what possibly contributed to the good rapport I experienced with the participants” (Pieterse, 2002: 52-53). Considering what the data revealed this can be as relevant to the current study where non-resident mothers, feeling stigmatised by their non-residential status, also feel that they have lost their ‘societal voice’

Jill: *...and you know what, a plain simple thing like, they're my children, I love them, I've never done anything to harm them, became..... I became this voice of nothing. It's a horrible feeling. (617-619)*

Tiny: *... I met my closest friend and she walked right past me and we've been close friends you know I found that people are quick to judge if you don't have custody, they don't even bother to find out that you did it for the children's sake. (307-310)*

It is likely that participants like these who feel that they cannot talk about issues occupying a large space in their minds and consequently in their daily activities, would find the research interview a welcome opportunity to vent their feelings. This is possibly why Kvale (1996)

believes that a research interview can be a rare and enriching experience for an interviewee. Oppenheim (1996) puts it even stronger and states it as an ideal for interviewing, that the participants should come away with a vague feeling of pleasure at having been of help and having had an interesting conversation with an attentive professional. I did not consider it appropriate to ask the participants individually about their experiences of the interview, but I remember that pleasant informal conversation continued with all them after the recorder was switched off and we parted in a congenial spirit. After I sent Jill the transcript of the interview I received a short message on my cell phone stating:

“Thank you Tyzie - I feel so much better now that I have shared this take care” (sent 9-Mar-2006).

5.4.1.3 Transcribing the interviews

Since I believed that it would be very difficult to find a substitute for the raw data of actual words spoken by the participants, the interviews were audio taped with the participants’ consent. This process is not without complications which I learnt the hard way when my recorder became erratic during the interview with Helen’s ex husband. I was not able to record this interview and had to take notes, a process I found very difficult when I was absorbed by what the participant had to share. Subsequent to this unfortunate experience, I invested in a digital audio recorder and, like Given (2004) I found that I did not only gain in terms of dependability and sound quality, but with the longer recording time this recorder offered, the equipment could fade into the background during the interview and I could focus fully on the participant. In addition, this recorder also had the necessary software so that I could transfer the recording to my computer immediately after the interview which simplified transcription, and provided for more secure storage of the recordings. It was also easier to follow advice from Lapadat (2000) that the careful researcher should repeatedly listen to the audio recordings which are really the data and not the transcripts.

As soon as possible after I interviewed the participants, I transcribed the interviews verbatim and understood why Lee and Fielding (2004: 533) refer to this process as a “major bottleneck”. I however undertook this highly labour-intensive task myself not only to protect the privacy of the participants, but also for the analytic value it had which Charmaz’s student explains so well: “What an impact the words had on me when I sat at home alone

transcribing the tapes. I was more able to hear and feel what these women were saying to me...” (Charmaz 2006: 34).

According to Lapadat (2000), transcribing is a process of taking speech which is fleeting, aural, performative and heavily contextualised and freezing it into a static, permanent and manipulable form. It can be uncomplicated when talk (an interview) is seen as an observable event and the researcher’s task is to write it down completely and accurately so that the verbatim transcript can be a precise match (if that is possible) with the spoken words which are in turn considered the sum of the observable event. Lapadat (2000) however urges researchers to be aware of the problematic aspects of transcription particularly when transcripts are not in a positivistic way assumed to be neutral representations of reality but similar to this study, are taken as constructive and interpretive acts. From this position the researcher, informed by the research purpose and paradigm, will make transcription decisions, analyse and interpret while transcribing. It is in this “retelling” that a new world is constructed for presentation to another (Lapadat, 2000: 209).

The question that now arises is, if the idea of one true reality that can be uniquely recorded and fully represented in written text is discarded, how are transcriptions done and how are those transcriptions evaluated? Lapadat (2000) suggests a process that is sensitive to context, reflexive and constructivist. Rather than seeking standards and conventions, interpretive researchers rely on critical reflection and contextualised negotiation of method. Predetermined transcription conventions can be applied, but it is equally appropriate to invent transcription conventions and format to fit the research purpose. In the original transcription I roughly followed Riessman’s (in Masheter, 1998) retranscription method which includes all utterances such as repeated words, false starts and ‘uhm’s’ as well as detectable nonverbal communications (pauses, laughter, weeping and sighs) from both the participant and the researcher. For quotations included in the final write up I however followed the rough transcription method suggested by Riessman (in Masheter, 1998) in an attempt to be succinct yet truthful to the data. A sentence like the next in the transcript “*for va... various reasons the one is that he is much older than them uhmm the e e second thing is that I have always been the the primary parent*” would be quoted as follows in the text: “*for*

various reasons, the one is that he is much older than them, the second thing is that I have always been the the primary parent”.

I attempted to do the transcripts as reliably as possible but I also remembered Silverman’s (1993) caution that the search for perfection is illusory and time consuming and that the aim should rather be to arrive at an agreed transcript adequate for the task at hand. In order to ensure agreement, I sent the transcripts to all the participants mostly by means of electronic mail and invited them to make the amendments they wanted to, before returning it to me. I also offered them the opportunity for follow up interviews in case they wished to share more of their experiences after they had time for reflection or after they had read the transcripts. This was not only to ensure rigour but also an attempt to engage them in a co-creation of the understanding of the experiences they described which Rudestam (2001) sees as a way of elevating the participant to the role of co-researcher. This could also be empowering for the participants, particularly from a feminist point of view. Participants were nevertheless free not to be involved in any of these iterations, if they so preferred. None of them suggested changes or additions to the transcripts. Jill said that she saved the transcript in a safe place but she was not ready to read it and Lynn responded by electronic mail as follows:

17 July 2006 12:45 PM.

Hi Tyzie,

Wow, it's great to hear from you and to hear how far you've come with the research.

I've read through your document, and am very impressed with it - you haven't been biased in any way (was a bit worried about which "side" would be taken, e.g. she's a bad mom, etc.).

Kind regards

Without modern technology the interaction with the participants, could have been very difficult and time consuming. Most of them however had access to electronic mail facilities, which I could utilise for this purpose. This procedure also made it easier for them to respond, and it was a safe way of ensuring that they received the material while securing confidentiality. Five of the participants did not have electronic mail facilities and I either posted their transcripts or delivered it by hand and followed up with phone calls.

After more than a hundred hours of transcribing in order to preserve data in a more permanent, retrievable and examinable manner, I have no doubt that it is a mammoth task which is not problem free and it was certainly the most time consuming part of the whole endeavour for me. I however found, like Lapadat (2000), that transcribing was a way of slowing down talk in interaction which focussed my researcher's interpretive eye and allowed me to become intensely familiar with the data. I therefore concluded that the value of transcriptions to enhance methodological and theoretical thinking essential to interpretation overshadows the challenges that may be encountered.

5.4.2 Case study

The qualitative researcher has, according to (Denzin et al., 1998) the liberty to use any of the tools of her methodological trade. Aware of the rareness of the population I studied and the implausibility of recruiting a larger sample, I contemplated using an additional 'tool' to enhance the quality of my data. I consulted Denscombe (1998) who holds that a case study focuses on one instance of a particular phenomenon, with a view to providing an in-depth account of events, relationships, experiences or processes occurring in that particular instance. This convinced me that one or more case studies were likely to add to the richness of the data I elicited from the interviews. I also considered suggestions from authors like Yin (1994) and Layder (1993) that case studies can be used for theory building. Hence I decided to allow the theory emerging from the interviews with the non-resident mothers to inform the selection of participants for the case studies. Masheter (1998) refers to this approach as modified analytic induction where selection criteria for case studies are constantly modified during the research process in order to address new questions that arise. Analytic induction was compatible with my research design since a defining feature of grounded theory, the methodological orientation that influenced this study, is its recursive process, where concepts evolving from analysis can for example drive sampling decisions and subsequent interview topics (Riessman, 1994). This approach was also advanced by De Vaus (2001) who contends that case study research in social sciences must have a theoretical dimension. The task of the case study researcher therefore entails more than just collecting facts about a case and writing about it in an engaging way. Instead collecting and analysing information from case studies must be theory centred where the case is used to test, refine or develop theory.

Informed by the literature just mentioned as well as the data analysis of the first six interviews, which is discussed in detail below (5.5), I concluded that more focus on Helen's case could yield valuable data since she was then the only participant who said that she had a cooperative relationship with the father of her children. At that point I already had a large set of documents regarding her custody decision which she voluntarily gave to me during the interview with her. These documents included letters she had written, court documents and social work reports. When I approached Helen she immediately agreed that I could talk to her ex husband, which she subsequently arranged. I understand an individual case study the way Robson (2002) describes it as a detailed account of one person that tends to focus on antecedents, contextual factors, perceptions and attitudes preceding a known outcome. This account can be used to explore possible causes, determinants, factors, processes, experiences and so forth that contributed to the outcome or I would surmise in this case, to build theory. Helen's case then could in the context of my study at that time be referred to as a unique case (Robson, 2002) and I envisaged that it could help to shape some understanding of why post divorce parenting can be successful in some cases.

I interviewed Helen's ex husband, Dolf (not his real name) after obtaining informed consent. After another seven interviews and subsequent analysis, I concluded that Tiny was also a suitable candidate for a case study since she was the only other mother who claimed that she had a cooperative relationship with her ex husband. She agreed to this and suggested that I interview her adult son, Josh (not his real name) which she also arranged.

Both Dolf and Josh were afforded the same respect and protection as the non-resident mothers and the same interviewing processes described above were followed. During the course of the interview with Dolf, I however discovered that my recorder was defective and the interview was not recorded. I however made notes as soon as possible after the interview. It was also a very difficult interview because his new wife was in the same room for the duration of the interview, while other people, including his one son, were also moving in and out of the room. I was concerned about confidentiality and felt that I had to protect Helen's interests and therefore did not probe beyond what he was telling me which was mostly about his single parenting. Tiny introduced her 22-year-old son, Josh to me and I interviewed him in a very noisy coffee shop. I was nevertheless able to record the interview and transcribed it

in the same way as the other interviews. The data gleaned from these interviews were analysed together with the data from the interviews with the non-resident mothers.

I would consider these only small-scale case studies, but they did add richness to the data as anticipated. However in retrospect I had certain reservations about the desirability of interviewing significant others in the lives of those whose experiences were being explored. Besides some ethical concerns which I mentioned in Helen's case, there were also other questions I grappled with. Questions like, can another person really tell me what the non-resident mother experienced? Secondly, if this complementary interview happened to be more about the significant other's experiences, am I not going beyond the scope of my study? With these questions unanswered, I decided to explore other possibilities for further enhancement of my data and subsequent theory development. When I recalled that more than one of the participants mentioned during our deliberations the desire to meet other non-resident mothers the idea of a focus group interview dawned on me.

5.4.3 Focus group

I was aware that the focus group method had been widely used in market research with what would be referred to as low-involvement topics (for example preferred brand of soap) but when I consulted literature I learnt that a number of researchers had shown that the method was indeed useful when investigating sensitive topics or what would be called high-involvement topics such as drug abuse or women talking about breast cancer (Överlien, Aronson & Hydén, 2005). It also appears that it is particularly those from a feminist orientation who are disenchanted with the aloofness of positivistic research and its inability to explore women's experiences that have "rediscovered" focus groups (Madriz, 2003: 368). A focus group which in essence is a group of people who discuss a given topic in a limited period of time (Överlien et al., 2005) is likely to meet the expectations of feminists who have consistently insisted that research methods should avoid focussing on the individual devoid of social contact and interaction (Wilkinson, 1999a). Equally important from a feminist persuasion is the empowerment of the collective nature of the group that helps to tilt the balance of power away from the researcher towards the participants (Madriz, 2003).

The suggestion that focus groups represent a methodology that is contextual and relatively non-hierarchical (Wilkinson, 1999a) eventually convinced me of the suitability of this method to enhance my data while serving the interests of my participants at the same time. It was equally clear from the literature consulted that it can be fruitful to combine focus groups with other qualitative methods like the in-depth interviewing I had done in this study (Kitzinger & Barbour, 1999; Michell, 1999). I was also in the fortunate position that I already had eight potential participants who were staying in the same geographical area, although that was almost a thousand kilometres away from me. I however had ethical concerns about the anonymity of participants and about issues of confidentiality to which I was committed, but which I could not guarantee in a group setting. I nevertheless sent electronic mail to six of those participants suggesting a group meeting and probing their feelings about it. I had prompt and positive responses from five of them and one of them offered her house as a venue. I also met the two participants who did not have electronic mail facilities personally with the same suggestion. I realised that a face-to-face suggestion could be more intrusive than the use of electronic mail, but the two participants happened to be two of those who had already suggested meeting other non-resident mothers. They had no reservations and asked to be included. Subsequent to getting approval from seven of them for the meeting, I proceeded with the logistic arrangements. I had numerous telephone and electronic mail contacts with the participants in the process and we agreed to meet at Iza's house at a date and time that suited all of them.

I compiled another form for informed consent (Appendix 8b) and sent it to them prior to the meeting, with the request that they should contact me if they wanted to add anything to that form. As a further measure to protect their interests, I undertook not to mention any of the data they provided during the individual research interviews, in the group. I also suggested the topics for the group discussion namely.

- How did you experience participating in the research?
- If you could influence policy and practice, how would you organise the process of parenting decisions at the time of divorce?

I realised that this could be seen as infringing on the group's autonomy, but I had to balance issues of power with my obligation to protect the participants' interests. I realised that the latter was paramount and therefore suggested 'safe' topics.

Five participants eventually arrived for the group meeting. One participant could not attend as a result of a last minute family crisis and another one who was in an advanced stage of pregnancy and was ill in bed. She nevertheless phoned to convey her good wishes before the group started. Considering the suggestion from Kitzinger et al. (1999) that a group of this nature should not be too large and that even three people could be sufficient for group discussions, I was not concerned about the rather small number of participants.

The group gathered around the family table in Iza's homely dining room. This setting together with some appetising refreshments she provided and soft background music, created a warm and relaxed atmosphere in which the group discussions could proceed without interruptions. Some researchers believe that a focus group discussion should take place in neutral settings where the surroundings will not have an influence on the participants, but Kitzinger et al. (1999) contend that there is no such place. They believe that the question of a suitable venue is not merely technical but involves theoretical decisions about research aims. In my study it was important for the setting to be as natural as possible as discussed earlier (5.4.1.1). Madriz (2003) supports this and says that she also purposefully uses participant's familiar settings such as their living rooms because it is another way of diffusing the power of the researcher.

Focus groups can, according to Wilkinson (1999b) allow participants much greater opportunity to set the research agenda and to develop themes important to them which may be different from those identified by the researcher. The dynamics in our group were no different. After the consent forms were signed and I made a few introductory remarks, I switched the recorder on with their consent and the participants were asked to introduce themselves. This was where the "control over the interaction was placed in the hands of the participants" (Morgan, 1988: 18). After that I had the opportunity to observe the participants engaging in dialogue, sharing ideas, opinions and experiences and through this interaction facilitate the social construction of meaning (Madriz, 2003) while I only exercised a mild unobtrusive control over the group (Krueger, 1988). This was well illustrated when I was only able to introduce the topic of ground rules twenty minutes later than I planned because the participants revealed much more of themselves during the initial introductions than I anticipated they would (183-190 fg). It was obvious that the group had its own momentum

with which I did not want to interfere and in retrospect I can agree with Kitzinger et al. (1999) that this more free and dynamic situation did eventually produce valuable data.

One of the advantages of a focus group according to Överlien et al. (2005) is that it is less intrusive than a traditional interview because it offers the participant the option to avoid talking about personal issues that are too sensitive by either remaining silent or by changing the subject to less personal topics. Similarly, the multiple lines of communication the group offers, create a safe environment where participants can casually introduce potentially sensitive information to other group members (Farquhar, 1999: 53). This was evident when Zina, unexpectedly revealed her earlier alcohol abuse, a topic about which she told me she was very sensitive.

Marina: I've been back 2 years and 6 months into sort of returning here I went into rehab for drinking (449fg)

Zina: My husband also drove me to drink (469fg).

The security people feel when talking about sensitive topics with others who are similarly affected, appears to be one of the strong elements of focus groups (Greenbaum, 2000) and was also evident in my group when they voluntarily decided to talk openly about their personal experiences while I made provision for neutral lower-involvement topics for discussion. Similar to the groups of Överlien et al. (2005), I also observed how the participants offered each other emotional support.

Zina: My husband also drove me to drink it was also his (argument) it wasn't that because I had not taken a drink for two years when I filed for divorce.

Tiny: But they will (show) it against you hey?

Beth: They don't take into consideration why did you drink in the first place.

Zina: That's right, he drove me to drink.

Marina: Well that's how I feel.

Zina:and I knew I had to leave for my sanity.

Beth: You just you get so desperate.(469-476fg)

Although I cannot claim that significant new data were produced in the focus group, I did have the opportunity to observe the interaction between participants in this process of

collective sense-making. This enriched my understanding of their experiences and also validated to an extent, the data elicited from the individual interviews. At the same time, I believe that it was a meaningful experience for the participants and some of them actually expressed the desire to have ongoing contact.

Zina: Can I just say while we're talking about that you know it is a wonderful discussion and we can go on for ever it's great but are we going to meet again which will help us to know ()

Tiny: Okay you are moving to Cape Town ((addressing researcher and group has a good laugh))

TP: Before we go into that I just want to ask how you feel right now, how do you feel just talking about these things and ...?

Zina: I think it is wonderful and I think there is a lot of room for support for each other in whatever circumstances on a daily basis because it all stems from the same root.

Tiny: Like a support group hey where you know they are out there. (566-575 fg).

The focus group interview was transcribed in the same way as the individual interviews but it was somewhat more challenging for instance to identify individual speakers. This was particularly difficult when they interrupted each other or when more than one was talking at the same time. The data were analysed together with the data from the individual interviews, but attention was given to the group context and its dynamics (Kitzinger et al. 1999; Wilkinson, 1999b). The process of analysis of the whole data set will now be discussed in more detail.

5.5 ANALYSIS

Qualitative data analysis can be described as an activity of making sense of, interpreting or theorising data. It begins with the processes of organising, reducing and describing the data and continues through the activity of drawing conclusions or interpretations from the data and warranting those interpretations. The qualitative researcher can employ a variety of analytic strategies that involve sorting, organising and reducing the data to become manageable and then exploring ways to reassemble the data for interpretation (Schwandt, 2001).

Like other researchers Charmaz (2006) refers to, the flexibility and legitimacy of grounded theory methods also appealed to me and I thought, like Alvesson and Sköldbberg (2000: 9) that it could provide an important “bottom line” for research. However, from my more constructivist position I also had to heed their opinion that grounded theory can, in its focus on data collection and processing, disregard the important hermeneutic (interpretive) element which according to them should permeate the entire research process. I perused some literature that eventually helped me to gain clarity in this regard so that I could decide on a strategy suitable for this study.

5.5.1 Grounded theory

This method of conducting qualitative research was coined by Glaser and Strauss (1967) amid a theoretical landscape where social science research was dominated by hypothetic-deductive theory. Reacting to this positivist trend, Glaser and Strauss (1967) introduced a grounded theory method where theory is not generated ‘a priori’ and then tested, but is inductively derived from the study of the phenomenon it represents. One does therefore not begin with a theory and then prove it. Instead, one begins with an area of study and what is relevant to that area is allowed to emerge (Strauss & Corbin, 1990).

At a time when dominant positivist theories became more removed from the social phenomena they were supposed to explain, it was hoped that a grounded theory approach with social science data more closely tied to the beliefs and concerns of participants, would offer a more congenial guide to social-science practitioners (Kinach, 1996). Grounded theory became known for its rigour and usefulness but Charmaz (2006) finds it ironical that this theory, developed in reaction to the dominance of positivistic quantitative research in the 1960’s, also became known for its positivistic assumptions by the 1990’s. An important distinction between Charmaz (2000 & 2006) and Glaser and Strauss (1967) is located in their idea that theory can be discovered as emerging from the data separate from the scientific observer.

This is however not the only criticism against grounded theory since Dey (1999: 23) also refers to the paradox that a methodology based on "interpretation" should itself prove so hard to interpret. This observation is supported by LaRossa (2005: 837) who describes grounded

theory methods as the most popular methods used in family theorising, but nonetheless complains that they can be “opaque and confusing”. Some (Andrews, 2006) would argue that this confusion is caused by the continual re-writing of the method. In an attempt to simplify grounded theory methodology, LaRossa (2005) then proposes a methodologically condensed interpretation of grounded theory. I did not find LaRossa’s proposal all that simple either. I was however aware that Charmaz suggests that researchers can adapt and adopt grounded theory guidelines to conduct diverse studies. This is supported by the provision made by Strauss and Corbin (1994) for various uses of grounded theory procedures depending on the specifics of the area under study, the purpose and focus of the research, the contingencies faced during the study and sometimes also the temperament, strengths and weaknesses of the researcher. This flexibility is also consistent with qualitative research in general and particularly with constructivism (Rodwell, 1998).

With this flexibility permitted, I elected to base my study on a grounded theory approach, but then from a constructivist perspective as suggested by Charmaz (2000, 2006). I will elaborate on this approach and my decision in the next section

5.5.2 Constructivist grounded theory

In her earlier work, Charmaz (2000) criticises most grounded theorists whom she claims write as if their data have objective status. Her (Charmaz) argument is that data are reconstructions of experience and not the original experience itself which can be analysed objectively. From the understanding that neither data nor theories are discovered, the argument continues: “We are part of the world we study and the data we collect. We *construct* (author’s emphasis) our grounded theories through our past and present involvements and interactions with people, perspectives and research practices” (Charmaz, 2006: 10). This constructivist grounded theory approach clearly assumes that any theoretical rendering offers an interpretive portrayal of the studied world and not an exact picture of it.

Adopting a constructivist grounded theory approach was not only congruent with my constructivist persuasion but it also observed feminist critiques of positivism and objectivity. I therefore followed Charmaz’s (2000) lead stating: “... the 'discovered' reality arises from the interactive process and its temporal, cultural, and structural contexts. Researcher and

subjects frame that interaction and confer meaning upon it." (p. 524). Grounded theory features, such as constant comparison and theoretical sampling, are also compatible with a constructivist grounded theory approach and were useful in this study. It is however important to emphasise that theoretical sampling and subsequent data collection remained inductive and were not guided by an evolving working hypothesis, but were used to enhance data on "thin areas" which were revealed during data processing (Glaser, 1992: 85). Enhancing data on cooperative relationships with ex husbands (See 5.4.2) can serve as an example.

These procedures were followed in conjunction with the procedures suggested by Miles and Huberman (1994). They contend that data analysis consists of three concurrent, interwoven flows of activity, data reduction, data display and conclusion drawing/verification, which starts before data collection and continues during and beyond the data collection process. These processes will be discussed in more detail now.

5.5.3 Data reduction.

Data reduction can then be described as a form of analysis that sharpens, sorts, focuses, discards and organises data in such a way that final conclusions can be drawn and verified (Miles & Huberman, 1994). These authors contend that the process already starts, often without full awareness, when the researcher takes important decisions on for instance which participants, which research questions and which conceptual framework to use. Data reduction continues as soon as practical after the first round of data collection through a process that is sometimes referred to as open coding. This process refers to the tentative development and labelling of concepts in the text that the researcher considers of relevance to the problem being studied (Pidgeon & Henwood, 2004). It is significant to remember that the concepts, themes and categories according to which the data are organised and coded, are not developed prior to collection, but emerge from the data collected. Schwandt (2001: 26) refers to this method of coding as "a grounded, a posteriori, inductive, context-sensitive scheme" where the analyst may begin with a simple typology, but then works with the actual language of the participants in order to generate codes and categories, and also works back and forth between the data segments and the codes and categories to refine the meanings of categories. I will now attempt to explain how these guidelines were applied in this study.

5.5.3.1 *Reflexivity*

I found reading and rereading the transcripts as suggested by Marshall and Rossman (1999) most helpful in becoming familiar with the data in an intimate way. In addition to this, the fact that I did the transcriptions myself was invaluable for 'getting the feeling' of the data. While dealing with the data I remained aware of Miles and Huberman's (1994) warning that qualitative data require plenty of care and self-awareness on the part of the researcher who cannot be separated from her life experiences, intellectual baggage, and memories which will inevitably filter impressions of the actions and behaviour of others. Reflexivity is the term used for this viewing of the self in a critical and detached manner through internal dialogue and constant and intensive scrutiny of 'what I know' and 'how I know it' in the development of knowledge claims (Grbich, 2004). This critical self-reflection can according to Schwandt (2001) be salutary for any study, particularly a study from an interpretive social constructionist position, like the one I took.

An important issue I for instance had to constantly consider was how the fact that I was also a mother, albeit not a non-resident divorced mother, influenced the meaning I made in the research situation of the participants and their experiences. In retrospect I believe that I empathised more with their pain, joy and frustrations than a person without children possibly would have (5.4.1.2). I also realised that it could influence ways in which I could avoid or suppress certain points of view (Gergen & Gergen, 2003), but I found that the previous research I did on divorced fathers (Pieterse, 2002) and the understanding I gained of their experiences, helped me to remain unbiased at least as far as the gender of the parent was concerned. In one of my field notes, while I was transcribing Emma's interview I for example remarked "Whether it is the father or the mother it is hard to part with your children and to lose the opportunity to have a relationship with them" (Field note, tp 2005-11-04). Alongside what has been said is Grbich's (2004) suggestion that rather than ignoring these theoretical predispositions, preferences and so forth, they should be accepted, exposed and displayed and put aside in order to allow the voices of the participants to have space. It appears that this view corresponds with Glaser's (2002) contention that researcher impact on data from a grounded theory point of view, is just one more variable to consider whenever it emerges as relevant. He further assures that the process of generating categories by constant comparison of so much data can both moot researcher impact or interpretation or constantly

correct it if necessary. In the same vein, Riessman (1994) suggests that subjectivity is not something to be controlled or to be defined as bias, but it is something that can be brought into the work as a source of knowledge. In this study I therefore also have to reflect on the possibility that my more empathetic understanding of their situations contributed to the rapport I had with the participants. My reflexivity nonetheless helped me to be more careful and rigorous in the analysis of the data.

I also had to be reflexive in the way I presented my findings where my choice of words could lend rhetorical force to some aspects at the cost of others. I believe that one way of addressing this is to allow the participants to speak to the reader themselves as far as possible. The reader can then with his or her own situatedness in mind attempt to gain some understanding of the participants' realities and judge my construction of it.

5.5.3.2 Coding.

In a grounded theory study, Charmaz (2006) holds that coding shapes the analytic frame from which one builds an analysis because in the process of coding one constantly keeps in mind what the theoretical meaning of the data can be. Strauss and Corbin (1990) similarly see this as the central process by which theories are built from data and explain that data are broken down, conceptualised, and put back together in new ways through the process of coding. This process consists of different types of coding which Charmaz (2006) refers to as initial coding, focused coding, axial coding and theoretical coding, while other authors (Strauss & Corbin, 1990; Pandit, 1996) refer to open coding, axial coding, and selective coding. Open coding, very similar to Charmaz's (2006) idea of initial coding, refers to that part of analysis that deals with the labelling and categorising of phenomena as indicated by the data. This process eventually produces a set of concepts which through the process of constant comparison are in turn combined according to similarity and elevated to the higher more abstract level of categories. Through the process of axial coding the data that have been fractured during open coding are put together in new ways by developing main categories and their sub-categories. Selective coding in turn involves the integration of the categories that have been developed to form the initial theoretical framework. Both Charmaz (2006) and Pandit (1996) emphasise that this is not necessarily a linear process.

I attempted to reduce my data more or less according to the process suggested by Rubin and Rubin (1995), but I also followed some of the steps suggested by Tesch in Poggenpoel (1998). After completing the first two interviews and their transcriptions, I explored each of the transcriptions and listed the ideas and concepts that emerged as codes in the margins. In some instances, particularly where ideas and concepts took longer to emerge, I followed a suggestion from Charmaz (2006) and examined minute sections of the text mostly line by line and coded them. This might appear to be an arbitrary exercise but it was very helpful in retrieving ideas that could have escaped my attention otherwise.

After completing this process for both interviews, a separate list was made of all the ideas and concepts that emerged. Similar ideas and concepts were clustered together and organised under tentative categories and subcategories. With this list in hand, I returned to the data. The preliminary organising scheme was tried again and new categories and codes that emerged were also entered. I repeated the same data reduction process after every subsequent interview, and refined, expanded or added new categories to fit the data. I also returned to the already coded data for recoding every time new concepts or ideas emerged. The process of systematically sorting, comparing and contrasting codes and categories continued until the analysis produced no new codes or categories and related categories were then grouped together under the main emerging themes. This highly interactive and iterative process in which the analyst at first compares interview to interview and as theory emerges compares data to theory, is referred to as the method of constant comparison which continues throughout the lifetime of a project and which is according to Dick (2005), the heart of the process of constructing grounded theory. Pidgeon and Henwood (2004) support this contention when they also hold that coupled with theoretical sampling these two processes define the analytic dynamic of grounded theory.

In order to ensure that this process produces useful “data slices”, Mason (1996: 120) emphasises that the intellectual puzzle consisting of one’s research questions should also constantly be kept in mind during the back and forth interaction. When I followed this advice I found that the emerging themes and categories were more extensive than the original research questions and I attributed that to the fact that I did not use a strict interview schedule, but rather allowed the participants to tell their stories at their own pace and

according to their own criteria which eventually yielded a flood of data from each of them. Because it was an inductive process that started from the data the categories and themes were eventually informed by the data more than by the intellectual puzzle which was nevertheless addressed as the chapters that follow will show.

Considering Charmaz's (2006) opinion that axial coding may limit what and how researchers learn about their studied worlds, and as a result restrict the codes they construct, I decided against using this type of coding and developed codes, categories and subcategories through the process of careful comparison instead. With a corpus of data that was significantly more comprehensive than the data expected from the initial research questions, I nevertheless found that the coding diagram Strauss and Corbin (1990) introduced for axial coding helped me to think systematically about data and to relate it in complex ways. This is supported by Creswell (1998) who suggests that this visual diagram (Figure 1) can be viewed not only as axial coding, but also as the theoretical model developed in a grounded theory study.

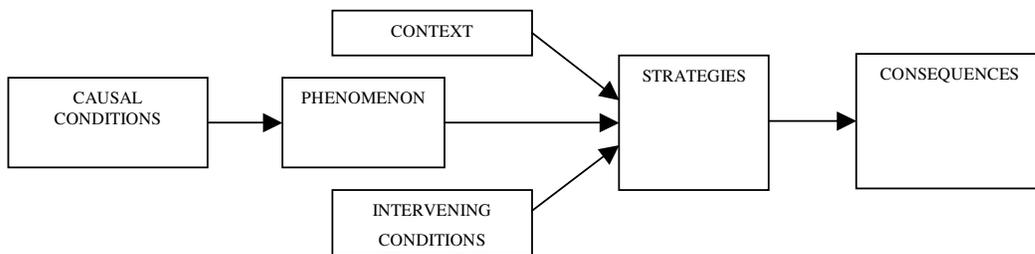


FIGURE 1: CODING PARADIGM AS THEORETICAL MODEL.

The core category or central idea, event or happening is defined as the phenomenon. Other categories are then related to this core category according to the schema. Causal conditions are the events that lead to the development of the phenomenon. Context refers to the particular set of conditions and intervening conditions, the broader set of conditions, in which the phenomenon is couched. Action and interaction strategies refer to the actions and responses that occur as a result of the phenomenon and finally, the outcomes, both intended and unintended, of these actions and responses are referred to as consequences (Pandit, 1996). I found that this model helped me to elevate my work to a level higher than just describing phenomena. However, I need to emphasise that the central phenomenon and all

the categories had already emerged from the data. The use of this model does therefore not suggest that a more deductive approach was followed or that the data and analysis were forced in a pre-established direction.

The analytic process described so far was a tedious task particularly later in the study when there was a large set of data. It was however also an essential exercise because the repeated readings of the data contributed to an even deeper understanding of the data and ultimately of the lived experiences the participants shared with me. I was aware that computer software was available for data analysis but I found the data still manageable and I preferred to do the creative part of coding myself for fear of losing the scope for “interpretive leaps and inspirational flashes of enlightenment” (Denscombe, 1998: 219). Distancing from the data is also a risk mentioned by Bryman and Burgess (1994) who argue that software cannot substitute for the imagination. An even greater risk for the researcher from a constructivist approach however is that analysis can be reduced to a mechanical chore (Denscombe, 1998) that can further decontextualise the chunks of data analysed. This probably explains why Brott (2002), after taking the trouble to compare her handwritten analysis with the same analysis done by means of computer programs (Nudist and Qualpro) decided to continue doing handwritten analysis. Like Brott (2002), I found that my intensive work with the data during analysis was critical for the development of theory. Although I did the coding manually I did find the basic word processing program of my computer extremely useful for sorting the data and developing the data display. My delight with the use of the word processor for this purpose is shared by Lee and Fielding (2004) when they also laud its ability to create an electronic file structure, to sort and re-sort data almost instantaneously and to extract and retrieve data using the editing features. They are however also wary about the distancing effect code-and-retrieve software can have as just mentioned. How I proceeded with the data display, enhanced by a basic word processor program, will now be discussed.

5.5.4 Data display

Data display according to Miles and Huberman (1994) is an organised compressed assembly of information that helps the researcher to understand what is happening and therefore facilitates conclusion drawing. These data displays include many types of matrices, graphs,

charts and networks, but in essence they are all designed to assemble organised information into an immediately accessible, compact form (Miles & Huberman, 1994). One only grasps the significance of data displays when Huberman and Miles (1994) contend that the validity of analysis to a large extent depends on data displays. For this reason displays have to be focused enough to permit viewing of a full data set in one location, but also have to be systematically arranged to be able to answer the research questions. Following these suggestions I attempted to craft a systematic display and found that it met most of my expectations which I will now explain.

I printed all the transcripts of the interviews and entered the codes in the margins on these copies manually as described above. I also created a diagram which was a visual representation of themes, categories and sub categories as they emerged from the data (Appendix 9). This diagram provided a concrete image of my ideas and therefore changed progressively as new ideas emerged. As the diagrams changed (11 times in total), I entered the relevant memo as a comment on the diagram and saved it in a new file on my computer while I kept all the outmoded diagrams as a record of my analytic decisions.

From then on I worked with both the hard copies of the transcripts as well as the electronic transcripts on my computer for which the basic word processing function was very useful. I colour coded each participant's transcript in a different colour, using the formatting and editing functions of the computer. I then perused the transcript and each data slice pertaining to a specific category /subcategory was copied from the original transcript and pasted under that subcategory onto a new electronic document but in the colour assigned to that specific participant. This then became the analysis document. Figure 2 below serves as an example, but a more complete excerpt of the analysis document is attached as Appendix 10

FATHER/CHILD RELATIONSHIP

once he was out here the kids were obviously spending time with him ... now he adores his kids uhhh he adores them but he also doesn't know what damage he does [Marina 35-38]

So now my ex has started taking them out a lot he didn't use to. I think he sort of realised now you know he's got to. No he takes them out a lot now every Sunday he takes them somewhere now he takes them to the gym, he's very quiet very stern but he's a very good man[Tiny 212-215]

He never actually physically hit ... our son uhhh but on one occasion he was emotionally abusive towards him and it was actually that that got me to leave rather than what he did to me [Eve 11-13]

Ron said he would take him to Pretoria and he was not allowed to go out at all he was ... grounded for I don't know how long. Months. After which he phoned me and said he can't stay there. He and his father had a fight, his father drew a gun, shoot at him. [Zina 483-486]

.....you know he was a very hands on father I will give him his due there you know he didn't mind changing nappies and bathing and whatever whatever uhhh so he was a good parent [Lynn 177-180]

I can imagine him and the new wife having a wonderful glorious time and he just pilfers the child off to every Tom Dick and Harry in his family but doesn't want me to have the child [Vee 130]

The bond between a child and a mother is not the same as father and child. I see it I see it all the time when I see my child, you know he's like a little dog that just wants to be cuddled and you know and that's not how, when he talks to me about his father he he will say that man. [Sandy 300]

FIGURE 2. EXTRACT FROM COLOUR CODED ANALYSIS DOCUMENT

I worked through the entire transcript until all the data slices were pasted onto the analysis document under their appropriate categories. For easy reference each data slice was also marked with the pseudonym of the participant and the relevant line numbers from the original transcript. This way of copying and pasting data slices onto a new file ensured that the original transcript remained intact. At the same time the use of the participant's unique colour helped to retain the individuality of the data in the analysis file. It also helped to preserve to a degree, the context in which it was said. This process was repeated until all the data were sorted under the relevant categories. This method made it possible to use the same data slice under different categories where it was necessary and also to move data slices across categories when other links emerged. I followed this process with all the transcripts of the interviews, the case study interviews, the focus group interview and the documents that completed the data set. After the process was completed, all the transcripts were perused once again to ensure that no data were lost. The files were saved on the computer with the necessary backup procedures. This allowed me easy access when I wrote up the findings and needed to verify something or to include some data slices in those chapters.

This method was not only custom-built to suit my personal strengths and weaknesses, but modern technology also freed me from the drudgery of manual displays so that I had more time to devote to the interpretation of the data. An additional advantage of this method is that

I can present examples of the process in the final report and I can preserve documents pertaining to the entire analytical process on a compact disk which allows me to put my cards on the table for inspection as suggested by Kvale (1996).

5.5.5 Conclusion drawing

The third stream of analysis activity is conclusion drawing which is according to Miles and Huberman (1994) only one half of a Gemini configuration, with the other twin being verification. While conclusion drawing is something that one assumes will take place at the end of a project, story, report or whatever else needs to be concluded, the qualitative analyst starts this process from the commencement of data collection when he or she begins deciding what things mean, noting irregularities, patterns, explanations, possible configurations, causal flows and propositions (Miles & Huberman, 1994). My experience was no different and the process of asking questions like, what do I hear here; what have I learnt now; where does this fit in with what I have heard before; why have I not heard this before; started almost instinctively with the first step of data collection, was flowing right through the process of transcribing and coding and became more explicit and structured when categories and themes started emerging. These questions that were so much part of my 'exploring spirit' inevitably lead to tentative conclusions, but I realised that it would be disastrous for my study if I did not maintain a probing and sceptical mind. Whenever an idea crossed my mind I made a memo, sometimes to my regret only a mental one, many times on whatever was available to write on and mostly on my computer where I spent a lot of time. Those which I entered as comments on transcripts, on the analysis document or on a special memo or field note file, were the most helpful because I could retrieve them easily and the risk of losing some of them was reduced. In retrospect I cannot deny Miles and Huberman's (1994) assertion that even when a researcher claims to have proceeded inductively, the ultimate conclusions have somehow, been prefigured from the beginning. I can however qualify this contention. Yes, tentative conclusions were there from the beginning but in this study, they were there to be developed as new ideas and concepts emerged or even to be replaced if the data suggested more fitting conclusions.

As mentioned before, I found the coding paradigm suggested by Strauss & Corbin (1990) for doing axial coding very useful for presenting these conclusions systematically. By relating

the different concepts (recurrent themes) in a complex way to the core category that was also informed by the data, it was possible to present my conclusions not merely as interesting descriptions of phenomena but as an elegant conceptual theory (Holton, 2006) grounded in the data.

Conclusion drawing is according to Miles and Huberman (1994:11) not complete without its other twin, verification which they hold, can be as brief as a fleeting second thought crossing the analyst's mind or thorough and elaborate with lengthy argumentation and review among colleagues. They claim that the meanings emerging from the data have to be tested for their confirmability which is according to them their validity. Like Schwandt (2001) I find it difficult to use this, in my view more positivist term, to decide the validity of the claims I made. At best I have constructed an argument to substantiate the conclusions I have drawn from the data. With this argument I attempted to demonstrate the likelihood that my modest understanding was contextually correct or at least for the time being not incorrect and false. How can I then ensure that I am not left with "an interesting story of unknown truth and utility"? (Miles & Huberman, 1994: 11).

Since collaboration between researcher and the participants is inherent to the design of this study, I believe that providing feedback of my argument to them, for what is known in sociologist terminology as member checks (Miles & Huberman, 1994), is an important way to warrant that what has been understood is an accurate reflection of how they constructed their reality (Rodwell, 1998). Although I am aware that there are authors (Fielding & Fielding, 1986) who have reservations about this practice I agree with Silverman (2000) who also suggests that good research should go back to participants with tentative results and refine them in the light of the participants' reactions. It should however not be confused with validation of the findings but should be treated as another source of data and insight, which I found it indeed, was. I sent copies of the final chapter to all the participants for their comments. I once again gave them the option not to respond when I stated that I would assume that they agree with my conclusions if I did not hear from them. Some of the participants responded as follows:

baie geluk - 'n uitstekende stuk werk, met baie insig en deernis...ek kan maar net se dat my ondervinding dan darem iewers verwoord is - dit help anders voel alles so futie! ek hoop jy "cum" ! (sjoe dit lyk na baaaaaaaaaaaaaaaaaie werk!!!!)

groete, en weer eens - dit was goed om met jou te praat, en om te voel dat iets goed uit die verskriklikhede kan kom (al is dit dan net 'n uitstekende doktorale tesis!)⁴ (**Beth, 19-02-2007**)

I became completely engrossed in the document and I want to read it again. It is almost like a novel but with real live people. I could identify with soooo much of what the others said as well. I do believe that this should be used as guidelines for the people who have the power to decide on custody and also for couples planning a family.

It is a job well done and I am sure you will get top marks for it. (**Iza, 07-03-2007**)

I have read through the document, and must say I am impressed with your research. Yes, you can take it that I agree with your findings. (**Lynn, 07-03-2007**)

I just read your whole chapter 11 and find it so totally accurate ... (**Jane, 18-02-2007**)

I was amazed at how well you put all the info together. I re-read the article twice and although it was poignant it was cathartic ... (**Zina, 15-03-2007**)

In addition to this remark, Zina wrote a letter which could indeed be considered another source of data (Appendix 11).

Maintaining contact with the participants in this way served a dual purpose in my study because I also believed that I had an ethical obligation to retain clear respect for their information and to ensure that they did not feel that I have simply 'taken and walked away.'

I am however committed to ethical practice that goes beyond informing participants of my findings which I will explicate now.

5.6 ETHICAL COMMITMENTS

My ethical commitments also included protecting the interests of the participants, communicating the aims of the research, respect of confidences, sensitivity to the diversity of values and interests, protecting anonymity and safeguarding rights, interests and

⁴ Congratulations an excellent piece of work with lots of insight and compassion ...all I can say is that my experience is at least documented somewhere otherwise everything feels so futile! I hope you do well!

(it looks like lots of work!!!)

regards ... again –it was good to talk to you and to feel that something good can come from the misery (even if only an excellent doctoral thesis!)

sensitivities. Two issues specific to this study that I need to mention refer to informed consent, and the emotional safety of the participants.

Because of the emergent design of qualitative research, Oka and Shaw (2000) emphasise the importance of repeatedly confirming informed consent which I had to do when some of my participants were included in a focus group interview after they had consented to and participated in individual interviews. Anonymity and confidentiality could no longer be guaranteed and therefore I compiled a new consent form which I sent to them in advance and also requested them to add suggestions that would make them feel more secure. None of them made any additions and five of them attended the group meeting voluntarily. I however made sure that the group discussions did not start until all of them had read the consent forms and signed it.

As far as emotional safety is concerned this study also faced some challenges. Padgett (1998: 37) states that “many qualitative interviews elicit intense discussions of painful life events such as divorce, death of a family member, and domestic abuse. Sensitivity to research ethics dictates that we do not introduce these topics gratuitously; they should either be volunteered by the participants or inquired about when they are the focus of the study.” By the very nature of my study the participants discussed their divorce experiences in all the interviews but more than one also talked about domestic abuse and two of them talked about the death of their children. Although they decided to raise these topics of their own accord Patton (1990) holds that a social worker who is naturally expected to play a therapeutic role might be confused as to which type of interview she is conducting when this happens, a research interview or a therapeutic one. I attempted to address this difficult position by listening to them attentively and in an empathetic way, but I consciously suppressed my ‘natural’ inclination to provide support. After the interview was completed and the recorder was stopped, I did however engage in a short informal conversation, sometimes answering their questions or giving them some support or reassurance, but most of the times just sharing a few light hearted words. I specifically waited till the end in order to avoid contaminating the data through my input. All the interviews ended in a congenial spirit and one of the participants who was very traumatised as a result of her divorce experience said that she felt much better after the interview (5.4.1.2) It was also very pleasing to find that Beth’s

feedback indicated that the thesis helped her to feel that something good had come from her dreadful experience stating: "...weereens - dit was goed om met jou te praat, en om te voel dat iets goed uit die verskriklikhede kan kom (al is dit dan net 'n uitstekende doktorale tesis!)"⁵ This is meaningful particularly since Beth indicated at the outset that she was hesitant to participate in the research because "...it's still after 10 years extremely extremely painful" (28 fg)

In the form compiled for obtaining informed consent, I nevertheless offered to pay for a debriefing session with another therapist if they needed that, but none of the participants made use of that offer.

5.7 QUALITY OF THE STUDY

Besides my ethical obligation to the interests of the participants, I also realised that an interview inquiry in the words of Kvale (1996: 109) is a "moral enterprise" for the knowledge produced affects our understanding of the human situation. A central aim of social science is therefore to contribute knowledge to ameliorate the human condition and to enhance human dignity. This compels every researcher to conduct investigations of quality and to communicate findings that are convincing and trustworthy to the scientific and general communities, in other words noteworthy to these audiences (Kvale, 1996). As indicated earlier, positivists, assuming that there is a single tangible reality, achieve this by assessing the validity and reliability of their quantitative projects. Not all problems lend themselves to quantification however and this is particularly relevant to those professions that deal with human beings. Social work practitioners for instance are taught to respect the person-in-situation and to foster the self-determination of the client. Social work research can therefore not focus on abstract statistical aggregates alone, but needs the methodological diversity essential for the study of individual lives in context (Riessman, 1994).

There are indeed authors who hold that criteria appropriate for quantitative research are not adequate for the detail of qualitative research, and even argue that attempts to apply those

⁵ ..again –it was good to talk to you and to feel that something good can come from the misery (even if only an excellent doctoral thesis!)

criteria have the potential to distract rather than to clarify (Rubin et al., 1995; Krefting, 1990). Agar in Krefting (1990) suggests a need for a different language to fit the qualitative view which Lincoln and Guba (1985) attempted to meet in the 1980's by substituting reliability and validity with the parallel concept of 'trustworthiness,' containing four aspects: credibility, transferability, dependability, and confirmability. Specific methodological strategies such as the audit trail, member checks when coding, categorising, or confirming results with participants, peer debriefing, negative case analysis are suggested for demonstrating qualitative rigour (Lincoln & Guba, 1985; Lincoln & Guba, 1986). Later, Guba and Lincoln (1989) developed authenticity criteria that were unique to the constructivist assumptions and that could be used to evaluate the quality of the research beyond the methodological dimensions. Addressing the same problem, Rubin et al. (1995:85) suggest that the credibility of qualitative work can be judged by its "transparency, consistency-coherence and communicability." Labe (2001) however considers these attempts to rename the concepts of validity, a debate on the level of semantics that did not succeed in solving the deep problem of legitimating in non-positivist social research, which she suggests should be accepted as a fundamental limitation. Following the same line of reasoning, Lee and Fielding (2004) hold that by the nature of the subject of qualitative study, no criteria of validity will convince everyone. This does however not satisfy Morse et al. (2002) who are concerned that a denial of the significance of reliability and validity in qualitative methods can foster a perception that qualitative research must be unreliable and invalid, lacking in rigour, and unscientific. Verification strategies they have in mind for ensuring both reliability and validity of the completed project include investigator responsiveness, methodological coherence (ensuring congruence between the research question and the method), theoretical sampling, sampling adequacy and saturation, and an active analytic stance.

When I elected a grounded theory orientation to inform this study, I considered Dick's (2005) argument that grounded theory has its own sources of rigour and Glaser's (2006) stance that grounded theory neatly fits into the golden age of rigorous qualitative analysis. Considering these arguments, and from my understanding of grounded theory (with core processes like theoretical sampling and constant comparison), I concluded that the strategies mentioned by Morse et al.(2002) are inherent to a grounded theory approach particularly to

the constructivist grounded theory methodology used for this study. Some users of grounded theory however also suggest the use of senior researchers to check researcher's codes for accuracy. Pidgeon & Henwood (2004), on the other hand, have strong reservations regarding this practice which according to them lacks consistency with the approach of grounded theory. They argue that as important as it is to demonstrate the credibility of categories and codes, this needs to be done without losing sight of the principle that they should capture the subtlety and complexity of contextual and experiential meanings. Particularly in a study where the goal is to illuminate the participants' experiences and worlds, very tightly formulated conceptualisations may be seen as overwriting the participants' own meanings with externally imposed frameworks. In similar vein Huberman and Miles (1994: 440) warn that this sort of re-analysis through auditing "raises questions about invasion of privacy and about potential harm to informants."

Although not originally intended for this purpose, the credibility of the data was also reinforced through another process. In attempting to enhance the richness of the data, I employed more than one method of data collection - interviewing, small case studies, a focus group interview and studying some documents. This process also referred to as triangulation of qualitative data sources according to Quinn (2002) does not only provide diverse ways of looking at the same phenomenon, but also adds to the credibility of the data. Of particular value is consistency in overall patterns of the data or reasonable explanations for differences in data from divergent sources. The following can serve as meaningful examples of consistency in the data gleaned from the different sources in this study. These extracts are from the individual interview with Tiny and the subsequent case study interview with her son Josh.

Tiny: *I just do as much as I can and I've always went around to them and I'll bake for them and I'll cook for them ... but that's my way of like you know telling them I love them and showing them. (143-145 fg).*

Josh: *I'm sure it's very funny but she does love us ... she always ... her way of showing her love is baking so ... she used to bake ... she bakes a lot for us ... that's the way she shows her love for us and she shows a lot. (225-228)*

While there was a noticeable consistency in the data from the different sources in this study, it was interesting that the focus group also yielded the same data, but in some instances it gave other, richer nuances to the data which I will attempt to illustrate now.

In the individual interview with Iza she said:

... and when my daughter got married I was sort of not really the... you know I was the mother of the bride but there was also another mother to consider (113-116).

The focus group discussion on the same topic went as follows:

Iza: Actually that was tough very tough. I was the bride's mom but there was The step mom was very much

Tiny: There ...

Iza: The bride's mom! (said laughingly)

Tiny: In your place!

Iza: Ja ja and that was very tough ja it was tough..... (**Focus group**, 161-166).

Finally Glaser the father of grounded theory suggested only two criteria for testing the adequacy of an emerging theory - when that theory helps people in the situation to make sense of their experience and to manage the situation better (Dick, 2005). Considering all that has been said so far and in particular the feedback from the participants, I trust that rigour in this study will be beyond question. I do however pay heed to advice from Morse et al. (2002) that research is only as good as the researcher whose responsiveness and skill will ultimately influence the outcome.

