

# **The Dynamics of the Enmeshed Family System Ten Years Later: Family Court and Contemporary Understanding of Adulthood, Parentification, and Infantilization**

by  
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## **Abstract**

Time, experience, experimentation, and case law have together moved family law practice forward from a primitive and inflammatory binary view of high conflict family dynamics to a much more nuanced, ecological perspective. The field has invested enormous resources struggling to understand alienation in its larger relationship ecology, while largely failing to invest in understanding concurrent family system dynamics including enmeshment. This is a ten-year follow up and elaboration upon a seminal discussion of enmeshment in the context of high conflict divorce. Far more nuanced descriptions of three forms of enmeshment (i.e., adulthood, parentification, and infantilization) are offered, including previously overlooked gender, cultural, religious, and language considerations. Case illustrations are provided. Discussion includes consideration of how these destructive dynamics can be recognized and remedied. These distinctions are described as among the necessary components of every family law professional's field guide to understanding and responding to the dynamics of the conflicted family system.<sup>1</sup>

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<sup>1</sup> The use of names or gender are intended to be neutral and for purposes of illustration only.

## I. Introduction

The field of family law is still in its infancy. Born of the awkward union between the legal system and mental health practice, its professionals have only just begun to recognize the blessings and burdens associated with its lineage. In fact, neither the adversarial courts nor the medical model of individual diagnosis and treatment fit the needs of the conflicted family system or the best interests of the child standard.

The struggles of this early identity crisis have been nowhere more obvious or painful than with regard to the concept of parental alienation. Fortunately, this highly divisive issue among the legal and mental health systems has achieved some small degree of equilibrium in recent years with the rejection of the syndrome argument and a reconceptualization of the larger dynamics that eschew inferred motives in favor of behavioral descriptions.<sup>2</sup> Thus, binary alienation-versus-estrangement arguments are increasingly recognized as fallacious and dangerous.<sup>3</sup> Instead, the phrase “resist/refuse dynamics” has achieved something of a consensual foothold.<sup>4</sup>

A multi-factorial model emphasizing the combined influence of many simultaneous and interwoven relationship dynamics and pressures has provided a more research-based framework for considering family dynamics and conflict.<sup>5</sup> Known as a hybrid

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<sup>2</sup> Janet R. Johnston & Matthew J. Sullivan, *Parental Alienation: In Search of Common Ground for a More Differentiated Theory*, 58 *FAM. CT. REV.* 270, 271 (2020).

<sup>3</sup> *Id.* at 273; Madelyn S. Milchman, Robert Geffner & Joan S. Meier, *Ideology and Rhetoric Replace Science and Reason in Some Parental Alienation Literature and Advocacy: A Critique*, 58 *FAM. CT. REV.* 340, 346 (2020).

<sup>4</sup> Marjorie Gans Walters & Steven Friedlander, *When a Child Rejects a Parent: Working with the Intractable Resist/Refuse Dynamic*, 54 *FAM. CT. REV.* 424, 424 (2016).

<sup>5</sup> See Jean Mercer, *Are Intensive Parental Alienation Treatments Effective and Safe for Children and Adolescents?*, 16 *J. CHILD CUSTODY* 67, 96 (2019) (“This position is implausible in light of studies of child development and of family dynamics that emphasize the effects of multiple factors and of interactions among those factors. This multifactor emphasis has increased with the growing influence of dynamic systems theory, an approach concerned with the ability of any system to organize and re-organize itself along unique lines. DST posits the existence of dynamic equilibria in systems or groups, resulting in individual variations within an expectable range even when the environment (e.g., the behavior or attitudes of a parent) does not change.”).

model<sup>6</sup> or, more broadly, as an ecological model<sup>7</sup> the multifactorial approach requires that many mutually compatible and commonly co-occurring variables all be assessed in the effort to unravel any particular child's resist/refuse behaviors. Chief among these variables are alienation, estrangement, and enmeshment.

Unfortunately, while theory and research have flourished around questions related to alienation and, less so, estrangement, little has been added to the family law literature on the subject of enmeshment in the last ten years.<sup>8</sup> The present article seeks to elaborate upon and update that literature in support of the field's urgent need to establish a common vocabulary for family dynamics and conflict for purposes of forensic and expert opinions, guardian ad litem investigations, and judicial decision making.

## II. The Dynamics of Enmeshment

### A. *Enmeshment in Developmental Context*

If a healthy parent's job is to gradually launch his or her child toward autonomy, then development is about building and always adapting psychological boundaries.<sup>9</sup> Boundaries distinguish what is in from what is out. Psychological boundaries recur at every level of inquiry across fields as seemingly diverse as cosmology and sociology and virology. For the present purposes, boundaries distinguish one individual from another within the family system, and the family system itself from its surrounding

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<sup>6</sup> Walters & Friedlander, *supra* note 4, at 429.

<sup>7</sup> Shely Polak & Michael Saini, *The Complexity of Families Involved in High-conflict Disputes: A Postseparation Ecological Transactional Framework*, 60 J. DIVORCE & REMARRIAGE 117 (2019).

<sup>8</sup> See generally Benjamin D. Garber, *Parental Alienation and the Dynamics of the Enmeshed Parent-Child Dyad: Adultification, Parentification, and Infantilization*, 49 FAM. CT. REV. 322 (2011); Johnston & Sullivan, *supra* note 3; Daniel G. Saunders, *Research Based Recommendations for Child Custody Evaluation Practices and Policies in Cases of Intimate Partner Violence*, 12 J. CHILD CUSTODY 71 (2015); Daniel G. Saunders, Kathleen C. Faller & Richard M. Tolman, *Beliefs and Recommendations Regarding Child Custody and Visitation in Cases Involving Domestic Violence: A Comparison of Professionals in Different Roles*, 22 VIOLENCE AGAINST WOMEN 722 (2016).