5.8 CONCLUSION

As researcher I cannot say that I entered the study without any assumptions or questions to be asked, but rather that in the asking and the answering and the organising of what comes from this process, I had to continually check and challenge the way I extracted, organised and understood the data. This could most respectfully be done with an understanding that was informed by a constructivist position which argues that while there is no 'one reality,' there can be shared understandings, but that their value lies in the respect accorded to them and their development. These understandings can easily be distorted, but can just as easily be deeply respectful representations of individual and shared views of the world and of experience. The challenge of the position taken was to bring literature, professional

experience and the data from the interviews and other sources together carefully in order to produce a coherent and illuminating description of and perspective on the lived experience of non-resident divorced mothers (Schofield, 2000). I trust that this will be evident when the research findings are discussed in the chapters that follow. I furthermore trust that the reader will ultimately agree that the theory constructed during an interactive process with the participants fits at least this dataset perfectly (Borgatti, 1996; Dick, 2005).

CHAPTER 6

PRESENTATION AND DISCUSSION OF THE FINDINGS

6.1 INTRODUCTION

This study sought to gain a better understanding of the lived experiences and perceptions of the non-resident mother as part of the family system altered by divorce. In order to achieve this goal, data were collected from 15 South African mothers who have, subsequent to their divorces, not had custody of their children. Although limited by its small size, the study nevertheless illuminated important aspects of how these mothers lived, felt, undergone, made sense of and accomplished parenting their children from a distance (Schwandt, 2001).

These insights will now be shared with the reader who is, at the same time reminded of the intellectual puzzle (Mason 1996) that prompted the inquiry in the first place and that consisted of the following questions:

- What occurred during the marital breakdown or divorce process or in the post divorce phase that resulted in custody being awarded to the father?
- How did the non-resident divorced mother experience the custody decision-making / litigation process?
- How does the mother experience her post divorce non-resident status?
- What suggestions does the non-resident divorced mother have for future custody decision-making policies and practices?

Before proceeding to discuss the findings, some participant characteristics will be presented for the sake of facilitating a better understanding of their life contexts.

6.2 PARTICIPANT CHARACTERISTICS

The sample consisted of 15 mothers who were at the time of the interview, divorced or separated from the fathers of their children and who had not had custody of at least one child for a shorter or longer period. In view of the sensitive nature of the topic and the ensuing scarcity of participants together with the problems in recruiting them as already discussed

(See 5.3.4), I could not narrow the selection criteria too much and therefore interviewed all the mothers available as long as they had dealt with a non-residential arrangement at any point during their separation or after divorce. As it transpired all the participants had experienced a non-resident arrangement for at least a year and some as long as 8 years (Eve and Helen). Four of the mothers that participated experienced a non-resident situation many years ago and the children concerned were independent at the time of the interview, in the sense that they were not affected by the original custody order any longer (Iza, Zina, Beth and Jane). This added richness to the data not only as far as insights were gained on the longer term outcomes of these arrangements, but also in respect of the mother's views after all these years, some as many as 23 and 29 years ago (Jane & Iza). In Jane's case she lost custody of her daughter in Scotland 23 years before and still had minimal contact with her. She was in the process of divorcing her second husband and was once again involved in a custody dispute regarding her three-year-old son born from the second marriage. In the discussion, I did not focus too much on her current situation since her child from the second marriage was still in her custody. I however referred to the current situation only as far as there were insights to be gained with regard to the custody decision process or for the sake of comparison.

Beth's children lived independently but visited her on a regular basis; Zina's son stayed with her for a while but returned to his father where he was also working. Iza's daughter was married and had close contact with her mother. Her son sadly died in his early twenties while living with her and her second husband.

Eve's son was restored to her custody after more or less nine years and Helen's daughter was also staying with her in terms of an informal arrangement between the parents subsequent to the father's remarriage. The other nine participants were still in the midst of non-residential arrangements and the contact they had with their children varied considerably and is discussed in Chapter 7.

The participants were all from the Eastern and Western Cape. Twelve of them were divorced in terms of South African family law, but Jane's divorce was decided in Scotland and

Marina and Thandi's divorces had not been finalised at the time of the interview. Other characteristics of the participants are tabulated on the next page.

TABLE 1: PARTICIPANT CHARACTERISTICS

Name & age	Duration of marriage that ended in divorce	Number of years since custody was lost / relinquished	Number, gender & age of children when separated from mother.		Current marital status	Current position of child / children involved	Number of children born from other relationships/ marriages
			Girls	Boys			
Helen (40)	11	8	1 (8)	2 (12, 10)	Remarried	2 Boys with father; Girl with mother	0
Sandy (30)	10	4		1 (6)	In cohabiting relationship	With father	0
Vee (37)		6	1 (3)		Single	With father	0
Emma (?)	14	5		2 (9, 13)	Single	With father	0
Nicky (40)	15	3		1 (12)	Remarried	With father	0
Jill (?)		5		2 (7,5)	Single	Stay with grandparents	2
Jane (47)	± 4	23	1 (3)		Divorcing 2 nd husband	Independent	1 (Custody in dispute)
Beth (>50)	12	9		2 (9, 11)	Single	Independent	0
Lynn (?)	± 4	6	1 (2½)		Remarried	With father	3
Eve (38)	± 4	±12		1 (3)	Remarried	Restored to mother's custody	2
Zina (>50)	9	15		1 (9)	Single	With father	0

Name & age	Duration of marriage that ended in divorce	Number of years since custody was lost / relinquished	Number, gender & age of children when separated from mother.		Current marital status	Current position of child / children involved	Number of children born from other relationships/ marriages
			Girls	Boys			
Iza (> 60)	± 10	29	1 (5)	1 (8)	Remarried	1 Independent and 1 deceased	0
Tiny (>50)	32	2	1 (10)	2 (18, 14)	In cohabiting relationship	With father	0
Marina (>30)		1	1 (9)	1 (11)	Single	With father	0
Thandi (37)	±15	18 months	1 (10)		Single	With father	2

*All names and identifying details have been modified to respect the participants' confidentiality.

I need to explain that most of these characteristics were derived from the data available and not obtained as answers to direct questions to the participants. The reason for this was that, informed by a feminist approach, a great deal of attention was given to power relations between researcher and researched (5.3.2 & 5.4.1) throughout the study. Asking direct questions and expecting answers could implicate a power imbalance particularly early in the interview when I was still relatively unknown to the participant. I did for instance not ask the participants about their age although most of them volunteered the information or it was available in the documents they submitted voluntarily. I do not know the age of four of the participants, but it does not have direct relevance to the research questions or the findings. Considering that some women may be sensitive about age, it was not pursued during or after the interview.

Thirteen of the participants were white and all the marriages under discussion were concluded in terms of civil law. I found it very difficult to recruit participants from other than white groups and I was not able to recruit any person married in terms of customary law. These are limitations of the study that have to be acknowledged and have been discussed in more detail in Chapter 1 (1.8).

The participants were from different socio-economic milieus. Some were obviously affluent while three were without permanent employment or a stable income. Five of the participants had their own businesses, 3 were employed as professional people and the others worked in the open labour market with one of them in a management position.

I will now proceed to discuss the findings in terms of the themes and categories that emerged from the data. So as to preclude any possible perception that this presentation is a creation of the researcher alone, the authenticity of the data will be retained by allowing the respondents to talk to the reader themselves as far as possible.

This and the following chapters will be organised around the themes that emerged from the data. In this chapter the mother experiencing marriage and divorce will be discussed with particular emphasis on her circumstances in marriage and during separation and divorce. Her perceptions of the father of her children will also be explored. Subsequent chapters will be

titled 'The mother experiencing parenting'; 'The mother experiencing litigation'; 'The non-resident mother experiencing loss and comfort' and 'The non-resident mother experiencing the community divorce'.

6.3 THE MOTHER EXPERIENCING MARRIAGE AND DIVORCE

6.3.1 The Mother's circumstances in marriage

As the participants narrated the stories of their marriages of which the duration varied from 4 years to as long as 32 years, an intriguing canvas of married life unfolded.

Sandy who was supposed to go to university to study teaching and Zina who was divorced and had two sons, six and four years old were both pregnant before they got married. Zina said that "... it was the thing to do, to get married with my third child on the way" (18). With hindsight she however wondered whether her marriage was not doomed from the start because she realised later that she was still very much on the rebound and the fact that she had to get married left her with a "bit of a residue of resentment" (15-18, 22-24). She developed a drinking problem during the course of her marriage and said:

Zina: Alcohol was my escape gate it was my coping mechanism it was my friend and ... I could forget ... I was in my second marriage I wanted it to work and yet I could not live with this man, he lied to me, he was a con artist. (46-49)

She however attended a rehabilitation program and managed to maintain sobriety, but she was still exposed to physical and emotional abuse.

Zina: ... he went so far as to put a gun to my head and I thought I was going to be dead.another episode he pushed me into my cupboard and set my clothes alight and closed the doors. ...I began to hate that man with a passion. (99, 104-107).

Sandy's experience did not differ much.

Sandy:... the abuse was there, all the time you know, when I was like 16 years of age, I didn't have Paul, he used to hit me but I didn't think then that it was going to be like that in the marriage as well (33-35)

Similar to Zina and Sandy, two other participants also experienced marriages tainted by physical violence.

Eve: *I got married to my ex-husband when I was 21 years old and he's 18 years older than me. I fell pregnant and had Sean when I was 23... my ex-husband was physically abusive, significantly so... I had plastic surgery on my face. (6-10).*

Vee: *...the final straw was when Tom and myself had a street fight over Lily and he nearly killed me. (179)*

These participants were in situations that reminded me of Strauss's (in Hamel, 2006) description of the family as "the most violent institution a citizen is likely to encounter."

However, not all participants had violent encounters; some relationships just lost their lustre and the couple survived, sometimes for years in a "state of quiet desperation" (Rokach, Cohen & Dreman, 2004: 56) until the opportunity came to replace the marital partners.

Tiny: *I was married for 32 years ... so it was a long time ... he was 9 years older than me ... and I think what happened was that we just drifted apart you know ... it's nobody's fault actually ... and I met somebody else ... I met this other man through my work. (11, 20-23)*

Iza: *I've decided that there didn't seem to be any future in my marriage at that stage I then decided... I spoke to my husband at the time and tried to explain to him and there was somebody else... in my life at the time. (10-13)*

In a society where women have joined men in the labour force and the availability of birth control techniques and new perspectives on social customs and religious ideology have liberated sex and childrearing from marriage, Simons et al. (1996) suggest that there may be a greater need for intimacy and emotional support from marital partners. It was interesting that this was also the expectation some of the participants in this study had.

Nicky: *... if I mentioned intimacy it was just like a ... total war.... so in the February I started an affair with Peter about the middle of February and ag just you know wanting some attention and wanting to talk about feelings and stuff like that (367-370, 90-92)*

Jill: *... he was there but not really there ... he was working long hours, I was working long hours as well. When he came through that front door at night time, he switched off. When we had supper time, now to me it is important to have supper around the table together as a family he would sit and read his paper. (548-552)*

Thandi was the only participant who said “Firstly my family life it was so good, it was wonderful, my husband loved me very much” (12-13). She however also said that her husband was unfaithful to her earlier in their marriage but she had forgiven him for that.

While it appears that intimacy and affection can be important preserving factors of marital relationships in modern societies, Simons et al. (1996) also warn that the same fortifications can become very fragile under the onslaught of occupational demands, differing values and interests, disagreement over child rearing, finances and in-laws as well as numerous other modern day challenges. This was also well illustrated in the accounts of some of the other participants. Lynn explained how her ex husband’s work in the naval force took him away from home on a regular basis and she had to stay with her in-laws while her mother-in-law was “a very domineering character ...so we were never really comfortably able to just be parents”(170-176). Beth was married to a man who was more than 25 years her senior and the age difference as well as power dynamics in the relationship made her soon realise “...that this is not the kind of relationship I want to remain in for the rest of my life” (3, 6).

A mother of Scottish origin who stayed abroad during her first marriage 26 years ago, was exposed to very poor socio-economic circumstances and recollected how “About a month after she was born I had to start driving a tractor, emptying bins and washing toilets and all that sort of thing just to have the ablutions to wash her nappies” (Jane 30-37). Marina said “I was always tiptoeing on egg shells, I was always trying to please him in whatever I did never, never pleased him” (12-13). They had marital problems when they went overseas as a family; she separated from her husband twice while they were abroad and eventually returned to South Africa with only her children.

Emma explained the impact a rape incident had on her marriage:

Emma: ... I was married for 14 years we had worked out most of our things. After my rape... it I went onto the anti the anti retroviral it was it had a terrible side effect on me. I called it the kan nie⁶ worry pille because it made me I don’t care about life. All I did was sleep sleep sleep. I didn’t care if I had kids or if I didn’t have kids. My husband I didn’t care about him. Obviously it took a toll on my sex life. (15-21)

⁶ Can not

The tales of marital unhappiness told by these participants bear evidence of the contention of Simons et al. (1996) that once mutual love and support have made way for communication problems and escalating conflict it can become very difficult for a marital couple to sustain such a relationship. The next section will illuminate the experiences of these mothers when separation from their husbands became inevitable.

6.3.2 The Mother's circumstances during separation.

While not forgetting Hoge's (2002) observation that it is rather arbitrary which party initiates separation in a failing marriage, 12 of the 15 participants in this study eventually took the crucial step to leave their marital homes while three were on the receiving end when their husbands took the decision. Jill however explained how it happened: "I asked dad one night in, in the middle of an argument to please, just ... ja just go. I can't live in this frustration and anger" (114-115).

Lynn's husband stayed on in their flat and took her to his parents because she said: "... at that stage we were still humming and ha-ing and should we try and work it out and there's a child involved and ouma⁷ had you know, can't let her precious grandchild out of her sight" (189-192).

The predicament Marina faced while abroad bears more evidence of Hoge's contention mentioned above.

Marina: ... he started his nonsense with me and said well he's not going to sort out my visa and he'll not sort out the kid's visas and... what have you. So I eventually I tried to apply for my own and they rejected my application and I had to come home. (31-34)

According to mothers in Hoge's (2002) study on women who divorced after childbirth, the most difficult aspects of the break-up were factors related to single parenthood, lack of adequate backup or childcare and economic stress. It appears that this was also the experience of some of the participants, particularly those with small children. They described the enormous challenges they had to deal with as follows:

Jane: When you've got a little child... I tried I stayed in a flat. [That city] has got a lot of ghastly people and ... it was horrible. I had nobody to look after Jill and that ... I was

⁷ Grandmother

trapped I had to go and try and find a job, work I can't get a job there was no employment in [that city] the unemployment rate was sky high and I didn't have any ... skills anything any qualifications. (91-95)

Eve: *...I was a housewife at the time I left him, I did odd temping jobs and things like that. I wasn't able to get a full time job, emotionally as well as the fact that I've been out of the job market for a long time, I had a small child, I had no support system to arrange to look after my son. (33-37)*

Emma had older children but also said:

Emma: *I mean I left him I had no money I had, I was starting a business we worked 24 hours ... we used to make salad rolls to sell the next day to pay our rent ... I mean I worked like a dog ... I was sick and tired of it. (269-272).*

From the accounts of some of the participants, it is evident that their circumstances, particularly the unavailability of secure accommodation, were deciding factors when they resolved to leave their children in the father's care. Helen, Nicky and Beth explained as follows:

Helen: *Dit het vir my lank gevat dit het vir my lang trane gevat.....wat gaan die beste wees vir hulle? Ek het nie verblyf daar anderkant wat ek...vir hulle kan stabiele verblyf gee nie. ⁸*
(285-288)

Nicky: *I mean I've moved in with Peter. We were staying in a very a ... small place, I mean there was hardly place for Len even to come and stay with us, so it wasn't an ideal situation. (217-219)*

Beth: *...it would be unfair to take them with me because if I move from the house to a flat which is probably the only thing that I would have been able to afford, they wouldn't be in the house that they grew up in. (24-27)*

These three were not the only participants for whom separation from the husband also meant leaving their children behind. Zina who left her husband after an extremely violent argument said that there was literally a tug-of-war for her nine year old son.

⁸ It took me a long time and it took many tears ... what would be the best for them? I did not have accommodation on the other side which I ... could not offer them secure accommodation.

Zina: "...I mean I was pulling him with the one hand and Ron was pulling him with the other hand and Gary was screaming "No I don't want to go with you, I don't want to go with you I want to stay with my dad". (142-144 & 152-154)

Both Tiny and Iza left their homes because they were in relationships with third parties. Tiny's children, of whom two were adolescent boys, did not want to leave their father and Iza said: "I when I left my ex-husband the last thing I, the last intention I had was to give up the custody of my children our children" (70-71fg). It was only after consulting her lawyer that she decided to leave the children with their father, particularly because the maternal grandmother was also staying there and she knew the children would be cared for.

It appears that the more common themes were those reflected in the concluding quotations from participants which are aptly summarised by Greiff and Kristall (1993: 240) who claim that divorce or separation, with or without children is often accompanied by residential and economic instability, loss of a key adult relationship, depletion of one's hopes of "living happily ever after," and anger, depression, and anxiety.

Jill: *I had a lot of false hope I think in that time that we were ... could sort out our problem.* (22-24)

Jane: *I just couldn't take the ... pressure, the isolation ... the small child and no help, no support ... so it was just it was just very difficult.* (102-105)

Eve: *I had my son living with me, ... I'm but I was in a very depressed emotional state.*(31)

Nicky: *... I was not in a very good emotional state to even look after my son.* (216)

Zina: *I was not working, I didn't have a place of my own, everything was in his name he had the money.* (204-209)

The circumstances of the participants in the post divorce phase will now be discussed.

6.3.3 The Mother's circumstances after divorce.

Before I proceed to discuss some of the mothers' perceptions and experiences I will give them the opportunity to uncover some aspects of their physical circumstances after divorce. In doing so the relevance of the argument advanced by Haffey and Cohen (1992) that

women who depend financially on their husband are in jeopardy when separation occurs, can be evaluated.

It appears that Thandi's father also felt that she was in a more powerful position because he sent her to "school".

Thandi: *My father said when I said my husband went away my father asked "Didn't I send you to school?" I said "Yes you did" "So what's the problem I think that you see he no longer loves you so what do you want from him, your money is your money, his money is his money so just let the man go".(261-264)*

It does however not appear to be that easy for the participants themselves.

Nicky: *I eventually got R12 000⁹ out of the divorce and that was because of money that I inherited and that was because of... a time share that I've paid for but other than that I actually got nothing. (142-144)*

Eve: *Much younger, ill advised, bills mounting up, I had to borrow from my parents to pay for my legal fees you know because every time it was a new battle. (80-82)*

Beth when originally contemplating divorce thought: "I will start the divorce proceedings and hopefully that would be over quite soon and with the money that I then get I will then buy a house and then things will run smoothly from there"(31-33). After a prolonged court case and a cost order against her she ended up saying: "...but I had you know hundreds of thousands of rands of debt"(186).

It therefore appears that the statement made by Haffey and Cohen (1992) was relevant to these participants. Being the parties with less access to money and perhaps financial information, they believed that they were indeed disadvantaged by the divorce settlements. Most of the respondents nevertheless showed unmistakable signs of resilience of whom the following three are striking examples.

- Emma who had no money when she left her husband said: "I went to an attorney and I said please help me. He said to me put R15 000¹⁰ on the desk and we talk. I never had R15 never mind R15 000"(199). She however managed to become self sufficient and had

⁹ More or less US \$1714

¹⁰ More or less US \$2142

her own business at the time of the interview and said: “I mean if you see my business, I’m a busy person I’m active I’ve got to care for like you said 80 kids” (57-59).

- Another participant, Jane, said about the end of her first marriage: “I was trapped I had to go and try and find a job, work I can’t get a job there was no employment in [big city] the unemployment rate was sky high and I didn’t have any skills anything any qualifications” (93-95). Twenty three years later she could introduce herself as follows:
“I am a strong, resourceful woman, who has a Masters Degree and I have a couple of guest houses, plus a new business I am starting up” (e-mail 22-03-2006).
- In a similar way Zina who had nowhere to stay after her divorce owned a well established business when I interviewed her. She explained how she worked her way up:
Zina: I could live on the premises and two rooms were kept out as a beauty to do facials and waxing, massaging we couldn’t do. So two rooms were kept out and I moved in and then worked bloody hard and this is it today. (334-337)

A closer look at their perceptions of the men who fathered their children is likely to elucidate in a way the circumstances of the participants that have been discussed so far.

6.4 PERCEPTIONS OF THE EX HUSBANDS

6.4.1 In marriage.

Literature indicates that many divorced individuals experience negative feelings towards their ex-spouse long after the divorce has been finalised (Rye, Folck, Heim, Olszewski & Traina, 2004: 32). Some of the participants in this study were no different, but there were also those who had “fond” recollections of the fathers of their children.

Tiny left her husband for somebody else when she felt “....the family are there and you see to their needs and in the end you feel that you’ve lost out and I had enough of that” When I interviewed her five years after she left her husband she reminisced “....he’s very sweet to me, he’s so nice, such a kind kind man, he’s a Christian and so kind always he pays my medical bills and ... he has my car serviced and he helps me out financially”(99-101). Some of the other mothers could also mention positive characteristics of their ex husbands. Helen said her ex husband was ten years her senior and was a very pleasant man “....En daar was

goeie dae gewees ook... hy is 'n persoon gewees wat vir my basies op 'n pedestaltjie gesit het'¹¹ (5 & 16-17). Thandi had her own way of describing a loving relationship.

Thandi: *My husband was very loving and he used to like my cooking even when we have gone to a dance competition and came back at about 4 am. he'll say 'I want my home cooked meal' even at that time so I used to cook". (26-28)*

The majority of participants however had less fortunate recollections about the fathers of their children. Their most significant memories were about physical and emotional abuse or deprivation, personality problems as they perceived it and personality traits they found difficult to accept. The experiences of physical abuse that Eve, Sandy, Vee and Zina were exposed to have already been mentioned (6.3.1) and Eve summarised their plights at the mercy of these men, in my view aptly.

Eve: *... of course they look terribly respectable and well employed and well dressed and in control where as you are the (one) weeping and who barely knows how to hold yourself together and behind, behind the scenes of course this massive power play goes on. (254-257)*

Eve's depiction of an abusive relationship does not only reflect some of the other participants' experiences but is also mirrored in literature when Hamel (2006) refers to certain male batterers who are highly manipulative and can effectively project a nonabusive image while their victims may, as a result of the anxiety, depression and other psychological symptoms concomitant with abuse, appear to be the ones who are not suitable for parenting (Kernic, Monary- Ernsdorff, Koepsell & Holt, 2005).

I will now dwell more on other perceptions of the fathers' personalities that made marriage impossible for some of the participants.

Marina said: "I mean he's a liar I think he has a pathological tendency for lying throughout our marriage he lied left right and centre, he's still doing it" (454-456 fg). She also explained: "... and the reason why I left him was because I ... my husband ... let's call him a bit of a psycho" (Marina 7- 9). She had some very painful memories and said in tears "But he said it since my kids were babies..... he used to say you're a shit mother ... you don't deserve children and I wasn't I wasn't a shit mother" (82-84). Another husband lived on in

¹¹ And there were also good days he used to be a person that basically put me on a little pedestal

his ex wife's memory as a con artist: "...he lied to me, he was a con artist he lied for example that he had a twin brother.....I was his third wife which I didn't know when I married him, it came out during the course of the marriage" (Zina 48-54).

Jane in the process of divorcing her second husband wondered why she married "such a couple of losers" (192). She described her first husband saying: "... he's a rehabilitated bankrupt he owes money all over ... and he's made him lots of enemies, he's not well liked in the area" (184-185). She said her second husband could take or leave work because he was living off vast inheritances but he was the "most confusing complex person" she ever came across (191& 199).

There were also those respondents who remembered the emotional absence of their ex husbands.

Nicky: ... and he said he couldn't love me because his mother never loved him ... so ag that was that was just excuses... he could actually never admit to any emotion like saying I'm feeling stressed I'm feeling like I'm not in control I *I feel anything* (31-32; 34- 36)

Jill: He was he was truthful to me in the marriage I never had problems with that kind of thing but he wasn't really there. He would go to bed at seven o'clock and sleep because he was tired, never mind how I was feeling and then still having to deal with ...I mean there were four children at the time. (563-566)

Beth, Helen and Iza remembered the personality traits of their ex husbands that they experienced as destructive to the marital relationship.

Beth: He was much older he's quite a powerful man he had a very powerful job and he was very authoritarian and I had difficulties with that (9-10).

Helen: ... hy is nog van die ou soort gewees – hy's die man in die huis, hy neem die besluite, die vrou ...is barefoot en pregnant en klaar.¹² (114-115)

Iza: I cannot say he was not a good father because he was a good father but in the marriage all the responsibility was mine you know ...he was always very he was very envious, jealous of any achievement you know a stupid thing like being the secretary of the AWF or something like that. (529-530 fg; 533-534 fg)

¹² He was still the old fashioned type- he's the man in the house, he takes the decisions, the wife is barefoot and pregnant and that's it.

Considering the adverse impact divorce can have on many aspects of one's life, it is understandable that Rye et al. (2004) hold that long-lasting negative feelings towards ex spouses can be anticipated. With this in mind, but not forgetting that not all the participants had negative perceptions of the fathers, it will be interesting to see how their post divorce co-parenting relationships unfolded.

6.4.2 Post divorce co-parenting relationships

While divorce is supposed to bring an end to unhappy marriages, the uncoupling process can be extremely difficult particularly where children are involved. Divorcing people may try very hard to be 'done' with each other as marital partners and may even need 'healthy' anger to enhance this disengagement, but they soon realise that their shared parenthood begs for continued engagement and low levels of conflict (Walzer & Oles, 2003). This can be an extremely difficult endeavour, particularly in the immediate aftermath of divorce, a time when parents can be at their most vulnerable. Most of the participants in this study were no different.

The situation Tiny described appears to be more the exception than the rule: "...but my ex realises that she needs me so, and they the lot of them need me, so he doesn't mind me seeing them every day" (291-294 fg). Other co-parenting relationships were less cooperative and communication was only possible with the intervention of lawyers.

Vee: *Tom puts me through so much stress and everything ... he uses my child as a pawn ... now we don't communicate it's all lawyers and money and money money money money (86; 121).*

Marina: *...cause I can't talk to him I need you know I use my attorney as a sort of mediator but it gets expensive, now I don't have the money to do that. (179-183)*

Some of the respondents spoke about relationships riddled with acrimony.

Nicky: *... I should have actually made him sit in jail that weekend and take some consequences for the actions that he'd that he caused me because he did cause me a lot of hurt and emotional pain and it wasn't just by accident it was on purpose. (158-161)*

Eve in similar mode said that she had an interdict against her ex husband and that she had already had him arrested (183-187). Zina also described her feelings when her ex husband continuously frustrated her access to her child:

Zina: ... *the pain the hurt, the anger, I could literally punch that man till he was black and blue because it was, he was talking down to me all the time. It was like I didn't matter.* (323-326)

The tragedy is that in many of these conflict ridden families, the fight over the children might have little to do with the child, but much more with the desire for revenge (Robinson, 1993). This frequently occurs in a situation where one or both parents have lost control over their anger and become obsessed with destroying the child's relationship with the other parent. Co-parenting relationships riddled with so much malice, may be the type of parenting interaction Durst et al. (1985) refer to as fiery foes.

The destructive feelings emanating from such resentful relationships are evident in Sandy's desperate statement: "I keep on saying to Z look I wish this guy could just die so that I can see my child ... you know ... I've had it I really have had enough" (206). Beth, equally despondent, wrote a letter and referred to a serious ailment her ex husband had at the time saying that she hoped that he would die so that she and her children could be together.

Baum (2004) who investigated post divorce co-parental relationships in a recent study, concluded that the difficulty some parents have with post divorce parenting is already intimated in the divorce process itself. She concluded that the more protracted and difficult the legal procedure, the worse the subsequent relationship between the divorced parents is likely to be. Since initiating the divorce can engender a sense of control that helps to reduce feelings of rejection, helplessness, and victimisation, Baum (2004) believes that initiation of the divorce is another variable that could influence the parental relationship. In addition to these factors, she also ascribes difficulties in the parental relationship to problems particularly the fathers may have with self-differentiation (balancing feelings, thoughts and emotions) and also as a result of their narcissistic vulnerability (Baum, 2004). The statements of three of my participants allude to the anger their husbands manifested after they had left them, which could be interpreted as initiating the divorce.

Jill: ... *but all hell broke loose then, because he was so angry, I think he was angry at the separation, he was angry at a lot of things.* (30-32)

Eve: ... from the moment I left, my ex husband said to me, 'You're a bad mother, you're a terrible person, I'll see you dead before I'll let you have this child'... on and on and on it went. (40-42)

I also find Johnston and Campbell's (1988) explanation of a multilayered divorce transition impasse useful when attempting to form an understanding of the ongoing conflict manifested in some parenting relationships described by the participants. In terms of this theory, over involved grandmothers (Jill & Lynn) and new partners of the fathers (Sandy & Vee) could have been instrumental in exacerbating the conflict between divorced parents on the external level. On the interactional level, malevolence already present in destructive marital relationships possibly continued to fuel conflict in the post divorce relationships (Vee, Sandy, Eve, Zina & Marina). Precipitating factors of impasses at the intrapsychic level may not be entirely obvious, but from what Jill and Eve just mentioned, it is likely that narcissistic hurt could have played a role in the anger some of the fathers experienced towards the participants who 'initiated' the separations. Zina formulated this possibility stating "He brainwashed the child he used that child to get at me because I filed for divorce he was the controller I hurt his ego" (659-660).

Similar to the observation of Walzer and Oles (2003), it also appears that time had a moderating effect on the conflict in the post divorce interactions of some of my participants. Helen explained that there was a time when things were so 'ugly' between them that she drew a fire-arm on her ex husband (463). She however came to a point where she said:

Helen: *Ek het na hom toe gegaan ... toe sê ek vir hom Dolf vergewe my asseblief en elke keer wat ek dit vir hom gesê het het ek gevoel al meer las is van my skouers af.*¹³ (587-590)

She elaborated on the congenial relationship they had afterwards:

Helen: ... en ek kan na hom toe gaan en ek kan hom 'n drukkie gee sonder enige iets, ons kan met mekaar gesels. Hy kom na my toe selfs met sy probleme en hy praat.¹⁴ (597-599)

Jill who had a very traumatic divorce experience said: "I remember saying to my lawyer at the time as they were wrapping things up, I said I want to walk into my ex-husband's

¹³ I went to him....strange it was at the court when I first said to him, I said Dolf please forgive me and every time I said that I felt the load on my shoulders getting lighter.

¹⁴ ...I can go to him now and hug him without anything and we can talk to each other. He comes to me even with his problems and we talk.

business and take a swipe at him, I want to hit him so hard, the hate ((almost a whisper)) the hate was so much”(185-187).

Emma who reported that her ex husband neither talked to her nor greeted her (188), nevertheless philosophically said:

Emma: *...well we don't share a bed anymore but we did and out of that bed came two beautiful children and it doesn't stop there because I divorced him. You know what I've got to get together with my husband or my ex... the day my child gets married, the day my child has children, the day the day the day I can go on...can't we be friends? But it's possible from his side of it it's a no, no which I find a problem. (193-198)*

Different circumstances apparently lead to 'the day' Emma refers to. For Zina it was the day her ex husband consulted her about a rehabilitation centre that could attend to their son's substance abuse problem (465) and for Iza it was when their son died:

Iza: *I must say for many years there was there was a lot of antagonism ...and it was only after my son died that his father sort of said to me you know ... I'm sorry for being so bitter for so long and it was quite unnecessary and from then sort of we all got on. (109-113 fg)*

After all was said and done, these were the relationships that created the emotional atmosphere in which the children of divorce had to grow up while a fair body of literature indicates that the way such disagreements are handled may have a substantial effect on the adjustment of the children. It appears that the more hostile the conflict, the more emotionally damaging it is (Grych, Fincham, Jouriles & McDonald, 2000).

6.4.3 Perceptions of the father / child relationships.

A momentous decision for custody arrangements in South Africa, was taken in *Van der Linde vs Van der Linde 1996 3 SA 509 (O)* when the court stated that the ability to 'mother' was not a biological characteristic belonging only to women but that it was also part of the male "persona". My earlier study on paternal custody (Pieterse, 2002) also suggested that some divorced fathers take pride and find fulfilment in their parenting task which they can do competently and effectively. Considering that the fathers implicated in this study had all been successful in their applications for custody of their children, it is interesting to see how the mothers perceived their ex husbands in the fathering role.

From their accounts it can be assumed that six of the mothers viewed the parenting skills of their ex husbands in a positive light. Predictably Tiny, Helen and Iza who had positive

perceptions of their ex husbands, were also satisfied with the way in which they fulfilled their fathering roles. Helen said "... kyk hy is vreeslik erg oor sy kinders en niemand ... hy't al die jare gesê niemand gaan sy kinders wegvat van hom af nie ... hy sal sy arms stompies baklei vir hulle"¹⁵ (77). She also said: "Vandag sê ek dankie Here vir my kinders, hulle is ... goed opgevoed en dan moet ek sê hy het my kinders goed opgevoed, hy is 'n goeie pa"¹⁶(529). I came to the same conclusion when I interviewed this father and he told me amongst other things how he treasured the memories he had of evenings the children joined him in trying out new recipes for their cake sales at school or when a sick child responded to his care (Fieldnote, tp 18-09-2005). A social worker's report dated 19-05-1997 which Helen gave me, alluded to the same quality of care this father provided and recommended a custody award in his favour.

Iza in the same frame of mind, also appreciated her ex husband's fathering skills although somewhat qualified:

Iza:... *but as a father he was a very good father to them he really was...except in the beginning you know he used to talk a lot of rubbish into my son's head you know...Don't listen to Ron ((stepfather)) and don't let him tell you anything .(535-537 fg)*

What I did not anticipate was that mothers who were having less harmonious relationships with their ex husbands would also be appreciative of the fathers' efforts. Marina, who described the father of her children as "a bit of a psycho" (7) nevertheless said:

Marina: *At least their dad does love them despite what he does, he does love them, he does spend good time with them you know he's a good dad ... he's sick in the head ... but he's a good dad. (116-118)*

Another participant who said "I will be polite to him when I see him but I will not go out of my way to see him" (Lynn 352) did not hesitate to laud his parenting skills: "...you know he was a very hands on father I will give him his due there you know he didn't mind changing nappies and bathing and whatever ... so he was a good parent" (Lynn 177-180).

¹⁵ ...look he adores his children and nobody... he used to say all those years, that nobody would take his children away from him.... he would fight for them even if he has to lose his arms in the process.

¹⁶ Today I thank the Lord for my children they are ... well brought up and then I have to say he reared them well, he is a good father.

It was however not possible for all the participants to construct the fathering roles of their ex spouses in such a positive way and what Eve explained was probably also relevant to some of the other mothers. Eve said: “My ex husband did not get custodial ... custody because he was the better parent. He got custody because of the whole legal circumstances” (120-122). In Eve’s words her son, at the age of twelve, “made a concerted break from his dad, asked to go to court and said that he wanted to stay with me” (105).

Zina remembered that her son “was getting away with murder as he grew up he was spoilt he could have anything he wanted when he wanted it and I would be overridden in front of the child” (77- 79). After they broke up Zina concluded: “He brainwashed the child he used that child to get at me ...” (659-660). Years later her son, who never wanted to live with her phoned her and said that he could not live with his dad “He and his father had a fight, his father drew a gun, shot at him”(486).

Nicky who said that her ex husband was very unemotional and never hugged or kissed their son (26) also believed that her son was bribed:

Nicky: It’s it’s total bribery and corruption. He offered him when we got divorced I mean one of the reasons my son decided to stay there is because he offered him the house and told him ja he was going to inherit the house because he’s the only child and he’s going to inherit this and that and so of course the son, I mean he was only twelve. (164-168)

Literature (Chesler, 1991) indicates that some fathers can use material bribes to position their children against the mother. An economically brainwashed child will not choose to remain with an impoverished mother if the father offers him or her a better economic alternative. This was possibly the case in Nicky’s situation because she did not perceive the father child relationship as a particularly close relationship:

Nicky:...he’s often had fights with his father and in fact the relationship now, if you ask him about his father now he would tell you he’s waiting for his father to die. He’s hoping he will test this aeroplane of his and crash it and he will inherit the money that’s the jest of it. (221-224)

Two other mothers also questioned the quality of their children's relationships with their fathers. Emma complained that her husband left the children in another town after he was awarded custody.

Emma: *He put the kids ... in someone's back yard in a in like a flat granny flat..... they have to care for themselves... I said how can he just leave the kids who's looking after them? No they're looking after themselves... My son got a job and he literally from the age of 15 fended for himself. (137-149)*

She concluded: "... he wanted custody why doesn't he take the custody and look after the kids or then give them to me I will take them gladly, gladly" (245-246).

Beth, whose ex husband won the custody of her two sons after a prolonged court case, felt that this arrangement was doomed to fail because he had "a very very strange and quite pathological relationship" (66) with his children from a previous marriage and she anticipated that the same would happen to their children. She added "In any case I mean they he never communicated with them so they should be with me" (74-75). Her elder son ran away from his father's home even before the custody order was made and had to be removed forcefully from his mother's home. This son was later put in a hostel while the younger son remained with his father with disastrous consequences from the mother's perspective. She said:

Beth: *You know that child has a deep need for touching and for deep communication and for holding and that and his father simply could not provide it he simply couldn't do that ... they never spoke and when he spoke to his father, his father wouldn't answer him ...and how as an example his father once slapped him through the face and then my son just walked off he was still at school, he walked into the night.... (324-331)*

In Vee's case it appears that the acrimony in the parental relationship spilled over into the father child relationship because she said: "... she can't even have a photograph of me okay ... let alone anything else ... she can't even mention my name in the home and she told me that she gets punished for it" (198).

Sandy's conclusion was:

Sandy: *The bond between a child and a mother is not the same as father and child. I see it I see it all the time when I see my child, you know he's like a little dog that just wants to be*

cuddled and you know and that's not how, when he talks to me about his father he will say that man. (300-303)

There was also evidence of the mothers' concerns about their children once the father entered a new relationship. "I can imagine him and the new wife having a wonderful glorious time and he just pilfers the child off to every Tom Dick and Harry in his family but doesn't want me to have the child" (Vee 130).

Both Jill and Lynn related situations where the grandparents and not the fathers had taken responsibility for the primary parenting of the children.

Jill: *He has in the interim moved out, he's with somebody else who has got a baby from him but not married he's now living on his own so the 2 younger boys are now a family with granny and grandpa. (408-410)*

Lynn: *Grandma and grandpa or oupa and ouma¹⁷ as she calls them, have raised the child even though my husband has cus, ex husband has custody and last year the beginning of last year he finally moved out and bought his own place so she spends her time half between him and them so ja that was it. (111-115)*

The role of the in-laws as grandparents had a noticeable impact on the experiences of at least two of the participants and will be explored in greater depth in the next section.

6.4.4 Role of in-laws

Some authors (Saposnek, 1998; Wallerstein & Kelly, 1980) refer to the supportive role grandparents can play in divorcing families, but it appears that these roles can also have their share of complications. After their study, Braude and Francisko-La Grange (1993) also concluded that children received more practical than emotional support from grandparents. One child actually indicated that it was not helpful to talk to grandparents because they took sides. The accounts of participants in this study also bear evidence of this possibility but take it a step further when there are suggestions that grandparents and particularly grandmothers somehow sabotaged the mother's role in the lives of her children as she perceives it. This started before the marital break-up, but it appears that it ultimately had an influence on the

¹⁷ Afrikaans for grandmother and grandfather

custody decision. Lynn who lived with her in-laws most of the time in terms of an arrangement between her ex husband and them explained:

Lynn: ... *unfortunately his mom is a very domineering character, you know you can't bath the child like that and you can't dress the child like that and you can't feed the child like that and things like that so we were never really comfortably able to just be parents you know we did what we could when we were at our own home.* (173-177)

Jill's construction of the role her mother-in-law played in her experiences as divorcing and non-resident mother also suggests pain and frustration. She explained that the granny "would manipulate she's ... a very strong wilful person" (580) and she believed that it also caused problems in her marriage. "I used to say to him I'm your wife, she's your mother. Just please put some distance between the two of you but he would go with every decision that she would take" (576-578). As the story unfolded there was evidence that Jill had also lost ground in her relationship with her son Ted, even before the marital break-up.

Jill: *I used to say to him please don't let Ted sleep over there so frequently because it became a pattern with granny. And I remember when he was 4 years old on my insistence I would say to him it's now Saturday afternoon, you're going to fetch him we've both finished work, he's got to come home, and he would get in the car and he would scream blue murder for granny.* (564-569)

It was however only when Jill's marriage came to an end that she really understood the impact of the granny's influence. She said: "... he didn't want anything to do with Mom, and it was also in the custody report that granny had a a big influence there ..." (47). Jill remembered "the most painful words" (431) when the psychologist told her that Ted perceived the granny as his mother and not her.

Jill:... *you know I would go and visit and he would hide behind granny or behind the furniture, I would phone and he wouldn't want to come to the phone. That was the most... difficult ... thing for me to deal with.* (154-156)

What Jill described has a lot in common with Chesler's (1991: 155) concept of a "mother competitor" who actively participates in the battle for custody and in the father's brainwashing campaign. Turkat (2000) refers to the same phenomenon and mentions that an intrusive outsider such as an emotional grandmother can stimulate escalated hostility between the parties and add additional stress to their custody battle. Furthermore, the one in

that role can, according to Chesler (1991), also maintain the father's home domestically and emotionally. In the case of my two participants, the fathers indeed moved back to their mothers' homes.

The experiences Jill and Lynn recounted elucidate the contention of Johnston and Campbell (1988) that the support from significant others can be of value to the individual, but can also in some cases be destructive for the larger system and often for the children within it. It is significant for those helping divorcing families to heed this warning, particularly in view of Gardner's (2002) assertion that a child cannot become a healthy person with sound interpersonal relationships, while having a distorted image of the primary maternal figure as a despicable human being.

6.5 CONCLUSION.

The participants, through their candid and vivid narratives allowed the reader to enter their worlds as married mothers but also as mothers who, when those marriages ended, had to find a way through shattered relationships, hopes and securities to a world where they would parent their children from a distance. It is this world that will be explored in the next section when the participants will share their experiences of parenting their children.

CHAPTER 7

THE MOTHER EXPERIENCING PARENTING

7.1 INTRODUCTION

In the previous chapter the participants, each in her own unique way, disclosed their experiences of married life. Some were tainted with marital violence, deceit and alcoholism while others were lacking the fulfilment they believed communication and intimacy could add to marital life. All of them saw their marital relationships dissolving and also shared those experiences and the experiences of the final disintegration with the reader. They also shared their perceptions of the men who fathered their children and who eventually gained custody of those children, with the reader.

This study hopes to gain some understanding of the experiences of divorced mothers who parent their children from a distance. It will however be difficult to form this understanding, without some insight into the participants' experiences of parenting when family life was intact. They will therefore share those experiences as well as their experiences of parenting from a distance, in this chapter.

7.2 EXPERIENCING PRE-DIVORCE PARENTING.

For almost a century the rationale for awarding custody of children of all ages to the mother, was influenced by a presumption that female nurturing was better for a young child of tender years (Pagano, 2000). In this context, society expected the good enough mother to prioritise childcare and to subordinate her own needs and ambitions to those of her family (McNeely, 1998). In reaction to the high price women had to pay for social acceptance in a male-dominated society, the women's movement of the 1970's saw the light (Carrington, 2002). Many women subsequently reconsidered their positions and opted for paid work outside the home as opposed to the stereotypical, secondary and dependent roles many believed they fulfilled within the family. It is against this historical backdrop that the pre-divorce parenting arrangements of the participants will now be explored.

7.2.1 At home mothers

Interestingly, four of the participants fulfilled the more stereotypical roles as keepers of the hearth when their children were small. Lyn (193) said that she was, what she referred to as an “at home mom” or a “housewife” and three other mothers also explained:

Tiny: *Oh ja you know I gave up 12 years of my career to bring them up. I was always a home mother you know while they were growing up...* (153-154 fg)

Nicky: *I stayed at home when my son was small and I laid the foundation and I believe that that foundation will see him through.* (171-172)

Eve: *... I was a housewife at the time I left him, I did odd temping jobs and things like that.* (33)

The participants mostly attained motherhood after the onset of feminism and some of them were gainfully employed, but none of them indicated that it was motivated by feminist ideals, although Sandy’s account may bear some evidence of the liberating effect employment can have:

Sandy:... *here this job came up you know and it was a challenge for me I just wanted to be this go getter ... you know it was really it was a big challenge for me and it boosted my ego cause I’ve been abused by this guy you know for so long and here I had something to make mine you know something about me.* (66-71)

While Sandy clearly experienced employment as empowering, it was also true that they were staying in a shack in a “squatter type of place”(47) and therefore it is also possible that she, like some of the other mothers, was forced into the workplace due to what Griswold (1993) refers to as the demands of household economics. Two of them, Iza and Jill followed full time careers. Jill had four sons, two from a previous marriage for whom she did not receive any maintenance (11, 546) and Iza said:

Iza: *... in the marriage all the responsibility was mine you know and I think the one thing that broke the camel’s back was when I was working for a welfare organisation and he said to me well you’d better go and find another job that will pay you better so that we can live better.* (529-533 fg)

There were also mothers who worked in an attempt to supplement the family income, but tried to balance it with their mothering responsibilities. Helen explained that she had an

afternoon job so that she could be with the three small children in the morning. At the insistence of her ex husband she also did sewing for other people to generate some additional income (Helen, 170-172 &165). Similarly, there were circumstances in Jane's life which forced her to do some work apart from being a mother:

Jane ... about a month after she was born I had to start driving a tractor, emptying bins and washing toilets and all that sort of thing just to have the ablutions to wash her nappies, we didn't have disposable nappies in those days. (35-37)

Thandi, a mother who followed a career and also studied part time, imparted in my view, a well-expressed opinion on a mother's responsibilities:

Thandi: ...when you're a mother you know that you've got responsibilities if for example when I was studying in another city, I knew what to do with my child when I had to go there as early as 2 am in the morning, I knew what to do even if the father was not there. (314 - 317)

Whether mothers took up employment compelled by circumstances or to seek fulfillment outside the domestic hearth, what followed was that fathers were soon expected to share more substantively in child care (McNeely, 1998). According to Pagano (2000), this equalising of parental roles had the unintended consequence of a shift occurring in the predictability of custodial arrangements. Therefore the tender years presumption soon had to make way for more gender-neutral custody standards of which the primary parent preference was one. A legal presumption in favour of the primary parent merely means that if both parents are fit, the court will consider which parent has been most intimately involved in the daily life and care of the child before the divorce (Van Zyl, 1997). One of the participants captured the concept well:

Beth: I have always been the primary parent I've made all the decisions around schooling and Sunday school and which doctor they go to and whatever whatever ... and I was the primary parent, ... the children are quite young they need me, that I used to do the homework with them that I ... you know I'm the mother. (59-63)

7.2.2 Supporting or attempting to replace the mother

The primary parent presumption is according to Mason (1999) not of much help where both parents work and the caretaking is done by a third party which was the case with Iza who

said "... my mother had been living with us for about three years and she had been sort of looking after the children anyway while I was working so they were used to her" (16-20). When the divorce was imminent she said: "I saw the advocate and I said to the advocate I'm agreeing to my husband having custody of the children on condition that my mother stays on with them" (37-39). She concluded: "I mean Ouma¹⁸ was always there ... Ouma knew if they were unhappy or if they were happy" (210-211). This support Iza received from her own mother is also what Bailey and Zvonkovic (2003) observed when they found that parents can be important in easing the strain of divorce for their children and grandchildren. While this was probably a valuable source of support for Iza, Campion (1995) raises the concern that involving not only the father, but also extended family members or even non-familial child-care, can open the debate on the perceived importance of mothers as central to children's needs. This was well illustrated in the experiences of two of the participants. Jill said: "So we were both working long hours, so granny also became part of the care taking. So Ted was spending a lot of time with granny at the time" (13-15). She continued to tell me about the custody evaluation:

***Jill:** I was told that... after the evaluations, the fact that Ted created such a bond with granny, they felt that number one, the boys could not be separated. They saw at the time that taking him away from granny to bring him back to me would have caused untold harm and damage, psychological damage. (124-128)*

Lynn although an "at home mother" (193) had a similar experience.

***Lynn:** ... and then every time I tried to move out there was huge drama and they got the police involved and you know I couldn't take the child out of the home and things like that so it was only really about a year before the divorce about a year a year and a half after we separated that I actually did move out and by that time the child psychologist said look this is the home that she knows you can leave without her or you stay and I obviously left. (194-200)*

7.2.3 Other factors influencing mothering

There were also other factors that interfered with the roles they played in their children's lives before the divorces. Marina and Zina felt that their roles as parents were undermined in the marriage:

¹⁸ Grandmother

Marina: ... he has always put me down he has always undermined me ... always undermined my authority as a parent when I said no don't play with the ball inside he'll say "ag don't listen to your (cow) of a mother" (465-468).

Zina: I was negated as a mother I felt, and belittled as a mother many times in front of my children, many horrible arguments took place with the children listening. (83-85)

Zina's devaluation was exacerbated when her child began to speak to her in his father's voice, something that can according to Chesler (1991) easily happen when a child is brainwashed from a young age.

Zina: ...he was nine years old, he would have hated me, he already sort of spoke to me like his dad spoke to me, "What do you know, I if my dad says I can do it I will do it" and he even one day said "I think you should leave, my daddy says you should, we don't want you here". (240-246)

Zina, Sandy, Vee and Eve experienced physical violence in the marriage and two of them recalled how their children witnessed some of the incidents.

Vee: ... he's threatened to kill me, my own child has seen him when he nearly drove me over the one day ... and she said to me...not so long ago ... she said to me Mommy do you remember the day when daddy tried to tramp you here?(91-94)

Zina: Physical violence yes. The odd smack across the jaws you know pulling me by my hair down the passage, that sort of thing. The boys saw it and it was very detrimental to them to myself to the relationship, to the tone of the household. (107-110)

Zina's apprehension was not unfounded if one considers the opinion of Johnston & Roseby (1997) who examined the effects of partner abuse on children. These authors found that younger boys who were exposed to partner abuse also displayed oppositional and aggressive behaviour towards their mothers, but were at the same time worried about the mothers' safety. Older boys were afraid of the abusive father, but were also attracted to the power he wielded in the family. They were angry with him because of his marital and parental violence, and his unavailability, but could not show this overtly. Instead, they often turned on their mothers, behaving much like their dads.

7.2.4 Ammunition for a custody dispute.

Some of the participants also mentioned what could be seen as flaws in their 'motherhood armour' that could have influenced custody decisions. They elaborated as follows:

Jane: *I just couldn't take the pressure, the isolation...the small child and no help, no support ... so it was just it was just very very difficult. I met an American chap and I went to America with him for a few months but Jill had a lactose intolerance she developed in America which means she had permanent vomiting and diarrhoea...it was awful. (102-105)*

Helen: *... ek moes iewerster moes ek 'n streep trek, of my kinders ly verder deur die geskreeuery... of ek gaan iets aan myself doen, of ek, ek was eintlik meer bang ek gaan aan my kinders iets aandoen omdat ek so voel...vreeslik humeurig geraak.¹⁹ (68)*

Marina: *You know I was going out a lot I was socialising a lot I was drinking a lot, yes I was but I was not ...my kids were not exposed to this. (86-92)*

Lynn: *So ja I went a bit wild and I went out to nightclubbing and all sorts of things which of course was stupid because they then used this as proof of my ...inability to to parent (105-108).*

Zina: *I just ... then turned more and more to alcohol which became the big problem yes and everything was now visibly and pointedly my fault and that lasted for about ... two years and I went to rehab and successfully did the rehab. (86-88)*

Tiny became involved in an extra-marital affair and said:

Tiny: *...my older son was writing matric and he was very upset ... the children went through a lot a lot of trauma because they were very close to me. (27-29)*

When I interviewed her older son he elaborated on the 'trauma':

Josh: *Friday was my worst day of the week because my mom would start packing her bags and she will leave the house. I didn't want to talk to her I didn't want to see her. (30-31)*

Emma who described herself as a good mother (161) said "Yes I give them a damn good hiding when they deserve it, call it child abuse call it whatever you want to as a social worker I don't care to me its called discipline" (161-164). She claimed that her ability to mother deteriorated drastically after she was the victim of a violent rape incident and she explained:

¹⁹ I had to draw a line somewhere, either my children continue suffering as a result of the yelling....or I'll do something to myself, or I I was actually more worried that I would do something to the kids because of how I feel... became very bad-tempered.

Emma: *I went onto the anti retroviral it was it had a terrible side effect on me. I called it the kannie worry pille because it made me I don't care about life. All I did was sleep sleep sleep. I didn't care if I had kids or if I didn't have kids. (16-19)*

Some of the occurrences in the lives of these participants could have had an impact on custody decisions because Van Zyl and Bekker (2000) believe that although the guilt principle has been taken out of divorce, it is still intact when it comes to custody and access disputes, where the parties will go to extremes to prove each other unfit to have custody of, or access to the children.

It is however also evident from the data that the participants in this study were not during their marriages, involved in a complete role reversal where the father became the primary parent and the mother pursued her personal career and other goals.

7.2.5 They were my life

Kielty (2006) quotes some American studies that refer to women who actively volunteer to become non-resident mothers because they dislike or feel unsuited to the work of mothering (Glubka, 1983; Babcock, 1997; Herrerias, 1995; Rosenblum, 1986), while others may feel that their personal needs for growth and independence are restricted within the confines of family life and motherhood (Ferguson, 1994; Meyers & Lakin, 1983). Similarly, popular South African media (Ferguson, 2003:64) also reported that there are mothers who willingly relinquish custody in order to pursue personal goals. This was however not a trend that I observed in the sample of non-resident mothers I studied. Thirteen of them were following careers, or had their own businesses and some also appeared to be ambitious enough to advance their career opportunities through further studies, but none of them indicated that they surrendered custody for these reasons. It is however true that some of the participants did relinquish custody to the fathers voluntarily. Similar to Kielty's (2006) observation, there was no clear cut distinction between voluntary and involuntary non-resident motherhood because some of the participants who did not contest custody did so because their choices were limited by circumstances like inadequate financial resources and emotional or psychological problems.

Nicky: *I was just ... I was not very in ... I was not in a very good emotional state to even look after my son. (216)*

Eve: *Emotionally as well as the fact that I've been out of the job market for a long time, I had a small child, I had no ... support system to arrange to look after my son. (33-37)*

It appears that these vulnerabilities led these participants to doubt their suitability as primary carers and therefore they considered it in the children's best interests to remain with their fathers. With the same altruistic motives some mothers took this difficult decision because they believed that they could not provide their children with adequate accommodation or they believed that the children should have the benefit of remaining in the family home (Kielty, 2006).

Helen: *Dit het vir my lank gevat dit het vir my lang trane gevat.....wat gaan die beste wees vir hulle? Ek het nie verblyf daar anderkant wat ek...vir hulle kan stabiele verblyf gee nie.²⁰ (285-288)*

Beth: *...it would be unfair to take them with me because if I move from the house to a flat which is probably the only thing that I would have been able to afford they wouldn't be in the house that they grew up in. (24-27)*

Other reasons for surrendering custody were the children's choices or to avoid a court battle and Kielty (2006) adds that some mothers may also give multiple reasons for their decisions:

Zina: *...everything was in place for the child as opposed to me who now had to leave the house which I had done unfortunately, leave the house, get work get settled and relocate so to speak and my son wanted to stay with his dad so I said I'm not putting him on that court stand it would be bad enough for me so spare him that. (50-59 fg)*

Tiny: *...we agreed that my children would live with my ex-husband because he had the home and you know the money and everything available and my boys didn't want to leave home they were much older then and then we met a social worker with my daughter because the court didn't want to split her from her brothers. (122-126 fg)*

²⁰ It took me a long time and it took many tears what would be the best for them? I did not have accommodation on the other side which I could not offer them secure accommodation.

An important aspect which Kielty (2006) raises is that there are mothers who withdraw from the resident parent position because of fear and intimidation at the hands of an abusive partner (Herrerias, 1995; Santora & Hays, 1998; Arditti & Madden-Derdich, 1993). Although not overtly stated, this could have been a consideration of some of my participants as well, bearing in mind that some of them were in physically or emotionally abusive marital relationships.

Eve: ... *from the moment I left, my ex husband said to me: "You're a bad mother, you're a terrible person, I'll see you dead before I'll let you have this child" on and on and on it went.* (40-42)

Marina: *No actually I mean in the last two weeks I've actually just now given consent to my husband having the kids. Also a very very difficult man, control freak ...that's why I left him and I knew he would stop at nothing to have the two kids.* (445-447 fg)

A consideration that Kielty does not mention but which was apparent in some of the participants' situations is that some mothers did not have the resources to pay for custody litigation. Some of the participants in this study did not want to surrender custody and opposed it at first, but eventually had to capitulate when they could not afford ongoing litigation.

Vee: ... *I don't want to tell a word of lie by saying the estimate amount but in the range of about R40 000²¹ okay and so I had no money.* (158)

Emma: *I never had finances to fight him and if I did the attorney assured me I would have won my case but because I never had R15 000²² to put on the desk as a start.* (273-275)

Lynn: ... *after two years and about R6000²³ I didn't have any more money so I had to just give up the fight and say okay fine and he got her.* (108-109)

Eve: *Much younger, ill advised, bills mounting up, I had to borrow from my parents to pay for my legal fees you know because every time it was a new battle.* (80-82)

Beth the only participant who contested custody in court, ultimately had a cost order made against her and said:

²¹ More or less US \$5714

²² More or less US \$2142

²³ More or less US \$857

Beth: *I've had 13 days in court and fought, lost a lot and it's still after 10 years extremely extremely painful and I still feel it was extremely unjust ... but I had you know hundreds of thousands of rands of debt. (27-29fg; 186)*

Whatever the pathway into non-residential motherhood, none of the participants indicated that they did so because they did not take pleasure in motherhood. Their deep feelings for their children were evident in some of their reflections:

Marina: *You know I would love I would love to have my kids with me, I miss my kids because I don't actually have life without my kids, you know my kids were my life. (354-357)*

Tiny: *... I did everything for them. That's why I continue to do those things for them because that's my whole life this is my life and to let go is so hard. (224-226)*

Jane: *... this is the little girl I loved so much that it nearly killed me to leave her. (630-631)*

Lynn: *but it is it's very hard because she's my first born you know she she's ja she's very special and she'simportant but I've got to try and get hard and block it out.. (131-138)*

Jill: *... thinking back I can just think it was it was through God's will and my love I had such a strong love for my children that I ... on the good days I kept saying you know, stuff you all, I will show you ... this is not gonna get me down. (190-192)*

Thandi: *I stay alone alone alone and she's a talker. She used to say to me mom let's do this don't buy the milk in the sachets it quickly goes off so when I think about those things I just miss her, I just miss her. (250-255)*

These mothers and in fact all non-resident parents may find comfort from Robinson's (1993: 39) reassurance that "parents are forever the parents of their children" which is supported by Emery's (1994) view that a divorced family, even when not sharing the same residence, remains a family through shared relationships. The next section will reveal how the participants experienced these post divorce relationships with their children.

7.3 EXPERIENCES OF PARENTING FROM A DISTANCE

It is said that the actual unity of family life does not have its existence in any legal conception or in any formal contract but in the interaction of its members (Burgess in Broderick, 1993). How relevant this assertion is with regard to the post divorce interaction of

the participants and their children will now be investigated by looking at the quality of their relationships, the children's attitudes towards the mother, their interaction and the contact they had and how this contact was challenged.

7.3.1 Quality of their relationships

The data revealed that 8 participants had fairly rewarding, although not always uncomplicated, relationships with at least one of their children whom they attempted to mother from a distance. Some of their descriptions follow:

Marina: *I have a good relationship with the kids ... I also have a strained relationship with them because he ...he will like turn around and ((started crying)) say to the kids your mother doesn't love you. (76-78)*

Vee: *We speak on the phone and I say to her Caths Mommy hasn't got much money then she will say God bless you Mommy I love you, ... she always says: "Sweet dreams, sweetheart bless you" and that type of thing you know. (226-228)*

Nicky: *So now ... now I see it as a very valuable relationship and I try and do things with him, I try and talk to him and try and do things he's interested in. (290-292)*

Jill: *...the youngest ...really it's great, he loves mom and shows mom, he draws pictures sends me sms's and that keeps me going. (421-422)*

Iza: *...but genuine it was such quality time ...we had such fun you know. Every weekend we looked forward to the next one and it was so nice. (688 fg)*

Thandi: *...she's a lovely child she is, even now when she comes back she'll say ((whispering)) "Mom close the door so that we can talk, don't tell my father that I told you this" You know it's okay even now it's okay she likes me. (174-175)*

Some of the participants had their children restored to their custody either formally or by mutual agreement with the father. Eve said: "When he was 12 he made a concerted break from his dad, asked to go to court and said that he wanted to stay with me" (104-106) and continued:

Eve: *No I was there for him all the time ja and I always let it be known. I said if you want to come and live with me then I'm here. You just tell me you know and I'm here for you and when the time was right he did. So I suppose mine is a lot less painful and more simplistic a story than than many. (310-313)*

Helen:... so nou en dan sou hulle gekom het,...blykbaar toe begin hulle ook nou meer, mamma kom haal my, mamma kom kuier, mamma kom drink koffie, en so stadig aan ... dink ek ek gaan hulle nie ek moet hulle nie druk nie, hulle moet uit hulle eie uit na my toe kom, ek sal eers maat wees voor ek kan mamma wees,en toe, ag ek is eintlik geseën en ek is baie bly daardeur dat ek vandag my kinders ten volle het.²⁴ (508-513)

Iza: ... then Joseph, my son he came to live with us for ... when he finished his school he came to live with us and then he stayed on until he went to the army... until he died he actually was with us. (161-163)

Like Eve said, there were those mothers who narrated much more complicated and painful experiences of parenting from a distance.

I loved her as much as I love my little boy, but unfortunately, the ties dissolve with lack of contact, and although I fought hard to keep in contact with her, sometimes in vain, I lost those precious bonds of love and maternal instinct towards her as the years passed away. (Jane, e-mail dated 22 March 2006)

Lynn: I actually don't have one ...very little of a relationship. I find it easier not to keep phoning her and all these kind of things because it just it ... ja. I get very upset every time I do speak to her. So when she's here it's great but she's almost it's almost become like she's a stranger in my home which is sad. (213-220)

Zina: ... I had a lot of work to do to repair bonds to build bonds to have contact with my son ... it was my chance now and yet it became ... such a painful three years my child spent with me. (527-529)

Emma: Okay he black ... mailed me to my kids he turned my kids totally against me that even today now I'm taking from the last time I saw my youngest son is four years ago. (83)

Jill:... And I hit another brick wall because Ted, 8 year old then, didn't want to come and as we're sitting here he still doesn't come to me ... he was here today for about an hour but he still doesn't want to sleep over. (154-156)

²⁴ They came now and then then they started more and more, mommy fetch me, mommy come and visit us, mommy come and have coffee and slowly I thought I'm not going I should not pressurise them, they must come to me of their own free will, I will first be their friend before I can be mother... and then, ... oh I'm actually blessed and I am very glad that today I have my children back completely.

There can however also sometimes be, in Jill's words "a bit of happiness at the end of this, the whole ugly thing"(407). She told me how she was seeing small signs of an improvement in the relationship:

Jill: ... *Ted was sitting next to me this afternoon I felt there's something on my arm and he was doing that ((indicating that he was softly stroking her arm)). That, to another mother to another parent is nothing, to me its "please don't stop stroking" you know. (477-479)*

7.3.2 Children's attitude

Some of the experiences the participants mentioned could reflect their children's attitudes towards them.

Marina: *You know my daughter will come to me and say "Mom you know I think my body is changing" now she will come to me and she doesn't go to Cindy ((father's girlfriend)) so that gives me a sense of comfort that my motherly role as such is not threatened, so in a way I'm fortunate. (728-733)*

Tiny: ... *the other day my older son just said to me "You only come and you bake and then you go again we want you to be here we don't want your baking, you must stay". (290-296)*

Thandi: ... *she's in between she's in between. She likes her father she loves her father she loves me and she'll say "Don't worry mom I'm going to come back I miss you I miss you, you must know that I miss you". (208-211)*

Emma: *I send him gifts for Christmas and birthdays, I send messages with his eldest brother, ... he says to me "Mommy when I talk about you he gets up and walks out". (209-211)*

Zina: *He said "I don't want to see you I don't want to be with you, I want to be with my dad". (203-204)*

7.3.3 Interaction

Knowledge of the parenting practices and behaviours of non-resident mothers is according to Kielty (2006) still very limited and in the literature available, there is some controversy regarding the interaction of non-resident mothers with their children. Authors like Grief (1997a); Seltzer (1994); Maccoby and Mnookin (1992) hold that non-resident mothers are more involved parents than non-resident fathers and are more likely to maintain their

parental roles across households while they are at the same time less likely to fall back on leisure activities when they spend time alone with their children. In a more recent study, Stewart (1999) however found that non-resident mothers adopted a parenting style similar to that of non-resident fathers in that they also relied predominantly upon leisure based activities during contact visits. In this study, several of the participants described their interaction with their children when they had the opportunity to be with them.

Jill: *Last night at 7 o'clock we were lying on the trampoline here looking at the stars, you know I look at, I grasp at that and it keeps me going. (443-445)*

Iza: *We didn't have lots of money, we used to do things that didn't cost money you know but still today they talk about it. (692 fg)*

Marina: *Ja you know this is what I do, I mean the kids will come home and we'll sit and play games or cards or... because they know I don't have the money and I actually that's probably better quality time. (695-697 fg)*

Tiny was another mother who did not adopt the role of a Disneyland mom but rather attempted to maintain her mothering role across households (Stewart, 1999).

Tiny: *In the beginning he used to say to me you must take them for coffee or take them out but I said I don't have the money for that I don't I can't afford to take them out over weekends. So now when I go there I do everything, I do the washing and I cook, he also cooks for them now but I offer to cook, I wash up and tidy up and I bake because they eat a lot. (288-292)*

Tiny's son also remembered the things she was doing with them:

Josh: *My brother is interested in cycling and my mom loves the Tour de France so they talk about it and I ... I also like shopping you know retail therapy, so we do shopping and stuff you know the mother / son outing whatever. (264-272)*

While I did not get the idea that the participants were entertaining the children lavishly, several of them shared the fond memories of happy experiences they had in their interaction with their children:

Iza: *... and so when they came to us it was ... we spent really quality time with them, we had the whole weekend which we devoted to them, we did things together, we walked around town we went on history expeditions, we had lovely holidays together and all those sorts of things. (74-78)*

Jill: *Although he doesn't want to sleep over, just being together is great, the cards that he makes for me, the birthdays the wishes, the phone calls. I got a phone call from him the other day, "I'm stuck with my Afrikaans, please help me with my Afrikaans". That, that's heaven to me, you know. (485-488)*

Vee: *... she writes me little letters and I make gifts you know ...he makes out that I buy my child ...its not buying her its just...with the little bit of money and I can afford to buy her something then I buy it and I keep it and then she knows. (213-216)*

Nicky: *I have a sound system in my car that we all put it together ... so even when he's not with me I listen to the music that he was listening to because he plays certain songs for me to listen to and I listen to the words and stuff that he's expressing. (298-303)*

Even the happy interaction she had with her son, contained elements of pain for Sandy.

Sandy *...for the first time in years all of us were together and he just had a ball and he was like a baby again you know. "Mommy carry me, Mommy do this, Mommy this" you know and sometimes he even like calls this woman's name and then he'll have tears in his eyes, "I didn't mean that Mommy, you know you are my mother but sometimes I just you know"... ...I think its because he spends most of his time with this woman that he actually calls me Aunty Sally sometimes you know? And it hurts...it hurts. (218-224)*

Some participants savoured interaction with their children but Zina's attempts to interact with her son were not successful and she eventually had to terminate it. She explained:

Zina: *It reached such horrific proportions of arguments and him still doing nothing that last year I phoned his father and said I can't anymore, I cannot. We'll either kill each other or he's going to rob me because he was violent with me, he'll slap slap slap, "Hey you bitch you bitch you bitch" ((deep sigh)) once in front of my maid and she said no, no we must call the police. I tried to and he would just come up and take the phone and push me away. But it was abusive really. (623-629)*

Lynn in turn provided a dismal picture of her situation void of interaction with her first-born daughter.

Lynn: *I don't know what she likes, I don't even know what her favourite colour is, I don't know her friends, I don't know ...anything about her I don't, I can never remember what grade she's in at school. I mean it's minor details but it's those little things that as a mom it's*

very hard to accept you know it's ... ja, I just, I'll never have my eldest daughter you know.
(248-253)

Since a mother's sense of self as mother and woman is often dependent on contact with her children, Greif (1997b) holds that issues of contact and visitation can leave mothers particularly emotionally vulnerable. How the contact with their children materialised in the lives of the participants will be explored now.

7.3.4 Contact

The fourth facet of parenting from a distance transpiring from the data, together with the quality of relationships, the children's attitudes, the interaction the non-residential mothers had with their children, was the contact they had. Similar to the other facets, certain similarities as well as differences in their experiences of contact with their children also emerged from the data and will be discussed in more detail now.

The data suggest that there were certain impediments to regular, fulfilling contact with their children about which the participants had the following to say:

7.3.4.1 Disregard of Court order and / or Obstructions from the resident father

Sandy: *Reasonable access, that's what it states, but I've never had it never ever ever and I don't know.....what to do about it anymore ...fine weekends I go to pick up my child, he's gone to Durban next weekend I go, he's gone to Johburg and that's what he did every single week.* (266-267; 139-140)

Another participant had more or less the same experience:

Emma: *Reasonable I was given free access, visitation, custody whatever you call it and I wasn't allowed one minute of that up until today and I tried to fight it I don't know how many times...When I say I'm not allowed to, you see he puts it in a way that ... "I never said that, I said you can come visit" ... but then he'll put it to the children and saying "Your mother wants to come visit this weekend but you know what boys that's fine you can see your mother but you know what I'm going skiing this weekend so what do you want to do?" ... and he gives the choice to the children. Obviously the children want to go jollying and having fun.*
(238-240; 88- 93)

In some instances the court order regarding access was of no value.

Zina: *You know as much as you say, I had free access that was given to me as was ruled by the court but it did not work because the ex-husband would I think purposely arrange that the child was not at home the time that I arrived and he would stand sometimes with the child behind him and say “You’re no welcome in this house do not set one foot on that veranda”. The child would also reluctantly come with “Daddy I don’t want to go with her” sort of thing. (648-653 fg)*

Lynn was another mother whose rights to access were supposed to be secured by means of the high court order, but in reality she never had the alternate weekends and school holidays provided for by the order.

Lynn: *I’ve seen her ... twice in almost 18 months because now she’s got her friends on that side and also ouma²⁵ and them and all the old friends from this side so she basically spends her time between the two other homes and I get her a bit here and there. (126-129)*

In family law, access disputes are considered the more difficult and complex issues for legal statutes to address since as just shown, those issues are not typically resolved by a divorce order (Blank & Ney, 2006).

7.3.4.2 Children who avoid contact

Another obstruction to regular contact was the reluctance of children to have contact with their mothers or in some instances, they even appeared to have been alienated from them. This can be the most painful issue for most parents even if they understand the reasons for their children’s refusal (Greiff & Kristall, 1993). A child who is physically separated from his or her mother does not necessarily develop an aversion towards the mother and is likely to still miss the mother and to seek contact with her. When this does not happen it is very likely that the mother has been devalued systematically and the child has been encouraged over a period of time to criticise the mother, to gather information against her for the father’s custody case or to lie for the same reason and ultimately to refuse to see her (Chesler, 1991). This paternal brainwashing of children is a conscious and systematic attempt to force children into rejecting their mothers or what Chesler (1991: 149) refers to as “psychological matricide”. This explanation together with what Zina and Emma related about their marital

²⁵ Grandmother

histories can offer some understanding of their problems to maintain contact with their children.

Zina: *Gary was getting away with murder as he grew up he was spoilt, he could have anything he wanted when he wanted it and I would be overridden in front of the child he would say "You don't have to listen to your mother I said you can do it". (77-80)*

Emma *Okay... he ... he black ... mailed me to my kids he turned my kids totally against me that even today now I'm taking from the last time I saw my youngest son is four years ago. (83)*

Chesler (1991) furthermore holds that a successfully brainwashed child does not want to see his or her mother at all and intensely mistrusts and dislikes her.

Zina: *So I saw very little of Gary in the 2 years that I remained in Gauteng and eventually I decided I cannot just pass that school anymore, because I had to drive past that school to go to where I stayed. I cannot pass that school anymore. It was just like a dagger in me twice a day. (326-329)*

Relocation to a city near the sea did not make a difference:

Zina: *And look Gary still didn't want to come and visit me here, I thought it would be better for him being away by the sea, nice environment we can have fun together when he comes for holidays, it didn't work, he didn't want to come. (337-340)*

While Greif (1997a) acknowledges that parents can be instrumental in sabotaging visitation, he also explains that some children will withdraw from the warfare between combating parents by avoiding contact with one of the parents. The solution he offers however is not to stop contact, but rather to attempt to improve the parents' relationship.

7.3.4.3 Geographical and other challenges.

The data also indicated other challenges to regular contact with the children. Jane who had left her very young child in the care of her ex-husband in Scotland said:

Jane: *...we lived in Highlands which is difficult to get to, you've got to have a car ... and I didn't have enough money for bus fares I was really poor.(27-29)*

Jane eventually emigrated to South Africa and had minimal contact with her child and concluded:

Jane: ... she's very much closer to her father and her stepmother Maria than she is to me, because I was cut out of her life ...you know like she's been brought up to think that I abandoned her so she never had that trust in me. (16-22)

Stepparents and new partners can also cause a breakdown in contact.

Tiny: ...the worst thing for me was that they didn't get on with my new partner ... they would never come to stay with me or visit because of him. (129-132 fg)

Iza: ...and then he remarried...she ((2nd wife)) then decided that I shouldn't have access to the children every weekend I could see them once a month. (46-47)

Financial restrictions can also make contact more challenging.

Emma I can't just get in the car and travel 200 k's²⁶ to their town for a surprise visit what if they have made other arrangements it costs money. (98-101)

Helen: Dit was nie maklik gewees nie, ek wou hulle elke dag gebel het, ... maar finansiël kon ek nie.²⁷ (366)

While reasonable access is the type of access most non-resident parents are likely to settle for, it was interesting that Beth and her children did not find it sufficient in their case.

Beth: ... and the times when he lived half term with his father he still every morning he'll get up early in that suburb get on the train, run all the way here and then see me for about 10 minutes before school and then goes to school so he he kept up the contact I mean it was pathetic to see how this child tried to keep up the contact. (294-298)

Considering that Beth as well as the children wanted a custody order in her favour one may well ask whether any kind of access can compensate for the loss of the opportunity to be a resident parent. It is perhaps with situations like these in mind that Blank and Ney (2006) refer to children who are forced to literally live with the outcome of a legislated decision based on a hierarchy of discourses that overpowered the child's own discourse.

There were however some mothers who were not prepared to take no for an answer in their quest for contact with their children.

²⁶ 125 miles

²⁷ It was not easy, I wanted to phone them every day but finance wise I could not

7.3.4.4 The non-resident mother asserts her right to contact

Nicky remembered how she was desperate to maintain contact with her son after she left the marital home.

Nicky: *I used to drive all the way to their area to go and fetch him from school take him to his house which was about a kilometre away and then go home again so that I could see him every day. (248-251)*

Her contact with her child was nevertheless frustrated which she described in electronic mail to me.

Access to my son was very strained and I was being manipulated by my ex and my son because they could see how upset I got when I didn't see my son. My ex paid my son large amounts of money (bribed) to work on the weekends so that he didn't come to visit (E-mail dated 14 February 2006).

An economically brainwashed child is according to Chesler (1991) likely to please the bribing parent. This is particularly relevant to adolescents since Stahl (1999) warns that they can be rather mercenary, pitting one parent against the other in material blackmail. Nicky however came to a point where she took a stand and said: "I used my interdict and I said no this is bullshit you know you can't prevent me from seeing my child. And I struggled for ages to try and get visitation" (273-277).

Jill also experienced problems with access to her children after a high conflict divorce, but eventually decided to assert her court ordered rights to access to her children. She explained how difficult it was, particularly because her older son appeared to have been alienated from her.

Jill *...once I moved in there I then arranged through my lawyer, I said I am now entitled to see my children every second weekend, what's happening? And I hit another brick wall because Ted, 8 year old then, didn't want to come ... (300-303)*

Jill however persisted in maintaining contact even during social events at school. These ceremonies can according to Greif and Kristall (1993) be very upsetting for non-resident parents because it typically includes a public appearance of the divorced parents in the same place. In-laws and stepparents who may also be present, can complicate matters even more.

Jill: *... I remember, phoning my ex-husband once and I said to him: You ... can take that custody report and you can shove it...and I said to him from now on I will speak to my boys*

every night after 7. ...I said from now on I will go to every school function that I can. I will be at assembly when they get their prizes and ... that was the turning point the big turning point And I started doing that and I started arriving at... the granny's house, to see my boys, I just ... I became so thick skinned. And let me tell you things just got better and better and better. (379-389; 392-397)

The data suggest that the resident father can play an important role in nurturing contact between mother and child, but can likewise contribute to its destruction. Vee and Marina however indicated that they found ways to maintain contact with their children despite many attempts from their ex husbands to frustrate that contact.

Marina: *Well I try to have them every Sunday but sometimes, like I must phone today and make the arrangement you know everything will be fine and then suddenly "I want 48 hours notice". So this is the new thing where he gets 48 hours notice but he knows I see the kids every single Sunday but anyway I will phone and I will do whatever it takes so that I can see my kids anyway. (300-304)*

This problem is apparently not unique to Marina's situation because Chesler (1991) also refers to fathers that unilaterally reserve the right to change plans at the last minute and therefore she holds that non-custodial maternal boundaries are not particularly respected by custodial fathers.

7.3.4.5 The resident father facilitates contact

Although apparently more the exception than the rule in this study, the accounts of three of the participants indicated that the resident father can make an important contribution to facilitating contact between the non-resident mother and her children. The type of support these former spouses offer according to Bailey et al. (2003) varies depending on the level of animosity between the parents. This was also suggested in this study where Helen, Tiny and Iza, the participants who maintained less hostile relationships with their previous spouses, were the ones whose access to their children was less frustrated. Another variable that cannot be ignored is that these are also mothers who willingly, though with sadness, surrendered custody because they believed it was in the best interests of the children. Grief (1997) holds that mothers who give up custody without hostility and for altruistic reasons, are more likely to remain actively involved with their children because animosity is likely to be reduced. Helen who had to stay in her ex husband's home when she came to visit her children said:

Helen: *As ek gekom het vakansie het hy vir my eintlik... baie ordentlik behandel, baie rustig behandel asof hy weer probeer om my terug te wen.*²⁸ (379-380)

Similarly, Tiny had unrestricted access to her ex husband's home and was allowed to have daily contact with her children (291-294 fg). Their cooperative post divorce parenting even went beyond permitting liberal access.

Tiny: *... if it is one of the children's birthdays we will all go out for a meal maybe to the Spur and if I can pay I'll pay otherwise he'll pay it depends on whether I've got money or not... and I think it is important for the children to have that.* (305-309 fg)

Iza, who encountered a minor problem with access when her ex husband was in his second marriage, had no problems with access to her children after he married his third wife "... so they continued having the children and we continued having whatever access we wanted" (Iza, 69-70). The children were free to come and go between the two homes, but it appears that Iza and her husband also respected the other parents' rights because she said:

Iza: *... and one of the things we agreed to make sure that they knew that their home was not with us ... their home was with the other parents and this is where they come for holidays and weekends and we loved them very much and all that and ... that actually worked out as they said themselves that they're the most functional dysfunctional family they knew at school.* (95-101 fg)

All the different facets of parenting from a distance that have now been illuminated appear to have been somehow interrelated in the context of this study. These different aspects have been tabulated to facilitate analysis of the data. The Table is included as Appendix 12.

Now that the participants have allowed the reader to form some idea of their experiences of non-resident motherhood, one may wonder how they perceived their children's reaction to their parenting from a distance. I will attempt to present some of their perceptions in the following section.

²⁸ When I came for holidays he was actually very polite to me, treated me very gently... as if he tried to win me back.

7.4 THE CHILDREN'S REACTION FROM THE MOTHER'S PERSPECTIVE

At some point during the course of the interview all the participants mentioned how they perceived the reactions of their children to their parenting from a distance. Particularly helpful are the views from Tiny's adult son Josh with whom I also had an in-depth interview. During the interviews, the most significant themes that emerged were the children's suffering, their reactions to the parental relationships, blaming the mother, loyalty to the father, that they were forever hoping for a reconciliation, and the role of stepparents. Each of these themes will be discussed in more detail now:

7.4.1 Distress of the children

The distress of their children from a wide range of age groups, is the one theme that most of the participants mentioned at some point during the interview. The loss children feel at divorce can according to Bryner (2001) be compared to that experienced when a parent dies, but can be worse because it lacks the concrete cause and finality of death. The distress even the youngest children suffered as a result of the parent's separation was well illustrated in Helen and Iza's accounts:

Helen:... *as ek weer weg gaan dan is dit weer 'n tranedal en dan smEEK hulle my oor die telefoon, "Mamma kom huis toe."*²⁹ (312)

Iza: *My daughter was only 5 and it was terrible after the weekend you know when they come to spend the weekend, I drive them back to their suburb and as we go over that hill towards their place she would say "I've got a sore tummy" ((imitating a little child's tearful tone)) (276-278).*

Eve, whose son was three years old at the time of the divorce said:

Eve: *When Sean came back to us he was nearly ten I realised that he couldn't read, I couldn't believe it so I took him and had various educational assessments done ... his problems were actually around ... he was having difficulty studying because of the divorce and all that, he was still emotional. (331-333; 338-340)*

²⁹ Every time I left again there was a vale of tears again and then they begged me on the telephone, "Mommy come home"

This would suggest that the problems this child experienced had not subsided years later when he was of school going age. This is also reflected in what Zina had to say. Her child was nine years old when his parents divorced but at the age of 24 his mother still observed the following:

Zina: *Why did you get divorced? There's a lot of anger in him, there's a lot of questions, there is still stunted growth because of the drug addiction but the drug addiction was because of the pain and I understand that. (62-66 fg)*

What one should however not lose sight of is that many problems attributed to divorce can have their roots in the period of family interaction before the divorce. Witnessing marital conflict between the parents (7.3.3) can in particular have adverse effects and the more intense the degree of conflict, the greater the effect is likely to be (Hetherington & Stanley-Hagan, 1999).

Beth, who fought for the custody of her children of school-going age during a prolonged court case observed the most profound signs of distress in both her sons.

Beth: *... both of them were very distraught in this whole time with the court case and everything going on and the older one especially wanted to come to me very badly and tried very hard to come to me... I was really worried for his mental state he was, he had shingles at that stage he had headaches, he couldn't sleep he was anxious he had a real real bad time... the other one remained with his father and he developed severe severe severe problems, behaviour problems, scholastic problems, problems in terms of drug abuse, alcohol abuse eventually this he flunked out of school. (390-392; 277-278; 298-300)*

A common assumption used to be that parental divorce did not have a major impact on older offspring, but Coleman and Ganong (1993) point out that it can be emotionally overwhelming for young adults too when their parents divorce. It was particularly informative to hear how Tiny's perception of her son's distress was confirmed when I interviewed him.

Tiny: *And the children suffer, they all loose out, no matter what age when there's a divorce they will suffer and I think the older the child is the worse it is. You know my oldest my oldest son for him it was very tough, he suffered the most funny enough. (261-264)*

Josh: *We were sitting in the policeman's offices to talk about everything and he says to my parents ja I've got this child next to me who is acting as if he is 50 years old ... talking about me ... so it really has its effects... Yes yes I mean that's the point I was caring for the family and my dad was one of the children and I had to counsel him actually telling him what to do and I didn't like that responsibility at my age. I mean I was 19 and all my friends were going out to party. (22-25, 121-124)*

This supports Emery's (2004) contention that children in the care-taking role are overburdened, not so much by extra household tasks "but by the developmentally inappropriate responsibility of caring for their parent's uncontrolled emotions" (p. 72). At the same time, Coleman and Ganong (1993) mention that young adults do not tend to seek therapy perhaps since society assumes that they are less affected by their parents' divorce. However, what Josh had to say indicates the importance of not overlooking their needs:

Josh: *I'm sure the experiences in life also make you contribute to who you become and what you are so ... it's terrible I wish I had spoken to someone more about it to get these feelings out (188-190)*

7.4.2 Blaming the mother

Four of the participants remembered how their children blamed them for the marital break-up:

Tiny: *Ja... signing that paper you know, giving them up and they were very upset because they thought, they told me, the boys told me that it was me now choosing him over them, they told me that. (189-191)*

Iza: *I told the children and the children were angry and you know why did you give us you know why why did you desert us why couldn't you stay with dad? (91-93 fg)*

Another aspect that was very real in some of the participants' memories was the loyalty the children showed towards the fathers.

7.4.3 Loyalty to the father

Tiny reasoned that some of her children's misery was also because they felt sorry for their dad (194) which Josh confirmed:

Josh ... but my concern is my dad he doesn't talk much he has nobody to talk to and you know a psychologist whatever. I'm sure it gets to him sometimes. Sometimes I can feel his frustration and confusion about everything but ... there's only this extent of how much I can help him you know. (115-119)

Iza and Jane also remembered their daughters' unfailing loyalty towards their fathers.

Iza ... my daughter would never leave him she always stayed with him and it was only after he died that our relationship has really sort of blossomed again ... because I think there was always that split loyalty. (114-117 fg)

Jane: ...this is the little girl I loved so much that it nearly killed me to leave her and she will never know she will never know because she won't accept that... she believes her father all the way that I ... you know abandoned her. (630-633)

Marina recalled how her children covered for their father, while reporting whatever she did to him. It was nevertheless evident that Marina did not necessarily believe that it was a matter of loyalty:

Marina: You know like I'm doing something and they must report it and yet they don't come and report to me what he does. Now how can he do that? It's just it's total manipulation and ... I mean it's it's mind power. (169-171)

7.4.4 Forever hoping

A few of the respondents remembered how there were indications that some of the children continued hoping that their parents would reconcile, sometimes long after the parents had already accepted the finality of their separation:

Iza: I said oh let's throw something into the wishing well and Carin threw in and she said "I want my Mommy to come back to my Daddy" ((saying it in a little girl's pleading voice)) and she was 4 years old, no 5 years old.. (236-238, 240-243)

Sandy suspected that her son would even lie to get his parents together again. She related how she attempted to explain their relationships with their new partners to him (224-228) when he just said: "I want you and Daddy to be together... I still want you and Daddy to be together and he still loves you because he still keeps your wedding photo" (Sandy 223-224).

Bryner (2001) explains that acceptance only occurs when children gained the emotional experience and distance to see that perhaps the divorce was for the best and that their parents

were happier living apart than they would have been living together, but he also advises that this usually occurs only in older children or even young adults. It appears that Josh, Tiny's 22-year-old son had this more realistic view when I asked him whether he at any stage hoped for a reconciliation:

Josh: *No I didn't. I wouldn't like to see them together again, they've moved away too (far) they're very different people and I don't see them ... there are nine years difference in years as well. (152-156)*

7.4.5 The role of stepparents

At the time I interviewed them, six of the participants were remarried and three of them were in cohabiting relationships of which one was a lesbian relationship. One of the remarried participants was in the process of getting divorced again. Parental remarriage which initiates becoming a stepfamily can, according to Robinson (1993) result in further disequilibrium and disorganisation. Zina explained how difficult it was in her second marriage:

Zina: *... it was my second marriage I had two boys from my previous marriage and he always favoured the youngest one, our child. And it was difficult that emotional triangle it's it was awful. (267-269 fg)*

Tiny's children were at odds with her new partner which Josh verbalised:

Josh *... every time I see him I get this cold chill down my spine but this year he hasn't come to our house because there is an interdict against him...I'll never talk to him never, I'll never go there ...if I never saw him again I'll be very happy. (14-16, 130-132).*

Bailey and Zvonkovic (2003) however claim that new partners can also offer valuable support to non-residential parents which became evident when both Eve and Nicky lauded their new spouses for their support. Eve said "I managed with time and with my wonderful husband now to stand up against this man and the abusive situation" (187-188). Nicky in similar vein explained how her second husband intervened when she had no contact with her son: "It used to really upset me and eventually it got to the stage where Peter would actually send him an sms. and say listen please just come and visit your mother"(286-288).

It does appear that some well meaning stepparents can also be on the receiving end of difficulties. Sandy told me about the rewarding relationship she had with Z and how her life

changed for the better since their relationship started a year before (13-14), but also told me later how Z had to play second fiddle when her child demanded all her attention. This partner however had an even bigger price to pay:

Sandy: *I was pregnant at the beginning of the year but due to what I'm going through you know I decided to terminate the pregnancy, it was very hurtful for Z you know because he was looking forward to the baby but to me it was..... I could not betray my child and have a baby. (271-275).*

While it is possible that non-resident mothers can be so drained emotionally and economically that they cannot think of having another child, Chesler (1991) also explains that these mothers are sometimes unwilling to admit that an irreplaceable child was lost forever. This may be true of Sandy who said “... I always have the hope that he will come back to me and I will have the opportunity to be there for him” (277-278). It can however also result from her deep-seated concern for his neediness which she described as “...he's been like going on like a baby and wanting attention all the time” (233).

Svare, Jay and Mason (2004: 94) refer to one of their classifications of stepparents, the “extended family stepparents” as an approach to step parenting where all the parental figures in the children's lives form a stepparenting team. Once again, such an inclusive approach to stepparenting can also be challenging because there are often a lot of emotions to work through (Svare et al, 2004). This is aptly illustrated in Iza's account of her experiences of being part of a stepparent family involving children from both her and her husband's previous marriages. She told the focus group how her son competed with his stepfather for her attention:

Iza: *... he was very resentful he used to look at me and say “Why is he putting his arm around you” or “Why are you feeding him why is he not getting his own supper” you know... (273-276fg)*

In turn she also had to take a back seat to the stepmother, when her daughter got married.

Iza: *... I wasn't part of the whole thing ever and if ever I did try and muscle in somewhere and said let me do this specially “No we'll have to include, you know, step mom because she gets very upset if she's left out” so that was a rough one. (171-177fg)*

Iza nevertheless also shared her heartening experiences demonstrating how a step parenting team can also expand opportunities for love, guidance, financial and human resources for the children (Svare et al., 2004).

Iza: *I made sure that I was never resentful about any money that had to be paid over to the kids or whatever because that ... I think that can also cause problems and if we could whatever extra we could give them, we did ... but without spoiling them. (258-263)*

This was a stepparent family that, in the children's words, was the most functional dysfunctional family they knew of (203). From Iza's account it was evident that she was also appreciative of the contribution the other set of parents made:

Iza: *We never interfered with any sort of discipline but the other two were really so good about it... I mean him and her but by and large they really you know the other two parents they were very good to them. They were always treated exactly the same you know there was no sort of discrimination between ... yours and mine (186-187, 105-108fg).*

7.5 CONCLUSION

In this chapter I attempted to present some of the experiences of parenting from a distance the participants so generously shared with me. These can offer valuable insights particularly since Kielty (2006) contends that only a handful of studies from the limited research on this non-normative post divorce population, focus on the mother's contact and involvement with her children.

In the previous chapters on the participants experiences of marriage and of parenting from a distance, reference has sporadically been made to the litigation process and all its connotations probably since those are issues fundamental to non-resident parenthood before, during and long after the divorce order has been issued. How the participants experienced the litigation process will be explored in the next chapter.

CHAPTER 8

THE MOTHER EXPERIENCING LITIGATION

8.1 INTRODUCTION

An earlier chapter expounding the fractured landscape of family law as well as those chapters dealing with the participant's experiences of marriage, divorce and parenting from a distance, set the stage for the participants to unveil their experiences once divorce litigation became part of their life stories.

The issues that will be explored in this chapter are the mother's understanding of the legal processes, the professionals involved in the processes and custody and access decisions. With regard to the custody and access decisions, the participants will share their perceptions of the motives behind wanting custody and the process of arriving at those decisions.

8.2 LEGAL PROCESSES

Divorce in South Africa is effected through the Divorce Act (Act 70 of 1979), an act that followed the example of various Western legislatures when the no-fault divorce was introduced (Van Zyl, 1997). The implication of this reform in family law is that the irretrievable breakdown of a marital relationship is in terms of this act, the principal ground for granting a divorce. While this 'divorce by request' (Van Zyl & Bekker, 2000: 10) system has done away with adversarial procedures of proving guilt and innocence in dissolving a marriage, the decisions on custody and access have not reaped the same benefits. When these decisions are taken in terms of section 6 of the same act, there is still room for sparring spouses to bombard each other and the courts with allegations, denials and counter allegations. This can continue for as long as it takes to convince the court that one party is innocent enough to 'win' custody while the other is guilty of one or other wrongdoing. The latter party then 'loses' the opportunity to continue parenting his or her children in the way it was done before the marital relationship dissolved, a situation assumed not to be through the fault of any of the parties.

In reality this process summarised here in a paragraph, is a comprehensive and complex process for which law practitioners need university training and some years of practice to develop the expertise required for operating in the judicial system. It is therefore not entirely unexpected that Haffey and Cohen (1992) found that women often have little familiarity with the legal aspects of the separation and divorce process. This can have serious implications for them since Blank and Ney (2006) argue that a specific discipline, practice or institution that has a special language that is privileged (such as legal discourse) and not accessible to an individual, can control that individual. This is a possibility that can have grave consequences when it comes to family matters and particularly custody decisions. It is therefore necessary to explore how much the participants in this study understood the legal discourse and the processes involved in custody determination.

8.2.1 Understanding of the legal processes

Accounts from Sandy and Nicky indicate that they did not only lack an understanding of the legal processes but it appears that the custody orders caught them unawares as well.

Sandy: ... *I did not know anything about it. I only got this divorce document... I think ... I don't know the date because I didn't care, but I got it... like two or three months after the divorce was actually granted and to me I didn't know that this guy was gonna go and file for custody.* (316)

Nicky: *I'm surprised the family advocate didn't phone me. Shouldn't they interview the mother? I don't know...I just signed the divorce papers and it was already done.* (390, 394)

Eight years after Helen's children were placed in their father's custody, she still questioned the process when I interviewed her.

Helen: ... *ek het net op 'n dag gehoor maar luister hierso sake het so gedraai, ek gaan nie meer die kinders kry nie. ... Daar het ek nou gehoor dat hy toesig oor die kinders gekry het. Tot vandag toe weet ek nie wat die rede was dat hy dit gekry het nie.*³⁰ (251-253, 277-279)

It appears that this could also happen to Thandi who did not get a favourable report from the family advocate, but accepted that as the final decision.

³⁰ I just heard one day listen here matters have changed, I am not going to get the children anymore. ... There I heard that he now got custody of the children. Until today I do not know what the reason was that he got it.

Thandi: *I had both my parents until my mother died so I didn't have any knowledge about divorce it was the first time I ever came across something like a divorce and even separation, I don't know how things work when parents separate. Even with the divorce and the custody, when I went there I just when I was told when I got the report from the family advocate I just took the report from the family advocate as final ... now I'm very much confused I don't know anything about the courts I don't know anything about custody and the divorce. (350-355, 359-360)*

Thandi was not the only participant who admitted that she did not understand the legal processes since Emma also said "... I'm stupid with these things I mean what do I know about divorce and custody and all this stuff" (343-344).

Zina who decided not to contest custody in court was under the impression that her nine-year-old child would have been expected to give evidence in court, something she did not want him to be exposed to.

Zina: *....and to take it further it would mean that Gary has to stand up in court and tell the judges and the judges will decide. ... So I did not want him to go onto the court stand, I thought that would even be more traumatic and awful. (226-227, 288-290)*

It appears that nobody informed Zina that this was something most unlikely to happen since there is according to Van Zyl (1997) consensus that it is not desirable to question children in open court where they may be overawed and too distressed to express their true wishes.

Families going through marital separation can experience enormous stress and internal turmoil and yet society expects them to take life changing decisions during that time (Haffey & Cohen, 1992). Eve said "I was extremely emotionally weak and my self esteem was at an all time low by the time I came to leave him" (13-15). She continued explaining how this incapacitated her when the custody of her child had to be decided:

Eve: *... at this stage he was two and a half so maternal preference rule applied all these things. I was totally unaware of my ... rights. I was just completely ... I mean I know that I don't come across as a submissive person but at that stage I was just completely floundering. (74-77)*

With hindsight wisdom, Eve also understood more about the adversarial approach in courts:

Eve: *You know now I would just turn around and say look there's two sides, he's being paid by my ex what else is he going to say. Now I know a lot more about the law and I wouldn't take it so personally but I was deeply wounded. (209-212)*

Emma expressed very strong ideas because she felt that the legal system failed her:

Emma: *... I didn't study custody and divorce and it's not my line I would not know ... I had nothing and no one on my side because the legal system I think has fallen flat everybody is too fat and lazy to get off their butt and do a job to get that salary. (424, 430-432)*

Considering the substantial demands the litigation process can make on those involved, Emma's appeal for support from professional people does not appear to be unrealistic.

8.2.2 Professionals involved

The role both legal and mental health professionals played in the divorce experiences of the participants will be further scrutinised in this section.

8.2.2.1 Lawyers, attorneys and advocates

One of the essential interventions Haffey and Cohen (1992) suggest to those who attempt to help divorcing women is to refer them to a network of attorneys for consultation so that they can gain a feeling of realistic control over their lives. Turkat (2000) on the other hand advises that attorneys differ widely in competence, effectiveness, empathy and style and it can be difficult for a client to know where a specific attorney ranks in these attributes. The participants will now have the opportunity to relate their experiences with legal counsel.

Eve: *I think I was given very bad advice. I don't think that I was supported at all through my divorce by attorneys and I don't think that what had happened to me should have happened ... and I had funny enough I had a senior attorney ... one of the top divorce attorneys in this countrybut I think that she's motivated by money and was then because it was all about highly billing. I don't think it was about "Hang let me help this person." (56-58, 238-246)*

Jane: *The lawyers are quite happy my lawyer is quite happy he says "Oh I need another hundred thousand please" he's quite happy, my husband's lawyer is quite happy he knows he's got an open purse, nobody, the high court nobody is saying stop, stop this money, this has got to stop, these people are being destroyed or this woman is being destroyed. (383-387)*

Lynn: *One of the reasons why I had to give up the fight eventually because it just got too expensive. ... ja lawyers are lawyers are lawyers you know at the end of the day. (358-360)*

The adversarial approach followed in custody litigation can make it, in Van Zyl's (1997: 105) words, "prohibitively expensive" a reality with which several of the participants in this study would agree. Turkat (2000: 205) also observes that a lawyer who chooses to carry out litigation in a hostile and accusatory manner can turn an ordeal that is already stressful into "a nasty and bitter experience" which the following account can substantiate.

Beth: *... and in my opinion it was a very biased court case. ... and I felt day by day, it went thirteen days you know it's a long time I felt I still felt no let's just bring everything to court and then it cannot not go in my favour it's not possible ...it didn't go in my favour I couldn't believe it and the judge then at that stage brought a penalty clause in terms of making me pay for the whole court case as well. ... it you know I was impoverished at that very second.(160-174)*

The sting of a nasty and bitter litigation experience is according to Turkat (2000) further intensified if the one party is court ordered to pay the fees of the opposing attorney. This may explain why Beth after ten years said:

Beth: *I've had 13 days in court and fought, lost a lot and it's still after 10 years extremely extremely painful and I still feel it was extremely unjust. (27-29 fg)*

Legal costs are no doubt high with no guarantee that one will not after the court case be in a less desirable position than at the onset of litigation. This is possibly the reason why some decide to represent themselves, referred to as 'pro se' cases of which the outcome can be equally precarious which Nicky's experience substantiates.

Nicky: *You know I never saw a lawyer, I got divorced without a lawyer. He's the one that instigated the divorce, he's the one that saw the lawyer, he's the one that got all the papers drawn up, he got custody, he got everything. I eventually got R12000³¹ out of the divorce and that was because of money that I inherited and that was because of ... a time share that I've paid for but other than that I actually got nothing. (140-145)*

³¹ More or less US \$1714

It is probably with situations like these in mind that Turkat (2000), while acknowledging that representation by an attorney may bring its own set of problems, still opines that the custody battle litigant represented by an attorney has significant advantages over the 'pro se' litigant.

Several authors (Van Zyl 1997; Stahl 1994; Robinson 1993) acknowledge that there are lawyers who are highly litigious, fighting for their client's interests only, with little regard for the child's interests and the cost of their work. Numerous lawyers, according to these authors will however adopt a conciliatory approach while merely defending their client's separate and competing interests. Iza and Jill's experiences are likely to provide proof of this.

Iza: *I went to see my lawyer he said to me ... as hard as it may seem right now ... neither of you have the means to start a custody fight and it's very damaging for the children very often ... let him have the custody. You make sure that you have adequate access to the children and in the long term they decide where they're going to go but then by then all the hurt is gone and it's sort of more of a natural progression of how things happen... and it is actually exactly how it happened. (76fg, 83-89fg)*

Jill also appreciated her lawyer's wise counsel after she lost custody.

Jill: *So((sighs)) the divorce and everything was finalised and I remember my lawyer saying to me that when the time is right take these custody papers and burn them. I still got them, I've never read them again... not ready to burn it, I think the time will come. (249-252)*

8.2.2.2 Psychologists

Another group of professionals to whom the participants referred were the psychologists who assist the court to decide on the child's best interests for the future. This, according to Van Zyl (1997) is essential in custody decision-making because he believes that people from the legal professions are unlikely to be able to determine the mental health of the parties involved. Blank and Ney (2006) also refer to the practice of court, but they have very distinct views against these assessments which they claim are often misdirected and even damaging when diagnostic labeling obscures the child's personal discourse (Blank & Ney, 2006). Some of the participants are likely to agree with this argument:

Eve: *... he appointed a psychologist who I have significant problems to this day with, the integrity of this person that he appointed because I don't think that he made confirmed*

conclusions or good conclusions. I think he was a misogynist to tell you the truth, ... and as I will get to, time has proved that these things weren't right. (65-71)

Zina: *We then went to psychologists and did all the tests ... which were gruelling. I found it like tearing at my heart ... I was furious to have to rush a test and answering questions and ugh the doubting too of what I thought about everything and anything and I feltraped in a way and to be unsympathetically handled and he was subjected to the same things so I don't know how he felt. (209-224)*

Beth related her experience when they jointly appointed a psychologist, but her ex husband afterwards decided to appoint his own psychologist and she continued:

Beth: *...then we said okay let's choose a psychologist who would then be completely unbiased ... and then we jointly decided now this person is the now the best ... and it took him about six months and it came out that was also in my favour ... the other one brought out his report and as obviously it went then in ... favour of the father. I remember I still said that to the psychologist I said to him now look this is farcical, why do you want to have a little session with me because both you and I know what the recommendation was gonna be, and it was like that. (344 –348fg, 135-144)*

While it is possible that each parent can appoint his or her own psychologist, Ackerman, Ackerman, Steffen, and Kelley-Poulos (2004) found that psychologists, judges, and attorneys alike prefer custody evaluators to be court appointed. Although it is widely recognised that a neutral evaluator is best, it does not deny parents their right to appoint their own experts. Martindale (2004) however reminds those evaluators that custody evaluations are often conducted in an atmosphere of distrust and animosity and therefore advises them to use procedures designed to avoid fueling suspicion and to contribute to trust and openness.

Another group of professionals who are equally involved in custody evaluations are the professionals in the offices of the family advocate.

8.2.2.3 The family advocate

From an awareness that children could often be the innocent victims of divorce, the first Family Advocate's Office in terms of the Mediation in Certain Divorce Matters Act (Act 24 of 1987) was established in 1990. It was realised that the courts could not rule on directions given by parents alone, particularly at a time when there was no guarantee that the interests

of parents in conflict with each other would not override those of their children (Glasser, 2002).

While family advocates are specialists in law, they are assisted by family counsellors who are usually social workers. Family advocates can also appoint other professional social workers to investigate cases on their behalf, or recruit expert advice from psychologists and psychiatrists. The implication is that role-players from both the legal and mental health professions work together as an inter-disciplinary team to assist the court in determining the children's best interests (Bonthuys, 2001a).

I will proceed to report on the experiences the participants had with the office of the family advocate. Some of them did not specify whether they were attended to by the family advocate as such or by family counselors.

Jane: *I don't know what their qualifications are to be family advocates I don't know if the lady we saw is an advocate at all or some or other version of a social worker, I'm not quite sure but she didn't seem to be able to handle our situation terribly well.....they don't know me when I 'm going to these offices, my son feels strange, we're not acting normally but if those people came to a person's home I mean they do it for the S.P.C.A. they do it for dogs that they're giving away they go and visit the homes and they're not prepared to do that they don't have enough time this is what they told me they don't have enough time ...it's astonishing. (309-312; 327-332)*

Lynn: *I was disgusted with the family advocate's office I must admit. ... the lady that we dealt with couldn't speak English and she spoke Afrikaans, very fluent Afrikaans person who could speak it quickly and I lost a lot of it. So you know she'd ask me a question I wouldn't know what she was talking about so I wouldn't say anything ((laughing)) and according to the reports it came across as passive aggressive. So I felt from that point of view, it was very very one-sided and very ...very unsympathetic, you know it's a traumatic thing for any family to go through from both sides you know it's ... and I just felt that she could have been a little bit less harsh. ...just a little bit more of a compassionate sort of approach to the whole situation would have made it a lot easier. (304-329)*

Thandi's misgivings about those in the office of the family advocate were based on the fact that they discouraged her to be honest and that they refused to interview her 10-year-old child daughter whom they never saw before a recommendation was made. She explained:

Thandi: *When I told them about my child and my husband I told them that I knew that my husband loves my child he loved her. They said we must advise you that whatever you say can be against you can be used against you and I said if it means that I must lie, I won't lie...(115-118)*

Thandi:... *I wanted my child to be interviewed even by the family advocate but they said that she's too young. Nobody saw the child, nobody interviewed the child (211-212)*

The irony was that Thandi's child apparently desired to have a voice in the decision that affected her:

Thandi: *She asked, oh my child asked me one time "Why am I staying with my father", I said the magistrate said that you must stay with your father. ... And then one day she said "Mom, just because you don't want me to go to the magistrate, I'm going to take myself and my friend and go there and we are going to tell her that I want to stay with you". (281-291)*

Thandi concluded: *I have never been hurt in my life like when I received that report. ...That was the day that I decided I will never ever ever believe in the justice system or the family advocate..... it hurt it hurt. (126-127;131-133)*

Another participant also reflected on her unhappy association with the office of the family advocate and social workers:

Jill: ... *then social workers got involved and a family advocate was appointed and just ... you know I've worked my way through that in therapy and through faith and sitting with my pastor here many evenings ... but it was hell. ... and also at the time, which I felt was highly unfair, none of my friends were interviewed, people who really knew me. ...But everybody in his family like it was dad, granny and grandpa, an uncle who happens to be an advocate, people were called in from that side to say you know let's hear more about the mother, and I thought it was highly unfair. (36-39; 207-216)*

It appears that the expectations expressed by some of the participants were not unrealistic since Gould (2004) also refers to the need for collateral interviews with relevant information sources and direct behavioral observation of the parent and minor children. In the same vein,

Bosman- Swanepoel et al. (1998) hold that home visits are valuable diagnostic tools that can enhance the ability of behavioural scientists to truly evaluate the situation.

It can however in some instances be very difficult to meet the minimum standards that are expected. Glasser (2002), in his evaluation of two offices of the family advocate, found that they lacked capacity due to insufficient and poorly trained staff and inadequate equipment. He concluded that the best intentions of very dedicated staff were not sufficient to cope with an ever increasing workload.

8.2.2.4 *Social workers*

When social workers apply their evaluative skills and their skills for obtaining social histories and for interviewing small children, they can play an important role in custody decisions particularly in filling the gaps of lawyer's knowledge on child development (Van Zyl, 1997). The participants had the following experiences with social workers:

Sandy: *When I came back the social worker from this town social department phoned me and she said to me you can't do this thing just upping and going with your child without getting consent from your husband and I said to her I don't need consent because it's my child ... and she said to me if you guys can't sort out your personal things we will take this child and put him in a safe house. (127-133)*

Emma: *I was just screwed by the social worker. ...I felt also I knew the social worker was very good house friends with us but before we got divorced, her and my husband were very very good friends. ... but there should be a law against sucking up to people, buddy buddy ... it doesn't work like that where's your loyalty where's your..... professional line of duty, what's right is right what's wrong is wrong, ja where's your ethics? (246, 67-73,172-176)*

Considering literature, Emma rightfully asked these questions since Martindale (2004) advises evaluators to be unencumbered by personal or philosophical agendas, committed to a balanced approach in their work, and to be alert to phenomena that adversely affect decision-making. One of the participants indeed reflected on an assessment by a social worker who apparently met these expectations.

Tiny: *...we went to an attorney and they said we must go to a social worker because we had the children ... we saw her at her practice she had her own practice she works from her home ja and I took her advice. You know she saw my daughter on her own she saw me on my*

own and my ex husband on his own and then she saw the two of us together and then all of us together. (33-34, 315-320)

This engagement with the entire family can enhance one's understanding of the family which can be described as a sociological microcosm, where negotiations between members and displays of affection, interest and instruction may tell us more about the system than the individuals concerned (Lamb, 1997).

8.3 CUSTODY AND ACCESS DECISIONS.

Having provided the reader with some understanding of their experiences with the legal processes and the professionals involved, the participants will now reveal more about the custody and access decisions, particularly their perceptions of motives for seeking custody and the decision taking process.

8.3.1 Motivations

Literature reveals a wide range of fathers' motives for wanting custody of their children and some authors are quite sceptical about them, claiming that they can have little to do with the interests of the children, but are much more about revenge or parent's needs (Robinson, 1993; Bosman-Swanepoel et al., 1998; Van Zyl, 1997). There is however also evidence that there are South African fathers who value their father-child relationships highly and whose motives for wanting custody are centred in the child's well-being (Arenstein, 1989; Pieterse, 2002).

Some participants had their own perceptions of their ex-husbands' motives for seeking custody:

Thandi: *... but by taking this one he wanted to hurt me. I asked myself one time, my husband can see that I'm hurting that was the day I said I'm not getting hurt again, I'll just let things go as they are because he enjoyed seeing me hurt. (271-273)*

Jill: *And her words to me that day were: "I know why my son fought you for custody" So I said well hello tell me, I'd like to know because from those reports I certainly cannot see. So she said it's because of the financial aspect. He hates parting with money, he would have had*

to pay big maintenance because these two boys go to a private school so you can imagine the financial implications. (381- 385)

Eve: *Probably one of the other reasons that they do it is in the hope that the woman will go back to them because she can't bear to leave the kids. (257-259)*

Some of the participants also revealed how they mulled over the decision to relinquish custody.

Marina: *...they're living with their dad now and I don't want to go and disrupt their lives. ...you know the only sort of ... benefit to the whole situation would be if the kids stayed with me it was for me, I'd get something out of it and I thought well that's not a good enough reason I should rather just leave them where they are. (346-351,113-115)*

Helen: *... toe besluit ek wel ek moet nou besluit wat vir hulle die beste is, ek moet nou bietjie my trots in my sak sit en my eina in my sak sit en ... ek gaan nou besluit wat vir hulle die beste is, nie wat vir hom gaan plesier nie, maar wat vir die kinders die beste gaan wees, baie moeilik gewees³²... (290-293)*

Eve raised a very relevant question, also echoed in literature when she said: "I will be very interested to know ... how many abused women actually do this, what I did because it must be a factor in non-maternal custody" (265-267). This concern that parents may not be in an equal bargaining position is indeed also raised by Barratt and Burman (2001). They mention the possibility that what is presented to the court as an 'agreement' may in reality have been forced upon one of the parties and they surmise that it will probably be the mother. According to them, this phenomenon has been noted in countries as diverse as France, Japan and Zambia. Eve and Sandy strengthened this premise with their accounts:

Eve: *I decided to go for joint custody just as a way to get out of this marriage because it was just going on and on and on ... and I really I mean I made attempts to kill myself. I couldn't wait to, I just was desperate to get away from all of this. (85-90)*

³² Then I decided well I will have to decide what is best for them I have to put aside my pride, I have to put aside my hurt I will now decide what is best for them, not what is going to please him, but what is best for the children was very difficult.

Sandy: *As I said to you I've been in this abusive relationship for years and to me at that specific time I just wanted him to do what he want you know and I've had it and I didn't want to look back. (157-159)*

Literature indicates that it can be a most painful experience for parents when their children reject them even if they understood the reasons for it (Greif & Kristall, 1993). Zina was no exception.

Zina: *I decided with ((sigh)) blood ... tears, tears of blood that ... I won't go further fighting, ...What am I fighting for, if he doesn't want to be with me, I don't even think, likes me, I will never win I will never win anyway, because whatever dad wants and says and does when he sees dad, he will negate whatever I do. (279-291)*

Nicky from a more or less similar situation wrote in her electronic mail to me:

... my son was 12 years. I asked him where he wanted to live and he chose to stay with his father. I never saw a lawyer at all and gave custody to my ex-husband on the basis of my son's wishes. (E-mail dated February 14, 2006)

The participants had vivid memories of the decision taking process which will now be reflected.

8.3.2 Making of custody order

Like Nicky, two other participants, Iza and Tiny, also did not contest paternal custody. Both Marina and Thandi, whose divorces had not been finalised at the time of the interviews, also considered not contesting the fathers' claims to custody. Sandy claimed that she was not aware of the father's intentions to claim custody and thus did not dispute it during the divorce court case.

Six of the participants did contest the fathers' claims to custody but capitulated at some point before going to court, which some of them explained as follows:

Zina: *...it was a custody battle of note and very gruelling with psychologists and hectic ... So I... after great deliberation and heartache and real depression decided that maybe it is better but I didn't that was not my decision, it was a decision made out of sheer ... circumstantial ... it's that... sheer circumstances. (40-42 fg, 233-236)*

Lynn: ...after two years and about R6000³³ I didn't have any more money so I had to just give up the fight and say okay fine and he got her. (108-109)

Jane fought to the bitter end, but she was also forced by circumstances to hand over her child to the father the night before the court case.

Jane: Jill was with me in my father's house... he didn't want us to stay ... so the night before the court case I had to phone my ex-husband who was my mortal enemy and say you have to come and get Jill. So he drove for three hours picked her up and whisked her off and that's the last. The next day they said well the child has gone back to the father so there's no contest. (352-360)

Very similar to Lynn and Jane, Eve also surrendered custody but only after the court process had already started. Although the family advocate recommended her for custody her ex-husband remained very demanding and she became increasingly depressed. Her decision was eventually based on advice from her mother. She explained:

Eve: My mother called me from abroad one day and she said: "He's the one who's got a home, the support, the income, why don't you just do what women never do, think about the unthinkable, why not? It doesn't matter what everybody else thinks. It is going to be so bad so let him just get what he wants, get your divorce and then you won't have to worry about child care and stuff like that. Get back on your feet and see what happens". And I consulted my psychologist and he said to me you know your son will choose to come and live with you some time anyway. (95-104)

Custody was then awarded to the father but Eve concluded: "My ex-husband did not get custody because he was the better parent. He got custody because of the whole legal circumstances" (120-122).

Emma who was the applicant in the divorce was present in court but she did not contest the social worker's recommendation in favour of paternal custody and explained the process as follows:

Emma: We agreed verbally and on writing that I would have custody of the kids and he would have visitation rights any time as long as its during reasonable hours. ... I filed for divorce, I went to court and he... wanted custody. At court the judge awarded custody to him

³³ More or less US \$857

on two grounds. ...One was that I'm HIV positive and unable to care for my children and at that time my oldest son was 13 ...and the other reason was he spread a rumour and he said that I am lesbian with my partner and if I can just add even if that was the case that's discrimination. It's got nothing to do with custody of children. (41-49; 65- 67)

Beth was the only participant who contested the father's application for custody in court and like Emma she also felt that she was discriminated against as a result of her lesbian sexual orientation. She said the following about the decision-making process in the focus group meeting:

Beth: *I'm gay, that also was part of it but then they used it ... So they used small little other things, they didn't want to say that was the thing because then I could take them to the Constitutional court so they used all little nonsense absolutely the stupidest little things and most of it was also not even correct. (418, 421-427fg)*

From their research on the issues mothers with a lesbian orientation face in child custody cases, Duran-Aydintug and Causey (1996) concluded that depending on the country where the custody trial takes place and the judges' personal biases, a mother can be denied the custody of her children based solely on her lesbian sexual orientation. This is also documented by Kendell (2003) stating that it can be a daunting challenge to overcome judicial stereotypes about lesbian and gay parents even in states that do not permit courts to discriminate on the basis of sexual orientation. In South Africa, Section 9(3) of the Constitution provides that the state may not unfairly discriminate against anyone directly or indirectly on the ground of amongst other things, sexual orientation. Beth however said:

Beth: *I mean one could have anything on paper but it doesn't change the minds of the people and when we went to court my attorney immediately said to me that when they had a court in the chambers the judge already said you know bla bla bla all about lesbian tra da da da and she already found that he was biased against me. (144-152)*

Concerning this contentious issue Bosman-Swanepoel et al. (1998) arrived at the conclusion that the quality of care and the quality of the relationship the parent has with the child are more important considerations than the parent's sexual orientation.

Beth's indignation was exacerbated by another issue as well:

Beth: *Oh yes by the way at the time of the court case I also tried for the children to come and say in court what they wanted like the King case. This judge just screamed and screamed and he just said that he wouldn't be dictated to he wouldn't listen to other children he just doesn't he doesn't do that kind of a thing. So they never had a voice ...so what was written in the Constitution couldn't be I mean it doesn't work like that. (260-266)*

Kassan (2004) refers to a similar situation where the plaintiff's counsel also argued that the children's preference should be conveyed to the court through an intermediary or a court-appointed legal representative, an argument based on the provisions of section 12 of the United Nations Convention on the Rights of the Child, 1989 and article 28(1) (h) of the South African Constitution. The judge however rejected the request which Kassan (2004) considers an error. This may explain why Glasser (2002: 74) still refers to children as "the voiceless members of society".

When covert motivations are operating, Turkat (2000) believes that it can lead to a judgement that is quite different from the direction given by the evidence before the court. This is again supported by data from this study:

Beth: *The family advocate's office also brought out a report also in my favour so we had two in my favour at that stage. (104-105)*

Turkat (2000) continues to explain that judges and attorneys like all other human beings have biases that can influence the decisions they take. If a judge therefore dislikes a certain type of person he or she is unlikely to admit it when a ruling against that litigant is made. It can nevertheless cause additional stress for the litigant as the search for a viable explanation of an unexpected ruling may remain elusive as Beth experienced.

Beth: *So I for years and years and years I would think what, how what I would say to the judge if I see him again or how could I formulate a different thing or what else could I have told him and I knew all along I mean if he didn't listen to me then there's no reason he would listen to me now.(358-361)*

8.4 CONCLUSION

From the participants' candid accounts of their experiences it is evident that custody litigation can be one of the most intense and emotive areas of divorce. At the same time, this can also be an area most difficult to understand particularly since the people whose lives are so intensely affected by these processes are frequently not familiar with the discourses that form part of the process. These divorcing people have to rely on professionals who are assumed to have a better understanding of legal and psychosocial discourses to assist them with decisions they and their children have to live with for the rest of their lives. The duty Stahl (1994) places on the shoulders of every professional thus involved, is to understand the dynamics of divorcing families, to maintain an understanding of the needs of children and to uphold the highest of ethical professional standards.

The participants will offer the reader the opportunity to learn more about their experiences and the impact it had on their lives in the following chapter which is likely to emphasise the significance of Stahl's appeal just mentioned.

CHAPTER 9

THE MOTHER EXPERIENCING LOSS AND COMFORT

9.1 INTRODUCTION

A recurring theme in the limited research available on non-resident mothers, is their feelings of discomfort and pain (Pagano, 2000). After the participants in this study have across several chapters generously shared their stories of married life, divorce, parenting and custody litigation, questions about their feelings during those processes may logically be asked.

This chapter will attempt to explore the participants' experiences of loss and also of comfort if that was possible. It will also refer to the impact non-resident motherhood had on their self-perception and the participants will share some ideas on their means of coping. It is important not to lose sight of the context in which these experiences took place and therefore it should be read against the backdrop of their life stories that they have unveiled so far.

9.2 DESCRIPTION OF EXPERIENCES

Seen in the context of their unique life stories, it is clear why Pagano (2000) claims that each non-resident mother's experience is somewhat distinctive and eccentric. Yet when they share the continuum of their experiences it is interesting to note that there are also common themes, not only in the experiences of the participants involved in this study, but also when compared with experiences of non-resident mothers in other parts of the world. In reflecting on losing custody and parenting their children from a distance, the participants mentioned a wide range of unpleasant reactions such as grief, pain, helplessness, trauma, anger and frustration, remorse and guilt which will be discussed in more detail now.

9.2.1 Grief and mourning

Grief according to Schiraldi (2001) is the suffering associated with loss. Like the non-resident parents referred to in literature (Greif 1997a; Pagano, 2000), the participants in this study also described the grief reaction they had to the separation from their children and the loss of the relationships as they knew it before.

Jill: *The pain was too much,... I remember the overwhelming pain, in knowing that this is the decision that they have made and what am I gonna do? I'm I I've lost my children it, it felt like death I've dealt with this harshly in therapy where I said it felt like, like my children ... died ... that day. (127-131)*

Jane: *... after you know losing my daughter and my husband making it very difficult for me to see her I thought I've got to start my life again otherwise I would just go insane with grief. (23-25)*

Beth: *I think for me the obviously the feelings of loss and of not you know the empty feeling of you know looking at the beds where they're supposed to be (381-382)*

Zina: *So I saw very little of Gary in the two years that I remained there and eventually I decided I cannot just pass that school anymore, because I had to drive past that school to go to where I stayed. I cannot pass that school anymore. It was just like a dagger in me twice a day. (326-329)*

Emma: *I can't contact him... it kills a person and death will be better because death it's there, you mourn, you get over it or you learn to deal with it. How do you learn to deal with someone that doesn't want you because of what was put into their minds which is untrue? (464-467)*

Chesler (1991) refers to another mother in another context who said:

It is a terrible thing for a mother to lose her child to Time. Death is an end; Time is a continuum. With death you grieve for days and months. With a live loss you grieve forever. The pain never ends because you can't forget your child is alive and missing.(p.186)

The mourning reaction to the loss of contact with their children was also observed by Greif (1997a) who concluded that it is more difficult for these parents because society does not have a mourning ritual for parents who lose their children in this way. Unlike death for which the ritual of a funeral is provided to make a public statement about a loss, such a ritual is not available after a devastating custody decision or even after divorce for that matter. People are also likely to react in a nurturing way to a parent who lost a child through death, but many non-resident mothers, remain silent and secretive about their custodial status (Chesler, 1991; Greif et al., 1993) and may as a result be isolated in their state of mourning.

Jill: *I went back to work and I was back at work for two weeks when I just broke down one day. I didn't tell anybody what was going on. They just thought that I was going through a separation and then I was given two weeks leave to sort out my life. (139-141)*

Social stigma, which is discussed in more detail in Chapter 10 can make a non-resident mother extremely vulnerable and Greif (1997b) advises clinicians to be keenly aware of the secrecy, denial and shame these mothers may experience.

9.2.2 Pain

In addition to the secrecy about their plight, Babcock's (1997) respondents also reported feelings that ranged from grief and sadness to anger, guilt and loneliness. One of her respondents compared being separated from her children to losing a limb, but unlike losing a limb, the pain of separation never goes away. Some of my participants reported similar experiences of their anguish as physical pain.

Emma: *...you know my heart actually does pain, from the pain. I can't describe being cut off from your kid. (204)*

Jill: *I'm in a... in a tunnel ((eyes filled with tears)), that's never ending, the pain ... like I said, I've said to so many people, that it's a physical pain, it sits here ((indicating chest)), it doesn't go away ... going to work but feeling numb, feeling absolutely numb it was like, it was like my left arm was removed, nothing felt normal anymore. (170-172 & 226-227)*

Jane: *...and he just took her from me... well he just took her and walked away with her and my heart felt that it was been ripped out. (373-374)*

Beth: *I felt that I was gonna die of the pain at times. (389)*

Zina: *... it cut my heart and it has taken 9 to 24 years whatever that difference is, 15 years still it hurts. (290-291)*

Whatever the focus of the research, studies of non-resident motherhood according to KIELTY (2006) consistently document the emotional and psychological pain these mothers go through and it is evident that this study is no exception.

9.2.3 Self destructive behaviour

Chesler (1991) argues that it is not humanly possible to endure so much stress without becoming dysfunctional in some way and then mentions developing life threatening illnesses

and nervous breakdowns or self destructive behaviour like suicide attempts and alcoholism as some of the outcomes during or after battling for custody. Some of the participants reported similar experiences:

Sandy: *I started drinking, I started having relationships with different men you know because I was at the lowest point of my life and I just felt like giving up on everything. (157-159)*

Lynn: *... sort of went through a drinking stage and things like that ... So ja it was a very bad reaction but ja ...it was a way I knew ... I thought of coping. (276, 286)*

Jane: *I was at a complete dead end that night. I didn't even know I don't even know where I slept that night. I handed Jill over at the Holiday Inn in a [big city] and I nearly went to the top of the Holiday Inn and threw myself off the roof. (370-373)*

Jill: *... yes that day changed my life for ever, it did. And... I remember driving away... and I will be honest in saying this, thinking... Do I end my life now? (125-127)*

Another of Chesler's (1991) observations is that mothers who react in these ways may fear that they are losing their minds or that the ex husbands would use it against them. Several of the participants confirmed this:

Nicky: *... so it did drive me crazy in the beginning and my ex husband used that to try and manipulate me to try and hurt me you know prevent Len from seeing me. (151-153)*

Vee: *... he wants everybody to believe that I've got a mental problem... and I don't. I mean I'd love to say I've got a mental problem then, then I'll leave my child...(18-20)*

While most of the participants managed to regain stability in their lives, two of them required in-patient treatment for alcoholism about which they were very open. "I went into rehab for drinking"(449fg) and "I am a single mom I am an alcoholic" (576 fg)

One of the participants also fell pregnant in that phase which she explained:

Lynn: *Well my son was conceived about a year after we separated when I was going through my whole nightclub fever and I had a one night stand with someone and oops! (453-455)*

This participant nevertheless did not regret having this child.

Lynn: ... *I was able to sort of channel all my love and energy onto this sort of replacement for want of a better word. So ja having him was... it was not the ideal circumstances but it was a blessing in disguise. (477-480)*

The cruelty of grief in the experience of the non-resident mother according to Pagano (2000) is that the process is ongoing. She refers to the renewed mourning of the relationship after every visit which Kielty (2006) describes as a chronic reminder of what they have lost.

Lynn: ... *you know that the 24 hours when you have her is great and you get to do things with her and you get to be her mom and you get to do all the things that a mom does and then at the end of that day you've got to say goodbye and you know give her back to ... the other side which is very very difficult. You know I used to cry all the time. (154-159)*

In the same way these mothers have to deal with continuous reminders of what once existed in their lives when they have other children in their care (Pagano, 2000). Lynn also echoed this contention:

Lynn: *my youngest is a little girl, but it's not the same. You know when I had her when I was pregnant with her I thought I've got my daughter now it will replace a little bit but I don't have it because Carin is my eldest ...in a way it's harder because you look at her and you think did she do that when she was that age or you know things like that. (255-260)*

This may shed some light on Sandy's decision:

Sandy: *I was pregnant at the beginning of the year but due to what I'm going through you know I decided to terminate the pregnancy, ...I could not betray my child and have a baby. When am I gonna give him attention if I must have a child now do you understand? (270-275)*

Only four percent of the non-resident mothers of childbearing age in Chesler's (1991) study gave birth again. The most obvious assumptions might be that these mothers were too emotionally and economically drained by the custody battles, but Chesler (1991) assigns it to deeper considerations, stating that it is more likely that these mothers felt that they were still the mothers of their (irreplaceable) children and were unable to admit that those children were lost forever. Sandy agreed saying "Because I always have the hope that he will come back to me and I will have the opportunity to be there for him"(277-278).

9.2.4 Post traumatic stress

With a better understanding of the pain and suffering of non-resident mothers, it is easier to see why Greif (1997a) compares this pain to a form of post traumatic stress. He then refers to two indications of this type of stress namely the extent to which intrusive thoughts occurred and the extent to which avoidant behaviour was necessary. Jill's lucid account of her experiences exemplifies Greif's (1997a) argument.

Jill: *The only way I could cope was to shut down from the... pain and keep going...I would be okay at times and then I would just hit absolute rock bottom in the whole situation, and I put all my family pictures away. I couldn't get myself to look at the photos, it was just too painful. (222-223, 274-275)*

The shut down Jill refers to, is according to Schiraldi (2001) a way of avoiding or numbing of thoughts, feelings and memories of an extremely painful event. He mentions various ways in which this is achieved like turning to drugs or overworking or like Jill, simply shutting down feelings and avoiding anything that can arouse recollections. The brain however has a way of processing walled-off memory material and intrusions can occur during sleep in the form of nightmares (Schiraldi, 2001) of which Jill also had vivid memories:

Jill: *I used to dream ... almost non stop about my children and it was always the same dream and I want to mention this to you. The dream was always that I was in a swimming pool with my children and they were drowning and I couldn't save them ... and sometimes in the dream the water was very clear and I would see their eyes ... and other times I wouldn't see their eyes and ... that became a constant dream ... always the water always the swimming pool always the eyes and then I remember a dream about changing Ted's nappy and it was always terribly soiled.. (631-638)*

In narrating these unpleasant experiences it appeared that the one event that was particularly traumatic for the participants was learning about the custody decision in which they felt they had no say.

Jill: *I remember the 22nd of August 2001, I got the phone call to say that I need to go to the family advocate's offices and we all sat around a big table... and nothing I said around the table helped or counted in my favour, nothing.... I just had all these people looking at me, and yes that day changed my life for ever. (117-119, 123-125)*

Beth: *I felt day by day it went 13 days you know it's a long time I felt I still felt no let's just bring everything to court and then it cannot not go in my favour it's not possible. I still thought that it had to be in some way the guy would see what's going on here and ...it didn't go in my favour. I couldn't believe it.... (166-170)*

Thandi: *I forgot to bring the reports from the family advocate. I have never been hurt in my life like when I received that report. (126-127)*

Although not elaborating on it, other participants also referred to their experiences as traumatic and Helen also said that it was traumatic for her when she learnt that her ex husband was recommended as custodial parent (281) while Vee said: "... but I've had in my last five years more trauma than anybody" (69).

9.2.5 Anger and frustration

The respondents in Babcock's (1997) study also experienced feelings ranging from grief and sadness to anger and guilt and once again it was evident that my participants were not spared these feelings. Zina referred to her ex husband and said "...the pain the hurt, the anger, I I could literally punch that man till he was black and blue"(323). It appears that Sandy felt the same anger when she said: "I keep on saying to Z look I wish this guy could just die so that I can see my child"(197). Jill also outlined the phases she went through:

Jill: *... you read about these things, it was first denial, I went into complete denial with what was happening ... then the anger. I remember saying to my lawyer at the time as they were wrapping things up, I said I want to walk into my ex husband's business and take a swipe at him, I want to hit him so hard, the hate ... the hate was so much. (176-180)*

Similar to Jill, Lynn also said "Anger as well. I was very angry that someone dared to take my child away" (434). When I asked her whether the anger was directed at somebody specific she said in no uncertain terms:

Lynn: *My ex husband and his family and the legal system. You know I was very ...ja very bitter, very angry but because I've made this promise to myself that I was never going to bad mouth them, I couldn't take out my frustration so I withdrew so that's another feeling a lot of woman would have to go through is the anger at the injustice of it all.(437- 441)*

Other participants also shared feelings of anger and frustration with the legal system and the way their custody decisions were taken:

Thandi: *That was the day that I decided I will never ever ever believe in the justice system or the family advocate. I felt cheated I felt cheated.* (131-133, 218)

Eve: *I think just being at the mercy of a non-sympathetic system, a system that doesn't support you, that doesn't support the weak that is the worst thing.* (227-229)

Another participant who felt that she did not get fair treatment confronted the social worker and said:

Emma: *... you stole my children from me you stole my life ... I mean I lost everything (said very softly). I mean it's not fair.*(264-265)

9.2.6 Helplessness

Coupled with the anger and frustration were also feelings of helplessness and loss of control.

Thandi: *So I was hurt, I was hurt knowing that your child hearing that she wants to stay with me but couldn't stay with me and I don't have answers I don't have answers why why.* (287-289)

Beth *... I ended up feeling extremely helpless with the court system and I have lost absolutely all faith in it.* (432 fg)

Sandy: *Anytime when I try to do something to get to my child nothing becomes of it... the dockets get lost this happens, the attorney never pitches up...so I am so discouraged I don't know what to do anymore.* (203-205)

Jill: *... I remember the overwhelming pain, in knowing that this is the decision that they have made and what am I gonna do?... And you know what, a plain simple thing like, they're my children, I love them, I've never done anything to harm them, became... I became this voice of nothing. It's a horrible feeling.* (127-130, 592-594)

Eve: *... the non-custodial parent sitting back and watching when there's things that they probably don't agree with but it is out of their hands, what is it that they can do?* (346-348)

9.2.7 Guilt and shame

One of the most significant differences between non-resident mothers and non-resident fathers identified by Chesler (1991) is the mothers' overwhelming expression of guilt. This Greif and Kristall (1993) believe, stems from the traditional belief that the mother is

primarily responsible for raising children. One participant managed to capture this well when she told me about her guilt feelings.

Tiny: *Ja so much guilt, oh so much guilt ...guilt. You know a mother has got that maternity we'll die like that we're born like that ... you bear those children, you bring them up. (247-249)*

Not to be forgotten is that shame and guilt can also be associated features of a post traumatic stress disorder (Schiraldi, 2001) and can therefore play a role where mothers, as indicated above, have been traumatised as a result of a custody battle and the unanticipated loss of the custody of their children. Schiraldi (2001) continues to explain that guilt is a feeling of being responsible for an event whether that feeling was realistic or not, while shame is a feeling of worthlessness or badness. The participants explained their experiences of guilt and shame as follows:

Zina: *My little boy at that time was 9 years old, he's now 24 so it's quite a while ago but the pain stays and the remorse, regret ... guilt stays. (40-43fg)*

Jill: *I have often and also in therapy I can say to the therapist that I failed my children and this guilt. Guilt is a terrible thing and he just kept saying to me you have to let go of that. It was circumstances and the minute you lift that veil of guilt some healing will also take place. (669-672)*

Lynn: *I was devastated because this is my child and I felt that the findings were a reflection on me as a parent, that I was a bad mother these were all sorts of the kinds of thoughts that were going through my head was that I was a bad mother... and that I didn't deserve to have a child and all these kind of things. (150-154)*

9.2.8 Self perception

Experiences of guilt and shame inevitably affect the non-resident mother's self perception and Chesler (1991) asserts that a custody battle weakens the non-resident mother's self-esteem by crippling or ending her ability to fulfil her maternal obligations prematurely. Clearly some of the participants self-perceptions were also challenged.

Jill: *I felt like I became the scarlet woman. When it was done, I had to prove myself as a mom, as a human being and that was, it was terrible for me. (48-50)*

Zina: ... the self worth as a mother is ...is damaged but that's because we're a mother and our interpretation of being a female is that mother but we're damaged and we need to heal ourselves and to become whole so that we are better for our children. (547-553fg)

Marina: But he said it since my kids were babies...he used to say you're a shit mother, you don't deserve children and I wasn't I wasn't a shit mother ((very tearful)). (82-84)

The premise put forward by Blank and Ney (2006) when they deviate from Foucault's position that self-meaning is produced within and by discourse, is that the individual is also capable of meaning-making. They however argue that this construction of subjectivity or self-meaning is both vulnerable and resistant to larger forms of discourse such as those manifest in and administered by law and psychiatry. This may offer one explanation for the question why mothers who have been through this process would want to defend their self-worth:

Jill: ... nobody's perfect but I've never been a bad mother, I wished for each one's birth, I relished in my pregnancies though I had morning sickness with all of them, even when I got fat I just you know I loved, I loved the fact that I was going to become a mother and that's why it was such a shock to my system it was like somebody punched me in the stomach over and over and over... (202-206)

Emma: I said Anette please don't take my kids away from me. I'm stable I'm settled. The problem is I am loud ... I'm hard ... but that doesn't mean ... I'm heartless ... or motherless or whatever you want to call it. I'm a good mother to my children. (158-161)

It is evident from what has been said so far that losing custody can cause significant turmoil in a divorced mother's life. The next question now is how did the participants cope with this turbulence in their lives.

9.3 MEANS OF COPING

Literature (Richmond & Christensen, 2000) indicates that divorce may be one of the most stressful life changes a person can experience and is possibly second only to the death of a spouse. Considering that this experience can be exacerbated by the stress of a custody dispute and the loss of child custody, one can understand why a friend directed the following question at one of the participants:

Marina: *“How you managed to do it and flipping get through the way you have” she said to me “I don’t know how you’ve done it” I don’t know either because it’s very very difficult but ... I think I am somewhat detached from myself, it’s the only way I can sort of ... you know keep going, but ja ... no it’s not, I mean it’s not easy it really isn’t. (365-370)*

A key component of adjustment to divorce identified by Kitson and Morgan (1990) is to be relatively free of signs and symptoms of physical and mental illness. If those are indications of adjustment, it can be assumed that the participants in this study had adjusted fairly well to their situations because they did not mention suffering from any serious ailments and I certainly did not observe any signs of mental illness as I understand it in any of them. While telling me about their experiences some of the participants mentioned coping strategies that helped them in their adjustment. Some of them for instance indicated how their religious faith provided them with inner strength:

Jill: *I know and I’m not gonna go there but I know religion, people are divided on that ...but that has certainly been the crux for me in the darkest of nights, the darkest of days.(693-696)*

Vee: *... I rely on scripture and I’m really praying because what I’ve been through in my life, if it wasn’t for God I wouldn’t be here darling. (145)*

Helen: *... ek glo nie ek sou dit sonder die Here se hulp kon doen nie.³⁴ (694)*

Although divorced people can benefit from support received from those in the religious community, Richmond and Christensen (2000) concluded from their study that it can sometimes have a negative impact when people are stigmatised by religious communities because of their status as divorced individuals. Seeking support from a group that openly disapproves of what one has done, can be an unfortunate experience which Nicky confirmed:

Nicky: *... my pastor then did get involved and ... besides kicking me out the church which was a very... that was actually worse to me than ... actually getting divorced ... was me being kicked out of the church. (129-131)*

Jill’s pastor played a different role which she remembered as follows:

³⁴ I don’t think I could have done it without the Lord’s help

Jill: *He sat with me night after night and just enforcing keep going, don't ... even through the bad days, you love them, they love you, that's a bond, that bond cannot be broken. (453-455)*

The same participant provided in my opinion an excellent description of how she did not only rely on her religious faith and associated support, but also reframed her situation to make it more bearable.

Jill: *... I had such a strong love for my children that I ... on the good days I kept saying you know, stuff you all, I will show you ... this is not gonna get me down... I might not always get the reaction from Ted ... he was nine at the time, but I had this force, it was like somebody was just nudging me and say you know keep going on. (182-186)*

In very much the same way, Lynn also had to do some reframing of her situation:

Lynn: *You know I used to cry all the time ...until it got to a stage where I had to you know I had to put my other child first and say look you know it's great having you here but I'm not gonna ... destroy myself every time you leave and slowly I sort of came to accept it and understand that okay you know you get her for a while and you give her back and look forward to the next time but it's you know you can't you can't just cry all the time you can't let it upset you all the time so ja it was very very hard. (158-165)*

The meaning of any situation or of any set of circumstances is found in the frame within which it is viewed. By reframing the same situation and the same circumstances one gives those 'facts' a different meaning which allows a different approach and provides new possibilities for action and new ways of responding (Sandidge & Ward, 1999). In their study, Richmond et al. (2000) found that reframing was a useful coping strategy for divorced people and those that did it, reported fewer psychological health problems. Jill who earlier said: "I just remember all that I could do was cry, because I could see what was happening to my family and I felt I had no control" (58) explained how, redefining her stressful situation in a more manageable way enabled her to regain control in her family life.

Jill: *... and I said to him from now on I will speak to my boys every night after seven. I couldn't care if it suits you or your mother or your household,... I said from now on I will go to every school function that I can. I will be at assembly when they get their prizes and I just had it ready for him. ... that was the turning point the big turning point. What did I do? I took charge. I just ... and it comes through ... I just think... through my strength and prayer and the strength that we do get from prayer. (367-373)*

Zina valued the input from a support group and said: “I had come to terms with it a lot but the pain ... is there, helplessness, hopelessness at times but ... the only way out of it is through it” (43-45fg).

Jane, a successful business woman today, took a more drastic step to retain her sanity which she explained as follows.

Jane: *I may have been a completely different person ... had I ... stayed in Scotland just to be close to my daughter even though she was a 150 miles away and I didn't have the money to go and see her, just to be in the same country ...I would probably have lost my mind from heartbreak and just not gone anywhere ... but South Africa gave me a chance that I wouldn't have had anywhere else ... to stand on my own two feet and get skills and learn. (241-246)*

Richmond et al. (2000) contend that mobilising formal support through professionals can also be an effective coping strategy, but also advise that it is only useful up to a point since over dependence on this kind of support can prevent divorced people from exploring other potential sources of support. Jill explained how valuable psychotherapy was in her journey to emotional healing after losing custody.

Jill: *... and this is where the turning point came in one of the sessions with the psychologist there he said to me, because he asked me if I have received the custody reports so I said to him yes I did, and he said to me ... he took a piece of paper and he said to me okay there's your custody report ... there's you ... you're the mother, nobody can ever take that away from you, only God, through death or whatever God's will is in the situation. You know what, it was like a light bulb went on and I remember I cried so much that night, that here ((indicating blouse)), I was soaking wet, ... but something happened in that session and it became a turning point for me. (188-199)*

Both Chesler (1991) and Greif and Kristall (1993) remark that non-resident parents who struggle with feelings of rejection nevertheless frequently express the hope that their children will some day return to them. These authors also noticed that some mothers who lost contact with their children, continued to behave in a consistent and caring manner and kept sending birthday cards and presents. There were indications that some of my participants were also living in this hope:

Sandy: *'Cause I always have the hope that he will come back to me he will come back to me and I will have the opportunity to be there for him. (277-279)*

Lynn: *I'd like to get to know her as a daughter as well you know. I'd love some sort of a relationship but I'm leaving the ball in her court and hopefully one day, you know I keep a journal with my thoughts and things () she's done and my thoughts and things like that and one day when she's old enough I'll give it to her and hopefully then she'll realise that mom's are not such bad people. (371-377)*

Zina: *Nothing can break that bond ... nothing and that gives me hope you know (61fg).*

Emma: *I live in hope... that ... my youngest son will open his eyes somewhere along the line. I send him gifts for Christmas and birthdays, I send messages with his eldest brother, how's your brother, send him regards from your mom. (208-211)*

Jill: *... and I trust in my heart that three years from now, even if there's no piece of paper to say they're now back in your care, I do believe in my heart they're going to come back and if they never do, yes it's not okay but I will live for that, that's what keeps me going. (707-710)*

Like Pagano (2000: 107) I sensed a “perpetual resonance of bereavement” throughout the narratives of the participants and wondered whether there were any positive aspects around non-resident motherhood. I asked some of them this question and they responded as follows:

Tiny: *... no I'm not winning at all in fact I've lost a lot...No I don't think there's any benefits. If I had custody my ex husband would be lonely you know what I mean in the big house, so no I don't think anybody is winning ((Crying)). (226-228)*

Beth: *Nothing good for none of us. Not for my ex husband cause my children hated him with a passion for a long long time and they still despise him ... so he his relationship suffered tremendously so that he didn't win, my children had, didn't win because they didn't live with me and they wanted to live with me and I didn't win so it was a complete lose, lose lose. (395-405)*

Lynn: *...There's none ((said in a soft, almost fragile tone))...There's not one good thing you know. (266, 268)*

Thandi: *I don't know anything you can say is positive of not having your child. It's your own child it's your responsibility when you don't have that without your consent especially it hurts. (313-316)*

A few participants could however mention some positive aspects:

Marina: *At least I won't have that ... sort of pressure every moment worrying whether I can (manage) worrying about... I mean he threatened to kidnap the kids while he was in England still, you know just worrying about all that sort of thing. (108-111)*

Iza who originally said “I didn’t like the idea of giving him custody it was very painful” (90) did eventually see some positive aspects:

Iza: *The other reason why I was pleased that he got them was that it actually made a stronger person of him having that responsibility. There's a lot ... in the marriage there was always ... it was easier just to give to me to handle and he actually came out a better person for it. (229-232)*

Nicky: *The pros are you can sleep later ((Laughing)). You don't have to worry about getting children up in the morning ((Laughing))... not having the frequent clashes and things like that, so there are pros ((Laughing)). (400-402)*

Eve *... and then for that moment as my mother said then he had to do the pack lunches and the school roams and the sick notes and the doctors and the nappies... I'll be the weekend parent, I'll do the fun things and take him to the movies and whatever. (259-265)*

9.4 CONCLUSION.

There is little doubt that the break-up of a marriage can be an extremely stressful transition in a person’s life and from what has been said in this chapter it is clear that the emotional toll of a divorce is exaggerated for mothers in the midst of a custody dispute and those eventually losing custody of their children. The experiences mentioned by the participants bear evidence of the most intense internal discomfort encountered in consultation rooms and therapy settings. These experiences fall on a continuum varying from utter despair (“Do I end my life now?”) to more bearable suffering (“... it was a bit trying”).

Not only the complexity of these experiences, but also the uniqueness of every mother’s experience challenge those in the helping professions not to generalise or to content themselves with a custody evaluation based on standardised tools, but to assist each divorcing mother and for that matter each divorcing family by means of the best intervention available.

It is therefore clear that McWhinney (1995) has good reason to warn that custody evaluation should not be regarded simply as a dispute-resolution device per se. Rather, it should also be viewed as a helpful, healing, educational, and conciliatory means of enabling families to survive the crisis of their separation.

The suggestion of social stigma, which was briefly mentioned, brings forth questions about societal support available to non-resident mothers in their precarious situations and will be explored in the following chapter.

CHAPTER 10

EXPERIENCING THE COMMUNITY DIVORCE

10.1 INTRODUCTION

The community divorce normally refers to the adjustments divorced people often have to make when, single again, they do not fit comfortably into the environment of married couples any longer (Mc Daniel & Coleman, 2003). Coupled with this as indicated in earlier chapters are challenges related to moving away from familiar environments, while often also facing a simultaneous decline in living standards (See 6.3.2). In this chapter the focus will however be through a somewhat wider lens on the question: “How does the community that promotes gender equality and shared parenting, support the divorced mother when she finds herself in the ‘atypical position’ (Kielty, 2006: 77) of not staying with her children?”

10.2 SOCIETAL EXPECTATIONS.

In an attempt to answer the question just posed, the participants will explain their experiences regarding expectations from society at large and also those closer to them and the support they received from the same sources as well as from other institutions. They will also share some advice and suggestions from their experiences.

10.2.1 Society at large

Motherhood represents according to Babcock (1997) a position laden with societal expectations of physical and emotional labour in the daily nurturing of children. The non-residential mother who is perceived as not meeting these expectations, can therefore be stigmatised simply by virtue of her new status. This aspect was aptly described by one of the participants in this study.

***Ev:** You know society has so many levels of expectations of what women should do or what men should do ... often I would find that I was ... people looked at me, women especially in a-m-a-z-e-m-e-n-t that I didn't have custody of my child and they would make judgement calls, they wouldn't bother to find out the circumstances, they'd think “Ah what did she do, you know that she doesn't have custody?” I also find that one will have a lot of these societal*

not expectations but preformed notions of what does a mother mean, what does a father mean, all this kind of thing. (111-119)

Eve elaborated further on society's assumption that the mother automatically gets custody of her children (Pagano, 2000).

Eve: *So I took an unusual step. ... at the time there was a lot of consternation and then as I have said, within the system as well you find that you are at the mercy of a set of pre-conceived notions. Like I said it will always be assumed that the non-custodial parent will be male and then it will always be assumed that the non-custodial parent must somehow be the baddie in the picture. The custodial parent will always be considered to be, not perhaps the better parent but the better person. (126-134)*

Tiny who was immersed in the care of her family for many years, eventually decided to pursue her own happiness but said:

Tiny: *Your children are growing up and will lead their own lives and they, they'll be gone and you've got to find that happiness for yourself you know what you're looking for eventually to make yourself happy but a lot of society have judged me specifically. (555-558fg)*

If this was the reaction from society at large, one may well wonder how friends and family responded to the non-resident mother.

10.2.2 Friends and family

Both resource support and emotional support from friends and family are according to Bailey and Zvonkovic (2003) significant in sustaining non-resident parents' involvement in the lives of their children. As important as these contacts may be, divorce can also be a "friend filter" (Bailey et al., 2003: 65) particularly in the case of the non-resident mother. This is supported by the participants' narratives.

Tiny: *Another thing that I find is that with me it happened that all my, the people that my relatives and faithful friends they all judged me and they said that I walked out on the children and they don't even greet me, you know what I mean. (305-307)*

Iza: ...it was when my mother told her ((referring to a friend of her mother)) that I was leaving my husband and the children would be with him ... “Watse soort ma is sy want tot ‘n hond dra haar kleintjies weg saam met haar”, you know³⁵. (778-782fg)

Helen: Baie mense het my gekritiseer dat ek die kinders gelos het...vir my gesê dis my skuld, maar hulle het nie geweet wat basies in my hart aangaan nie.³⁶ (227-230)

It is not uncommon for non-resident mothers to experience rejection from family and friends and Greif (1997b) specifically refers to the attitudes of their own mothers who may see their daughters' loss of custody as a negative reflection on their own nurturing. Helen remembered how her mother, a divorced mother herself constantly questioned her non-resident status.

Helen: ...natuurlik sy's ook 'n ma gewees wat oor my bekommerd was en dan kan sy dit nie verstaan nie want sy het dan haar kinders gehad na haar egskeiding, hoekom het ek dit nie.³⁷ (362-365)

According to KIELTY (2006), non-resident motherhood is regularly under scrutiny because it is considered atypical for mothers to live apart from their children, whereas non-resident status tends to be assumed for fathers. Thandi who happened to be from a cultural background that differed from those of the other participants, was confronted with the same demands which is evident in the following excerpt from the interview with her:

TP: Thandi and what do the other people say?

Thandi: Mm mmm mmm

TP: Tell me about that.

Thandi: Where is your child? She is staying with her father. Why why a little girl ((said with dismay)) and it would hurt it would hurt and I would say it's the court's decision and they would say she can't because she's a girl she's young and I

³⁵ What kind of mother is she since even a dog will take her puppies with her.

³⁶ Many people criticised me for leaving the children... blamed me, but they did not know what was basically going on in my heart.

³⁷ Of course she was also a mother who worried about me and then she could not understand why I did not have it because she kept her children after divorce.

would not be able to answer their questions. I just... but it would hurt every time every time although they know that she was close to my husband but also she's a girl and she's young it would hurt me so much. It took time for people to get used to the fact that she is staying with her father especially I'm staying alone he is staying with another woman. (317-327)

How deeply embedded these notions of motherhood are, is evident from Eve's contentions. Earlier in the interview she said: "...as I have said, within the system as well you find that you are at the mercy of a set of pre-conceived notions. Like I said it will always be assumed that the non-custodial parent will be male" (129-131). Later she however conceded.

Eve: *Now look at my daughter of 18 months. She (constantly) wants her mommy. She loves her daddy and her first word was daddy but if it you know when it's sick and things like that, it's that smell you know that still goes back to breast feeding and that comfort zone so I understand why there is that generality within society that mothers should be the ones to have the children. (272-276)*

Interestingly other non-resident mothers also shared sentiments which were reminders of the tender year presumption:

Zina: *I do believe a child should be with the mom until at least seven ... at least. I don't understand why dads get custody of children under the age of seven because they can't really help themselves and they don't understand much about life and preferably I think it will be better if they don't go to their dad until they were 12 at least. (657-661)*

Lynn: *... Yes okay fathers do have a right to their children I can understand that but dads can't love a child like a mom does, you know, there's a special bond there and any child whether it's a boy or a girl needs a mother in its life. (400-403)*

It would seem that Pagano (2000) is realistic when she advises that society's influence on the individual should not be underestimated since those influences can become deeply embedded in individual belief systems. It is probably from a similar understanding that Greif and Kristall (1993) explain that non-resident mothers are subject not only to external pressures but also to internal conflict. This may explain why many of these mothers experience so much guilt, shame and anxiety, that they find it difficult to discuss their non-custodial status with others (Greif & Kristall, 1993).

Like the non-resident mother Greif (1997a) refers to, Jill also explained how difficult it was to answer the inevitable question from people unaware of their circumstances.

Jill: ... this has been so difficult because you meet people, people come and visit you and they say but why are your children not with you and you've got to motivate saying ...I've been saying well I am not a drug addict, I've never had a drinking problem but this is what happened purely circumstances. (475-478)

She continued to explain how this pain was constantly reinforced by society:

Jill: That's how my pastor and I met. He walked into my flat one night and said I've got a question – he's very direct... and he said where's your children? And of course it feels like I said to him it felt like you have a wound and the scab you know starts to heal and somebody comes and takes it right off. (449-452)

It is probably to avoid painful situations like these that some non-resident mothers mentioned in literature (Greif et al., 1993; Pagano, 2000) choose to hide this aspect of their lives or to lie about it. It is nevertheless evident that a woman's non-custodial status can make her extremely vulnerable to social stigma while social support is actually what they need to mediate their stress (Greif, 1997b). The question however is, how much support can the non-resident mother expect from a society that does not fully appreciate her predicament.

10.3 SOCIAL SUPPORT

Social support can be defined as emotional and instrumental assistance individuals receive from others in their lives and this support can be of great significance particularly to an individual going through the difficult transitions associated with divorce (Bailey et al., 2003). Based on other research findings, these authors however hold that social support systems of divorced individuals are smaller than those available to married people and divorced people therefore often have to rely on their parents as the primary source of social support.

10.3.1 Support from kin

The participants in this study also reported on the support available to them during the trying times of separation and divorce. Some remembered the support they received from their parents.

Thandi: ... so my father said that we are welcome you know come here I'm alone and I'm old and in my family is also my brother so I was going home with my child and she was going to be the only young child. (143-145)

Iza: ... and our mothers, they were so supportive both of them his and mine ((eyes filled with tears)) I mean Ouma³⁸ was always there, Ouma would, Ouma knew if they were unhappy or if they were happy ... by just listening to them talking, but also never interfered, never ever interfered. (209-213)

Vee: ... even if I can't provide for her I know I'll have the backup from my family to provide ... the goodness. (233)

Sandy: I'll never forget I phoned my dad and I said to my dad you know what I've just had enough and I cried and I cried and I cried and he said I must pack my stuff and I must leave him today and I packed Josh's stuff and my dad came, took everything my clothes and I moved went to my mother's house....(119)

These participants would probably agree with Bailey et al. (2003) that kin relationships are important sources of support following divorce. Some of the other participants were however less fortunate in this area:

Eve: I had a small child, I had no ... support system to arrange to look after my son and my parents, my father who is a professional person had just agreed to go and work on contract abroad so our family home which we lived in for 30 years was being sold and within a month and a half of me leaving my ex-husband, my parents also left the country, so my support structure totally disintegrated. (36-40)

Jill: It just became too much for me. I don't have any family here, I didn't know the pastor and his wife at the time, I had nobody to fall back on, I had no support ... just people I could phone at the end of the day and say you know just pray for me just be with me in this thing because I can see what's happening here.(69-74)

While Eve and Jill had no parents readily available for support, some other participants found that they were stigmatised as a result of the divorce even within their own families.

Jane: I couldn't go to my parents ... Even that they had a six bedroom home I couldn't go there to stay just to get on my feet after leaving Robert. I was just like one big disappointment after another to my father for nobody in our family of 58 first cousins ever got divorced and

³⁸ Grandma

even though my father and mother were completely destroying each other they didn't get divorced because they were Catholics ... so I was the black sheep of the family because ... I'd left my husband. (75-85)

Nicky: *My family turned against me ... there's no divorces in the family until mine ... when the interdicts and stuff started happening they actually, I mean when I moved out, my mother I don't even think my mother still knows where I live. My family is totally ... distant from me. (145-148)*

It can also happen that support is available, but does not necessarily meet the non-resident mother's expectations which Lynn and Marina explained:

Lynn: *... Look she's been through a divorce so she was pretty okay with the whole thing. She's a little bit upset that she obviously doesn't have access to her grandchild but my mom's sort of reaction to any thing is just to be negative and be nasty about the other side so ... ja... I tend to...block that out. (336-340)*

Marina: *I get a lot of support from my family but they don't actually realise what I'm feeling they can't they won't they haven't been there. (582-583fg)*

Several of the participants however also found new relationships particularly meaningful and supportive:

Beth: *... so I at that stage already started a relationship with a woman Mary, and Mary is also in terms of the children, I probably couldn't have got into a relationship with a person more suited ... the children accepted her well they really liked her and that was a very good and stable relationship at the time.(113-117)*

Emma: *... this partner that I am living with that had a daugh...or she's got a daughter as well and she could then help my children as well (54)*

Iza: *I didn't like the idea of giving him custody it was very painful...Ron ((her second husband)) was very supportive throughout the whole process. (90-91fg)*

Eve: *I managed with time and with my wonderful husband now to stand up against this man and the abusive situation. (187-188)*

The non-resident mother is unavoidably also part of a larger system of which Eve said:

“I think just being at the mercy of a non-sympathetic system a system that doesn’t support you, that doesn’t support the weak that is the worst thing” (227-229). Was this also the experience of other participants?

10.3.2 Institutional attitudes and support

While there were participants who were deprived of support from significant others in their lives, some of them accessed other sources of social support such as churches and the work place, while contact with their children’s schools also played a role. They nevertheless also encountered varying reactions.

10.3.2.1 Churches

Support received from those in the religious community can according to Richmond and Christensen (2000) be of value to divorced people which is evident from Jill’s experience: “...you know I’ve worked my way through that in therapy and through faith and sitting with my pastor here many evenings ...” (Jill 37-39). Bailey and Zvonkovic (2003) however warn that churches often alienate those who are not part of an intact ‘traditional family’ any longer and they speculate that it can either be a defensive reaction to social change or because religious institutions do not know how to best serve families with diverse structures. Nicky is likely to agree with these contentions from her bitter experience:

Nicky: ... besides kicking me out the church which was a very... that was actually worse to me than ... actually getting divorced ... was me being kicked out of the church ... because of this affair now that I was having. (129-131)

Those caught in the divorce process or those struggling with the aftermath of divorce may have a greater need and desire for religious involvement (Hart, 1986) and it is probably from this awareness that van Zyl et al. (2000) suggest that churches could play a significant role by inviting divorcing and divorced families to come into the fold.

10.3.2.2 Schools

Like the non-resident mothers on whom Babcock (1997) reported, my participants also openly regretted missing the day-to-day activities in their children’s lives of which school activities formed an important part.

Emma: *My child's 18 turning 19, its over, finished its verby³⁹. I'll never have it I'll never know what it was like to bring them to school. I never was part of that. (604-606)*

Lynn: *I don't know ...anything about her I don't I can never remember what grade she's in at school. I mean it's minor details but it's those little things that as a mom it it's very hard to accept you know. (250-252)*

Iza: *And ja so we missed out on a lot of their sort of day to day school activities ... things like the matric farewell. (113-114)*

Tiny: *... a lot of that has been taken away from me the day to day things of school and varsity as such but I feel a lot of guilt about that... (222-223)*

Thandi: *...when I look at the books my husband just signs without even reading what my child has written so as to look for her mistakes and correct her that's another thing that worries me a lot, school wise. (345-347)*

One of the realities of not co-residing is losing the opportunity to share day to day activities, but it appears that social stigma also made it difficult for Jill to remain involved.

Jill: *And I remember just how difficult it was, going to their school because granny has got no problem in the whole world going to the school and having people looking at me ...of course more and more people then found out about it. (245-248)*

Jill however came to a point where she decided to take up her role as mother even from the non-resident position and said: "...from now on I will go to every school function that I can. I will be at assembly when they get their prizes" (Jill, 369-317). From Neuman's (1998) perspective this was a wise decision since he advises non-residential parents to remain actively involved in the child's school activities and actually advises them to make arrangements so that both parents can assist the child with homework. The advantage this type of arrangement can have for a child is evident from Eve's account.

Eve: *... luckily in my consent paper I had it put in that I could have him psychologically evaluated twice a year and I had wide ranging access to information and I started to use it so then I managed to, while he was still living with his father I managed to get him out of the school he was in ... it was not it really was not suitable for him. (331-337)*

³⁹ over

While the non-residential mother's active involvement was clearly to the child's advantage, it is likely that interaction with the school can also be of value to the mother in the sense that it can ensure some continuity in her role as parent, an aspect that can be precarious when parenting from a distance (Bailey & Zvonkovic, 2003). Jill mentioned more than once how her school involvement contributed in an important way to her healing:

Jill: *...the healing bit by bit started setting in and the fact that I can go to their school.*(407)

...but just being able to go to their schools when there's a function or sports day... a lot of healing has taken place. (413)

10.3.2.3 Support at the workplace

Support at the workplace can help non-residential parents in different ways of which Bailey and Zvonkovic (2003) identify family-friendly workplace policies and social support as the most salient. Jill did not disclose her non-residential situation at work initially and said: "I went back to work and I was back at work for two weeks when I just broke down one day. I didn't tell anybody what was going on" (144-146). Later on the situation changed however.

Jill: *"... more and more people then found out about it, people at work were very supportive ... when I had difficult days, I was told to go home but it was difficult because I was in a management position of a six and a half million rand⁴⁰ store".* (247-250)

Although not without its challenges, it is evident that the workplace offered this non-resident mother much needed support. Similarly, Iza had a sympathetic ear at work and Thandi related how her career helped her in her difficult adjustment to non-residential status.

Iza: *I think something that did help me was the wonderful girls who I worked with 'cause it's actually easy for me to talk about these thing because you know when I was married and heading for the rocks I could still discuss it with my colleague...* (584-586 fg)

Thandi: *When I was working in [Small town] I used to see my child almost every day but not being able to take her home, I saw her in town waiting for the transport to take her to her new home. It used to hurt me knowing that she was also ... what hurt me most was having an untidy child going to school those were the things at least it's better now that I'm in [City]*

⁴⁰ More or less US \$930 000

and see her weekends and also career wise in another school a bigger school and it's in a township it has motivated me at least I'm positive. (303-309)

Hoge (2002) found in her study of women who divorced after childbirth that following a career can be particularly helpful to women whose husbands abandoned them, since it can preserve an area of self-experience relatively uncontaminated by rejection. Thandi's new career opportunities seemingly played a role in keeping her positive. Jane obviously also placed her hope for fulfilment on employment:

Jane:... to all intents and purposes to them I was a wanton woman you know because I'd gone off and ... I was just desperate to find work and desperate to further myself you know I knew that I had potential.(48-51)

Data provided by the participants in this study noticeably support the premise that social and institutional systems can play an important role in supporting the non-residential mother (Bailey & Zvonkovic, 2003; Babcock, 1997), but literature also laments the dearth of public understanding of what non-residential mothers experience (Babcock, 1997). It will be hard to find people more suitable to inform the public and to advise other non-resident mothers, than the participants themselves. I therefore heeded the advice from Reason and Rowan (1981) who argue that a true human enquiry not only needs to be based firmly in the experience of those it purports to understand, but also needs to involve a collaboration between researcher and the participants so that they may work together as co-researchers. From this understanding, I co-opted the participants to advise other non-resident mothers and to suggest policy changes which several of them willingly did.

10.4 ADVICE FROM THE PARTICIPANTS

10.4.1 Advice to other non-resident mothers

10.4.1.1 The separation

Two of the participants believed that the mother's position can be jeopardised should she leave the house:

Eve: *So ... that was I suppose what I would call ... it wasn't a mistake there was no way that I could move back in but ... logically, legally that was what I was told I would have to do if I wanted to get part of the assets of the joint assets of the marital home as it was being divided up. (27-31)*

Zina: *... his point was that I had left the house. And yes that was a negative in my favour and I think if anybody ever has a similar situation, by hook or by crook stay there and if you want to,... take your child apparently it is important to take your child. (238-242)*

Coloured by their own unique experiences, two other participants advised as follows regarding the separation:

Tiny: *Oh I'd say just think very carefully before you go. When it's done it's done. (231-232)*

Iza: *... unless you can really make a go of it now don't stay there for the sake of the children because you are not doing them a favour and I've heard that from so many people and my daughters as well you know boyfriends that they had where the parents waited to break up until the children are 18, 19, 20, those children are very angry you know they are young adults and they are very very angry you know and they will blame everybody then. (592-600 fg)*

In saying this, Iza, perhaps unknowingly entered a widespread debate on the possibility that even a good divorce may be much worse than a bad marriage. This claim emanates from the work of Wallerstein et al. (2000), where they question the perception that divorce protects children against the open conflict of parents. On the contrary they suggest that the loss of the powerful mental image of the intact family can inflict even more crucial harm on them than their parents' squabbles. They (Wallerstein et al., 2000) particularly refer to the deep and long-term emotional problems that often arise only when the children of divorce enter early adulthood and begin to confront issues of romance and marriage.

10.4.1.2 Child custody

Just how difficult this area of a divorce situation can be, is evident from Jane's despondency:

Jane: *I can't I I wish I could I wish I could give advice to other mothers ... it's a terrible situation terrible situation ...((Deep sigh)) ... I don't know, I mean I am a strong capable woman and I've had two husbands trying to get custody of my ... only two children and what can someone like me do. If I can't do something to stop it what can other people do? (615, 620-622)*

From their experiences which were possibly equally painful, other participants did offer some advice:

Lynn: *Never give up the fight ever ever ever... because ... you never know something might happen and if you've given up the fight then ... like now, I have no chance of getting my child back because I gave up the fight and just ... love your child ... just treasure every single moment you've got that child and do every thing and any thing you can for that child just to let that child know that, you know ... you're there! You're the mom. (295-301)*

Jill: *I want it to be a message that ... let that get you out of bed in the morning even on a bad day. You know two weeks is a long time when you don't see them you know, but get yourself out of bed in the morning...what I do in the morning I get up and I go for a walk, motivate yourself because the more motivated you are as the mom the more you can motivate your children and I work on that on a daily basis, without medication. ... I know religion, people are divided on that ...but that has certainly been the crux for me in the darkest of nights, the darkest of days, yes this has happened, will I ever make sense of it? No the answer is no, but just be there for them 24/7. (686-697)*

Helen: *... 'n les wat ek geleer het,... baie moeilik...wat ek vir mamma's sal gee is,...bly in kontak met jou kinders, kommunikeer met hulle, wys vir hulle dat jy nie vir hulle kwaad is nie dat jy vir hulle seermaak nie, dat dit grootmens goed is... moenie jou kinders in trek in jou baklei met jou maat nie. Dis nie die kinders se skuld nie... en raad wat ek kan gee vir mamma's is dit... probeer...met jou eks of met jou vorige maat oor die weg kom ... vir jou kinders se onthalwe want jy gaan die vrugte pluk op die end. Jy gaan dit doen, want ek is 'n bewys, ek kan dit wys.⁴¹ (616-625)*

Iza: *I think you actually just have to ... step back as long as you're sure that they are being cared for and that they are being looked after and that you have regular contact with them and that you don't ... defame the other ... the father this is so important to them ... terribly important. (221-224)*

⁴¹ ... a lesson I've learnt ... very hard... that I can give to mothers, ... stay in touch with your children, communicate with them, show them that you are not angry with them, that you do not want to hurt them,... that this is adult issues. Do not draw your children into the fight with your partner. It is not the children's fault ... and advice I can give to mothers... try to get on with your ex or your previous partner... for the sake of your children because you will reap the fruits in the end. You will do it... I am proof of that, I can show it.

The participants also had some suggestions for policy and practice after their encounters with the different systems dealing with divorce and custody matters:

10.4.2 Suggestions for policy and practice

The bulk of suggestions from the participants regarding change were around the custody decision making processes:

Eve: ... *I'd like to see more being done to ... nip things in the bud before they become so emotionally traumatising for these families...for children, ... before they take up valuable court time. I mean the time that must be spent on child cases! ... Quite frankly I feel that the the state is sometimes a bit of a toothless tiger like the family advocate. No one actually said "No that's enough now, fighting has gone on too long".* (160-174)

Jane: ... *my life now depends on not what's right and what's fair but on who's got the best lawyer and who is prepared to spend the most money or who has the most money. ...* (611-614)

Helen: ... *ek sal nog steeds sê... in vandag se tyd glo ek die wet moet dit so maak dat die ouers vir berading gaan dat dit soort van verpligtend maak. Die ouers moet vir die berading gaan vir voor en na die tyd en die kinders betrek dat daar nie so 'n... bakleiery is nie, want dis nie nodig nie, want dit doen hengse skade aan die kinders geweldiglik en maak want daai skade dra hulle na hulle volwasse lewe oor.*⁴²(576-581)

A suggestion from the focus group was also that court decisions should be reviewable and flexible particularly where children are unhappy or the resident parent is unreasonable (Focus group 734-743).

The need for support perhaps in a group situation was a topic during the focus group meeting.

Zina: I think it is wonderful and I think there is a lot of room for support for each other in whatever circumstances on a daily basis because it all stems from the same root.

Tiny: Like a support group hey where you know they are out there.

⁴² ... I still maintain ... even today, law must compel parents to go for counselling. Parents should go for counselling before and after and the children should be involved ... in order to avoid unnecessary fighting since it harms children immensely even later in life.

- Marina: I am a single mom I am an alcoholic
- Zina: It's very embarrassing in the initial stages
- TP: Ja and who else will understand you so well?
- Marina: No one you know I was talking to my mom because I told her I'm coming...
you know it's jolly easy to talk about but the people actually don't know what it
is feeling like...
- Tiny: They don't know, they haven't been there. (573-583fg)

The participants somehow echoed Greif and Kristall's (1993) contention that group support can help to reduce the sense of isolation non-resident parents often experience. It was therefore not unexpected that they eventually decided to keep each other's contact details so that a group could perhaps be established.

10.5 CONCLUSION

Despite today's constant emphasis on gender equality and more open definitions of parenthood to include both fathers and mothers in the nurturing role, data from this study still suggest that the participants experienced the disapproval of society when they decided to, in Eve's words, "do what women never do, to think about the unthinkable" (98-99). In some instances these decisions to relinquish custody were imposed on the participants and in their most excruciating hurt (Greif, 1997a), they could not connect with others as a result of social stigma or perhaps social ignorance. In many instances they were not only deprived of the support from society at large, but also from those who were supposed to be closest to them. When some of the participants did receive this support it appeared to be most valuable to them and contributed to maintaining their identity and role as parent albeit in an environment outside the family home.

The participants also shared their hard earned wisdom with other non-resident mothers and made suggestions for change. This will be elaborated on in the following chapter where conclusions will be drawn and suggestions will be made to ensure that the data go beyond just being documented and that Jill's plea does not fall on deaf ears:

Jill: *I've been there where two people get divorced, I know how bitter it can be but it shouldn't result in this. It shouldn't result in one parent feeling so much pain and loss and*

anger and frustration. Whether the law can change this, whether the people who make the decisions can change it this I don't know but that will certainly be my request for other mothers who still have to go through it, God forbid, because it changes your life ... totally.
(648-653)

CHAPTER 11

PRESENTATION OF THEORY AND RECOMMENDATIONS

11.1 INTRODUCTION

A researcher following a grounded theory approach is usually expected to develop a theory inductively from a corpus of data in such a way that it can be said that the resulting theory at least fits this particular dataset perfectly (Borgatti, 1996; Dick, 2005). These are the terms I attempted to meet in this study. In order to do this, the corpus of data was organised around the themes, categories and sub categories that emerged from the data and the findings ensuing from this process, were presented in the preceding chapters. In this chapter I will present the theory that was inductively developed from these findings. Some recommendations informed by this theory will also be offered.

This grounded theory model for understanding the experiences of some non-resident divorced mothers evolved from the framework Strauss et al. (1990) originally introduced as a coding paradigm and will now be discussed according to that framework (5.5.3.2). A diagrammatic summary is presented on the next page. I trust that the reader will conclude that it is a theory that provides a good, if not perfect fit to the research situation constructed in collaboration with the participants.

11.2 CENTRAL PHENOMENON

The central phenomenon, according to Creswell (1998), is the category that holds the most conceptual interest, is the most frequently discussed by the participants and is the most saturated with information. In this study it was not difficult to identify this phenomenon because no other theme recurred as often as the discomfort the participants suffered to a larger or smaller degree, at some time during their experience of non-resident motherhood. This resonance of discomfort, particularly emotional and psychological discomfort, reverberated throughout the narratives of the non-resident mothers. This is consistent with Kielty's (2006) remark that studies of non-resident motherhood consistently document the emotional and psychological pain they suffer.

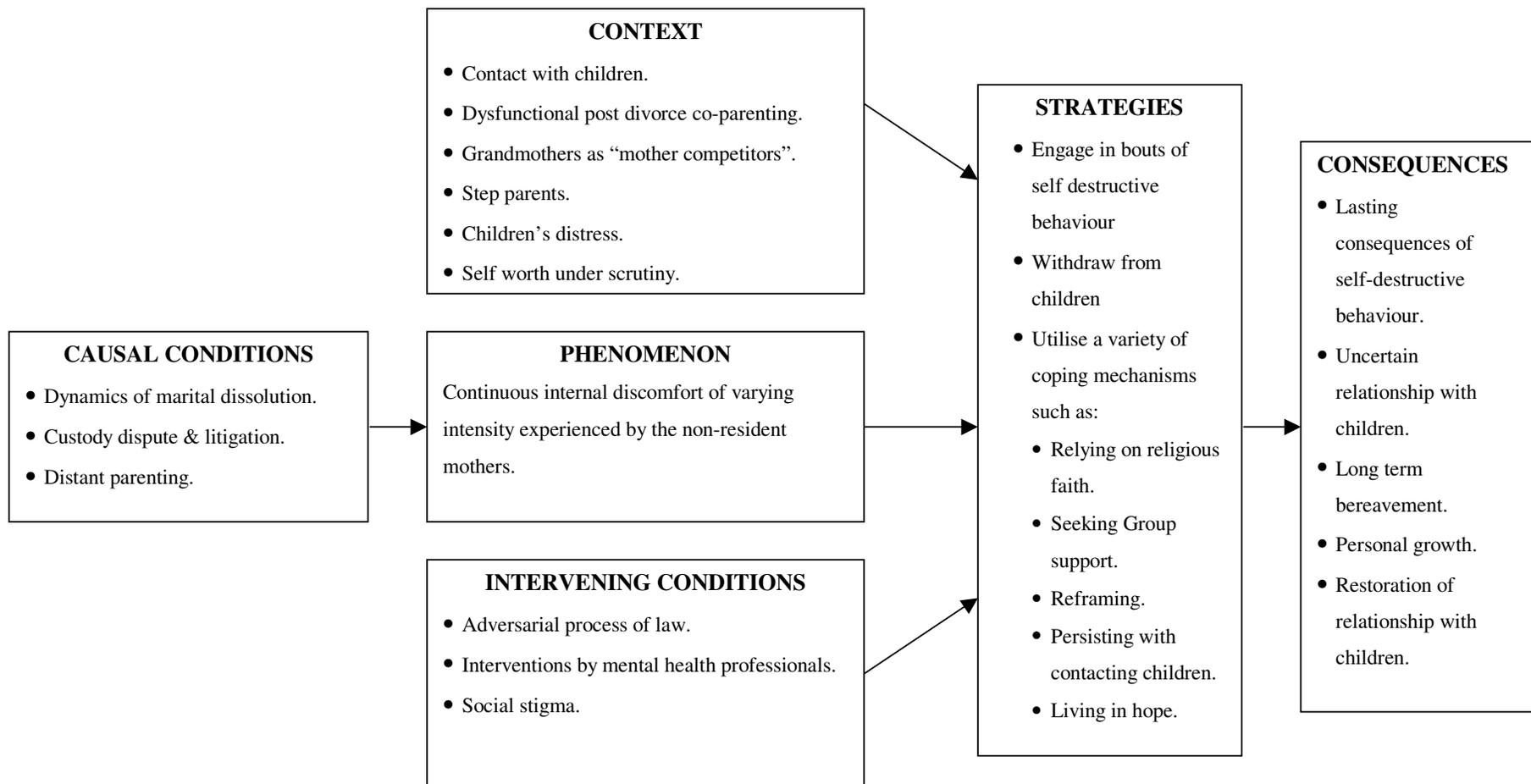


Figure 3. Schematic presentation of theoretical model for illuminating the experiences of some non-resident divorced mothers.

The internal discomfort referred to evidently occurred on a continuum ranging from unbearable for some to “a bit trying” or “tough, very tough” for others with a wide range of unpleasant reactions in between. At the one end there was Jill who said “I just felt God just take me away from it, the pain is just too much, you know I can’t deal with this” (334-335) and Beth who said “I felt that I was gonna die of the pain at times”(389). At the other end there was for example Iza who did not recall the same intensity of suffering, but did remember situations of discomfort.

Iza: ... *there were times I mean ... like my daughter’s wedding ... it was a bit trying for us you know. ... Actually that was tough, very tough. I was the bride’s mom but there was ...the step mom was ... very much* (154-155, 161fg).

Other participants elaborated on this when they mentioned sometimes experiencing their suffering as physical pain: “...you know my heart actually does pain” (Emma, 204) and “it’s a physical pain, it sits here ((indicating chest)) it doesn’t go away” (Jill, 172).

While all the mothers experienced some degree of grief, pain, remorse, guilt and shame (9.2.7) as a result of the loss of the relationships with their children as they knew it before, it appears that those experiences were intensified for participants who felt that injustice was done to them or that they had to live with custody decisions they did not agree with and over which they felt they had little or no control. These participants (Jill, Lynn, Thandi, Beth and Emma) in addition, also mentioned feelings of anger, frustration and helplessness. The anger was primarily directed at their ex husbands and sometimes the in-laws, but also at professional people involved in the custody evaluations and the justice system in which some said they lost all faith (9.2.5).

Similar to Greif’s (1997a) findings, some of the participants also reported that they experienced symptoms such as avoidant behaviour, intrusive thoughts and nightmares that could suggest some form of post traumatic stress reaction (9.2.4). These reactions are understood as the normal responses of normal people to deep emotional wounds which result from exposure to an overwhelmingly stressful event or series of events (Schiraldi, 2001). Jill explained how she shut down from the pain and how she avoided looking at any of her family photos, but how she was tormented by the same recurring nightmares, probably the

brain's way of processing walled-off memory material. Beth also recalled nightmares and sleepless nights during which she relived the court case (9.2.4).

It is important for therapists to keep in mind that non-resident mothers can react in this way since they may secretly and needlessly battle with these symptoms for life without appropriate interventions (Schiraldi, 2001). Therapists should however also be aware of the possibility mentioned in literature (Schiraldi, 2001; Greif, 1997b) that some mothers may suffer in isolation because they feel to embarrassed to talk about their experiences and to seek support. Some data bear evidence of this premise:

Jill: *I went back to work and I was back at work for two weeks when I just broke down one day. I didn't tell anybody what was going on. They just thought that I was going through a separation and then I was given two weeks leave to sort out my life.*(138-141)

It appears that the unexpected nature of the event and feelings of losing control can aggravate the reaction to trauma (Schiraldi, 2001). It is therefore not strange that learning of the custody decision was the one event that appeared to be the most traumatic for the participants (9.2.4). This will be elaborated on in the following section where those conditions likely to have caused the central phenomenon, will be discussed.

11.3 CAUSAL CONDITIONS OF PHENOMENA RELATED TO PARENTING FROM A DISTANCE

Creswell (1998) defines causal conditions as the categories of conditions identified in the corpus of data that caused or influenced the occurrence of the central phenomenon. In this study it can be concluded that the significant conditions in the development of the central phenomenon, the internal discomfort of the participants, were predominantly the custody dispute and subsequent litigation. These were coupled with the dynamics of the marital dissolution and exacerbated by the reality of distant parenting.

11.3.1 Custody dispute and litigation

In South African family law a divorce order is not granted until the court is satisfied that appropriate arrangements for custody of the minor children are in place. While numerous divorcing parents are able to take these decisions independently and in an amicable spirit,

there are divorcing couples who cannot come to an agreement on their children's future and they then have to rely on a process of litigation to decide on the custody of their children. This can be a comprehensive and complex process of which divorcing parents often lack understanding (Haffey & Cohen, 1992). This can make it very difficult for them to participate in a meaningful way in decisions that often have a life changing impact. The majority of participants in this study were no different and would probably endorse Thandi's statement on her predicament: "... now I'm very much confused I don't know anything about the courts I don't know anything about custody and the divorce" (359-360). Some data however also supported the supposition of Blank and Ney (2006) that the two disciplines operating in high conflict divorce cases, namely law and psychiatry, leave little room for personal agency and even parents who feel capable to participate in the decision-making process may experience denial of a voice. One of the participants indeed said "I became this voice of nothing" (Jill, 593) and "I wanted to scream at everybody and say you know, look at me, listen to me, I'm quite capable of looking after my children" (Jill 79-81).

Not all the participants were affected by custody disputes and subsequent litigation and it appears that some of them relinquished custody to the fathers voluntarily. However, similar to Kielty's (2006) submission, there were mostly no clear cut distinctions between voluntary and involuntary non-resident motherhood. Some participants who did not contest custody, did so because their choices were limited by circumstances such as inadequate financial provision, emotional and psychological problems or as a result of fear and intimidation, the legacies of abusive marital relationships. None of them appeared to have been very comfortable with the custody decision which one of them verbalised as follows:

Zina: So I... after great deliberation and heartache and real depression decided that maybe it is better but I didn't that was not my decision, it was a decision made out of sheer ... circumstantial ... it's that... sheer circumstances. (233-236)

The one aspect on which there is little doubt is that unlike a mother mentioned by Babcock (1997), none of the participants surrendered custody gladly or with a sense of relief because they wanted to escape from the strains associated with parenting. Two of the participants (Iza, Tiny) did surrender custody for altruistic reasons and without hostility, but still did so with sadness which is evident in the following excerpts from the interviews with them. "I didn't like the idea of giving him custody it was very painful" (Iza 90fg).

TP: Tell me more about the most difficult part for you?

Tiny: Oh ... it was so final you know like signing oh it was terrible

TP: The agreement?

Tiny: Ja... signing that paper you know, giving them up. (186-189)

Nevertheless Tiny, like Iza, did not indicate a questioning of the custody decision or that they felt they were unfairly treated. They were also spared the agony most of the other participants experienced when they were subjected to custody evaluations and the litigation process.

Paradoxically, the one custody decision taken by means of a judicial process, the mother did not perceive as just at all although her initial contention was: "...okay this is high court because it's supposed to be fair" (Beth, 152-153). When the decision was taken 13 days later she not only believed that she had been exposed to discrimination as a result of her lesbian sexual orientation, but also said: "...the judgement was riddled with inaccuracies, riddled with it, I mean I read it and when I read it the first time I absolutely got physically ill ... it was so incorrect" (Beth, 176-178). It was therefore not unexpected that she said: "I've had 13 days in court and fought, lost a lot and it's still after 10 years extremely extremely painful and I still feel it was extremely unjust" (Beth, 27-29fg).

Like Beth, other participants also mentioned that learning about the custody decision in which they felt they had no say, was the one event they remembered as particularly disturbing.

Jill: *I remember the 22nd of August 2001, I got the phone call to say that I need to go to the family advocate's offices and we all sat around a big table... and nothing I said around the table helped or counted in my favour, nothing, if I can put it that way now, I could see I was talking to a brick wall. I just had all these people looking at me, and yes that day changed my life for ever.... I remember the overwhelming pain, in knowing that this is the decision that they have made and what am I gonna do? I'm I I've lost my children it, it felt like death I've dealt with this harshly in therapy where I said it felt like, like my children ... died ... that day. (117-119, 123-131)*

Thandi: *I forgot to bring the reports from the family advocate. I have never been hurt in my life like when I received that report. (126-127)*

To complicate matters further, custody litigation normally takes place at a time when those most affected by it, are likely to be very vulnerable as a result of painful emotions related to the dynamics of separation and divorce. “I was extremely emotionally weak and my self esteem was at an all time low by the time I came to leave him” (13-15) said Eve and continued to explain how this incapacitated her when the custody of her child had to be decided:

Eve: ... at this stage he was two and a half so maternal preference rule applied all these things. I was totally unaware of my ... rights. I was just completely ... I mean I know that I don't come across as a submissive person but at that stage I was just completely floundering. (74-77)

Considering this vulnerability and the ignorance about custody litigation, it is clear why Haffey and Cohen (1992) consider referral to a network of lawyers an essential intervention for divorcing women. The participants however also had varied experiences of legal counsel. While some of them in retrospect had second thoughts on the competency of their legal representatives, the most common experience was that legal representation can, as Van Zyl (1997: 105) puts it, become “prohibitively expensive”. Jane’s experience was: “... my life now depends on not what’s right and what’s fair but on who’s got the best lawyer and who is prepared to spend the most money or who has the most money (611-614). At least 4 of the participants (Vee, Lynn, Jill, Emma) had to capitulate during the litigation process when their funds became depleted. The one mother who did persist said:

Beth: “I said to them I will fight for them with every single cell in my body ...I had no option but to take but every single little bit of what I have and go to court ...and they completely cleaned me out ... and I lost the kids.” (361-364fg & 489fg)

There are however lawyers who consider the children’s interests and the cost of their work and therefore adopt a more conciliatory approach. Iza’s experience provides evidence of this:

Iza: I went to see my lawyer he said to me ... as hard as it may seem right now ... neither of you have the means to start a custody fight and it's very damaging for the children very often ... let him have the custody. (83-86)

When assisting divorcing families it appears that it is vitally important that they should be informed about the effect custody litigation can have on them and their families so that informed decisions can be taken.

I will now continue to explain how the data indicated that the impact of the custody dispute was aggravated by the dynamics of the marital dissolution and separation.

11.3.2 Dynamics of Marital dissolution

Similar to the observations of other researchers (Rokach et al., 2004; Hoge, 2002), it was difficult to determine with absolute certainty who the initiator of separation was in the divorces under discussion, particularly in view of the complexity of causation in marital dynamics (Rokach et al., 2004). To acknowledge this indistinctness of the process, the terms “initiated” or “initiator” will therefore appear in quotation marks in the text.

While the majority of the participants “initiated” the divorce, it became evident that this step brought with it considerable hardship for most of them. They also provided supportive data for the premise put forward by Haffey and Cohen (1992) that the party with less access to money and financial information is at risk in a divorce settlement. At least 3 of the participants (Eve, Nicky & Jill) appeared to have been disadvantaged by the divorce settlements while the majority of them (Vee, Emma, Zina, Sandy, Jane, Lynn, Eve and Beth) ended up in dire financial straits after divorce. This supports another claim of Haffey and Cohen (1992) that divorce can leave women impoverished, particularly those who were financially dependent on their husbands during marriage. Those participants who had advanced qualifications and who were following careers (Thandi, Iza, Jill, Nicky and Helen), were apparently less adversely affected despite a possible decline in their standard of living.

Other factors at play can however also have an impact on the position of women after divorce. Beth, who held a post graduate qualification in her profession, had a cost order made against her and said: “I was impoverished at that very second and I couldn’t really pay for anything” (173-174). Another participant who obtained in her view a very coveted qualification before separation, could not go back to work because she was crippled as a result of the physical abuse she suffered in marriage (Sandy, 154-155).

The lack of adequate resources also played an important role in deciding their children’s future. At the time of separation 7 of the participants had their children in their care while 8 of them also separated from their children simultaneously. Three of them (Helen, Beth & Nicky) indicated that they were compelled by circumstances to leave their children in the

more secure environment of the marital home. Neither Helen nor Beth however anticipated this to become a permanent arrangement and planned to obtain custody of their children once their circumstances had stabilised. Nicky, like Tiny and Zina, did not have the same expectations because their children chose to remain with their fathers. Iza who was in a new secure relationship said "...when I left my ex-husband the last thing I, the last intention I had was to give up the custody of my children our children" (70-71fg). Her attorney however advised her against contesting custody and what was supposed to be temporary became a permanent arrangement.

Those participants who took their children with them when they left the marital home, but ultimately had to surrender custody, would probably agree with Hoge's participants (2002). In that study it was found that factors related to single parenthood such as lack of adequate backup or childcare and economic stress were the most difficult aspects of separation. One of the participants summarised these challenges.

Eve: ...I was a housewife at the time I left him, I did odd temping jobs and things like that. I wasn't able to get a full time job, emotionally as well as the fact that I've been out of the job market for a long time, I had a small child, I had no support system to arrange to look after my son. (33-37)

The internal discomfort the participants experienced as a result of the custody dispute and litigation as well as the dynamics of the marital dissolution and separation reached a pinnacle when they experienced the reality of distant parenting.

11.3.3 Distant parenting

Divorce for the non-resident mother does not only mean that she has to redefine her relationship with her ex husband, but she also has to invent a new way of relating to her children, now from a distance. From the participants' accounts, I concluded that this can cause significant distress for the non-resident mother particularly when those relationships fall apart.

Even though they did not share the same residence any longer, 9 of the participants maintained relationships with their children, some more fulfilling than others. They described these relationships with obvious delight saying for example; "You know it's okay

even now it's okay she likes me" (Thandi, 175); "...really it's great, he loves mom and shows mom" (Jill, 404); "... and I say to her Caths, Mommy hasn't got much money then she will say God bless you Mommy I love you"(Vee, 226). The children of some of the mothers in this group eventually returned to maternal custody probably because they understood the message which Eve formulated as follows: "No I was there for him all the time ja and I always let it be known. I said if you want to come and live with me then I'm here" (310-311).

The data however also revealed that six of the mothers did not only parent from a distance, but also had emotionally distant relationships with their children. What the data revealed about the distress of these mothers, convinced me that they could easily be classified as the "at-risk population" Greif (1997b: 46) refers to when he writes about non-custodial mothers. Two of the mothers managed to convey something of their predicament:

Jill: *"You know I would go and visit and he would hide behind granny or behind the furniture, I would phone and he wouldn't want to come to the phone. That was the most difficult ... thing for me to deal with"* (147-150).

Emma: *I can't contact him... it kills a person and death will be better because death it's there, you mourn, you get over it or you learn to deal with it. How do you learn to deal with someone that doesn't want you because of what was put into their minds which is untrue.* (464-467)

No wonder Greif (1997) found, in his extensive work with non-resident mothers, that the mothers suffering the most are those rejected by their children. It is also likely that they would be the ones making an appeal for intervention by social workers and other clinicians in the divorce field and therefore it is important to learn from them. The data they provided suggest amongst other things, that sabotage on the father's side (Zina & Emma), the presence of new partners (Iza & Tiny) or over involved and domineering grandmothers (Lynn & Jill) and the effect of geographical distance (Jane) were important precipitating factors in the breakdown of mother/child relationships. It is however important to mention that the erosion of some of the mother/child relationships could already have had its roots in destructive marital relationships like Zina's: "I was negated as a mother, I felt, and belittled as a mother many times in front of my children" (83-85).

The mother's descriptions of the relationships they had with their children also corresponded with their perceptions of the children's attitudes towards them. While most of the participants saw their children's attitudes as positive if not loving, there were also those who had to deal with very painful experiences as a result of their children's negative attitudes towards them.

Emma: *I send him gifts for Christmas and birthdays, I send messages with his eldest brother ... he says to me mommy when I talk about you he says he gets up and walks out. (209-213)*

Zina: *He said "I don't want to see you I don't want to be with you, I want to be with my dad". (203-204)*

Jill: *But I get to him and he just puts up a wall you know, I don't want to be with mom I don't want to go anywhere with mom. (263-264)*

In summary it can be concluded that, in the context of this study, the different facets of parenting from a distance likely to have had an impact on the mother's experience of internal discomfort, were the quality of the relationship with the child and the child's attitude towards the mother which unavoidably influenced the contact between mother and child. It also appeared that these different aspects were somehow interrelated although these connections did not appear to follow each other in a logical linear way, but rather through a constant interplay between relationships, attitudes and mutual contact. It can therefore not be assumed for instance that court ordered contact would necessarily materialise regardless of relationships and attitudes (Zina, Emma).

11.4 CONTEXT

A number of strategies developed in response to the experiences of internal discomfort of the non-resident mothers following the marital dissolution and subsequent loss of custody of their children. These strategies did however not occur out of context and therefore the set of conditions that contributed to the development of this context will now be discussed.

11.4.1 History of marriage

From the understanding of divorce as a complex multidimensional process (Parkinson, 1987; Mc Daniel & Coleman, 2003) it is also assumed that this process starts long before marital separation takes place and does not essentially cease at the point when the decree of divorce

is issued. It therefore follows that the onset of the central phenomenon, the internal discomfort of the non-resident mothers, in some cases was rooted already in the marriage. Four of the participants (Vee, Zina, Sandy & Eve) remembered marital relationships marred by physical and emotional abuse. Other participants reflected on marital relationships where elements of incompatibility (Beth & Jane), lack of communication and emotional support (Helen, Nicky, Jill & Iza) or psychological abuse (Marina) took a toll too big for the marriage to survive. Some participants (Nicky, Iza & Tiny) left unrewarding relationships when they met new partners. Thandi who felt “my family life it was so good, it was wonderful, my husband loved me very much” (12-13) was left for another woman. Emma who was married for 14 years ascribed the end of her marriage to a cruel stroke of fate when she was the victim of a violent rape and was subsequently diagnosed HIV positive. As a result of an over involved and controlling mother-in-law, Lynn said: “...we never really got the chance to just be on our own, be a family and do the things that families do” (184-185). Her marriage did not survive this onslaught. Although the factors underlying the marital breakdown were diverse in nature, none of them apparently left the participants unscathed and it can therefore be concluded that they were likely to form part of the context in which the internal discomfort of the participants was couched and from which their strategies for coping developed.

In a society where gender equality is promoted and where opportunities for achievement in the career sphere are now also available to women, there are families today where a complete role reversal has occurred with the mother going out to work while the father stays home doing the housework and caring of the children (Bosman-Swanepoel et al., 1998). Divorce and relinquishing custody are options that offer women in these situations more freedom to pursue personal goals and may cause them less internal discomfort. This was however not the arrangements in any of the participants’ families. Although 13 participants were following careers or had their own businesses, none of them indicated that their ex-husbands fulfilled the role of primary parent in the pre-divorce families. It can then be concluded that these mothers became non-resident mothers although they were the primary parents of the children in the pre-divorce families. Interestingly, I also found in my study on paternal custody (Pieterse, 2002) that none of those fathers who eventually became the custodial fathers fulfilled the role of primary parent in the pre-divorce phase.

While another common assumption is that mothers who live away from their children are licentious and incompetent (Greif, 1997b) I did not get the impression that this was true of any of the participants. Only one participant (Zina) mentioned that she had a problem with substance abuse during the marriage, but she attended a rehabilitation program and maintained sobriety even before the marriage finally disintegrated. There were therefore no indications in their versions of their family histories that any of them followed a hedonistic life style at the cost of their children and that divorce and the loss of custody were therefore considered more liberating than discomfoting to them. Jill managed to capture this experience expressively.

Jill: ... nobody's perfect but I've never been a bad mother, I wished for each one's birth, I relished in my pregnancies though I had morning sickness with all of them, even when I got fat I just, you know I loved, I loved the fact that I was going to become a mother and that's why it was such a shock to my system it was like somebody punched me in the stomach over and over and over.... (202-206)

11.4.2 Interaction with children

One of the biggest challenges the non-resident mother may have to face is redefining her relationship with her children who do not reside with her any longer. While it appears that these relationships can remain fulfilling, the data in this study suggest that some mothers experience rejection by their children (Jill, Emma, Zina & Nicky). Interaction with these children caused more pain for the non-resident mothers, particularly when there was conflict and even physical and verbal abuse from the child (Zina) or when the absence of interaction resulted in the non-resident mother not knowing what her child's grade at school or favourite colours were (Lynn). However, where mothers uncompromisingly pursued contact with the children, even those who were somewhat alienated towards them, the relationships improved from the mothers' perceptions (Nicky, Jill).

When more fulfilling interaction did take place between the participants and their children it appeared that they mostly, rather than indulging their children, engaged in everyday type of parenting activities, although now across households. They nevertheless reflected on enjoyable and special times they shared in this way with their children. When direct

interaction was not possible, they still valued the smallest token of affection like self-made cards and gifts or cell phone messages from their children (7.3.7).

As already indicated (11.3.3), there was a constant interplay between the quality of the relationships, the children's attitude towards the mother, the contact the mother had with the children and the quality of their mutual interaction and that all of that had an influence on the mothers' sense of internal comfort. Factors that had a decisive impact on these connections were the father's influence, involvement of new partners or other extended family members as well as geographical distance.

11.4.3 Dysfunctional post divorce co-parenting

It has long been recognised that family systems do not inevitably dissolve as a result of divorce and therefore ongoing transactions between former spouses are not uncommon (Durst et al., 1985). The participants in this study also referred to continuity in their transactions with the fathers of their children, but this does not mean that those transactions were always harmonious. The participants' accounts of post divorce co-parenting reflected interactions that varied from more friendship-like relationships (6.3.5) on the one hand to continuous and seemingly endless conflict on the other. This is consistent with the continuum of interaction which Walzer and Oles (2003) also observed.

There were indications in this study that some post divorce co-parenting relationships contributed to the context inherent to the phenomenon of maternal discomfort. The data suggest that only 3 of the participants managed to maintain if not harmonious, at least respectful interaction with the fathers of their children (6.3.5) Of them, Tiny was the only participant whose account reflected characteristics of a co-parenting relationships described by Durst et al. (1985) where the parents respected each other as persons and parents and the spousal relationship had not so much been dissolved as redefined into a cooperative relationship only concerned with parental functioning. Although Iza's transactions with her ex husband were guarded and distant, he never interfered with her contact with their children. Similarly Helen's relationship with her ex husband mellowed with time which set the stage for redefining their relationship to be cooperative as far as parental functioning was concerned.

It then appears that mutual respect, responsibility-taking for the ending of the marriage and ultimately time, could have had restorative effects on these post divorce parenting relationships.

Measured against the typology of divorced couples identified by Durst et al. (1985), the majority of participants at the other end of the continuum reported relationships reminiscent of the 'fiery foe' and 'angry associate' type where relationships were riddled with acrimony and parents had almost no ability to co parent. At the same time some of those couples whose co-parenting relationships were marred by ongoing conflict and hostility manifested a strong resemblance to the multilayered divorce transition impasse Johnston and Campbell (1988) identified. In these cases certain factors on the external, interactional or intrapsychic levels were instrumental in perpetuating the parental conflict (6.3.5).

The data also suggest that the divorce process itself did not leave the post divorce parenting relationship untouched and Baum's (2004) contention that the more protracted and difficult or conflictual the legal procedure is, the worse the subsequent relationship between the divorced parents is likely to be relevant to the situations of Beth (27-29fg), Jill (178-180), Eve (171-174) and Vee (158).

11.4.4 Grandmothers as 'mother competitors'

It can be expected that some single fathers have no choice but to rely on support from kin. The experiences of 2 of the participants in this study (Lynn & Jill) however suggest that some grandmothers, rather than only providing support, became what Chesler (1991: 155-157) refers to as "mother competitors" who actively participated in the battle for custody and possibly in the brainwashing campaign against the mother. Jill explained:

***Jill:** ... with all this going on my relationship with Ted suffered ... terribly. He didn't want anything to do with Mom, and it was also in the custody report that granny had a a big influence there.(42-45)*

This is a phenomenon clinicians and those involved in custody decisions should be aware of considering the impact this has had on 2 of the participants and their relationships with their children (7.2.2).

11.4.5 Stepparents

The data indicate that the role stepparents play can contribute to the external level of the multilayered divorce transition impasse Johnston and Campbell (1988) refer to and can therefore also have an impact on the non-resident mother's experiences of parenting from a distance. Nine of the participants were either remarried or in co-habiting relationships and had divergent experiences of the role stepparents can play. It was evident that new partners could complicate matters particularly when they were not accommodating towards the children as Zina experienced:

Zina: ...it was my second marriage I had two boys from my previous marriage and he always favoured the youngest one, our child ... and it was difficult that emotional triangle it's it was awful. (267-269fg)

Children can however also find it difficult to accept the new partner like Tiny's children or the stepparent may have to play second fiddle when, similar to Sandy's experience, the child demands all the mother's attention. Iza on the other hand, had an experience which she referred to as a "rough one" when she had to take a back seat to the stepmother, when her daughter got married (7.4.5). All things considered, Iza's experience of step parenting however, more resembled the "extended family stepparents" model introduced by Svare et al. (2004: 87). This is an approach where all the parental figures in the children's lives form a step parenting 'team' expanding opportunities for love, guidance, financial and human resources for the children.

It was thus indicated that step parenting can have specific challenges, but it can also produce positive outcomes when all the parental figures interact in a mature way to form a network for the benefit of the children involved.

11.4.6 Children's distress

The focus of this study was on the experiences of the non-resident mother, but all the participants shared their perceptions of their children's reaction to the divorce and their parenting from a distance, at some point during the course of the interviews. From my systems-based understanding of the family which suggests that change in one family member or subgroup will effect change throughout the entire system (Kaplan in Compton &

Gallaway, 1994), I considered it important to include this data into the discussion of the context in which the central phenomenon, the mothers' internal discomfort was embedded.

There were indications that the themes that had influenced significantly the participants' experiences of discomfort were their perceptions of the children's distress after the divorce, suggestions that the children were forever hoping for reconciliation between the parents while the mother knew that it was unlikely, or the children blaming the mother for the divorce.

Like some of the other respondents (Zina, Helen, Sandy), Iza also remembered how there were indications that some of the children continued hoping that their parents would reconcile, sometimes long after the parents had already accepted the finality of their separation. Iza explained the inner turmoil this can cause:

Iza: *I said oh let's throw something into the wishing well and Carin threw in and she said "I want my Mommy to come back to my Daddy" ((saying it in a little girl's pleading voice)) and she was 4 years old, no 5 years old. ... and then you feel like saying well can't I just undo all this and just go back to where ... where I started and then perhaps if I can go right to the start then I won't do this and I won't do that but you can't. (236-238, 240-243& 245-247).*

Adding to the mothers' uneasiness were suggestions that some children were particularly loyal to the father and blamed the mother for the divorce when they did not understand the situation or they were misinformed:

Jill: *Mom was the bad person because Mom and Dad couldn't sort things out and so it was just, it was a nightmare for me... Of course I also felt like I have failed my children ... because they were told all the time from there why you're no longer with Mom, I never had the chance to say but you know it's the circumstances ...highly unfair circumstances but just never doubt my love for you. (45-47, 336-339)*

11.4.7 Selfworth under scrutiny

Most women have been socialised to believe that their psychological needs for self-esteem are achieved through meeting the needs of others and therefore the loss of a relational self through for example divorce, can cause a sense of failure (Van Schalkwyk, 2005). This

internal discomfort can be intensified when divorce also results in the loss of child custody and more scripts according to which women are supposed to live their lives have to be rewritten. The divorced non-resident mother's sense of self can therefore become very precarious and it is not uncommon for them to experience themselves as less meaningful and worthy (Greif, 1997b). This was powerfully illustrated in this study when the participants reflected on the onslaught custody evaluations and parenting from a distance had on their construction of self-worth (9.2.8). Several of them manifested the need to justify their existence and their definition as a good woman and mother in a construct where non-resident mothers can often be perceived as "nonmothers" and somehow morally tainted because "they openly affront the most cherished notions of motherhood" (Pagano, 2000: 11).

Lynn: *I was devastated because this is my child and I felt that the findings were a reflection on me as a parent, that I was a bad mother these were all sorts of the kinds of thoughts that were going through my head was that I was a bad mother... and that I didn't deserve to have a child and all these kind of things. (150-154)*

Jill: *I felt like I became the scarlet woman. When it was done, I had to prove myself as a mom, as a human being and that was, it was terrible for me. (48-50)*

The idealised conceptualisation of motherhood as an important rite of passage into adulthood and as proof of womanhood is according to Babcock (1997) not supported by current social conditions and has been challenged by feminists over the last few decades. It is nevertheless evident that many non-resident divorced mothers are still subject not only to external pressures but also to internal conflict because of the belief, deeply embedded within the fabric of society and individual subjectivities, that motherhood is the highest calling for women (Pagano, 2000). This discomfort was not only indicated in this study, but the non-custodial mothers in Pagano's study also remembered that turning away from this illusion was the most difficult and painful experience (Pagano, 2000).

In this study the non-resident mothers' internal discomfort can be understood within a context influenced by a number of conditions that have just been discussed. While this context is specific in nature and close to the actions and interactions or strategies that emanated from the internal discomfort of the mothers (the central phenomenon), there were

also conditions, broader than the context, within which the strategies occurred (Strauss & Corbin, 1990). These intervening conditions will be discussed now.

11.5 INTERVENING CONDITIONS

Intervening conditions are according to Morrow and Smith (1995) broad general conditions that influence participants' choice of strategies. Creswell (1998) mentions social, economic and political forces as examples of intervening conditions. I concluded that the intervening conditions that influenced the actions and interactions of the participants in this study were the adversarial process of law applied to custody decision taking, interventions by mental health practitioners and social stigma. I will now continue to discuss my conclusions in this regard in more detail.

11.5.1 Adversarial process of law

With some understanding of the impact the adversarial approach to custody litigation had on the participants who were exposed to it (11.3.1), there can be little doubt that this system, although acclaimed for its efficiency in practising law, was one of the most significant intervening conditions in the development of certain strategies from the central phenomenon, the internal discomfort of the participants.

With the guilt principle taken out of divorce litigation (3.4.2), none of the participants indicated that money and emotions were spent in courtrooms to decide whether they should get divorced or not. Instead, prolonged negotiations and court cases were related to custody decisions and it appears that all the courtroom skills (and perhaps fury) were directed at the area of parenthood. Data in this study (Beth) somehow support McWhinney's (1995) premise that parents go to court on a custody matter only when they have given up their joint parental search for the best ways in which they might meet their child's needs, a decision that has the potential to sunder the previously co-parental relationship into an adversarial one.

There can be numerous and complex reasons for parents engaging in adversarial behaviour of which one can be a desire to have 'a day in court' to settle scores. The provision of a win-lose option in family law both invites and reinforces this type of behaviour from sparring

divorcing parties. What they probably do not realise is that the win-lose approach is unlikely to produce winners when applied to family law.

Beth: *Nothing good for none of us. Not for my ex husband cause my children hated him with a passion for a long long time and they still despise him and blame him ... so his relationship suffered tremendously so that they he didn't win, my children had, didn't win because they didn't live with me and they wanted to live with me and I didn't win so it was a complete lose, lose lose. (400-405)*

While the divorce process is intended to organise the termination of a marital contract between two parties, it has also become synonymous with the sundering of the parents in the majority of cases where the adversarial process is followed to determine the future of the children involved. These children, ironically have never been included in the marital contract. McWhinney (1995: 305) in my view rightfully refers to this custom as the “fundamental fallacy of custody law”.

Relying on an adversarial approach to decide the best interests of children of divorce loses even more appeal when one compares the data of those families involved in adversarial litigation processes with the two families where custody was decided in a less hostile or more conciliatory ‘non adversarial’ way (Iza, Tiny). This is not to say that these situations were entirely void of the painful emotions often part of family break-up, but the children clearly did not lose the opportunity to continue their relationships with both parents. The parents evidently managed to separate the former spousal roles from their parenting roles in such a way that their post divorce co-parenting served the best interests of their children. They ultimately also retained some respect for each other as parents which is evident from statements like “... my ex husband is a very... he’s a very good man, such a nice person, he’s a real gentleman” (Tiny, 17-18) and “... but as a father he was a very good father to them he really was...”(Iza, 535 fg).

It can be concluded that data in this study indicate that the legal settlement of custody matters attained through adversarial procedures, contributed to the strategies that developed from the internal discomfort of the non-resident mothers who lost custody as a result of a court’s decision on who the ‘better’ parent was. This gives authenticity to McWhinney’s (1995) suggestion that the vital question to be asked when custody has to be decided should

not be "Who is the better parent?" but rather "What are the best possible parenting arrangements that both parents can make for their child?". This approach will afford both parents the opportunity to win because each has something to contribute to the well-being of his or her child.

Closely related to the intervening effect of the adversarial processes in the development of strategies intrinsic to the central phenomenon, are interventions by mental health professionals, particularly psychologists and social workers, which will now be discussed.

11.5.2 Interventions by mental health professionals

Several of the participants referred to the role psychologists played during the litigation process. This role according to Van Zyl (1997:25) is essential in custody decision-making since law professionals are unlikely to be able to determine the mental health of the parties. Blank and Ney (2006) however have serious reservations about this practice which they claim can be damaging when a diagnostic label becomes more important than the child's personal discourse. Some participants in this study would probably agree with these authors (Blank & Ney, 2006). Eve for example questioned the integrity of the psychologist her husband appointed (68) and this was possibly also Beth's allusion: "I told him this person if you pay him he'll make the recommendation in your favour and he still went to that person" (355-357fg). There was also Zina whose contention was that the psychological tests were "gruelling"(210). "I found it like tearing at my heart and I felt...raped in a way and to be unsympathetically handled" (221-222). The importance for mental health professionals to use procedures which contribute to trust and openness during custody evaluations, as Martindale (2004) suggests, is emphasised therefore by the experiences of these participants.

Considering the significance of recommendations made by the family advocate (Bosman-Swanepoel et al, 1998), it is necessary to pay attention to the experiences the participants had in this regard. Jill described the involvement of social workers and the family advocate as "it was hell" (39) while other participants also mentioned points of discontent with these interventions (8.2.2).

It can therefore be concluded that custody evaluation for these families did not mean an opportunity to find help and practise new ways of relieving tension or to understand each other as suggested by Bosman-Swanepoel et al. (1998). Some may contend that those were the views of disgruntled mothers who were unsuccessful in their custody applications, but it is interesting that the divorced resident fathers I interviewed in an earlier study had very similar views on custody evaluations in their cases to which I concluded as follows:

The most salient objections were that home visits were not paid, collateral sources of information were not consulted and that the child's wishes were not considered.

(Pieterse, 2002: 107)

It does not appear that this is unique to South Africa since Greenberg, Martindale, Gould, and Gould-Saltman (2004: 9) also mention child custody cases as the fastest growing source of ethics complaints particularly against "professionals using inappropriate procedures, violating role boundaries, or exceeding the limits of their competence (or information base) in expressing opinions". This happens amidst much dialogue and many ways of attempting to improve custody evaluations. The question in my mind is now whether this is not because mental health experts are expected to have expertise beyond what is humanly possible, namely to find grounds to eliminate one parent who is, from the child's perspective, as important as the other parent.

It can furthermore be asked whether children are not degraded once again to chattels which one parent can gain and another can lose in the same fashion as their house and other assets. This happens while parenthood is not supposed to be something that can be taken away and given to another, not even by a court. Tragically this is what happens in many cases of alienation where impasses of divorcing couples extend into the obliteration of parent child relationships (Emma, Jill, Lynn). Blank and Ney (2006) contend that professionals sometimes participate in the conflict by constructing assessments and diagnoses that fit with legal discourse while the dynamics and nuances of family life are either forced into simplistic dichotomies and oppositions or ignored and lost.

Professional people involved in custody decisions should therefore heed the admonition from Johnston and Campbell (1988) that they can fuel the conflict between divorcing parties

when they, amongst other things, encourage uncompromising stands. On the other hand, a systemic view of the family like the one Tiny reported (8.2.2.4), can counteract this possibility. A systemic view can also facilitate a better understanding of the child's needs, both parents' positions and the dynamics of the couple and the family.

11.5.3 Social stigma

Finally another social force, the stigma attached to non-resident motherhood, was indicated as an intervening condition in the development of actions and interactions ensuing from the internal discomfort the participants experienced.

Van Schalkwyk (2005) contends that the dominant discourses in the South African context presumed for a long time that women could only make a worthwhile claim to an ontological (sense of being) and ethical self (having values and norms to live by) when they were married and caring for home and children. Her view that these discourses still inform how divorced women, are viewed and stereotyped, is supported by Kielty (2006). There is evidence that dominant cultural norms in other parts of the world also still expect mothers to reside with their children and therefore the "atypical arrangement of non-resident motherhood" needs to be explained while the non-resident status of the father is assumed and therefore not open to so much stigmatisation (Kielty, 2006: 90). Eve eloquently captured this experience:

Eve: *You know society has so many levels of expectations of what women should do or what men should do ... often I would find that I was ... people looked at me, women especially in a-m-a-z-e-m-e-n-t that I didn't have custody of my child and they would make judgement calls, they wouldn't bother to find out the circumstances, they'd think "Ah what did she do, you know that she doesn't have custody?"* (111-117)

It was however not only expectations of the larger society that put pressure on the non-resident mothers in this study. More than one remembered how divorce and their non-resident situation served as a "friend filter" (Bailey et al, 2003: 65) and how they had to deal with the condemnation of those much closer to them:

Nicky: *My family turned against me ... there's no divorces in the family until mine ... when the interdicts and stuff started happening they actually, I mean when I moved out, my mother*

I don't even think my mother still knows where I live. My family is totally ... distant from me.
(145-148)

It is not difficult to understand why mothers, exposed to possible prejudice, are likely to hide their non-resident status or to lie about it as suggested in literature (Greif et al., 1993; Pagano, 2000). It can however also not be denied that this strategy can increase the intensity of discomfort (Chesler, 1991; Greif & Kristall, 1993) when they, like Jill, remain secretive about their custodial status in order to avoid perceived or real social stigma and subsequently become isolated in their distress.

Jill: *I went back to work and I was back at work for two weeks when I just broke down one day. I didn't tell anybody what was going on.* (139-140)

It is evident that a woman's non-custodial status can make her extremely vulnerable to social stigma while social support is actually what they need to mediate their stress (Greif, 1997b). The question however is, how much support can the non-resident mother expect from a society that does not fully appreciate her predicament?

11.6 STRATEGIES

Amid the context and intervening conditions that have just been discussed certain strategies or actions and responses emanated from the internal discomfort the participants experienced as non-resident divorced mothers. It is important to explain that the strategies discussed here do not necessarily pertain to all the participants. It can also not be asserted that these were the only strategies the participants utilised while grappling with their discomfort. The actions and responses most discernible or best defined will however be discussed here as part of the process of theory building. It may in the process also contribute to a better understanding of the predicament non-resident divorced mothers can encounter.

11.6.1 Engage in bouts of self destructive behaviour

Literature (Chesler 1991) indicates that it is not uncommon for mothers who endure extreme stress to become dysfunctional. This is supported by the data derived from the recollections of some of the participants on their reactions after losing custody of their children.

Jill: *I remember driving away... and I will be honest in saying this, thinking...do I end my life now? The pain was too much.*(126-127)

Jane: *I handed Jill over at the Holiday Inn in a [big city] and I nearly went to the top of the Holiday Inn and threw myself off the roof. (372-373)*

Eve: *I mean it was actually probably for the best that I didn't have him at that time because I was extremely emotionally labile and I did some very self destructive things. (316-318)*

Some (Lynn, Marina, Sandy & Eve) also remembered how they, feeling emotionally stretched to their limits after separation, went through bouts of risky behaviour like excessive socialising, drinking and engaging in relationships with different men. Lynn described it as “a very bad reaction but ja ...it was a way I knew ... I thought of coping” (287).

This emphasises how important it is for custody evaluators to have knowledge of the divorce process in order to be able to assess whether those are isolated incidents related to the dynamics of divorce or whether the person has a history of inadequate coping. Clinicians wishing to help this at-risk population (Greif 1997b) should also take note so that other, more growth inducing coping options can be offered.

11.6.2 Withdraw from children

McWhinney (1995) mentions that men tend to drift away from and even ultimately abandon their children if they feel deprived of what they consider to be a meaningful role in their child's life. While the majority of mothers in this study actively pursued contact with their children, some data support Greif's (1997a) observation that non-resident mothers can also withdraw from contact with their children if those incidents become too painful.

Pagano (2000) elaborates on this when she refers to the renewed mourning of the relationship after every visit which Lynn echoed:

Lynn: *... you know that the 24 hours when you have her is great and you get to do things with her and you get to be her mom and you get to do all the things that a mom does and then at the end of that day you've got to say goodbye and you know give her back to ... the other side which is very very difficult. You know I used to cry all the time. (154-159)*

It was therefore not totally unexpected that she also said: “I find it easier not to keep phoning her and all these kind of things because it just it ... ja. I get very upset every time I do speak to her” (Lynn 216-218).

While the strategies discussed so far might make a special appeal to interventions from those in the helping professions, the discussion of the following strategies some of the participants employed will hopefully indicate that the ultimate triumph of the human spirit remains a possibility even in the face of adversity.

11.6.3 Utilise a variety of coping mechanisms

There remains little doubt that most of the participants in this study were exposed to significant inner turmoil but I could not help noticing a marked resilience in them during the interviews (6.3.3). Pagano (2000) also perceived emotions characteristic of bereavement within her participants, but contends that the same bereavement process can help mothers to renew their sense of self.

Data in this study also suggest that regardless of the intensity of their affliction, each of the participants had in some way managed to attain some healing. This is consistent with Van Schalkwyk’s (2005) suggestion that many women have a natural resilience that can be utilised and enhanced during interventions. From a social work perspective, it is important to understand the coping strategies the participants used since this can be helpful to other mothers in similar situations. Some of the participants’ coping mechanisms will now be briefly discussed.

11.6.3.1 Relying on religious faith.

Several of the participants indicated that religious faith was their sustaining power which Jill formulated as follows:

Jill: ... *I know religion, people are divided on thatbut that has certainly been the crux for me in the darkest of nights, the darkest of days.* (693-696)

Although Pargament & Rye (1998) assert that forgiveness does not necessarily always occur within a religious context, Helen explained how she, from her Christian conviction, managed to ask her ex-husband for forgiveness (590-591).

11.6.3.2 Seeking professional, group and other support

The importance of a support group was emphasised, while the value of mobilising formal support through professionals should also not be underestimated (10.4). The importance for the person in therapy to take responsibility herself was nevertheless also indicated.

In this vulnerable position, kin relationships can offer invaluable support making it easier for the non-resident mother to remain involved in the lives of her children, but it was also evident that similar to other research findings (Picard, Lee & Hunsley, 1997), this support was totally non-existent for some participants or was not beneficial to them. Those involved in new stable intimate relationships indicated this as a valuable source of support (Iza, Beth, Lynn & Helen).

It can also be concluded that the larger social system such as churches, the work place, and contact with their children's schools, can provide additional meaningful sources of social support. Active involvement with the child's school in particular can ensure some continuity in the non-resident mother's role as parent, and can contribute to her healing (10.3.2.4) while the child can also benefit from it (Neuman, 1998). The risk of social stigma may however prevent the non-resident mother from accessing this kind of support.

11.6.3.3 Reframing

In my view it was persuasively illustrated how some of the participants regained control over their lives by reframing their situations. Jill for instance gave the 'facts' of the situation a different meaning which allowed her a different approach and provided new possibilities for coping and for ultimately restoring her relationship with her children (Sandidge & Ward, 1999). While she said that all she could initially do was to cry "... because I could see what was happening to my family and I felt I had no control"(58), she, after reframing her situation insisted on her visiting and access rights and said "...that was the turning point the big turning point. What did I do? I took charge" (388-389). Lynn in a similar way benefited from reframing her situation.

Lynn: *You know I used to cry all the time ...until it got to a stage where I had to you know I had to put my other child first and say look you know it's great having you here but I'm not gonna ... destroy myself every time you leave and slowly I sort of came to accept it and understand that okay you know you get her for a while and you give her back and look forward to the next time. (158-163)*

Some non-resident mothers may however need therapeutic interventions in order to reframe their situations.

11.6.3.4 Persistent contact with the child

It can be concluded that some mothers drifted away from their children for reasons mentioned above, but the majority of mothers in this study actively pursued contact with their children. In some cases, this pursuit was complicated by resistance from the child or other impediments; nevertheless, some participants were not discouraged.

Jill: *And this mother will keep on trying ... till I drop dead, till he leaves school, I will keep on trying.(402-403)*

Emma: *I live in hope that my youngest son will open his eyes somewhere along the line. I send him gifts for Christmas and birthdays, I send messages with his eldest brother, how's your brother, send him regards from your mom. (208-211)*

11.6.3.5 Live in hope

Like Emma, other participants (Zina, Sandy, Jill, & Jane) also coped by living in hope that the relationship would be restored somehow and often persisted with attempts to make contact similar to what Greif et al. (1993) also observed.

Jill: *... at the end of the day I think that's what keeps us going whether you've been in this situation or not, it's hope. The day you lose hope you might as well quit, you might as well just give up.(504-506)*

While Lynn found contact too painful she covertly also prepared for that day:

Lynn: *I'd like to get to know her as a daughter as well you know, I'd love some sort of a relationship but I'm leaving the ball in her court and hopefully one day, you know I keep a journal with my thoughts and my things ... and one day when she's old enough I'll give it to her and hopefully then she'll realise that mom's are not such bad people. (317-377)*

11.7 CONSEQUENCES

The outcomes, both intended and unintended, of the actions and responses the participants make to the central phenomenon, are referred to as consequences (Pandit, 1996). It is evident that these consequences can be positive, negative or neutral, but they contribute in an important way to theory building (Creswell, 1998).

11.7.1 Lasting consequences of self-destructive behaviour

While most of the participants, with time, managed to regain stability in their lives, at least 2 of them grappled with more chronic problems.

Marina:... then I chatted to my attorney about it and she said “Marina why don’t you go and book yourself into rehab?” which I did and the kids went and stayed with him while I was in rehab and I never got them back again. (46-49)

...she gave me a letter the social worker at SANCA wrote and which indicated that she (Vee) went for voluntary treatment for substance abuse, responded well and was cooperative and worked very hard to maintain sobriety but the distress about her child made it difficult for her to cope and sometimes it was only her spirituality that kept her from suicide. (Fieldnote, tp 30-10-2005)

During her period of “nightclub fever” Lynn (454) conceived a child after a one-night stand. She nevertheless considered it a blessing in disguise because caring for this child brought some consolation after losing custody of her daughter (9.2.3). There were however indications that this type of behaviour can cause the mother to blame herself for the loss of custody, probably with good reason since Van Zyl and Bekker (2000) argue that parties will go to extremes to prove each other unfit to have custody of, or access to the children.

Lynn: So ja I went a bit wild and I went out to nightclubbing and all sorts of things which of course was stupid because they then used this as proof of my inability to parent. (105-108).

11.7.2 Uncertain relationship with child or children

As mentioned above, it is not uncommon for non-resident parents to withdraw from their children when contact becomes too painful. Data however strongly suggest that infrequent contact can have a drastic impact on the mother-child relationship:

Lynn: *I don't know what she likes, I don't even know what her favourite colour is, I don't know her friends, I don't know anything about her I don't I can never remember what grade she's in at school.*(249-251)

I loved her as much as I love my little boy, but unfortunately, the ties dissolve with lack of contact, and although I fought hard to keep in contact with her, sometimes in vain, I lost those precious bonds of love and maternal instinct towards her as the years passed away. (Jane e-mail dated 22 March 2006)

11.7.3 Long term bereavement

Whatever strategies the participants utilised in reaction to their discomfort, there remained clear evidence of the ongoing grief Pagano(2000) also noticed in the experiences of the non-resident mothers.

Zina: *My little boy at that time was 9 years old, he's now 24 so it's quite a while ago but the pain stays and the remorse, regret ... guilt stays.* (41-43fg)

While Kieley (2006) describes visits as a chronic reminder of what non-resident mothers have lost, it appears that even discontinuing regular contact does not necessarily eliminate that hurt. The participant who did use this strategy to curb her distress found that having other children provoked the same painful memories:

Lynn: *.... my youngest is a little girl, but it's not the same. You know when I had her when I was pregnant with her I thought I've got my daughter now it will replace a little bit but I don't have it because Carin is my eldest but it's not it actually in a way it's harder because you look at her and you think did she do that when she was that age or you know things like that.* (255-260)

This may explain why Chesler's (1991) study indicated that only four percent of non-resident mothers of childbearing age gave birth again. While it could be attributed to the emotional and economical strain of custody battles, Chesler (1991) concluded that it is also possible that those mothers still felt responsible for the children they perceived as

irreplaceable. One of the participants in this study indeed decided to have a pregnancy terminated despite being in a stable relationship in which the father wanted to have the baby. She said:

Sandy: *I was pregnant at the beginning of the year but due to what I'm going through you know I decided to terminate the pregnancy, ...I could not betray my child and have a baby. When am I gonna give him attention if I must have a child now do you understand? (270-275)*

While it may appear as if the outcomes of the participants' strategies were mostly negative, there were also indications of personal growth that helped them to move forward with their lives.

11.7.4 Personal growth

The data provided suggest convincingly that divorce and the loss of custody can cause great upheaval in the lives of non-resident mothers. I however marvelled at the courage, determination and unmistakable signs of resilience I observed within the participants in this study. Some of them, who were literally left penniless after divorce, managed to establish their own flourishing businesses (Emma, Zina, Jane, Lynn & Eve) while others obtained additional qualifications (Jane, Thandi & Helen) and still others managed to make progress career wise (Jill, Beth, Iza, Nicky & Sandy).

Perhaps even more important however is that most of the participants succeeded in working through their difficult emotions and managed to overcome bitterness and resentment. The following excerpts will nevertheless indicate that this was not an easy journey.

Zina: *I had come to terms with it a lot but the pain ... is there, it's the absence it's the sense of abandonment the sense of rejection((sigh)), helplessness, hopelessness at times but that ... the only way out of it is through it and and that's something I had to go through, time and time again ... and yes it's a very lonely journey.(43-46fg)*

Jill: *Did I always get it right? And by that I mean not becoming emotional, angry, frustrated... no, I still get it, I still have all those feelings to this day, but I can cope better. (360-362)*

Rye et al. (2004) found that a large percentage of divorced individuals believe that forgiveness is extremely important for emotional healing. It appears that some of the participants would support this. Helen recalled the relief she experienced when she not only forgave her ex-husband but also asked his forgiveness: "... toe sê ek vir hom Dolf vergewe my asseblief en elke keer wat ek dit vir hom gesê het het ek gevoel al meer las is van my skouers af"⁴³ (588-589).

Iza: ...it was only after my son died that his father sort of said to me you know ... I'm sorry for being so bitter for so long and it was quite unnecessary and from then sort of we all got on. (111-113fg)

Interestingly, Rye et al. (2004) suggest that merely learning to let go of negative feelings, thoughts and behaviors can be beneficial. It is therefore likely that mothers who worked through their painful emotions towards healing also acquired skills for fostering healthy interpersonal relationships. This could be to the advantage of the mother-child relationship which the following section suggests.

11.7.5 Restoration of relationship with children

Some of the participants who experienced rejection by their children also reported signs of restoration in the relationships. Some of the mothers' strategies like reframing their situations or persisting with contacting their children probably played an important role in restoring these relationships which Jill eloquently explained.

Jill: I started arriving at... the granny's house, to see my boys, I just ... I became so thick skinned. And let me tell ... you things just got better and better and better... Our relationship by the way, is so much better. ... I get the most beautiful sms's from him [older son] but it was a gradual thing. (375-377, 395-396)

It is evident that the strategies used by the non-resident mothers each had their own consequences, some positive and some negative. It is possible that the negative consequences could have had a curvilinear effect. This means for example, that the mother's

⁴³ ...then I said Dolf please forgive me and everytime I said that I felt the burden was lifted from my shoulders

withdrawal from the child in order to avoid emotional discomfort could have caused further distancing in the relationship resulting in even more discomfort for the mother. By the same token, falling back on self destructive habits in reaction to emotional and psychological discomfort could have in turn, induced more discomfort. It is however also evident that there are strategies available to non-resident mothers that can produce positive outcomes like personal growth, improved interpersonal skills and most importantly, restoration of the mother-child relationship. While it is significant that this can have a reducing effect on the central phenomenon, the mother's discomfort, it can also potentially improve the child's well-being, something that is equally important from the point of view of the social work profession.

11.8 CONCLUSION

The theory presented here is grounded in data derived from a particular method and a particular group of women at a particular time. Clearly it is impossible to generalise or to make assumptions about the experiences of other divorcing women and their families. However, the stories the participants so generously shared with me are worth considering. It supports amongst others, a modest conclusion that contrary to the all too common perception that non-resident mothers are "nonmothers" or somehow morally tainted (Pagano, 2000: 11), there are non-resident mothers who found fulfilment in motherhood when they had the opportunity, but who surrendered custody for altruistic considerations or lost custody against their wishes due to circumstances beyond their control. These mothers may experience prolonged internal discomfort that can sometimes reach unbearable levels. This phenomenon cannot be ignored particularly when a systems approach to the family suggests that family members are interdependent and that distress, frustration and conflict experienced by any one of the members or in any of the sub systems, can prompt changes throughout the system. This is supported by at least twenty-four studies quoted by Lamb (1997) indicating that parental distress and conflict related to divorce can cause a broad range of emotional and behavioural disorders in the children who are exposed to it. Similar suggestions emanated from the data in this study (7.4.1).

Encouraging however were suggestions that those mothers who surrendered custody for altruistic reasons after a more conciliatory 'non-adversarial' process, although still sad, were

less distressed and did not suffer the trauma custody evaluations and the litigation process can cause. There were also indications that they, although from a distance, had the opportunity to maintain a mothering role in their children's lives. Additionally, there were suggestions that they managed to uphold respectful cooperative co-parenting relationships with the fathers of their children after divorce. This is of significance in the light of evidence that it is parental conflict rather than the custody arrangement that predicts poorer adjustment in children of divorce (Luepnitz, 1982; Galatzer-Levy & Kraus, 1999).

In contemplating the adequacy of this theory I once again considered the criteria Glaser (in Dick, 2005) suggests, namely that it fits the situation and that it helps the people in the situation to make sense of their experience and to manage the situation better. I realised that the participants were the most appropriate individuals to guide me in this area, just as they have done in so many other aspects of this study that I needed to understand. Some of their responses follow here below:

I was amazed at how well you put all the info together. I re-read the article twice and although it was poignant it was cathartic ... (**Zina** letter dated 15-03-2007).

.....ek kan maar net sê dat my ondervinding dan darem iewers verwoord is - dit help anders voel alles so futie! weer eens - dit was goed om met jou te praat, en om te voel dat iets goed uit die verskriklikhede kan kom (al is dit dan net 'n uitstekende doktorsale tesis!). ⁴⁴ (**Beth** e-mail dated 19-02-2007)

I became completely engrossed in the document and I want to read it again. It is almost like a novel but with real live people. I could identify with soooo much of what the others said as well. I do believe that this should be used as guidelines for the people who have the power to decide on custody and also for couples planning a family. (**Iza** e-mail dated 07-03-2007)

11.9 RECOMMENDATIONS

It appears then that findings from this study are suggestive and can have implications for policy and practice. I will therefore now proceed to offer a few recommendations.

⁴⁴ all I can say is that my experience is at least documented somewhere otherwise everything feels so futile!again –it was good to talk to you and to feel that something good can come from the misery (even if only an excellent doctoral thesis!)

11.9.1 Recommendations for policy and practice

The following are the recommendations specifically pertaining to non-resident mothers:

- It is important for therapists and custody evaluators to have knowledge of the divorce process and its effects on those involved. Harm can be done particularly to non-resident mothers if professionals misjudge their symptomatic behaviour as pathological when it is in actual fact a normal reaction to marital breakdown and the threat of losing custody. Clinicians wishing to help this at-risk population (Greif, 1997b) should be aware of growth producing coping strategies so that alternative options for coping can be explored.
- The data support suggestions in literature (Greif, 1997b) that a mother's non-resident status can make her extremely vulnerable to social stigma. They may as a result feel too embarrassed to seek support. Clinicians who are aware of the secrecy, denial and shame these mothers may experience, should intervene in ways that can help them to confront idealised social messages about motherhood and to have a more realistic validation of their self worth.
- Significant in this study were suggestions that support the positions of Turkat (2000) and Johnston and Campbell (1988) who contend that significant others, like extended kin, who encourage uncompromising stands can intensify the conflict between the divorcing parents and can add additional stress to their custody battle. Data in this study indeed indicated that support from paternal grandmothers could have been of some value, but also held elements of destruction for the larger system, particularly when there were indications of alienation in the mother child dyad. It is significant for those professionals involved with divorcing families to heed this warning since it cannot be in a child's best interests to have a distorted image of the primary maternal figure.
- Interventions with divorced parents should focus on helping them to get beyond personal feelings of hurt, anger and bitterness so that business-like co-parenting relationships can be established in the interest of the children.

The following recommendations regarding divorcing families bear a resemblance to those derived from my earlier study on paternal custody (Pieterse, 2002). The data and specific

suggestions from the participants (10.4.2) however emphasised the importance of these recommendations and therefore they are repeated here below.

- Divorcing parties should be informed about the effect protracted litigation can have on them and their children and should be encouraged to resolve their disputes in a minimally antagonistic, non-adversarial atmosphere as far as possible.
- No parent should feel that she or he was not granted a voice in deciding their children's future (11.3.1). As suggested in the White Paper for Social Welfare (Ministry of Welfare and Population Development, 1997), divorcing couples should be guided to re-organise their post-divorce family system, through a process of mediation, involving both parents.
- Determining custody on the basis of a win-lose model where the 'better' parent has to be identified, should be replaced by a process of deciding on the best possible arrangements both parents can make to contribute to the well-being of the child after divorce.
- Offices of the Family Advocate should be empowered so that these conciliatory procedures can be available to all divorcing families regardless of their financial positions.
- Professional people involved in custody decisions should be in a position to follow multiple avenues of data collection, including home visits and collateral information, in order to obtain a holistic view of the family system.
- A systemic view of the family is more likely to facilitate an understanding of the child's needs, both parents' positions and the couple and family dynamics. At the same time, it can counteract the risk mentioned by Johnston and Campbell (1988) that divorce impasses may be perpetuated by those supposed to help resolve it when they, amongst other things, encourage uncompromising stands.
- The constitutional right of every child to express his or her opinion as to which is considered to be the most appropriate arrangements at the time of divorce, should be observed without exposing him or her to direct decision taking
- It may be difficult to implement the procedures suggested within the present judicial system. It is therefore further suggested that Family courts with comprehensive jurisdiction in family matters should be established in all areas including rural areas as proposed in the Hoexter Commission Report (1997) and provided for in the Children's

Bill (2002). If the Government is committed to giving the highest priority to the promotion of family life (Ministry of Welfare and Population Development, 1997), financial considerations should not delay these vital changes to family law provisions which transpired from intensive investigations and lengthy deliberations.

New questions emerged in the process of attempting to address the questions that prompted this study. The following directions for future research are therefore suggested.

11.9.2 Recommendations for future research.

By investigating the experiences of non-resident mothers, this study extended earlier research on the experiences of fathers pursuing custody of their children (Pieterse, 2002). The fact that the views of children in the different post divorce family arrangements have not been investigated remains a limitation however. Future research in this area may provide even more valuable insights.

- A need exists for longitudinal research to assess the relative advantage of mediated over litigated custody decisions across time.
- A limitation of this study was that it was not possible to explore custody arrangements made in terms of customary law. Future research on these arrangements possibly affecting a rather large sector of the South African society, could be of value.
- The concept of parenting plans introduced by the Children's Bill is relatively new to South African practitioners and therefore models for constructing and managing these plans should be explored.
- With knowledge gained from this and other studies on the plight of some non-resident mothers, intervention strategies for the benefit of this at-risk population (Greif, 1997: 46) should be developed and tested.

I trust that the insights gained from this study and the ensuing recommendations will be of value to those involved either professionally or personally with the reorganisation of post divorce family systems. However, the uniqueness of each mother and the complexity and ambiguity of every family situation should be considered when contemplating the application of any of these recommendations.

11.10 CONCLUSION

This study is about non-resident mothers' very real experiences of the internal discomfort related to parenting from a distance exacerbated by the reality of marital breakdown, custody evaluations and custody litigation. It is also about the resilience of non-resident mothers, their triumph over trauma and tragedy, but alas, also about the long term bereavement some may suffer. Then again, Schiraldi (2001) refers to pain as a great teacher and it is evident from the participants' reflections that they learnt many a lesson from their unique 'teachers'. This hard-earned wisdom which they shared generously in this study, cannot be ignored. "When we women offer our experiences as our truth, human truth, all the maps change. There are new mountains" (Le Guin, 1989: 160). These mountains challenge researchers, those in the helping professions and most importantly, policy makers who wish to ameliorate the deleterious effect divorce can have on families.

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APPENDIX 1: TERMINOLOGY REFERRING TO CHILDREN OF DIVORCE

1 INTRODUCTION

Certain terms are frequently used in decisions regarding the future of children whose parents are divorcing. Some of those terms that are significant for this study are explained here below.

2 GUARDIANSHIP

Guardianship in relation to a child, means guardianship as contemplated in the Guardianship Act (1993). Historically the father was as a rule designated as guardian of the child in a divorce action while the mother normally received custody (Visser & Potgieter, 1998). The Guardianship Act (1993) has however formally equalised parental relationships. In terms of section 1 of the Guardianship Act (1993) both parents are now equal guardians of their child and enjoy equal powers in this regard (Boshof, 2001). The court however has the power to award sole guardianship to one parent if the other has proved to be incompetent or not interested in the child, or where that parent lives in another country or intends to emigrate to a foreign country (Visser & Potgieter, 1998).

The current Guardianship Act (1993) will be replaced by section 18 of the Children's Act (2005) in the near future. A guardian in terms of the Children's Act (2005) then refers to a parent or other person who has guardianship of a child and who must:

- (a) administer and safeguard the child's property and property interests;
 - (b) assist or represent the child in administrative, contractual and other legal matters;
or
 - (c) give or refuse any consent required by law in respect of the child, including-
 - (i) consent to the child's marriage;
 - (ii) consent to the child's adoption;
 - (iii) consent to the child's departure or removal from the Republic;
 - (iv) consent to the child's application for a passport; and
 - (v) consent to the alienation or encumbrance of any immovable property of the child
- (Section 18 of the Children's Act, Act 38 of 2005)

3 CUSTODY

Custody refers to the physical control and supervision of children. The child will physically live with the parent who has custody and this parent will provide all the child's physical needs and control the child's daily life, including but not limited to education, religious matters and medical decisions (Visser & Potgieter, 1998; Gibson, 2004). Arenstein (1989: 44-48) explains that custody in general involves both physical custody (actual day to day control) and legal custody (arrangements regarding education, religious training and medical care). These two elements may be the responsibility of one or both parents. The different custody options mentioned are:

Sole custody is the most prevalent custody option, and refers to a situation where custody is awarded to one parent who maintains both physical and legal custody of the minor children involved.

Split custody apportions the children between the parents with each having sole custody of one or more of the children. Hahlo (1985) suggests that it may also be possible that the interests of the child will be best served by splitting the custody so that the mother obtains custody first and it is transferred later to the father.

Joint custody

The term "joint custody" can refer to either shared physical custody, with children spending equal or substantial amounts of time with both parents, or shared legal custody, with primary residence often remaining with one parent. Joint physical custody clearly implies ongoing close contact with both parents. However, joint legal custody implies shared decision making by the parents and ongoing, active involvement of the nonresidential parent in the child's life, even if residential custody remains primarily with one parent (Bauserman, 2002: 93)

Joint custody makes it possible for parents to retain equal legal rights, authority and responsibility for the care and control of their children, much as in an intact family. There used to be considerable controversy regarding this custody arrangement, but Van der Merwe (1990) points out that joint custody is consistent with the movement towards gender equality. It also appears from a number of studies to which Galatzer-Levy and Kraus (1999) refer that children prefer joint custody to sole custody and that they benefit from this arrangement, but these authors also emphasise that special effort and commitment is required from parents. However, when Bauserman (2002) compared child adjustment in joint

physical or joint legal custody with sole-custody settings, there was no indication of any clear disadvantage relative to sole custody.

It therefore appears that joint custody may be worth the special effort if necessary since it is not only beneficial to the children involved, but it allows both adults the gratification of parenting while eliminating the syndrome of the overwhelmed single parent.

4 ACCESS

According to Schäfer (1993), there does not appear to be any statutory definition of access in South Africa. He derived the following definition from case law:

“Ordinarily the right of access is a general right to see and speak to the child and enjoy its company while it is in the continued custody of the custodian parent” (Schäfer, 1993: 33-36).

In *Marais 1960 1 SA 844 (C) 845* De Villiers A J posited that: “What is aimed at is the preservation of some kind of parent-child relationship between the non-custodian parent and the child for the benefit of both, but in a manner not incompatible in substance with the vesting of undivided control and regulation of the care and upbringing of the children in the custodian parent” (Schäfer 1993: 36). This author identified two kinds of access, namely undefined access where the parties themselves decide what constitutes reasonable access, and defined or structured access where the court has to intervene. The following options are available under defined access:

Supervised access: This access is usually in the presence of the parent or a person in loco parentis, such as a teacher. This order is made if there is a risk to the child or in cases where there has been a prolonged absence of the non-custodian parent.

Divided access: If custody is awarded to a third party, access may be divided between the parents. In other cases where a parent is allowed access to only one or more of the children but not to others, this type of access may be stipulated.

Visiting access: This allows the parent to visit the child and not remove him/her. This is particularly appropriate if a child is still very young and the parents live within visiting access of each other.

Staying access involves staying overnight, for example, over a weekend or during a holiday

period.

Non-physical access. This type of access may be appropriate where physical access is deemed undesirable, but some form of contact is considered necessary. This could be restricted to telephone calls, letters and parcels.

Deferred access: This is a temporary denial of access, but an application for access can be made at a later stage. In some cases the application can be deferred until certain conditions are met (Schäfer, 1993).

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APPENDIX 2: MINIMUM PRACTICE STANDARDS : KIRKPATRICK

Kirkpatrick (2004) suggests the following minimum practice standards for child custody and visitation evaluations:

1. Child custody evaluations are by definition "forensic" evaluations.
2. The purpose of the evaluation is to assess the psychological best interests of the child.
3. The court is the evaluator's primary client.
4. The evaluator is either court-appointed or assigned by consent order.
5. The scope of the evaluation is anchored to specific referral questions.
6. The evaluator obtains informed consent from all parties.
7. The skills, knowledge and expertise needed to conduct a competent evaluation require that the evaluator gain specialised forensic competence.
8. Record keeping is of the highest standard and one's records should be retained.
9. The evaluator uses multiple avenues of data gathering.
10. Opinions are not given about the psychological functioning of any individual who has not been personally evaluated.
11. The evaluator clarifies with the parties in advance her contractual arrangements for conducting the evaluation.
12. The evaluator avoids multiple relationships, which can create role conflicts.
13. The evaluator acknowledges any implicit or explicit limitations of psychological knowledge and techniques used in the evaluation.
14. The evaluator avoids *ex parte* communication with counsel or the judge.
15. The evaluator avoids accepting allegations as facts.
16. The evaluator recognizes a high probability of re-litigation and that judicial decisions do not mark a definitive end to a custody dispute.
17. It is important to assess the family factors that affect the child(ren).
18. Evaluators shall have a minimum of a master's degree in a mental health field.
19. The evaluator shall be knowledgeable about the relevant statutes and case law governing child custody.
20. Comparable evaluation techniques should be used to evaluate each litigant.
21. Appropriate and relevant collateral information is obtained.

Appendix 2

22. The quality of the relationship between parent/care taker and child should be assessed.
23. Evaluators should adhere to the ethical principles of their own professions.
24. There are essential differences between traditional clinical practice and the performance of child custody evaluations.
25. Evaluators need to be aware of and knowledgeable about special considerations in child custody evaluations.
26. Evaluators must be aware of relevant law, local rules, and rules of discovery.

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APPENDIX 3: CRITERIA FOR CUSTODY EVALUATIONS.⁴⁵

1 INTRODUCTION

In the case of *McCall vs McCall 1994 3 SA 201 (C) 204-J*, Judge King suggested certain criteria for custody evaluations which are, according to Bosman-Swanepoel, Fick and Strydom (1998), so complete and effective that they can serve as guidance for all.

2 CRITERIA

2.1 Love and affection and other emotional ties as well as parent's compatibility with child

Attachment can be defined as a bond of caring and craving that binds the child and caregiver (Bosman-Swanepoel et al., 1998: 65). This attachment is, according to Stahl (1994), one of the most important aspects to assess during a custody evaluation. Secure attachment will be formed when parents are available, responsive and helpful, in other words, committed to the child. Bosman-Swanepoel et al. (1998) emphasise that an evaluator has to determine the person to whom the child is most strongly attached and on whom the child depends most for meeting his or her needs. For many years it was believed that only the mother could fulfil this role, but Stahl (1994) refers to growing evidence that both parents can nowadays fulfill this role. Froneman (1999) is of the opinion that the strength of the attachment will not always depend on the time spent together, but rather on the quality of the parent's involvement and responsiveness to the child.

With regard to the parent's compatibility with the child, particular qualities of a child are often relevant to the choice of custodial parent. Such issues as the child's temperament, talents and interests and their match to the parents, may make placement with a particular parent in the child's interest (Galatzer-Levy & Kraus, 1999).

^{45 45} This section is based on a similar section in the thesis "The pursuit of paternal custody" (Pieterse, 2002).

2.2 Capabilities, character and temperament of the parent and the impact thereof on the child's needs and desires

The parents' personality characteristics play a central role in the development of children, as children model themselves on their environment. The following are undesirable attitudes and characteristics of parents identified by Bosman-Swanepoel et al. (1998):

Over-emotional parents who tend to be unaware of their excessive emotionality and explosive behaviour.

Over-protective parents who discourage the children from maturing and whose children are likely to have weak egos.

Childish parents who rely on their children for the motherly care and security they crave.

Alcoholic parents: In a recent study where Ackerman, Ackerman, Steffen and Kelley-Poulos (2004) compared psychologists' practices with judges' and attorneys' expectations, alcohol and substance abuse related concerns consistently ranked as the number one concern with psychologists, judges, and attorneys. This is not difficult to understand considering that parents with these problems tend to have mood swings and are often unpredictable. Their children could therefore experience a range of psychological difficulties, including learning challenges, eating disorders, compulsive achieving, depression, shame and guilt and several other challenges.

Seductive parents: The parents are unaware of the child's perception of them and the child may respond to the parent sexually.

Rejecting parents: These parents do not provide their children with a loving and caring environment which is essential for their growth.

Over-conscientious parents: They attempt and strive to avoid all possible frustration in their children's lives.

Uninvolved and neglectful parents: These parents are unable to give any encouragement or love to the child and will make no effort to control the child. They will distance themselves emotionally from their children and view parenthood as a burden.

2.3 The ability of the parent to communicate with the child and the parent's insight into, understanding of and sensitivity to the child's feelings

The secret of communication lies in the unconditional acceptance of a child, which is

indicated by parents who show the children that they understand their feelings and who give them the freedom to express both their positive and negative feelings. It is also important to determine whether the parent allows the child to express positive feelings about the other parent or whether the parent empathises with the child's grief about the loss of the other parent.

Parents who repeatedly criticise their children and who use moralising tones and keep pinpointing their children's faults alienate their children and cannot hope to establish meaningful communication with their children (Bosman-Swanepoel et al., 1998; Froneman 1999).

2.4 The disposition of the parent and capacity to give the child the guidance which he requires

Without effective discipline a child cannot develop self-discipline and self-direction. The goal of discipline is to model behaviour so that the child will grow up to behave in a socially acceptable way. Punishment is an essential part of discipline, but it must be appropriate to the transgression, and it must be consistent and constructive. It must be aimed at conscience building and not humiliating the child or relieving the parent's frustrations. The evaluator must assess which parent is best able to cope with this responsibility, and it is helpful to consider the different parenting styles which parents indicate in the way they exercise their authority (Bosman-Swanepoel et al., 1998)

- The *autocratic parent* who is over controlling, expects unconditional obedience, rejects the child when disobedient and has little meaningful communication with the child.
- The *democratic parent* gives clear consistent guidelines, observes joint decision making, is warm and sensitive and shows respect for the child..
- The *permissive parent* allows children to decide without adequate guidance and has little or no parental control.

2.5 The ability of the parent to provide for the basic physical needs of the child, the so-called 'creature comforts', such as food, clothing, housing and the other material needs - generally speaking, the provision of economic security

According to Standley (2001), a court will not necessarily make an order in favour of the wealthier parent since a child's welfare is not to be measured by money and physical comfort alone. In similar vein, Froneman (1999) contends that the wealth of a parent should not be a consideration in custody decision-making. It must however be borne in mind that parents who are unable to meet their financial commitments and who are unable to provide adequate housing may also fail to provide stability for their children. The evaluator should however also take into account that newly divorced families, especially those headed by a woman, often experience economic strain (Van der Merwe, 1990; Cohen, 1992).

2.6 The ability of the parent to provide for the educational well-being and security of the child, both religious and secular

The educational well-being of the child refers to the involvement of the parent with the schooling of the child. Parents can play an important role in creating a supportive environment and encouraging the development of specific skills in order to help children to succeed academically. In considering custody, it is important that a child's educational programme must not be disrupted unnecessarily.

2.7 The ability of the parent to provide for the child's emotional, psychological, cultural and environmental development

Children of different ages have different developmental needs, with some children more sensitive and reactive to their environment than others. It is therefore important to determine which parent is most aware of the child's needs and best able to provide age-appropriate emotional care.

Based on the work of Oppenheim and Koren-Karie (2002), Drozd (2004: 2) refers to "parental insightfulness" and suggests several criteria for assessing divorcing parents. These criteria are:

- *Point of view*: How well does a parent see things from the child's point of view?
- *Motives*: How well does a parent understand the motives of the child?
- *Complexity*: How complex is the parent's view of the child? Does that *parent* see the child as all good, all bad, or as a combination of both good and bad?

- *Openness*: How open is the parent to taking in new information about the child?

2.8 The mental and physical health and moral fitness of the parent

The mental stability of a parent is an important consideration because the family is a system and the pathology of the parent does have an influence on the rest of the family. Even if the parent is not psychotic or seriously disturbed, mental instability can have an effect on impulse control, nurturing and so forth. (Van der Merwe, 1990).

The evaluator must have knowledge of the divorce process and be able to recognise the different stages of divorce experienced by the parties. It is also important for an evaluator to be able to distinguish between reactions to intense shock, anger, depression and grief related to marital breakdown on the one hand and reactions that form part of a history of inadequate coping on the other hand (Greif, 1997).

It does not appear that the physical health of the parent should be considered as a criteria in custody evaluations, unless the physical illness of the parent is of such a nature that he or she is not able to care for the child (Froneman, 1999).

There are indications that a parent's moral character will only be considered in so far as it may have an effect on the parent's quality of parenting. The evaluator is nevertheless sometimes faced with critical issues of which a parent's sexual orientation can be one. Although there have been changes in societal ideas as to what is acceptable behaviour in parents, it appears that gay and lesbian issues continue to create controversy in society and therefore the sexual orientation of a parent can be used against him or her in a custody dispute (Duran-Aydintug & Causey, 1996). The Constitution of the Republic of South Africa (Act 108 of 1996) forbids unfair discrimination on grounds of sexual orientation and therefore does offer these parents some protection, but at the same time the inclusion of the word unfair leaves room for judicial discretion. Concerning this contentious issue Bosman-Swanepoel et al. (1998) conclude that the quality of the parent/child relationship and the care

the child receives, are more important considerations than the parent's sexual orientation. Similarly, Stahl (1994) agrees that issues of sexual orientation can complicate a custody evaluation, but argues that they do not in themselves reflect a parent's ability to meet the child's needs.

2.9 The stability or otherwise of the child's existing environment, having regard to the desirability of maintaining the status quo

Divorce, as a serious disturbance of family life can destroy stability and disrupt the lifestyle of every member of the family. It is therefore advisable to allow the child to remain in well-known surroundings and to maintain access to familiar support systems such as friends, school, neighbourhood and the domestic helper in the house. The parent's support system is equally important since it can enhance both the parent and the child's chance of re-adjusting after divorce (Bosman-Swanepoel et al., 1998).

The courts are generally reluctant to move a child if he or she has found stability in the home of one parent (Van Zyl, 1997). If the child has been in the custody of one parent during pre-divorce separation or pending an appeal, this could be a factor in favour of that parent.

The continued relationship between the child and non-resident parent is of utmost importance. The child usually experiences the loss of continuous close contact with the non-custodian parent as the most serious disruption which can affect the child's emotional security with long-term negative consequences. Continuity of a contact relationship with the non-resident parent can therefore be considered the most important consideration in decision-making about child custody (Hetherington & Kelly, 2002; Bruch, 2006).

2.10 The desirability or otherwise of keeping siblings together

The courts will not separate siblings if possible, as this may fragment their sense of stability and security. In cases where siblings have to be separated, there should be sufficient access to each other to maintain their relationship. It is important that the siblings' companionship and mutual support should not be neglected or undermined, especially in the time of emotional turmoil after the divorce (Van Zyl, 1997; Gibson, 2004). Froneman (1999)

recommends that the criteria of keeping siblings together be applied in every custody case where two or more children are involved, but that each case be evaluated on the individual circumstances, taking the children's best interests into consideration.

2.11 The child's preference

Stahl (1994) asserts that it is best not to ask the child about his or her preference, but when the child states the preference spontaneously, and it does not appear to be a mimic of one of the parents, it has to be considered. It is interesting to note that Garrison (1991) suggests that children even younger than nine years may be deemed competent to participate in the decision-making process. This she argues, can culminate in their enhanced post-divorce adjustment and heightened sense of personal autonomy and self-efficacy. In this regard, Bosman- Swanepoel et al. (1998) also emphasise that every child has a right to be regarded as a separate person with individual rights which, amongst other things is the a right to express their views and to make their voices heard in matters that affect them. Observing these rights should however not be confused with placing children in a decision-making role, which may create more emotional turmoil and feelings of guilt (Kuehnle, Greenberg & Gottlieb, 2004). Besides providing information that can be valuable and relevant to the legal decision-making process, children may also benefit independently when provided with the opportunity to have a voice during the custody evaluation. There are indications that children adjust better to family transitions when they believe that their feelings, perceptions, and preferences are valued during the custody evaluation (Dunn, Davies, O'Connor & Sturgis, 2001). To this Gould (1998) adds that a primary goal of the child interview is to understand the goodness of fit between the child and each parent. By goodness of fit Gould (1998) apparently refers to the child's cognitive, social, and emotional needs and the ability of the parent to meet those needs.

Kuehnle et al. (2004) however advise that the complexities of child interviews require a high level of knowledge and skill. This will include a solid understanding of children's abilities, limitations, and memory processes, as well as the impact of development on each child's

unique characteristics.

At this point the controversial issue of parental alienation has to be mentioned particularly since Ackerman et al. (2004) found that this is the second greatest concern of psychologists, family lawyers and judges alike. Stahl (1999) suggests that a strong negative attitude towards one parent must be explored because it can indicate a situation where one parent subtly and covertly gives a message to the child about how bad the other parent is. The child can become obsessed with hatred of the alienated parent which can manifest itself on a continuum from a slight increase in loyalty conflicts to a situation where there is a clear consistent derogation of the alienated parent by the alienating parent and by the child. Galatzer-Levy and Kraus (1999) indicate that many young people when growing into adulthood deeply regret that they have been cheated out of a relationship with the other parent and often acknowledge that it was due to responses which they did not truly share.

2.12 The desirability or otherwise of applying the doctrine of same sex matching

It appears that neither the law nor psychological literature places much emphasis on these criteria, possibly because placing the child with the parent of the same gender should only be considered as an important criteria if that particular parent seems to be better able to provide for the physical and emotional needs of the child (Van der Merwe, 1990). According to Galatzer-Levy and Kraus (1999), a particular child may benefit from a closer relationship with a parent of a particular gender, but no generalisation can be made about the impact of the gender of the custodial parent on the establishment of gender identity in the child. Authors like Parke (1996) and Cumes and Lambiase (1987:122) support this view and argue that the sex role self concept of children is not negatively affected if the child is not placed with the same sex parent, possibly because it is not only the biological parent that can provide a role model. In the case of McCall versus McCall, Judge King however referred to the importance of the teenage boy's need for the discipline and guidance of his father, rather than the protection of his mother (Froneman, 1999). Cumes and Lambiase (1987) nevertheless hold that it may sometimes be preferable to place children in adolescence with the same sex parent, but it is the parenting style that provides optimum security and developmental opportunities for the child that will tip the scales in favour of a specific parent

regardless of gender.

2.13 Any other factor which is relevant to the particular case

Any important factor which is relevant to the specific case, could be evaluated by the family counsellor or be discussed in the custody report. The following are examples:

2.13.1 The primary caretaker

This criterion can, according to Van Zyl (1997) be of value in a custody evaluation although it may not be appropriate in some cases. The primary caretaker is defined as the parent most intimately involved in the daily life and care of the child. A legal presumption in favour of the primary parent merely means that if both parents are fit, the court will consider which parent has served as the primary parent before the divorce. This rule is not inflexible and it is not gender biased, because either can present evidence that he or she has served as primary parent. Contrary to the belief of some father's rights advocates, this presumption does not reintroduce the maternal preference rule, but will help modern fathers who play the role of primary caretaker and who are currently at the mercy of open-ended judicial discretion. This presumption will however not be of much help where both parents work and the caretaking is done by a third party (Mason, 1999).

2.13.2 The parent's involvement in a new relationship and subsequently the child's relationship with this person

On the remarriage of one parent, resident or not, it appears that the impact is the greatest on the children, who may still mourn the loss of the former nuclear family system or the loss of the recently established primary role in the single-parent household (Robinson, 1993). The remarriage also often destroys fantasies of reconciliation between the parents (Emery, 1994). If the stepparent is then imposed on the child as a substitute for a parent who is greatly missed, the child may experience deep resentment towards this stepparent because children do not normally perceive their parents as disposable or interchangeable.

Stepparents can on the other hand be in equally precarious positions since their roles are often not clearly defined. In this regard, Svare, Jay and Mason (2004) found a wide range of

step-parenting approaches in their study. These approaches varied from active engagement with the stepchildren to a more distant approach, depending on the circumstances of the family. Stepparents nevertheless consistently indicated that they strived to fill a gap that was caused by divorce in the family.

Despite challenges like conflicting lifestyles of biological families and stepfamilies, power and authority issues, distribution of material and emotional resources and many others inherent to re-creating families (Stanton, 1986), remarriage can also have advantages. It can for instance offer parents and children additional supports and resources as well as an escape from the threats of single-parent households, of which the large number of successful stepfamilies can according to Lamb (1997) provide proof.

2.13.3 The parents' relationship with each other

This aspect could play an important role during the custody evaluation. Parental conflict, defined as verbal and physical aggression between them, has emerged as the most robust predictor for childhood behaviour problems before, during and after divorce. It appears that the divorce per se is far less traumatic for children than the extremely dysfunctional relationship that often develops between the parents after the divorce even when it has not existed before the separation (Hetherington & Kelly, 2002; Taylor, 2004). It is also true that children feel safer with a patient, understanding parent than with a person who is angry, hostile and bitter all the time (Galatzer-Levy et al., 1999).

As a result of dysfunctional post-divorce co-parenting relationships, resident parents sometimes sabotage visitation and access rights of the ex spouse. This happens despite convincing evidence that it is the long-term involvement and emotional support from both parents that ultimately help children to make successful adjustments after divorce (Van Zyl, 1997). It is probably with this in mind that South African law provides that a reluctant resident parent who tries to prevent access of the other parent to the child, can be found guilty of an offence in terms of section 1 of the General Law Further Amendment Act 93 of 1962. Similarly Section 35 of the Children's Act (Act 38 of 2005) determines that any person who prevents another person from exercising his or her right to access to a child, is

guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year.

2.13.4 Physical, emotional and sexual abuse of children

With a dramatic increase in violence in society, there is also a growing awareness of physical, emotional and sexual abuse of children and an increase in the number of divorcing wives accusing their husbands of sexually abusing their children (Stahl, 1994). According to Herman (1990), these allegations may be difficult to substantiate when they occur during the turmoil of a custody dispute. High-conflict custody disputes may furthermore produce a range of symptoms in children that closely resemble symptoms of sexual and other abuse; this can lead to even more complications during custody evaluations (Stahl, 1999). The significance of investigating these allegations is however emphasised when Kleinman (2004) points out that children have no power of their own and therefore they rely on the state to secure their rights and to afford them protection. He (Kleinman, 2004) asserts that a parent's fundamental right to visitation should be suspended when there is evidence to show that such contact poses a danger or a risk of danger to the emotional or physical health and safety of the child.

Some suggestions from Stahl (1994) may be useful for the evaluator confronted with the difficult task of investigating allegations of child abuse. A complete review of all the physical evidence, psychological testing of both parents, and both separate and joint interviews with the child and each of the parents would be necessary. It is also important that the timing of the allegations in connection with the custody dispute be considered. In false allegations, there could be a pattern in which the alleged event was discovered just when the custody dispute erupted. The more the evaluator understands the exact nature of the allegations, the psychological dynamics of each parent and the beliefs and experiences of the child, the clearer it will be for the evaluator to make at least short-term recommendations that can help the family to move forward in meeting the immediate needs of the child and for protecting the child where necessary. Stahl (1994) however concludes that these allegations, whether true or false, should be seen as indications of emotional risk for the child. He argues that a child has to be protected against a parent who would lie to destroy the relationship

with the other parent as much as he or she has to be protected against a parent who would sexually abuse the child (Stahl, 1999).

3 CONCLUSION

This set of criteria offers valuable guidelines for custody assessments, which according to Van Zyl (1997) is desirable since the best interest criterion is so vague and the judge's discretion is so wide. Custody evaluations as they are currently known, may become outmoded in a new dispensation where the focus will be on the responsibilities and rights of both parents. The criteria discussed here can nevertheless remain helpful to those practitioners who assist divorcing parents in crafting their agreements and parenting plans.

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APPENDIX 4: PARENTING PLANS

1 INTRODUCTION

The prospects of losing the day to day parenting relationship with one's children can be one of the most distressing experiences of divorcing parents. The fears and conflicts that arise from this area of divorce are further compounded by traditional legal terminology such as one parent 'winning custody' and the other parent 'losing' the children and only getting visitation rights to his or her own child.

An alternative to this divisive post divorce arrangement can however be found when it is acknowledged that both parents have parental responsibilities and rights towards their children regardless of the parents' divorce. When these parental rights and responsibilities are outlined in well crafted agreements and parenting plans, it can enhance the post divorce functioning of the family and the well-being of the children. Kisthardt (2005: 226) describes parenting plans as "detailed descriptions of the manner in which parents intend to continue caring for their children after divorce".

2 STATUTORY PROVISION FOR PARENTING PLANS

Like a number of other jurisdictions, South African legislation in terms of the Children's Act (2005) now also makes provision for parenting plans. The Act stipulates as follows in terms of Section 33

- (1) The co-holders of parental responsibilities and rights in respect of a child may agree on a parenting plan determining the exercise of their respective responsibilities and rights in respect of the child.
- (2) If the co-holders of parental responsibilities and rights in respect of a child are experiencing difficulties in exercising their responsibilities and rights, those persons, before seeking the intervention of a court, must first seek to agree on a parenting plan determining the exercise of their respective responsibilities and rights in respect of the child.

- (3) A parenting plan may determine any matter in connection with parental responsibilities and rights, including-
- (a) where and with whom the child is to live;
 - (b) the maintenance of the child;
 - (c) contact between the child and -
 - (i) any of the parties; and
 - (ii) any other person; and
 - (d) the schooling and religious upbringing of the child.
- (4) A parenting plan must comply with the best interests of the child standard as set out in section 7.
- (5) In preparing a parenting plan as contemplated in subsection (2) the parties must seek-
- (a) the assistance of a family advocate, social worker or psychologist; or
 - (b) mediation through a social worker or other suitably qualified person.

Section 34 of the Children's Act (Act 38 of 2005) makes provision for certain formalities related to parenting plans (See pages 324 for an extract from the Act).

3 PARENTING PLAN MODEL

Based on the work of the American Academy of Matrimonial Lawyers (AAML), Kisthardt (2005) proposes a parenting plan model that can be a useful tool for helping divorcing parents to construct plans for their children's future. This plan requires parents to think about numerous options for the continued care of their children with the hope that planning in advance will help to avoid or at least curb post divorce conflicts and disputes. It also encourages parents to focus on the developmental needs of their children at different stages of development. While the term parenting plans will be used more often it is understood that parental responsibility and rights agreements can be approached in the same way.

The underlying assumption of the model is one of shared parental responsibility with the responsibility for joint decision-making at the heart of it. Terms such as custody and visitation are eschewed so that the ongoing responsibility of both parents can be emphasised

(Kisthardt, 2005). Provision is then made for joint decision-taking in a number of areas of which some will be briefly discussed below.

3.1 Education

It will not always be possible to make all the decisions in advance, but parents can be encouraged to agree in principle on certain aspects such as preference for private or public schools. It can also include a provision that again reflects the significance of joint decision-making by prohibiting changes in enrolment without the consent of both parents.

3.2 Medical Care

The provision of medical care for the child can be a contentious issue for divorcing parents with the main sources of conflict mostly about the selection of health care providers, notice of and inclusion of each parent in routine physical examinations and decisions regarding elective treatment. All of these can be covered in the parenting plan while provision can also be made for access to medical and school records by both parents and how those will be obtained.

3.3 Extra curricular Activities

This section alerts parents to the problem of scheduling of activities during the time the child is with the other parent. There is also a provision for notification so that both parents can attend events in which the child participates.

3.4 Religion.

Parents can jointly choose how and when their children will be exposed to, or participate in religious activities.

3.5 Other issues

This section can include issues that may appear trivial to those not involved but issues that can cause conflict after divorce to the detriment of the children whose well-being is at stake.

These issues include the names by which children will be called as well as names that will be used to refer to others such as stepparents. It can also refer to circumstances that require parental consent such as driving or obtaining employment under a certain age.

Others issues not traditionally included in custody orders, but that can become major issues for divorced parents are restrictions on entertainment (watching movies and access to the internet) as well as the use of firearms and all-terrain vehicles.

3.6 Scheduling

A parenting plan essentially includes a residential schedule that is consistent with the child's developmental level and the family's specific circumstances. Fundamentally it should encourage each parent to maintain a loving, stable, and nurturing relationship with the child. In constructing this schedule the criteria previously used for custody assessments can be helpful (See Appendix 3). The schedule should however not only include day to day residential arrangements but also provide for holidays, special days and vacations. The significance of considering different developmental stages should be emphasised to parents when assisting them in developing a parenting plan. This contention is also supported by Stahl (1994) and Mason (1994) who appeal that the vast body of research that details the specific needs of children at different developmental stages should be considered when planning post divorce parenting. A comprehensive discussion on children's needs from a developmental perspective is provided in Stahl's (1994) work. A summary of this discussion together with suggestions for parenting plans, were tabulated for easy reference (See Appendix 5).

Equally important are issues of transportation and how exchanges of the children will be addressed. This is particularly significant to high conflict divorced couples where meetings to exchange the children create opportunities for protracted inter parental conflict something that can be damaging to the well-being of the children.

Parents should also be encouraged to consider in advance how requests for changes will be made and appropriate time frames for doing so should also be determined.

3.7 Special circumstances

In recognition of the negative effects child abuse and neglect as well as domestic violence can have on children, the parenting plan model contains a comprehensive section for addressing these potentially high risk situations. It includes the standard supervised

visitation restrictions as well as additional considerations such as notification of caregivers concerning restrictions and the agreement of the abusive parent to participate in counseling.

Similarly, the plan should make provision for the protection of children in another potentially dangerous situation for children, that of alcohol and substance abuse by a parent.

3.8 Relocation

The possibility that one of the parents may in future desire to move and to take the child with him or her can be a very contentious issue. Much conflict related to these situations can be avoided if this issue can also be decided in advance in the parenting plan.

3.9 Travel

It is not out of the ordinary for families to travel with their children and therefore the parenting plan should also include a section on how the other parent will be notified of travel plans as well as how and what information will be shared about the itinerary.

Traveling abroad particularly can cause anxiety as a result of the risk of abduction and therefore a section in the parenting plan should also be devoted to this issue. It will be helpful to include a discussion of the requirements of both parents' consent for obtaining a passport as well as written consent for the child to leave the country.

3.10 Parent behaviour

These provisions were not normally part of custody orders, but when included in a parenting plan it can play an important role in protecting the child's emotional well-being. It will amongst other things, include parental behaviors that demean the other parent or are otherwise alienating. Other behaviors harmful to children such as using them as conveyors of negative messages, are also addressed.

Other parental behaviors such as appropriate means of discipline can also be included.

3.11 Parent Contact

A parenting plan can also determine how parents will communicate, as well as how and when a parent will communicate with the children when they are with the other parent. It

may not be necessary to address these issues in well functioning post-divorce families, but experience teaches that these situations provide opportunities for protracted conflict.

3.12 Care by Others

Child care by other than a parent also needs to be addressed in a parenting plan. The best position would possibly be that each parent would arrange for substitute care when he or she is not available while responsible for the children. Some parents may however want to include that the other parent will be given first option to care for the child in such a situation. This can be a practical arrangement in theory, but it can also cause an intrusion into the parents' privacy if they are required to notify each other every time they have dates and need someone to care for the child.

This section can also provide for arrangements regarding continued relationships with extended family members.

3.13 Modification of the Agreement

Bartlett (1999) draws attention to the fact that this instrument should also be dynamic, anticipating changes that may occur and also determining how it will be modified in response to those changes. It will therefore be wise to include options such as an automatic review at specific times.

3.14 Disputes

An important component of a parenting plan is a provision for dispute resolution procedures. One such provision is parenting coordination. This is a child-focused alternative dispute resolution process during which a mental health or legal professional with mediation training and experience assists high conflict parents to implement their parenting plan. It makes provision for mediating the resolution of their disputes in a timely manner, educating parents about children's needs, and with prior approval of the parties and/or the court, making decisions within the scope of the court order or appointment contract (Guidelines for parenting coordination, 2006).

3.15 Child Support

A comprehensive section on child support can facilitate harmonious post divorce parenting to a large extent. To be meaningful, it should include the presumed support amount, how and

to whom payments are to be made. Other areas to be addressed include health care, extra curricular activities, educational expenses, expenses related to special events, pets, and insurance. Provision can also be made for prior approval of all expenses not contemplated by the agreement. A section on tax can allow parents to choose how to allocate expected tax benefits.

3.16 Breach

The final section of the plan is designed to elicit discussion about the importance of compliance with the plan and refers to the consequences of a breach.

4 CONCLUSION

Parenting plans are essential components of the overall policy of the legislation to encourage settlement rather than litigation between divorcing parents over child matters (Van Heerden, 1998). The model for crafting parenting plans discussed above can offer a useful tool particularly in countries like South Africa where this is a relatively new concept. It is however necessary that parents should understand that there is no guaranteed ideal model or as Emery argues, any model can work or none can, depending on the ability of the parents to develop cooperative, businesslike relationships with each other in the interest of their children. Emery (2004) eloquently advises parents:

All that keeps you and your ex involved now is your joint enterprise: your children. They are your 'business,' and you two are 'business partners.' Accordingly, your relationship should be businesslike, which means cooperative, formal, polite, structured, limited, and somewhat impersonal, or at least a lot less personal than it once was. (p. 51)

The challenge posed to particularly social workers and psychologists whose roles are mandatory in terms of Section 34 of the Children's Act (2005), is to apply their specialised skills in order to assist divorcing families in this apparently not so easy process.

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EXTRACT FROM CHILDREN'S ACT

(4) **An** agreement in terms of subsection (3) does not divest a co-holder of his or her parental responsibilities and rights and that co-holder remains competent and liable to exercise those responsibilities and rights.

Major decisions involving child

31. (1) (a) Before a person holding parental responsibilities and rights in respect of a child takes any decision contemplated in paragraph (3) involving the child, that person must give due consideration to any views and wishes expressed by the child, bearing in mind the child's age, maturity and stage of development.

- (b) **A** decision referred to in paragraph (a) is any decision-
- (i) in connection with a matter listed in section 18(3)(c);
 - (ii) affecting contact between the child and a co-holder of parental responsibilities and rights;
 - (iii) regarding the assignment of guardianship or care in respect of the child to another person in terms of section 27; or
 - (iv) which is likely to significantly change, or to have an adverse effect on, the child's living conditions, education, health, personal relations with a parent or family member or, generally, the child's well-being.

(2) (a) Before a person holding parental responsibilities and rights in respect of a child takes any decision contemplated in paragraph (b), that person must give due consideration to any views and wishes expressed by any co-holder of parental responsibilities and rights in respect of the child.

(b) **A** decision referred to in paragraph (a) is any decision which is likely to change significantly, or to have a significant adverse effect on, the co-holder's exercise of parental responsibilities and rights in respect of the child.

Care of child by person not holding parental responsibilities and rights

32. (1) **A** person who has no parental responsibilities and rights in respect of a child but who voluntarily cares for the child either indefinitely, temporarily or partially, including a care-giver who otherwise has no parental responsibilities and rights in respect of a child, must, whilst the child is in that person's care-

- (a) safeguard the child's health, well-being and development; and 30
- (b) protect the child from maltreatment, abuse, neglect, degradation, discrimination, exploitation, and any other physical, emotional or mental harm or hazards.

(2) Subject to section 129, a person referred to in subsection (1) may exercise any parental responsibilities and rights reasonably necessary to comply with subsection (1), 35 including the right to consent to any medical examination or treatment of the child if such consent cannot reasonably be obtained from the parent or guardian of the child.

(3) **A** court may limit or restrict the parental responsibilities and rights which a person may exercise in terms of subsection (2).

- (4) **A** person referred to in subsection (1) may not- 40
- (a) hold himself or herself out as the biological or adoptive parent of the child; or
 - (b) deceive the child or any other person into believing that that person is the biological or adoptive parent of the child.

Part 3 Parenting plans

Contents of parenting plans

33. (1) The co-holders of parental responsibilities and rights in respect of a child may agree on a parenting plan determining the exercise of their respective responsibilities and rights in respect of the child.

(2) If the co-holders of parental responsibilities and rights in respect of a child are experiencing difficulties in exercising their responsibilities and rights, those persons, before seeking the intervention of a court, must first seek to agree on a parenting plan determining the exercise of their respective responsibilities and rights in respect of the child.

- (3) A parenting plan may determine any matter in connection with parental responsibilities and rights, including—
- (a) where and with whom the child is to live;
 - (b) the maintenance of the child;
 - (c) contact between the child and—
 - (i) any of the parties; and
 - (ii) any other person; and
 - (d) the schooling and religious upbringing of the child.
- (4) A parenting plan must comply with the best interest of the child standard as set out in section 7.
- (5) In preparing a parenting plan as Contemplated in subsection (2) the parties must seek—
- (a) the assistance of a family advocate, social worker or psychologist; or
 - (b) mediation through a social worker or other appropriate person.

Formalities

- 34.** (1) A parenting plan—
- (a) must be in writing and signed by the parties to the agreement; and
 - (b) subject to subsection (2), may be registered with a family advocate or made an order of court.
- (2) An application by co-holders contemplated in section 33 (1) for the registration of the parenting plan or for it to be made an order of court must—
- (a) be in the prescribed format and contain the particulars; and
 - (b) be accompanied by a copy of the plan
- (3) An application by co-holders contemplated in section 33 (2) for the registration of a parenting plan or for it to be made an order of court must—
- (a) be in the prescribed format and contain the particulars; and
 - (b) be accompanied by—
 - (i) a copy of the plan; and
 - (ii) a statement by —
 - (aa) a family advocate, social worker or psychologist contemplated in section 33(5)(a) to the effect that the plan was prepared after consultation with such family advocate, social worker or psychologist; or
 - (bb) a social worker or other appropriate person contemplated in section 33(5)(b) that the plan was prepared after mediation by such social worker or person.
- (4) A parenting plan registered with a family advocate may be amended or terminated by the family advocate on application by the co-holders of the parental responsibilities and rights who are parties to the plan.
- (5) A parenting plan that was made an order of court may be amended or terminated only by an order of court on application—
- (a) by the co-holders of parental responsibilities and rights who are parties to the plan;
 - (b) by the child, acting with leave of the court; or
 - (c) in the child's interest, by any other person acting with leave of the court.
- (6) Section 29 applies to an application in terms of subsection (2).

APPENDIX 5: DEVELOPMENTAL NEEDS OF CHILDREN OF DIVORCE

AGE GROUP	DEVELOPMENTAL TASKS	DEVELOPMENTAL NEEDS	TASKS SOCIAL WORKER/ PSYCHOLOGIST	ESSENTIAL ELEMENTS OF PARENTING PLAN	POSITIVE OUTCOMES	NEGATIVE OUTCOMES
0-12 Months	<ul style="list-style-type: none"> Primary attachment 	<ul style="list-style-type: none"> Safety Trust Routine 	<ul style="list-style-type: none"> Consider bonding Determine primary attachment figure. Assess individual parenting skills. Facilitate communication between parents. 	<ul style="list-style-type: none"> Extended separation from primary attachment figure must be avoided. Several contacts per week with non-resident parent in child's home. Non-resident parent involved in care-giving functions e.g. feeding & putting to sleep. One mutually acceptable and accessible day-care provider to be elected. Daily communication log kept and shared between parents to establish similar routines. 	<ul style="list-style-type: none"> Primary attachment intact. Begins secondary attachment. 	<ul style="list-style-type: none"> Separation anxiety Fear Insecurity
12-18 Months	<ul style="list-style-type: none"> Basic trust Attachment 	<ul style="list-style-type: none"> Predictability in relationships No time concept yet - out of sight can soon mean out of mind. 	<ul style="list-style-type: none"> Consider bonding Determine primary attachment figure. Assess individual parenting skills. Assess quality of shared parenting. Facilitate communication between parents. 	<ul style="list-style-type: none"> Frequent short visits weekly by non-resident parent build familiarity and reduce child's sense of loss and abandonment. Non-resident parent participates in daily routines. Initial visits in child's home. Overnight visits gradually introduced depending on bond & non-resident parent's care-giving skills. Similar routines essential 	<ul style="list-style-type: none"> Good bonding with both parents. Developmental milestones in place. 	<ul style="list-style-type: none"> Separation anxiety Regression Developmental delays Irritability.
18 Months-36 months	<ul style="list-style-type: none"> Separation Individuation Language skills 	<ul style="list-style-type: none"> Secure attachment Consistency in structure and discipline Nurturing. 	<ul style="list-style-type: none"> Assess child's autonomy & language skills. Assess individual parenting skills. Minimize conflict and competition between parents 	<ul style="list-style-type: none"> Both parents have opportunity to become comfortable with daily care-giving. Shared parenting on reasonably equal basis to continue if applicable before separation. Build relationship if shared parenting has not taken place yet. Start 2-3 daytime visits per week. Introduce over- 	<ul style="list-style-type: none"> Developed autonomous self. Healthy bond with both parents. Adequate language skills. 	<ul style="list-style-type: none"> Splitting of parents Language problems Separation anxiety Regression.

AGE GROUP	DEVELOPMENTAL TASKS	DEVELOPMENTAL NEEDS	TASKS SOCIAL WORKER/ PSYCHOLOGIST	ESSENTIAL ELEMENTS OF PARENTING PLAN	POSITIVE OUTCOMES	NEGATIVE OUTCOMES
				<ul style="list-style-type: none"> night visit if not unduly stressful to child Both parents involved in arranging age-appropriate activities with other children. 		
3-6 Years	<ul style="list-style-type: none"> Grows in socialisation Gender role identification Begins to understand feelings and emotions. Conceptual understanding of ideas, place, time and relationships but does not have adult's concept of time & needs frequent contact. 	<ul style="list-style-type: none"> Growing relationships with both parents. Predictability Consistency Concrete structure. 	<ul style="list-style-type: none"> Assess bond with both parents Assess individual parenting skills. Assess developmental needs of child. Share information on developmental needs of child with parents Encourage conflict free environment 	<ul style="list-style-type: none"> If both parents have been actively involved equal time can be considered depending on child's temperament, adjustment, ease of transitions and the effectiveness of parental communication. If one parent was minimally involved in the child's daily routine, a few days each week including a full weekend day will allow the relationship and care giving skills to develop. As the child becomes more comfortable moving between two homes, additional time and one or two overnights may be added. 	<ul style="list-style-type: none"> Healthy attachment Free of separation anxiety No evidence of splitting Understands and expresses emotions. Zest for life. Cognitive skills Socialisation skills. 	<ul style="list-style-type: none"> Intense separation fears Clinginess Fear of abandonment Sleep disturbances Nightmares Confusion Aggression Demanding behaviour Regression Delayed development
GRADE SCHOOL YEARS (± 6-12)	<ul style="list-style-type: none"> Develops cognitive skills Masters school work Socialisation skills Self confidence 	<ul style="list-style-type: none"> Free of guilt Shield from parental hostility Routine Structure Needs time and own place for schoolwork and receiving friends. 	<ul style="list-style-type: none"> Explain need for structure Explain loyalty conflicts Maximize frequent contact with both parents. Maximise involvement of both parents with school activities Emphasise significance of consistency in contact. 	<ul style="list-style-type: none"> Depending on family circumstances, child's temperament, geographical distance, etc. one to three overnights a week with each parent so that both can be involved in school routine and activities. If child needs more stability and home base alternate weekends with an evening during the week. The weekend could include one, two or three overnights depending upon the level of involvement with pre-separation parenting. Child's social activities and commitments to be given priority. Both parents to support child's activities and socialization. Child to be given the opportunity and 	<ul style="list-style-type: none"> Success in school Self confident with peers and in activities. Minimum loyalty conflict Assertive Grasps complexity and meanings of relationships. 	<ul style="list-style-type: none"> Inadequacy Insecurity. Fantasises Feels humiliated Sad & depressed Feels powerless. Temper tantrums Dependency Fears replacement Hostility to parent/s Intense anger at one or both parents for fighting Loyalty conflicts & side taking.

AGE GROUP	DEVELOPMENTAL TASKS	DEVELOPMENTAL NEEDS	TASKS SOCIAL WORKER/ PSYCHOLOGIST	ESSENTIAL ELEMENTS OF PARENTING PLAN	POSITIVE OUTCOMES	NEGATIVE OUTCOMES
				<ul style="list-style-type: none"> privacy to call the other parent freely. Child needs consistency and conflict free exchanges. 		<ul style="list-style-type: none"> Under achieves Problematic peer relations.
Adolescence	<ul style="list-style-type: none"> Independence Autonomy Need to make decisions. Need to learn from mistakes. Try to resolve conflict 	<ul style="list-style-type: none"> Desire a home base to accommodate own networks and activities Values status symbols Mercenary attitude Primary relationship with one parent. 	<ul style="list-style-type: none"> Assess ability to understand & meet child's needs. Listen to child's expectations of parents. Explain child's need for respite to parents. 	<ul style="list-style-type: none"> Provide a home base for the child with some time with the non-resident parent during the week and on weekends e.g. alternating seven-day periods with or without mid-week time or alternating long weekends with or without mid-week time. Resident parent to promote relationship with non-resident parent. Both parents can increase contact through regular attendance of child's school and extra-mural activities. Both parents consistent in maintaining age-appropriate controls. Child needs to be consulted, informed and involved when making plans without giving up the adult/child relationship and the structure that can only be provided by both parents. 	<ul style="list-style-type: none"> Feels successful Positive about future. Self-control Self-determination Self-confidence Self-acceptance Success in relationships. 	<ul style="list-style-type: none"> Immature behaviour Academic problems Intense anger. Siding with one parent Participate in parental battle Judgemental attitude Depression Suicidal tendencies Splitting Drugs Premature or inappropriate sexual relationships.

Please note:

- These are guidelines only. The uniqueness and individuality of each family and child should be considered when crafting parenting plans.
- The well-being of the child is of paramount importance when constructing parenting plans specifically when there are safety issues resulting from domestic violence; serious physical or mental illness; chronic neglect, chemical dependency, allegations of sexual abuse, inappropriate adult behavior or parole limitations of a parent.

References:

- Association of Family and Conciliation Courts (AFCC). (2005). *Planning for shared parenting: A guide for parents living apart*. [Brochure]. Baylis, M. L.: Editor. Retrieved October 31, 2006, from, <http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/afccsharedparenting.pdf>
- Stahl, P. M. (1994). *Conducting child custody evaluations: a comprehensive guide*. London: Sage.

APPENDIX 6: RECRUITING LETTER IN NEWSPAPER

Dispatch

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Updated: 9am GMT -- Wednesday, 19 October, 2005

LETTERS TO THE EDITOR...

Help with research

I AM a social worker conducting doctoral research through Wits University on the post-divorce parenting experiences of mothers who do not have custody of their children. Fathers are nowadays far more involved in childcare and mothers are able to pursue careers or other personal goals. Although mothers retain custody in the majority of cases, it is no longer entirely uncommon for fathers to be awarded custody.

Because the awarding of custody to fathers is still relatively unusual, many professionals involved in family work, including social workers, have a limited understanding of how to assist.

I completed a study for a master's degree on divorced fathers who pursue custody of their children.

While this study assisted in understanding the needs and experiences of divorced fathers, it also highlighted the need for a better understanding of the non-custodial mothers involved.

Any divorced mother without custody of her children - whether this was a situation reached amicably or after protracted conflict - who is willing to talk about her experiences should please contact me at 082 920 1366 or e-mail mountainrange@yebo.co.za.

The identities of those who respond will be kept strictly confidential and they will have the right to withdraw from the study at any stage if they wish. - Tyzienna Pieterse, Queenstown

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APPENDIX 7: RECRUITING LETTER

Tel: 045-8281795

Cell: 0829201366

Fax: 045-383113

e-mail: mountainrange@yebocoza

Dear Madam

Participation in research on post divorce parenting:

I am a registered candidate for a Ph.D. degree in social work at the University of the Witwatersrand, and I am authorised to conduct research on post divorce parenting as seen by mothers who, for one reason or another, do not have custody of their children.

The divorce records of the High Court, to which I have access for research purposes, indicate that you are one of those mothers and I believe that you can make a valuable contribution to this research by sharing your experience with me.

I believe that this research is worth attempting because a better understanding of what mothers experience when they either lose custody or give up custody of their children at the time of divorce or afterwards, will be of value for therapists and other professional people assisting people involved in divorce. It may also assist mothers themselves and the courts to understand the range of experiences associated with this decision.

You are therefore invited to participate in this research by making yourself available for at least one interview with me for one to two hours, at a time and place convenient for you. If you decide to accept this invitation, I would be most grateful if you could contact me at any of the numbers provided or by e-mail.

Your participation will be voluntary and during the course of our conversation you can refuse any question you do not wish to answer. I undertake to keep your identity and responses strictly confidential and anonymous. At no time will anyone be told that you participated in my research project. The information you share with me will be used for no other purpose than for the research. Once we have discussed the research further you can decide not to participate so you are not making a commitment by contacting me.

The opportunity to interview you would be greatly appreciated.

Sincerely,

Tyzienna Pieterse

APPENDIX 8: INFORMED CONSENT FORM

You have accepted the invitation to participate in a research study conducted by Tyziena Pieterse, a doctoral student in social work at University of the Witwatersrand, Johannesburg. This study which is titled, *Parenting from a distance: Illuminating the lived experiences of non-resident divorced mothers*, involves research on divorced mothers who, for one reason or another, do not have custody of their children.

Your participation will include a conversational interview with the researcher at a time and place convenient for you. The interview which is expected to last approximately one and a half to two hours will be tape-recorded with your consent and will be typed word for word afterwards. You will be provided with a copy of the typed interview and the researcher will be available for a follow-up interview if you wish.

You will also have the opportunity to refer the researcher to other people who play or have played important roles in your life and who can tell the researcher more about your situation. Your children younger than 21 will however not be interviewed because there is a possibility that it could upset them to talk about their parent's divorce or the current custody arrangements.

After all the interviews have been conducted, the researcher will inform you of her initial findings so that you can confirm that what has been understood is an accurate reflection of your situation. If you do not agree you will be given an opportunity to say so.

Please also take note of the following:

Your participation will be voluntary and you can refuse any question you do not wish to answer during the course of the conversation. In addition you will be free to withdraw from the study at any time either during or after the interview. The researcher will nevertheless remain positive and supportive towards you, but the data from your interview will not be used for the study. The decision to be part of this is thus entirely in your hands.

Your identity and responses will be kept strictly confidential and anonymous through the use of another name when writing up the thesis. At no time will anyone be told that you participated in the research project. The researcher will be the only person to listen to the tapes and to do the typing up of the conversation.

Talking about personal and sensitive issues like divorce and custody may cause you some emotional discomfort during or after the interview. In that event you are welcome to discuss your reactions and feelings with the researcher. Referral to a mental health professional (another social worker or a psychologist) could be considered if indicated and if you think this is necessary. The researcher will be prepared to pay for one debriefing session with an appropriate mental health professional if necessary.

Please note though that the researcher intends to make sure that the interview happens at a level that you are comfortable with. Should you wish to end it at any time please say so.

There is no financial remuneration for participation in this study.

The idea that you have provided a voice for other mothers without custody and thereby contributed to the development of a better understanding of their positions, can give you satisfaction.

Do you have any questions about any aspect of the study or your involvement? Please contact the researcher at mountainrange@yebo.co.za or cell number 082 9201366. You can also contact her supervisor Dr. Felicity Coughlan at **083 273 9750**.

Two copies of this consent form have been provided. Please sign both, indicating that you have read, understood and agreed to participate in this research. Please return one to the researcher and keep the other for your records.

SIGNATURE OF PARTICIPANT

NAME OF PARTICIPANT

APPENDIX 8b: INFORMED CONSENT FORM FOR GROUP

As one of the participants in a research study titled, *Parenting from a distance: Illuminating the lived experiences of non-resident divorced mothers* which is conducted by Tyziena Pieterse, a doctoral student in social work at University of the Witwatersrand, Johannesburg, you have accepted the invitation to participate in a group discussion on certain aspects of this study.

Your participation will include attendance of a group meeting with other participants. This group discussion is expected to last approximately one hour. It will be tape-recorded with your consent and will be typed word for word afterwards. The researcher will be the only person to listen to the tapes and to do the typing up of the discussions. You will be provided with a copy of the transcript and the researcher will be available for a follow-up discussion if you wish.

The following topics will be discussed:

How you experienced participating in the research.

If you could influence policy and practice, how would you organise the process of parenting decisions at the time of divorce

Please also take note of the following:

Your participation will be voluntary.

Your real name will be used at the group meeting and your pseudonym used in the thesis, will not be mentioned. The data provided during the individual interviews will therefore remain anonymous.

Only divorced or separated non-resident mothers who have already been interviewed will attend the group and therefore you will know about each other's participation in the research.

The researcher will not mention any of the data you provided during the individual research interview, in the group.

Talking about personal and sensitive issues like divorce and custody may cause you some emotional discomfort during or after the group meeting. In that event you are welcome to discuss your reactions and feelings with the researcher. Referral to a mental health professional (another social worker or a psychologist) could be considered if indicated and if you think this is necessary. The researcher will be prepared to pay for one debriefing session with an appropriate mental health professional if necessary. Please note though that the researcher intends to make sure as far as possible that the group discussion happens at a level that you are comfortable with.

Do you have any questions about any aspect of the study or your involvement? Please contact the researcher at mountainrange@yebo.co.za or cell number 082 9201366. You can also contact her supervisor Dr. Felicity Coughlan at fcoughlan@iie.edu.za or telephone (011) 348 0021.

Two copies of this consent form have been provided. Please sign both, indicating that you have read, understood and agreed to participate in the group discussion. Please return one to the researcher and keep the other for your records.

SIGNATURE OF PARTICIPANT

NAME OF PARTICIPANT

APPENDIX 9: THEMES AND CATEGORIES FOR ANALYSIS

THEMES	CATEGORIES AND THEIR PROPERTIES
The mother experiencing marriage and divorce	<p><u>Mother's circumstances</u></p> <ul style="list-style-type: none"> • In marriage • During separation • After divorce <p><u>Her perceptions of father of children</u></p> <ul style="list-style-type: none"> • In marriage • Their post separation / divorce relationship • Father/child relationship • Role of in-laws
The mother experiencing parenting	<p><u>Pre-divorce parenting</u></p> <p><u>Post divorce parenting</u></p> <ul style="list-style-type: none"> • Relationships • Contact with children • Challenges to contact with children <p><i>Financial</i></p> <p><i>Obstructions from ex husband</i></p> <p><i>Other obstructions</i></p> <p><i>Emotional demands</i></p> <p><i>Parenting styles differ</i></p> <p><u>Children's reaction from mother's perspective</u></p> <ul style="list-style-type: none"> • Distress • To parental relationship • Blaming mother • Loyalty to father • Forever hoping • Sibling relationships • Role of stepparents
The mother experiencing custody litigation	<p><u>Legal processes</u></p> <ul style="list-style-type: none"> • Mother's understanding of • Professionals involved <p><u>Custody and access decisions</u></p> <ul style="list-style-type: none"> • Parent's motives behind decision as perceived by mother • Decision taking process
The non-resident mother experiencing loss and comfort	<p><u>Mother's experiences</u></p> <ul style="list-style-type: none"> • Descriptions of feelings • Mother's self perception • Means of coping • Never giving up hope • Positive aspects of non-resident motherhood.
The non-resident mother experiencing the community divorce	<p><u>Attitude of others</u></p> <ul style="list-style-type: none"> • Society • Family and friends • Support <p><u>Helping other mothers</u></p> <ul style="list-style-type: none"> • Suggestions • Research participation <p><u>Changes suggested</u></p>

APPENDIX 10: EXTRACT FROM ANALYSIS DOCUMENT

Father/child relationship

she was she is close to his father to her father uhhh in the sense that they were going away even when I was studying at the university she used to go out with her so that she does not disturb me. (Thandi 18-20)

once he was out here the kids were obviously spending time with him ... now he adores his kids uhhh he adores them but he also doesn't know what damage he does [Marina 35-38]

At least their dad does love them despite what he does, he does love them, he does spend good time with them you know he's a good dad he's sick in the head.. but he's a good dad. [Marina 116-118]

George became his life and suddenly I didn't feature then I wanted to have another child. He didn'tSo he like sort of said to me but one month. If it does not happen within a month then ... tough. Well it happened and ja I mean he does he loves Beatrice but George is his child.[Marina 119-121, 124-126]

Marina: You know like I'm doing something and they must report it and yet they don't come and report to me what he does. Now how can he do that? It's just it's total manipulation and I mean it's it's mind power ... so (Marina 169-171)

You know when we were in England he tried to get he tried to convince George to stay there with him and I come back to South Africa with my daughter, and I didn't even know about it and then one evening George came to me about 10 o'clock and he said "Mom I can't sleep" and I said "What's wrong?" And he said this is what's going on, Dad wants me to stay here. [Marina 126-131]

So now my ex has started taking them out a lot he didn't use to. I think he sort of realised now you know he's got to. No he takes them out a lot now every Sunday he takes them somewhere now he takes them to the gym, he's very quiet very stern but he's a very good man ... [Tiny 212-215]

He never actually physically hit ... our son uhhh but on one occasion he was emotionally abusive towards him and it was actually that that got me to leave rather than uhhh what he did to me [Eve 11-13]

And I consulted my psychologist and he said to me you know your son will choose to come and live with you some time anyway. And as it happens, he has. He is now 15. When he was 12 he made a concerted break from his dad, asked to to go to court and said that he wanted to stay with me [Eve 102-106]

My ex husband did not get custodial cus custody because he was the better parent. He got custody because of the whole legal circumstances [Eve 120-122]

...him spoiling our youngest one and and overriding the 2 my 2 boys who were what 5 years was the minimal gap between the baby anduhhh my other 2 but my 2 were getting hurt in the process and Gary was was getting away with murder as he grew up he he was spoilt he could have anything he wanted when he wanted it and I would be overridden in front of the child he would say "You don't have to listen to your mother I said you can do it" [Zina 75-80]

Ron said he would take him to Pretoria and he was not allowed to go out at all he was ... grounded for I don't know how long. Months. After which he phoned me and said he can't stay there. He and his father had a fight, his father drew a gun, shoot at him, [Zina 483-486]

: Because his dad was spoiling him and his dad had brainwashed him for a few years prior to that. He would go against my disciplining he would go against my reprimanding the child. [Zina 262-264FG]

Zina: He brainwashed the child he used that child to get at me because I filed for divorce he was the controller I hurt his ego.[Zina 659-660]

.....this weird position that I can't work out but Ken wanted to take over Colin and it wouldn't matter if I said to him please uhhh just wake me up because I had to wear ear plugs at night because Ken snores so much that I can't sleep. So I said to him please for me just just wake me up in the morning if Colin is crying so that I can see him in the morning because I need to see him after losing my daughter I just need to see my little baby in the morning. He wouldn't do it he would creep into the room by himself and I'd wake up, no Ken go into the room and he'd be all snuggled up in the bed with Colin. It was the weirdest thing I still can't work it out I still don't understand what was going on there. But that's that's the way it went and I found Ken more and more of a threat cause he would often uhhh completely disregard me when it came to Colin [Jane 408-419]

it was a strange kind of contact that's what he that's what he did but when it came to uhmmm picking Colin up from the crèche I was always the one that used to pick him up and he'd be quite happy about that cause like friend, a baby is a baby is one thing but when they're one year old or older they become more problematic.[Jane 424-428]

we didn't have any financial worries but he he would push me to leaving Colin as long as possible in the daycare uhhh and then say I wish we could leave him there overnight and I couldn't understand that cause I wanted to go and pick him up [Jane 433-436]

so uhhh I said please please come through the week and take him from after school take him take down to the beach take him to the aquarium he says no I'm not going to do anything that will help you I said but that's not going to help me the phone goes down. So he's not he will not talk to me.[Jane 534-539]

.....you know he was a very hands on father I will give him his due there you know he didn't mind changing nappies and bathing and whatever whatever uhhh so he was a good parent [Lynn 177-180]

Dolf het baie gekap, kyk hy is vreeslik erg oor sy kinders en niemand..hy't al die jare gesê niemand gaan sy kinders wegvat van hom af nie....hy sal sy arms stompies baklei vir hulle [Helen77]

Vandag sê ek dankie Here vir my kinders, hulle isgoed opgevoed en dan moet ek sê hy het my kinders goed opgevoed, hy is 'n goeie pa. (Helen 529-530)

she continued to tell me how the father sends Cathy off to any available relative now that he has remarried [Vee 276]

I can imagine him and the new wife having a wonderful glorious time and he just pilfers the child off to every Tom Dick and Harry in his family but doesn't want me to have the child [Vee 130] she can't even have a photograph of me ok ... let alone anything else ... she can't even mention my name in the home and she told me that she gets punished for it. [Vee 198]

The bond between a child and a mother is not the same as father and child. I see it I see it all the time when I see my child, you know he's like a little dog that just wants to be cuddled and you know and that's not how, when he talks to me about his father he he will say that man. [Sandy 300]

after ...he got custody and the divorce was final and everything ... he was living in Alandale. He put the kids ... in someone's back yard in a in like a flat granny flat..... each one got their own flat or had their own flatthey have to care for themselves.... I mean a 10 year old, has to cook, clean, wash, iron, make the lunch do his school homework whatever..I don't think that's fair. I can't tell you how many times I tried to open the case I think it was 5 and every time it was shut down, I've got all the papers to prove it. I went to my attorney here and I said "Please help me, ... I want custody" because by then he had moved off he left the kids in Alandale and he moved to to a neighbouring town. I said how can he just leave the kids who's looking after them? No they're looking after themselves. He pays the lady in the house rent and whatever for them to have a room. But who cooks for them, who irons, who cleans who polish you know who does the things? They do it themselves. My son got a job and he literally from the age of 15 fended for himself, [Emma 137-153]

– the father is living in one town, the mother is living in another town no one is caring for my little boys, they came back and they said because my husband's sister lives in Alandale around the corner she keeps an eye on them. You know what where's where's the the .. he wanted custody why doesn't he take the custody and look after the kids or then give them to me I will take them gladly, gladly. [Emma 241-246]

my ex husband is a very unemotional ... man..... uhmm so there's never... you know he when he greets Len it will be... you know it's no there's no hugging or kissing or it's shake your hand [Nicky 24-27]

he did cause me a lot of hurt and emotional pain and it wasn't just by accident it was on purpose. He would he would uhmm do things ... he would offer my son two three hundred four hundred rand to do something that would take him an hour you know and then he'd offer him and then he's recently paid him two hundred rand to cut his hair you know (*laughing*). It's it's total bribery and corruption. He he offered him when we got divorced I mean one of the reasons my son decided to stay there is because he offered him the house and uhmm told him ja he was going to inherit the house because he's the only child and he's going to inherit this and that and so of course the son, I mean he was only 12..... [Nicky 161-168]

It was difficult I mean when I was pregnant, when I first found out I was pregnant, his reaction was well that's alright as long as you look after it... you know that was his reaction and I was quite hurt.... but ag ... I won't say he was absent, I mean he played with the child and but uhmm..... not emotional.[Nicky 210-214]

he's often had fights with his father and in fact the relationship now, if you ask him about his father now he would tell you he's waiting for his father to die. He's hoping he will test this aeroplane of his and crash it and he will inherit the money that's the jest of it [Nicky 221-224]

Ja but there's no feeling or emotion for his father, no respect [Nicky 226]

ja look I I think I have a better relationship, I know I have a better relationship than with him than he has with his father. [Nicky 289-290] And he said he will handle this his way okay, that lasted exactly 6 hours. 4 O'clock in the afternoon him and my son have had such an almighty fight that my son moved out [Nicky 328]

APPENDIX 11: FEEDBACK FROM ZINA

Dearest Tyzie,

I was amazed at how well you put all the info together. I re-read the article twice and although it was poignant it was cathartic and I realized that although the pain remains, there is only one way for us Mothers - and that is forwards. It would be an interesting exercise, and more, to know how the children have fared, for although as adults we inflict so much pain and trauma on each other, the children are often unaware of the extenuated consequences of ^{these} situations which are beyond their control. As powerless, angry and hurt as we feel, I believe this is magnified in their lives and they often do not have the ability to express their anguish. As a result they mature into damaged people. I guess we all are to varying degrees, but as adults we have choices as to how to handle it and children do not consciously have those skills. My innate ~~own~~ curiosity would love to know the long term effect of this awful battle on them - but that's another thesis!!

Tyzie you have done this very well and I am touched by your sincerity and dedication - and I wish for you tremendous success in all that you do - and you inspire me as a 'mature' person in showing me that it is never too late to tackle a new project!

Hope to see you when you are next in Cape Town.
With very best wishes and love

APPENDIX 12: PARENTING FROM A DISTANCE

NAME	QUALITY OF RELATIONSHIPS	CHILDREN'S ATTITUDE	INTERACTION	CONTACT & CHALLENGES
Helen	Very good / Restored to her custody	Returned to mother	Confide in mother	Father facilitated contact
Sandy	Good but limited in respect of frequency	Child seeks contact through 3 rd parties	Demanding, child regresses to earlier developmental stage	Restricted by father
Vee	Good but infrequent	Loving	Loving	Restricted by father
Emma	Restored with one child Non –existent with other child	Positive with one child Other child avoids contact.	Fairly regular & satisfactory with 1/ none with other child	Restricted by father & child's attitude
Nicky	She values relationship	Sometimes positive	Spend quality time together when child chooses.	Fluctuates
Jill	Very good with one child Challenging with other child	One child positive, other child wary of relationship	Rewarding with one child other child avoids interaction most of the time.	Regular but older child does not want to sleep over at mother's place
Jane	Distanced	Does not trust mother perceived to have abandoned her	Have holidays together	Infrequent over the years as result of distance and financial challenges
Beth	Very good	Positive towards mother	Good with one child, difficult with other eg. substance abuse & emotional problems	Insufficient from her perspective.
Lynn	No relationship	Primary bond with grandparents.	Superficial	Infrequent as a result of mother being replaced by grandparents
Eve	Very good / Restored to her custody	Positive asked to return to mother	Developmental for child	Mother insisted on regular contact during distance parenting
Zina	Painful	Antagonistic	Destructive	Father obstructed opportunity for a relationship from early childhood.
Iza	Very good	Children positive, son returned to her home.	Pleasing	Regular, father and 2 nd stepmother facilitated contact
Tiny	In process of healing	Sons' attitudes improved recently. Daughter good and trusting	Do enjoyable things together	Daily contact with children and attending to their needs.
Marina	Good but strained as result of father's negative input.	Children trust her	Interaction rewarding but challenging due to father's input and lack of resources	Regular on father's terms
Thandi	Good	Loving and caring	Good when child visits but painful when she meets child in town on her way to new home with father's girlfriend.	Regular in the beginning but dwindling with time and after the mother relocated to another town.

APPENDIX 13: TRANSCRIPT OF INTERVIEW WITH JILL

1 Interview with respondent 6 – pseudonym Jill, at her home

2 **Date:** Sunday 2006-02-26, 18:00 - 20:30

3 I explained that she could tell her story and I would ask some questions at the end if I
4 needed clarity on certain aspects.

5 Jill had a photo of her together with her 4 sons and explained that she would discuss the
6 custody of the 2 younger ones. I noticed that the older of the 2 (Ted) was significantly
7 more chubby than the rest.

8 **Jill:** Okay....Uhhh Tyzie ours or my story started in uhhh 2000 I was still married to
9 my ex-husband and I just realised one day you know things weren't going well in.. in the
10 marriage. I also need to tell you that at that stage Ted was already spending a lot of time
11 with ... the granny. You know I was the mom of of 4 boys, growing boys and uhm I had
12 to work... I was working full time and my ex husband was a professional person with his
13 own business. So we were both working long hours, so granny also became part of the
14 care taking. So Ted was spending a lot of time with granny at the time. And what
15 happened was, I, I tried to to you know to talk to my husband uhhh but he's a very
16 quiet ... person. Just telling him look, we're running into trouble here, there's 4 children
17 and I can see things are not working out. Anyway, we separated in.... June 2000 and I
18 stayed on in the marital home until December that's actually the following year and
19 in the 6 months that we were separated the 2 elder boys were with me and the 2 younger
20 boys then started spending more and more time at granny because then we were
21 separated and I was working and uhhh it was January the following year that he just
22 arrived, my ex-husband, saying that he's not coming back. I had a lot of false hope I
23 think in that time that we were could sort out our problem. And what I did then was I
24 sought legal advice. And I need to tell you in hindsight ... uhhh... sitting here I I
25 cannot say that my marriage would have worked out. I tried counselling with him but he
26 wasn't interested, but once I sought legal advice it was like a hurricane. Once the
27 lawyer got involved, because from there the first letter went out saying the boys need to
28 be returned to the marital home and ... like I said my ex-husband is a very quiet person,
29 doesn't like to ruffle feathers but all hell broke loose then, because uhhh ... he...he
30 was so angry, I think he was angry at the separation, he was angry at a lot of things and
31 uhhh how dare I ask that the children then be brought back permanently. And I'm
32 gonna keep referring to the working, because I was working long hours and I don't think
33 it's abnormal, I've certainly seen it with a lot of families, that granny becomes a big part
34 of helping care-taking, but it came to bite me in in many ways.

35 **TP:** Can I just ask, that was his mother?

36 **JILL:** His mother, and uhmm what happened then was uhmm then social workers got
37 involved and a family advocate was appointed and just ... you know I've worked my
38 way through that in therapy and through faith and sitting with my pastor here many
39 evenings ... but it it was hell, ... I have to tell you once all the people got involved
40 because it was the visits to the home I was still staying there, he then moved in with
41 his mom and dad and the 2 boys..... (sigh).. and if that wasn't enough all this going on,
42 cause now it was lawyers, the social worker, the family advocate, uhmm with all this
43 going on my relationship with Ted suffered ... terribly.. he didn't want anything to do
44 with Mom, uhmm and it it was also in the custody report that granny had a a big
45 influence there. It was now, then he started sleeping over, Mom was the bad person
46 because Mom and Dad couldn't sort things out and so it was just, it was a nightmare, for
47 me and I just remember the social visits as very very it was traumatic for me. I had to do
48 it in working hours and what was difficult for me, I felt like I became the scarlet woman.
49 When it was done, I had to prove myself as a mom, as a human being and that was, it
50 was terrible for me because here I have uhmm let's say had at the time 2 older boys, they
51 were also, as you would know, all the boys were interviewed and that was very difficult
52 for them, and especially Ted, he pulled away more and more. When we had these
53 sessions he didn't want to be in the same room as me. Uhmm the 2 elder boys handled it
54 quite well, then they had the visits with the the psychologist. But for me going home at
55 the end of ... a day like that was just hell. I just remember all that I could do was cry,
56 because I could see what was happening to my family and I felt I had no control. Uhmm
57 the, we had a lot of these sessions, uhmm and with some of them I started putting my
58 foot down, when I felt you know it was (sigh) I mean nobody attacked me on a
59 personal level but it was just so impersonal, these these visits and I could see from a
60 from early on that they were going in dad's favour. Nothing was said, I, I could just feel
61 it and I remember uhmm the psychologist uhmm, I know we don't have to mention
62 names but till the day I die I will not have much time for her because I know she had a
63 big say in uhmm her report stood for a lot, and I remember I
64 n one of the visits she said to me I just get the feeling that you don't trust me. So I said to
65 her... but you don't understand, my children I'm losing my children here it it's
66 unforeseen circumstances, it's a marriage that didn't work out, BUT I'm quite capable of
67 looking after my children. I want my children with me and I was given such funny
68 reports to do and questions to do and and answer, and and it just I started losing

69 hope... in this whole thing. I just became too much for me. I I don't have any family
70 here, I didn't know the pastor and his wife at the time, I had nobody to fall back on, I had
71 no support.

72 **TP:** MMM

73 **JILL:** Just people I could phone at the end of the day and say you know uhmm just pray
74 for me just be with me in this thing because I can see what's happening here. And of
75 course eventually it started affecting my 2 older boys as as well. William who's here
76 with me was in boarding school for a period of time, so he was almost spared mom's
77 anguish and tears and frustration and bitterness. So the difficult thing for me and I need
78 to emphasise it was those sessions with, with uhmm the social workers, the lawyer, and
79 the I've been given books to read on just on self help and self esteem and like I wanted
80 to scream at everybody and say you know, look at me, listen to me, uhmm I'm quite
81 capable of of looking after my children. Also just looking back and and he's admitted to
82 this uhmm of course it became a big thing for my ex-husband that if I had to have
83 custody of the children it would become a big financial issue. He would have had to pay
84 maintenance for them. I I need to.... uhm ... what also became so difficult for me, was
85 granny, granny then became a very... strong figure in the whole thing because the social
86 visits were then to where I was living, Ted didn't want to be part of the social visits but
87 the younger one came and the the psychologist said in her report that she could see the
88 love and the affection and everything but but but but and as I said to her afterwards I
89 made an appointment with her when everything was over and I walked into her room and
90 I said: "You have changed my life for ever and I hope you can live with that." And I'm
91 not sorry that I've said that, I don't want, I don't make excuse for what I have said
92 uhmm and to this day we would often bump into each other and I find and I'm not a
93 funny person, Tyzie, but I cannot greet her. That will never go away. Anyway just going
94 back to to the time, uhmm so with the social visits uhmm sometimes it was at their
95 rooms and sometimes well we had the one at, where I was living in the marital home and
96 then of course where granny and dad was staying with the 2 younger boys as well, so all
97 that was put in the report, which I'm sure you you have seen I mean in other cases I
98 don't know, uhmm and that that became such a big struggle for me that my whole life
99 was then in black and white and some of the things that they said there I just felt weren't
100 true, it wasn't a true reflection of who I am, and who I was at the time. As I said to the
101 psychologist uhmm on more than one occasion, my life was erupted. This is like I
102 said like a like a volcano. How do you expect me to be and to behave when I walk into

103 your room because they they also did a whole psychological evaluation on me, and on
104 my ex-husband and as I said to her also during one – the things that happened in my
105 childhood, can I help for that? I cannot help for that. I'm also from a broken home and
106 that's made me more determined and more aware of the pain my children go through.
107 Did I want to cause this in ? No I didn't I I've tried my utmost to make my first marriage
108 work, I've tried my utmost to make my second marriage work, it didn't work. If a man
109 doesn't love you anymore, if he pulls away, what am I supposed to do, cause I felt that
110 was the fact that I asked dad one night in, in the middle of an argument to please, just ...
111 ja just go. I can't live in this frustration and anger. That was definitely held against me,
112 that I initiated the the separation. And Tyzie when when a mother is, is... hurting, when
113 you're angry you don't you don't foresee what what is coming and I didn't see what
114 was happening, uhhh but I realised that he, he was no longer in love with me andit
115 was just too difficult for me to live like that, but did I think or see that I was going to
116 lose my children? No, I didn't. And uhhh I just remember this whole thing dragging on
117 for a good couple of months, and I remember the 22nd of May 2001, I got the phone call
118 to say that I need to go to the the family advocate's offices and we all sat around a big
119 table... and then I was told that..... after... the evaluations, the fact that Ted, uhhh
120 created such a bond with granny, they felt that number one, the boys could not be
121 separated. They they saw at the time that taking him away from granny to bring him
122 back to me would have caused untold harm and damage, psychological damage and that
123 they don't like and nothing I said around the table helped or uhhh counted in my
124 favour, nothing, if I can put it that way now, I could see I was talking to a brick wall. I
125 just had all these people looking at me, and yes that that day changed my life for ever. It
126 it did. And... I remember driving away.. and I will be honest in saying this, thinking....
127 Do I end my life now? The pain was too much, Tyzie I remember the overwhelming
128 pain,*(said in a slow soft tone but the pain in her voice was so profound that it actually*
129 *brought tears to my eyes)* in knowing that this is the decision that they have made and
130 what am I gonna do? I'm I I've lost my children it, it felt like death I I've dealt with this
131 harshly in in therapy where I said it felt like, like my children ... died ... that day.
132 Uhhh I've had to deal with death over the years, uhhh because I was actually raised by
133 my granny as well because of a broken home and the day she died I remember the pain
134 that I felt – it felt like that and more. And and I just remember going home, William was
135 at boarding school, I arranged with a friend of mine at the time just to look after my
136 eldest son for a couple of days. I was not fit to think straight.. I was ... it was just the

137 pain, the pain was overwhelming and I remember falling asleep on my couch and I
138 stayed there for a week, I ... I just couldn't deal with it uhmm I went back to work
139 and I was back at work for 2 weeks when I just broke down one day. I didn't tell
140 anybody what was going on. They just thought that I was going through a separation and
141 then I was given 2 weeks leave to sort out my life. So at that time I then decided I needed
142 help in terms of therapy and uhmm I started seeing another psychologist to help me deal
143 with it and I just remember during those, I mean the custody report is like that, you
144 know, at times I would look at it and push it away and at other times I would read and
145 read and read as if I couldn't stop reading what what was in there, so that was all in in
146 2000 and the most difficult thing for me in trying to pick up the pieces was the
147 relationship that had suffered so much with the twelve ... he's twelve now. Uhmm you
148 know I would go and visit and he would hide behind granny or behind the furniture, I
149 would phone and he wouldn't want to come to the phone. That was the most... difficult
150 ... thing for me to deal with and I just remember praying and and and I remember a night
151 in particular where where I just I was angry with God and I just said to Him: 'I don't
152 deserve this I have not been a bad mother, I do not use drugs, I do not drink, I'm a clean
153 living person who has been raised in a Christian home and who really tried to make this
154 marriage work but with somebody who was no longer interested and on top of it all You
155 come and you take away my kids from me.' And like I said uhmm the deciding factor
156 for them around that table was the bond Ted had with the granny and also from the
157 financial point of view. Dad has lots of money and I've said this to people over the years,
158 that was definitely a carrot that they dangled in front of me, you know the the
159 psychologist kept asking me but hang on you know, you're working full time who is
160 going to look after the boys? So I said to her but you're not listening to me. I'll have to
161 actually give up my job or have like a mornings only when they're at school, uhmm dad
162 will be paying maintenance, I want my children with me, I want to look after them I
163 want to be the care ...giver, the caretaker uhmm but nothing, nothing... would stick with
164 these people. So the rest of that year, looking back for me was.... It's a blur..... but
165 with the psychologist actually saying to me you know you actually have to go on
166 medication and I went onto something called St John's wort and it made me feel 10
167 times worse. I actually got suicidal, and I remember it was the turning point for me,
168 came in one session with him, when he looked at me and he said to me, if I had to ask
169 you right now where are where you are. So I said I suppose I am sitting in the office. He
170 said to me where are you in mind and body and spirit. And I said to him I'm you know,

171 I'm in a...in a tunnel (*eyes filled with tears*), that's never ending, the pain Like I
172 said, I've said to so many people, that it's a physical pain Tyzie, it sits here (*indicating*
173 *chest*), it doesn't go away. And you know I've, I've done a lot of reading and I've seen
174 it in my own family where I'm sorry, medication to me is not the answer. And that's
175 when he said to me you know you have to you have to... you need help. Whether it's
176 me or you need help because now it was first and you read about these things, it
177 was first denial, I went into complete denial with what was happening then the
178 anger. I remember saying to my lawyer at the time as they were wrapping things up, I
179 said I want to walk into my ex-husband's business and take a swipe at him, I want to hit
180 him so hard, the hate ((almost a whisper)) the hate was so much Tyzie. Ummm
181 and so I went through all that and then the depression. But you know, thinking back I can
182 just think it it was it was through God's will and my love I had such a strong love for
183 my children that I on the good days I kept saying you know, stuff you all, I will
184 show you this is not gonna get me down... I might not always get the the reaction
185 form from Ted he was 9 at the time, but I had this force, it was like somebody was
186 just nudging me and say you know keep going on

187 **TP:** Mmm and you are the mother.

188 **JILL:** I am the mother..... and this is where the turning point came in one of the
189 sessions with with the psychologist there he said to me, because he asked me if I have
190 received the custody reports so I said to him yes I did, and he said to me ... he took a
191 piece of paper and he said to me okay there's your custody report ... there's you
192 you're the mother, nobody can ever take that away from you, only God, through death or
193 whatever God's will is in the situation. You know what Tyzie, it was like a light bulb
194 went on and I remember I cried so much that night, that here (*indicating blouse*), I was
195 soaking wet, I mean I am a grown woman, it was not exactly.... the psychologist said to
196 me you now take something in this room and smash it, just don't use my head
197 (*laughing*), but you do that and I remember I said I'm feeling tooexhausted, but
198 something happened in that session and it became a turning point for me when he said to
199 me Jill, take that, it's a piece of paper ... yes what's in there has () but you're still
200 their mother. Get up get out of this depression that you're in and just try (*voice cracking,*
201 *tears in eyes*) and be the best mother that you can possibly be. And you know
202 those words hurt at the time Tyzie because nobody's perfect but I've never been a
203 bad mother, I I wished for each one's birth, I relished in my pregnancies though I had
204 morning sickness with all of them, even when I got fat I just you know I loved, I loved

205 the fact that I was going to become a mother and that's why why it was such a shock to
206 my to my system it was like somebody punched me in the stomach over and over and
207 over... and also at the time, which I felt was highly unfair, none of my friends were
208 interviewed, people who really knew me. I explained to them that I didn't have family
209 here, so they couldn't interview mom and dad and all that but nobody ... was
210 interviewed by the social workers, by the psychologists to say look ... maybe she comes
211 into our room and paints a prettier picture let's hear from somebody else and I though
212 that was highly unfair. Or people who worked with me. I worked uhm at a certain shop
213 for 13 years.. I think that says something about the kind of person that I am. But
214 everybody in his family like it was dad, granny and grandpa, uhmm an uncle who
215 happens to be an advocate, people were called in from that side to say you know let's
216 hear more about the mother, and I thought it was highly unfair. But 2001 uhmm for the
217 rest of that year I I've stayed in therapy when I could, most days after work and and
218 September, October that year I got very sick with with my back andlooking back
219 and the doctor who operated then also said, he asked about the stress in my life. It was
220 like shut down you know they speak about shut down, I experienced it. When when in
221 the mind and the body, you're there, you carry on ... but I wasn't really there and that
222 was even without medication it was the only way I could cope. The only way I could
223 cope was to shut down from the .. pain and keep going

224 **TP** mmm just surviving?

225 **JILL:** Surviving, it was a matter of just surviving getting up in the morning see to the
226 other 2 boys and going to work but feeling numb, feeling absolutely numb it was like it
227 was like my left arm was removed, nothing felt normal anymore, and that December I
228 had the operation 2 days after I came out of hospital .. my lawyer phoned to say he wants
229 to finalise the divorce. I was flat on my back, I could not even walk, I had somebody
230 nursing me, washing me plus my 16 year old failed. So when people talk about things
231 going wrong in your life, it all happened just like that. Uhmm I remember I was booked
232 off for 2 months after the back op and one day I picked up the phone to the granny...
233 and I said to her I want to talk to you.... I want you to come over to this house today and
234 I want to tell you to your face what pain and destruction you have caused in my life. She
235 never came. So ... needless to say a lot of hatred manifested between granny and I and
236 she painted this picture to everybody that uhmm you know look at me the granny I have
237 now all of a sudden to cope with this but in the custody report how she said she felt I
238 just wanted custody of my children for financial gain. So(sighs) the divorce and

239 everything was finalised and uhmm I remember my lawyer saying to me that when the
240 time is right take these custody papers and burn them. I still got them, I've never read
241 them again.... Not ready to burn it, I think the time will come, and in that in 2002 the
242 uhm for the first 6 months I hardly had a relationship with Ted, he just wanted nothing to
243 do with me.

244 **TP:** He was 7 then?

245 **JILL:** Ja. And I I remember just how difficult it was Tyzie, going to their school it
246 because granny has got no problem in to the whole world going to the school and having
247 people looking at me and people of course more and more people then found out
248 about it, people at work were very supportive uhmm when I had difficult days, I was told
249 to go home but it was it was difficult because I was in a management position of a six
250 and a half million rand store. So when the emotions kicked in I had to go home so it was
251 it was very difficult and I still felt like this loss () because I couldn't describe my
252 pain to anybody. You know then there, it was the therapy, yes the papers were signed
253 and the divorce became final but it was this ongoing pain of not having my children with
254 me. I uhmm was going through such a bad patch with the granny at the time, that I
255 sought more legal advice. I went to another lawyer and I said to her..... I'm ... I just felt
256 this whole thing was totally unfair..... you, a new person please just listen to what I
257 have to say but she came to the same conclusion that the bond with uhmm granny was so
258 tight and what was it going to take to overturn this whole custody. It would have taken
259 another court case, it would have had the whole thing all over again and you know where
260 I was I jut did not have the emotional resources, to to go through it, uhmm as as much as
261 I...as I wanted to and I came up against a brick wall in terms of..... everytime because I
262 will just I will feel hopeful, you know here's a lawyer, somebody else will listen to what
263 I have to say, but I get to him and he just puts up a wall you know, I don't want to be
264 with mom I don't want to go anywhere with, with mom and uhmm that, most of 2002
265 (*switched tape*)

266 And as I said 2002 I then realised I... I had to..... get out of this mould that I was in, you
267 know, I was still living in the marital home and a friend once pointed out to me she said
268 you know what Jill I'd like to visit you from time to time she said but its like a graveyard
269 uhmm because she came there one day..... you'll see my flat here I have lots of pictures
270 of my boys and I had put all of them away. I was going through such a..... I would
271 be okay at times and then I would just hit absolute rock bottom in the whole situation,
272 uhmm and I put all my family pictures away. And that's when I realised that despite

273 what the psychologist had said to me and I felt I had, there was a turning point in what
274 he said, inside here it still felt exactly the same. I I couldn't get myself to look at the
275 photos, it was just too painful and then in that 9 roomed house without the 2 younger
276 boys I just didn't I didn't I mean nothing felt normal that's the only way I can put it and
277 then she sat with me that night and she said to me you know Jill, the divorce is
278 through now, you have signed those custody papers, you have to move on, they're not
279 gonna come back (*voice thick with emotion, tears filling her eyes*). And I remember
280 through my lawyer the following day I just said you have to send to my ex-husband a
281 letter and say uhmm I want to move out of the house what is going to happen in
282 terms of accommodation for me and she arranged although in our marriage contract I
283 was entitled to absolutely nothing, he made sure of that, uhmm, she arranged that he paid
284 my ... uhmm rent for the next 2 years. And I remember the day that we started packing
285 uhmm I felt a bit better because I was getting out of all the memories uhmm (*sighs*) or so
286 I thought, uhmm I started packing then I moved into a flat here in in Seawood. That was
287 just the best thing for me at the time, and once I moved in there I then arranged through
288 my lawyer, I said I am now entitled to see my children every second weekend, what's
289 happening? And I hit another brick wall because Ted 8 year old then, didn't want to
290 come and as we're sitting here Tyzie he still doesn't come to me he was here today for
291 about an hour but he still doesn't want to sleep over. And I'll I'll explain a bit of that and
292 maybe you'll form your own picture there as well. So I moved and then the youngest one
293 started spending every second weekend with me. And I just remember a lot of fighting
294 still between granny, dad and myself and seeing my youngest every second weekend,
295 and one weekend I realised something is up with this little boy, he started wetting his,
296 my bed, we would share the king size bed that I had at the time, and he just looked very
297 pale, he's a very thin little boy, and one Sunday, he just started sobbing and I said to him
298 sweetheart what is going on? Now you can imagine Tyzie, how I felt, I don't have my
299 children with me and here I can see something is up with my with my youngest.

300 **TP:** How old was he then?

301 **JILL:** Uhmm he would have been 8 at the time. Now you know when a 8-year old wets
302 the bed.

303 **TP:** That was the youngest that was 8?

304 **JILL:** He was 8 I am referring to the youngest one now. And uhmm I remember I then
305 met my pastor and his wife, they were staying two doors away from me at the flat where
306 I was and they asked me to babysit one night and a friend of mine came over to help me

307 to babysit their 2 younger boys as well and my youngest and he just cried and cried and
308 then my friend said listen something is up here just ... he wouldn't come out with the
309 whole story and then it was he, he was scared of sleeping alone in his room, he was
310 scared of granny, because she would raise her voice from time to time, and there's
311 a lot of, it's in my custody report as well ... there's so much favouritism from
312 granny's side towards Ted because she's still at that age turning him against me, it's all
313 in the custody report and that's why I said to the psychologist at the time, hang on... you
314 say that you can see the negative influence that granny has, so what, what is actually
315 happening here, you know, they're my children you want to take them away from me,
316 granny's got a neagative influence so so listen to me what is actually going on here? But
317 it all fell on deaf ears and uhhh what was happening to this to the youngest one, he was
318 it was then the reality set in for him mom was no longer with us and I'm now staying
319 with granny, grandpa and the dad. And I insisted that dad takes him for .. for some
320 evaluation to a psychologist who said there was nothing wrong with him.

321 **TP:** The same psychologist that did the evaluation?

322 **JILL:** No I insisted that he took him to somebody completely new and different and
323 through talking with him on the second week his schoolwork started to suffer, I
324 went to see the teacher and she said to me its emotional he's a very clever little boy but
325 this is emotional. And you can just imagine, it was breaking my heart then, seeing him
326 every second weekend having to let go of him and seeing that something is up he's
327 terribly unhappy. Dad is very quiet and who does not want confrontation and who
328 doesn't want to accept that there's a problem, that's what happened in the marriage as
329 well. I said to him do something here they were taken away from me, but now I insist
330 that you do something here and more and more came out about ... he almost had a fear
331 of granny, and for the bed wetting he then started getting smacks. It broke my heart, I
332 cannot tell you what it did to me, and I and I experienced that same feelings of
333helplessness. You know it's a strong word to say cause I'll never do it but I must
334 must tell you that I've been in moods and modes if that's the word where I just felt
335 God just take me away from it, the pain is just too much, you know I can't deal with this
336 and of course I also felt like I have failed my children uhhh because they were told
337 all the time from there why you're no longer with mom, I never had the chance to say
338 but you know it's the circumstances ...highly unfair circumstances but just never doubt
339 my love for you. Anyway and one weekend he came and he just had this nervousness
340 about him and the bedwetting and I just picked up the phone the same day to my

341 lawyer and I said I want you to step in here something is wrong here. And what we did,
342 granny received 3 letters, very strongly worded letters to say you fought harder than your
343 own son, you are supposed to be ... the maternal grandmother, you've got only the best
344 interest at heart, so what is going on here? That was also a turning point. Then she
345 realised that I wasn't going to take it lying down and she changed just like that. (*Sigh*)
346 But it was it was the most difficult thing to do because just more and more hatred set in
347 from their side from her side from the grandpa's side and from my ex-husband's side and
348 all the time I kept saying to my ex-husband you don't understand I'm just trying to do
349 what's right here for my children, he's unhappy, his schoolwork is suffering, he's
350 wetting the bed, hello, something is going on and after this uhmm lawyer's uhmm 3
351 letters that went out to .. granny and the dad saying ... we will start this whole thing all
352 over again watch it, things got better and uhmm I might tell you, through through my
353 pastor's help and the counselling, he sat with me one night and he said to me Jill you
354 have to accept that they will not come back to you ... uhmm because at the time of the
355 lawyer then getting involved, he he started the counselling me because he said he could
356 just see your your frustration and your anger and the hate between you and the father
357 uhmm he said just accept, even if it's just for now, they're not gonna come back to you
358 and work on the positive, you know like the psychologist said. Be there for them 24 /7
359 uhmm be the best mother that you can be. And you know Tyzie slowly but surely I
360 started building on that. Did I always get it right? And by that I mean not becoming
361 emotional, angry, frustrated..... no, I still get it, I still have all those feelings to this day,
362 but I can cope better. And ... I remember, phoning my ex-husband once and I said to
363 him: You.. can take that custody report and you can shove it... I was very blunt about
364 what I said. I said from now on ... I don't care about what's in that report I am their
365 mother, this whole thing has been highly unfair and if you've got ... any conscience if
366 you've got ... any heart wherever you are right now, you will know that. He was quiet,
367 not a word. And I said to him from now on I will speak to my boys every night after 7. I
368 couldn't care if it suits you or your mother or your household, I will phone them after 7
369 because I thought supper time is finished, homework is finished. I said from now on I
370 will go to every school function that I can. I will be at assembly when they get their
371 prizes and I just had it ready for him. Tyzie that was the turning point the big turning
372 point. What did I do? I took charge. I just and it comes through uhm I just
373 think.... through my strength and prayer and the strength that we do get from prayer. I
374 just kept saying "Lord this is my plight, I cannot think this is your will, now You help

375 me in this.” And I started doing that and I started arriving at... the granny’s house, to see
376 my boys, I just ... I became so thick skinned. And let me tell ... you things just got better
377 and better and better and one day I said to granny you must just accept I’m coming, I am
378 their mother. I’ve never..... tried to infringe on your relationship with your
379 grandchildren, I want you to be there for them, so don’t stand in my way. If we can reach
380 a a truce here like they say but don’t stand in my way – you know this whole thing
381 has been highly unfair. And her words to me that day were: “I know why my son fought
382 you for custody” So I said well hello tell me, I’d like to know because from those reports
383 I certainly cannot see. So she said it’s because of the of the financial aspect. He hates
384 parting with money, he would have had to pay big maintenance because these 2 boys go
385 to a private school so you can imagine the financial implications. And when she uttered
386 those words it was like a weight lifted off my shoulder and I just said to her. Let us have
387 an understanding I’m their mother and until I drop dead, you’re the granny so till you
388 drop dead, we do what’s best for both these boys and it only got better. I can tell you in
389 my situation, there there.... there’s a bit of happiness at the end of this, the whole
390 ugly thing and that is just that we all have come a long way, granny, myself and dad.
391 Granny came to fetch the boys today. He has in the interim moved out, he’s with
392 somebody else who has got a baby from him but not married he’s now living in in on his
393 own so the 2 younger boys are now a family with granny and grandpa. So I think uhhh
394 and this is what I wanted to mention to you earlier as well that ... Ted does not want to
395 sleep over, I’ve tried everything. Our relationship by the way, is ... so much better. I get
396 the most beautiful sms’s from him but it was it was a gradual thing. I think as he grows
397 up, and the psychologist said, the last psychologist that I dealt with, not the one who was
398 involved in my situation, kept saying to me as he grows older his needs will change.
399 Granny will not always be able to meet those needs, Mom is there and it’s been exactly
400 like that. Our relationship is wonderful, it’s it’s stronger but he just doesn’t want to come
401 and sleep over. He’s been here certain days but come six, seven o’clock he wants to be
402 fetched, he doesn’t want to sleep over. And this mother will keep on trying .. till I drop
403 dead, till he leaves school, I will keep on trying. Uhhh the youngestuhm really it’s
404 great, he loves mom and shows mom, he draws pictures sends me sms’s and that keeps
405 me going. I’ve had to more for their sake than for mine I’ve had to accept in a certain
406 way. I can never fully accept what has happened, I refuse to but I’ve had to..... to heal
407 and once I’ve started doing that, the healing bit by bit started setting in and the fact that I
408 can go to their school because granny caused havoc there, you see I can sit here Tyzie

409 and tell you all about that and I can, but I don't know if that is really what you want to
410 hear, but you know uhmm to be able to go to their schools on mother's day because
411 the psychologist told me that Ted at the time perceived granny as the mother and not me
412 and I mean that was just the most painful words but that apparently came out of some of
413 their evaluations. But just being able to go to their schools when there's a function or
414 sports day and then every day it doesn't matter where I am 7 o'clock in the evening I
415 phone them and I think that is not I think I know that is one of the best decisions that
416 I've made, that phone call because then if they're not there, I'm quite hard headed I
417 phone on the cell phone, I phone on granny's cell phone I phone on ... oupa's cell
418 phone. I don't care as long as I can speak to my boys every night at 7. So when the news
419 is finished I phone my boys. And a lot of healing has taken place. Uhmm the the
420 good thing for me is that my relationship with the youngest has never suffered in that
421 he's never said I don't want to come to mom. You know at least when he'll become a
422 teenager I now have to keep an open mind but I mean we just had a weekend together
423 and it was absolutely wonderful. I trust and believe in my heart that that will never
424 change. Last night at 7 o'clock we were lying on the trampoline here looking at the stars,
425 you know I look at I grasp at that and it keeps me going and is it right I don't know is it
426 wrong I don't know but for me to keep going as a mother who's been through this who's
427 been through this extremely painful process when I have a good day with them it's
428 everything to me. I .. I can also tell you that I have been on my own since the divorce. I
429 cannot, I've not been able to enter another relationship. There's been too much hate and
430 broken trust I live for the 4 boys now. People have often criticised me for that, that your
431 life passes you by. I don't care because of the brokenness in this situation, my 4 boys
432 that's what I have. If I've spoken to the eldest overseas, that's great, I have William with
433 me every day, that's great and the 2 younger boys, its, they're the rest of my life. I
434 cannot see myself in another relationship, uhmm I'm fearful because I just feel
435 somebody that who knowed me and loved me and fathered 2 of my children could do
436 something like that, what would another man do. Yes it's wrong and yes I probably need
437 more counselling for that but I've reached a point in my life where I am happy on my
438 own and I just do the best for my 4 children. Because there is no other way to approach
439 it. If I'm gonna fall back to where I was uhmm..... if I think back Tyzie in in in the dark
440 time that I referred to so many things could have gone wrong. You know where I could
441 never have seen them, where I could have had a complete nervous breakdown and I
442 think this is my message to other mothers in the situation. Don't lose hope. Just you need

443 to pick yourself up and you need to work through, through all those, the anger and the
444 frustration the depression and just be there for them. Ummm because in the interim of
445 course I've also heard of other mothers and at their school to, somebody pointed out this
446 couple to me where he also, the father also got custody and I remember sitting in
447 assembly that day thinking but she looks normal. And this has been a difficult thing
448 Tyzie when you know people ask you know people come and visit me and then they say
449 where's the children. That's how my pastor and I met. He walked into my flat one night
450 and said I've got a question – he's very direct, sometimes too direct (laughing) and he
451 said where's your children. And of course it feels like I said to him it felt like you have a
452 wound and the scab you know starts to heal and somebody comes and takes it right off,
453 which is what the pastor did but that was the road to the healing. He, he sat with me
454 night after night and just enforcing keep going, don't ... even through the bad days, you
455 love them, they love you, that's a bond, that bond cannot be broken. And you know
456 when when ted was sitting next to me this afternoon I felt there's something on my arm
457 and he was doing that (indicating that he was softly stroking her arm). That, to another
458 mother to another parent is nothing, to me *please don't stop stroking*, you know, so ja
459 in in whatever you're gonna ... do ... with this info.... and the time is not right for me
460 and I'll tell you something else that I've done. All right if there was a group, you know
461 people go to divorce meetings and that, if there was a group of mothers and if I knew
462 about them, I'm at a point where I'm strong enough to say "Listen, you hang in there,
463 never mind what the law says, never mind what those evaluations say, you just hang in
464 there, and it will turn, it will reach a point where it will turn and will only be up from
465 that. I've seen it, I've seen it. Although he doesn't want to sleep over, just being together
466 is great, the cards that he makes for me, the birthdays the wishes, the phone calls, ummm.
467 I got a phone call from him the other day, I'm stuck with my Afrikaans, please help me
468 with my Afrikaans. That that, that's heaven to me, you know, so that will definitely be
469 my message to people out there, just. I am a law abiding citizen but not when it comes to
470 this.

471 **TP:** They are your children anyway.

472 **JILL:** This is too, all those papers and whatever has happened in our situation. It hasn't
473 been right it hasn't been fair and maybe I need to sit down with another mother who has
474 been through the same situation and ask what happened in your life, because like I said
475 to you just now this has been such a difficult thing because you meet people, people
476 come and visit you and they say but why are your children not with you. And (you've

477 got to motivate saying) I've been saying well I am not a drug addict, I've never had a
478 drinking problem but this is what happened purely circumstances. And I want to mention
479 it to you too, the second lawyer who helped me to send the letters off to granny when the
480 little one was having problems, she asked me who had handled my my case. I told her,
481 and I remember she was looking at something in her drawer and she shut the drawer with
482 such a and she's a tiny little person and she said: "What" So I said well now you've got
483 me worried because you've just asked me a question and she said the same person ruled
484 in four father's favour. So now you tell me Tyzie, where's the justice in this, where is
485 where's the fairness in this. And I am woman enough to say here tonight uhmm if I
486 had any problems at the time besides the e let me not say emotional problems, the hurt
487 that I was dealing with how come my other 2 children were not taken away from me?
488 How come? My eldest one is overseas, he's a man if you have to meet him, he's
489 wonderful. My 16 year old, wonderful at school – the other day he got 3 trophies and 2
490 certificates, I can show you his bedroom, now, just tell me if I was such a bad mother,
491 why, how come my 2 elder children ... I'm okay to look after them but not my 2
492 younger ones and and I must just tell you that I met with my ex-husband it was October
493 last year I went to see him about uhm medicine, it's one thing, uhm he I do trust him
494 with is, he's good about that anduhmm you know a three hour conversation
495 followed. I left his business three hours later. He locked the business, it was a Saturday
496 and in a way, I won't say fully but in a way we we madepeace. And that day he said
497 to me he said *I know the whole thing hasn't been fair*, he said *I can understand how*
498 *difficult it is for you he said but at the time I didn't want to lose my boys either*. I think it
499 is important that I mention it to you. Two parents who both love their children but
500 couldn't make a marriage work and that to me was also a bit of a healing, Tyzie that he
501 could be man enough after all those 4 years to say: You know what, I wasn't entirely
502 right in the situation but I did what I thought was better. And he kept saying to me that I
503 was so emotional at the time. So I said to him but if you get told that your children are no
504 longer going to be with you hello, how would you feel, you knowso .. at the end of
505 the day I think that's what keeps us going whether you've been in this situation or not,
506 it's hope. The day you lose hope you might as well quit, you might as well just give up.
507 That's what I do, I speak to them every day, and make the most of my time with them.
508 Christmas is always difficult, birthdays are always difficult. I find that uhmm things
509 always get done on their terms you know. We will have the birthday party here, we will
510 have Christmas here and when this photo was taken two years ago I just said we will

511 have Christmas ... at my flat and you will bring both boys over to ... my place. But, was
512 I well liked by the end of the day? No (laughing) But that to me was a wonderful
513 Christmas and I remember when I asked somebody to take this photo, you know
514 sometimes, I think it's mother's instinct, the gut feeling, I had a feeling that this photo
515 was something very special... and it is and uhmm...

516 **TP:** Let me have a look at it again..... It is a lovely photo.

517 **JILL:** Laughing.

518 **TP:** Jill I would just like to ask, you just said that he said he also didn't want to lose his
519 children. What was his relationship like with them while you were married. What type of
520 father was he?

521 **JILL:** He.... Was a good father in that he always provided financially, the kids were
522 never short of anything, unlike the two boys from the first marriage, totally different
523 altogether but we don't have to go there. I still don't get maintenance for my 16-year old,
524 so I have to deal with that as well. Uhmm but as I said to the psychologist at the time, he,
525 he became a peripheral figure he was there but not really there ... he ... he was working
526 long hours, I was working long hours as well. When he came through that front door at
527 night time, he switched off. When we had supper time, now to me it is important to have
528 supper around the table together as a family he would sit and read his paper. I
529 experienced a gradual shut (Tape ran out. Switched on new tape).

530 **JILL:** Uhmm and that I used to complain to him about that. He ... come come a
531 weekend when we were not working I would say to him come let's take the boys to the
532 park. Come let's go to Animal farm it's a lovely farm outside the city with animals and
533 stuff and he just he just withdrew, more and more and more and just on that I believe
534 the same thing is happening in his current relationship. That's how he deals with
535 problems. I become verbal. I will say to you I have a problem with you now. I do it at
536 work I do it with my children, I do it with my friends. I will say I want to speak to you
537 now, let's sort this out and then we walk away from it. He's the complete opposite and
538 uhmm he just, like I said to the psychologist he became a peripheral figure and that's
539 what was so difficult for me when the decision was made, because at home.... He was he
540 was truthful to me in the marriage I never had problems with that kind of thing but he
541 wasn't really there. He would go to bed at 7o'clock and sleep because he was tired,
542 never mind how I was feeling and then still having to deal with ...uhm I mean there were
543 4 children at the time. Uhmm and I used to say to him please don't let Ted sleep over
544 there so frequently because it became a pattern with granny. And I remember when he

545 was 4 years old uhmm on my insistence I would say to him it's now Saturday afternoon,
546 you're going to fetch him we've both with fininshed work, he's got to come home, and
547 he would get in the car and he would scream blue murder for granny.

548 **TP:** Was he her first grandchild, only grandchild?

549 **JILL:** No, there's a brother and he also got married to somebody who had 2 children
550 from her first marriage and had another 2 children but he put up the walls for his mother,
551 which my ex-husband to this day cannot do and that was also a problem in our marriage.
552 I used to say to him "I'm your wife, she's your mother. Just please put some distance
553 between the 2 of you but he would go with every decision that she would take uhmm I
554 mean going to the movies would become a battle field because I would say okay let's
555 just go out a bit and uhmm granny would either be happy or not happy to babysit. She
556 would manipulate she'sa very strong wilful person. And looking back, you know
557 one must also and I've done a lot of soul searching as to why did things go so
558 horribly wrong in our situation and what I must admit to not having had (
559), no family I didn't have a support system, he had a full support system so it became
560 you know the scales were tipping that way all the time and as the daughter-in-law what
561 do you do? Keep quiet. Why do you keep quiet? For the sake of your marriage. And that
562 in the psychological evaluation that counted against me. I was told stand your ground put
563 your foot down. So I said but I did nobody listened. I would say to him please go and
564 fetch him and he would say no but he is happy, leave him, because why – it suited him at
565 the time as well because he was tired. He would, he's a runner, he runs every day he
566 would rather go for a run than having to deal with maybe friction at home or 4 boys
567 messing up the home. You can imagine 4 young boys in a in a home uhmm so that's it...
568 I've gone the long way with it now but he he started withdrawing from the whole
569 parental process and I remember one social worker I felt comfortable dealing with her
570 another I just didn't want to deal with, she took him to task during these visits as well
571 and to her office and she said to him but you know you're causing damage here as
572 well.... take responsibility.

573 **TP:** The other thing I was wondering about, during the custody assessment process, did
574 they visit you at all during that period?

575 **JILL:** The kids, not ..we were in the midst of this whole.... cause it was ugly, it was
576 ugly, granny was fighting with me, the grandfather arrived here one day and he (hold
577 abuse at me) he was just so angry about what was going on at the time, my ex-husband
578 and I were not speaking and that's when I went to the psychologist the one which to this

579 day I do not like and I said to her when am I going to see my children and then it was
580 decided that they will come to me under what you call it, supervised? I said to her excuse
581 me. (laughing) And I remember saying to her excuse me I will see my children without
582 you present or without the next person present. What do you think I'm gonna do to my
583 children? And ... I'm glad you're asking this now because I have left out something. To
584 the day, this day, the granny holds this against me, my lawyer was fighting really hard
585 when this whole thing was going on cause she could see my pain of not having my
586 children and on her insistence it was almost like a ...not an interdict but she she sent a
587 very strong letter to all these people and she said this coming weekend my client will
588 have both her children at the marital home and both the younger boys came over but Ted
589 screamed the whole night. I remember sitting with him the whole night crying, he just
590 didn't want to be there. (Sigh) So when they were fetched the next day, he started
591 crying..... for granny and then it was said the I am causing more psychological damage
592 for them. And you know what a plain simple thing like, they're my children, I love them,
593 I've never done anything to harm them, became..... I became this voice of nothing. It's a
594 horrible feeling Tyzie, it's I cannot actually put it into wordsit's like the earth opened
595 up and you get swallowed bit by bit because it's just nobody.... I was in this hollow
596 vacuum..... all of a sudden you know, I couldn't have my children with me. It went from
597 ... uhmm a.. very happy home to a gradual you know when when things started going
598 wrong in the marriage to this it it was like I said it was like a volcano erupted, I just
599 couldn't ... find... the peace that I was looking for in a simple thing like that with my
600 children. But then uhmm a friend stepped in a () and then every second weekend I got
601 the younger one.

602 **TP:** Before the custody, before the divorce was finalised?

603 **JILL:** Ja because from the time the custody thing was the agreement was taken in
604 May and the divorce came through in December so two thousand and one is a year
605

606 **TP:** You don't want to remember.

607 **JIL:** No, no no

608 **TP:** Jill and did you never consider contesting this in court, you just accepted the
609 family advocate's report? What did your lawyer advise you to do?

610 **JILL:** My lawyer well uhm the first I got to was my lawyer and she said to me because
611 she did this whole thing I think they call it pro bono, she didn't charge me for anything
612 and I mean it went on for months so Tyzie, answering you on that one, I wanted to do

613 nothing more than contesting the whole thing but then she said to me because what
614 happened, she became an advocate and when she became an advocate I was handed over
615 to somebody else, a guy and he basically just finalised my divorce for me when I was
616 sick with or in bed after the back operation and he then said to me I'm not in a position
617 to do this free of charge. So I was in the situation where I was working, I was not getting
618 custody I am still not getting maintenance for them and I then had to move out of the
619 house. Yes I wanted to contest it but I couldn't.

620 **TP:** For financial reasons?

621 **JILL:** Yes financial reasons. I've heard people questioning that and saying but money?
622 Children? Of course its not, you you can't bring the two together.

623 **TP:** Yes if you don't have money, you don't have money.

624 **JILL:** Yes and I was battling financially and that's when the lawyer said you know in all
625 fairness, I was ... no matter how we were married, I also contributed towards the
626 marriage and the household and that's when he got him to pay my rent in the new place
627 for the first 2 years. Uhhh financially, it's all I got out of the situation but like I said to
628 somebody, it means nothing, I just want my children it meant absolutely nothing I
629 want my children. Uhhh I also want to mention this to you and in your dealings with
630 other mothers, maybe this will come up, maybe it won't but in the time that I was in
631 therapy, uhhh I used to dream almost non stop about my children. And it was
632 always the same dream and I want to mention this to you. You know I I got somebody
633 once to to try and explain it to me ... and uhhh the dream was always that I was in a
634 swimming pool with my children and they were drowning and I couldn't save them
635 and sometimes in the dream the water was very clear and I would see their eyes and
636 other times I wouldn't see their eyes andthat became a constant dream .. always the
637 water always the swimming pool always the eyes and then I remember uhhh a dream
638 about changing Ted's nappy and it was always terribly soiled and I sat with somebody
639 one day and the person said to me that was what you were going through at the time and
640 it was the loss, the the fear. You know we sometimes dream about things that are playing
641 on our conscious the sub conscious. But it became overwhelming I felt that these
642 dreams were making me sick because they were always the same those 2 dreams and that
643 was a difficult thing for me to deal with as well. And I tried to deal with that in therapy
644 and slowly it subsided the the dreams and I got to a point that I wasn't dreaming
645 anymore but those were disturbing dreams and I remember I would wake up in the
646 middle of the night and just () of my children and they weren't with me just the

647 absolute (*deep sigh*) feeling of ...loss you know. And that's why ... I would and
648 I know I've been there where 2 people get divorced, I know how bitter it can be but it
649 shouldn't result in this. It shouldn't result in one parent feeling so much pain and loss
650 and anger and frustration. Whether the law can change this, whether the people who
651 make the decisions can change it this I don't know but that will certainly be my request
652 for other mothers who still have to go through it, God forbid because it changes your life
653 ... totally. I mean I will go to bed tonight and I know I will cry myself to sleep, because I
654 am glad that I can sit here with you, and..... swing it around and swing it
655 around and say it's all part of the process and the healing but there's another part that
656 when I go to bed, even sitting here, I am exhausted, when you walked in here I was fine
657 but I'm exhausted. It's draining man it's like it's like..... uhm ja it's draining
658 because it's your emotions it's your heart.

659 **TP:** And it is so real to you.

660 **JILL:** Ja because I'm talking to you, every time I have to open up and I've also...
661 somebody in our church went through something similar ... a year ago and the pastor
662 came to me and he said would you like to sit with this person I said no ... do not do
663 this to me do not , I'll pray for her, I'll be in her Bible study group but don't do it ...
664 every time I have to ... take that scab off it hurts but sitting with you is different because
665 I can tell it as it is as it happened uhhh if my ex husband was sitting here tonight and
666 I'll say this in front of God that he, what I said is the truth and that's how it is.

667 **TP:** He would confirm everything?

668 **JILL:** Yes he would if he was honest he would, he would confirm everything. Because I
669 have nothing to hide, this is just how things have happened and I have often and also in
670 therapy I can say to the therapist that I I failed my children and this guilt. Guilt is a
671 terrible thing and he just kept saying to me you have to let go of that. It was
672 circumstances and the minute you lift that veil of guilt some healing will also take place
673 and I started doing that and I'm just in in in a pattern in my life that..... I have bad days,
674 I have bad days where they're bad but they're becoming better. I just remember even
675 when our relationship got better, the uhm twelve year old, there were days where I
676 would want to get in my car and just drive and just take them physically remove them
677 and and and it becomes overwhelming it really and truly does. But it's I think again
678 God's hand in the situation, what would have happened, you know they would have
679 called the police and I I I and when I think police and myself we're 2 worlds apart, I'm
680 not I know the person that I am... I don't look for trouble, but it becomes so

681 overwhelming uhmm that I would just want to go and say they're mine and I'm taking
682 them you know.

683 *Recorder was switched off but the Jill continued while we were wrapping off and I*
684 *switched it on again*

685 **TP:** Another message to other mothers?

686 **JILL:** Uhmm ja I want it to be a message that let that get you out of bed in the morning
687 even on a bad day. You know 2 weeks is a long time when you don't see them you
688 know, but get yourself out of bed in the morning. What I do, unfortunately I cannot jog, I
689 mean I'm not built to jog but after the back op it's now and I had a bad time last year as
690 well with the back, it's now become a chronic back problem. What I do in the morning I
691 get up and I go for a walk, motivate yourself because the more motivated you are as the
692 mom the more you can motivate your children and I work on that on a daily basis,
693 without medication. I know and I'm not gonna go there but I know religion, people are
694 divided on that with my 4 boys 2 are believers 2 are non believers uhmm so I don't push
695 that, but that has certainly been the crux for me in the darkest of nights, the darkest of
696 days, yes this has happened, will I ever make sense of it ? No the answer is no, but just
697 be there for them 24/7 and I can see it with the 2 younger boys and affirmation, I think
698 that is the word came from my eldest son last year when he came to visit. He went out
699 with his friends one night, you know he's at that age, went out for drinks, came back, I
700 didn't hear them coming in and the following morning ther was a letter for me on my
701 bed, and he said to me, in the letter it was I admire you mom because with everything
702 that has gone wrong and he mentioned he said to me I am, meaning him I am the product
703 of 2 divorces, but you're my anchor because you always try to keep your boys together.
704 And I don't think that will ever change, until the day I die Tyzie, that's what I live for.
705 And I can honestly say, yes they're growing up and I've seen now, he's gone he's
706 overseas and that's another difficult thing to deal with uhmm but soon my 16-year old
707 will be up and away and I trust in my heart that 3 years from now, even if there's no
708 piece of paper to say they're now back in your care, I do believe in my heart they're
709 going to come back and if they never do, yes it's not okay but I will live for that, that's
710 what keeps me going. (Recorder switched off)

711 Decided to switch on again.

712 **JILL:** If there's a family who like mine where there's maybe children from another
713 marriage, and I can tell you that my twelve-year old and bear in mind that they haven't
714 grown up together over the last couple of years, the mannerisms, the interests, you name

715 it, he's so much like my eldest and I think that is quite, it's quite something for me to see
716 and the 16-year old like the youngest. The twelve-year old gravitates towards the eldest
717 and the youngest towards this one. He seeks this one's company when he comes on
718 weekends and I reinforce that, let's go to the beach together, let's go to the movies
719 together. A while ago I dropped them off at a movie and the youngest said to me mom it
720 was so nice to go to a movie together with my brother. And just on that granny once told
721 them they're not your brothers they're your half brothers. But on that Tyzie I'll keep you
722 here for the week, but you know what, I think you've got the picture of of granny's
723 influence but enough is enough, I can tell you and show you the report word for word all
724 the things that she said about me but I've I could rise above that because I know it
725 wasn't true it was just to have her influence over this 12-year old ja and she got it right.
726 I just think that's an interesting dynamic the 4 boys haven't grown up together up to this
727 point but there's all the similarities and the mannerisms and you know what I take those
728 lifts and I work on that and and the interests.

729 **TP:** It's the genes, they can't deny your genes.

730 **JILL:** What do we come back to, its in the genes and I am their mother.

731 We were both laughing and ended the interview on a happy note where I thanked Jill
732 sincerely for her honesty and openness although it was obviously an emotionally
733 draining experience. I also pointed to the offer in the recruiting letter regarding a
734 debriefing session with a therapist but she felt that it would not be necessary and
735 believed that this experience could also contribute to her healing and she appreciated the
736 opportunity to possibly help other mothers in the same position. The interview lasted 2
737 hours.

APPENDIX 14: TRANSCRIPT CONVENTIONS

The following transcript conventions were used:

...	Dots indicate pauses in speech.
I <u>shudder</u>	Words and phrases emphasised by the speaker are underlined.
WORD	Capitals, except at the beginnings of lines, indicate especially loud sounds relative to the surrounding talk.
()	Empty parentheses indicate the transcriber's inability to hear what was said.
(word)	Parenthesised words are possible hearings.
((Tearful))	Double parentheses indicate author's remark and not what participant said.
<u>have got to be kidding</u>	Underlined words were said slowly and with emphasis on every word.
<i>Daddy do not kill Mommy</i>	Italicised words are quotations used by participant.
**	Encloses speech in a laughing voice.
[]	Encloses overlapping turns
[that city]	City's name left out to protect anonymity of participant.
(231-232)	Indicate line numbers in transcript of interview.
(183-190 fg)	Indicate line numbers in transcript of focus group interview.