<sup>9</sup> See BENJAMIN D. GARBER, DANA E. PRESCOTT & CHRISTOPHER MULCHAY, *A PRACTICAL FIELD GUIDE FOR FAMILY LAW PROFESSIONALS: DYNAMICS, NOT DIAGNOSES* (2021).

community.<sup>10</sup> Of course, boundaries must adapt to life circumstances as when a baby is born, a child grows up, and when parents separate and divorce.

In the healthy course of development, the child's sense of a bounded and separate identity grows from the infant's oceanic sense of self<sup>11</sup> toward adolescent rebellion and peer group affiliations into the faux autonomy of young adulthood, only then to be blurred again by love and marriage and parenting. The process emerges in an ANOVA-like friction between the variance within and variance without.<sup>12</sup> Within the family, boundaries are created, constantly tested, and redefined in the lifelong tension between hold-me-tight and let-me-go.<sup>13</sup> The child's limit testing and the parents' gradually eroding rules and restrictions create psychological and physical boundaries which are breached and then

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<sup>10</sup> See Tara S. Peris & Robert E. Emery, *Redefining the Parent-Child Relationship Following Divorce: Examining the Risk for Boundary Dissolution*, 5 J. EMOTIONAL ABUSE 169, 171-72 (2005) ("Boundaries are defined as the implicit or explicit rules of relationships in general, and they are central in establishing the structure of family relationships in particular. Boundaries delineate each member's unique psychological domain, as well as his or her role within the broader family system.")

<sup>11</sup> SIGMUND FREUD, *CIVILIZATION AND ITS DISCONTENTS* 9 (David McLintock trans., Penguin 2002) (1930).

<sup>12</sup> An analysis of variance (ANOVA) is a statistical method that determines whether a subset is coherent. It asks whether there is more variation within the identified subset than between that proposed subset and those that surround it (in which case the subset is not coherent), or more variation between the proposed subset and its neighbors (in which case the subset is coherent). Note, of course, that metaphors relying on statistical measures carry a risk. One of the challenges for lawyers and judges (and some mental health professional) is the misuse of statistics and the accompanying potential for misleading the court by suggesting correlations which are not or using variables which are not really that. See, e.g., *Doe v. Sex Offender Registry Bd.*, 4 N.E.3d 1264, 1270 (Mass. App. Ct. 2014) ("Our own review of the scientific and statistical studies in the record reveals that they are technical and complex."); *Id.* at 1271 n.9; see also David G. Herr, *On the History of ANOVA in Unbalanced, Factorial Designs: The First 30 Years*, 40 AM. STAT. 265, 265 (1986) ("During the past decade and a half there has been a flurry of work on the problem of fixed-effects analysis of variance (ANOVA) for unbalanced, factorial designs. Yet there remains considerable confusion as to how one should analyze such designs.")

<sup>13</sup> BENJAMIN D. GARBER, *HOLDING TIGHT/LETTING GO: RAISING HEALTHY KIDS IN ANXIOUS TIMES* (2016).

recreated a million times over in every child's life and into adulthood.

The same pressures that can encourage the child's healthy movement toward autonomy can also impede it. This is most often the case when a parent turns to a child for need fulfillment. This breach of boundaries can be born of necessity and/or pathology, it may feel good to the parent and/or to the child, but it is ultimately destructive of both. This is *enmeshment*.

This author first imported and applied the developmental and family systems theory and research concerned with enmeshment into the family law literature a decade ago.<sup>14</sup> This included cataloguing diverse relationship ecologies in which enmeshment has been commonly reported, e.g., in the context of poverty,<sup>15</sup> immigrant families,<sup>16</sup> among chronically physically or mentally ill, addicted and/or, incarcerated parents, in the context of intimate partner violence,<sup>17</sup> and high conflict divorce. These distorted systemic pressures yield what have often been called *role reversals*, thereby suggesting an exchange of roles between parent and child or "when a distressed parent looks to the child to meet unmet needs for comfort, intimacy, or companionship. A parent in marital conflict may be particularly prone to role reversal, which in turn adversely affects child development."<sup>18</sup>

Recognizing the variety of dynamics that these pressures can yield, the term *role corruption* proves to be more descriptive. Parent-child role corruption can be seen within the dysfunctional family system in at least three distinct but mutually compatible

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<sup>14</sup> Garber, *supra* note 8, at 322.

<sup>15</sup> Linda Burton, *Childhood Adultification in Economically Disadvantaged Families: A Conceptual Model*, 56 *FAM. RELATIONS* 329, 330 (2007).

<sup>16</sup> Maria Elena Puig, *The Adultification of Refugee Children: Implications for Cross-cultural Social Work Practice*, 5.3-4 *J. HUM. BEHAV. SOC. ENV'T.* 85 (2002); Sophie Walsh et al., *The Role of Parentification and Family Climate in Adaptation Among Immigrant Adolescents in Israel*, 16 *J. RES. ADOLESCENCE* 321 (2006).

<sup>17</sup> Debra Lynn Stephens, *Battered Women's Views of Their Children*, 14 *J. INTERPERSONAL VIOLENCE* 731 (1999).

<sup>18</sup> Janet R. Johnston, Marjorie G. Walters & Nancy W. Olesen, *Is It Alienating Parenting, Role Reversal or Child Abuse? A Study of Children's Rejection of a Parent in Child Custody Disputes*, 5.4 *J. EMOTIONAL ABUSE* 191 (2005); Jenny Macfie et al., *Pathways from Infant Exposure to Marital Conflict to Parent-Toddler Role Reversal*, 29 *INFANT MENTAL HEALTH J.* 297 (2008).

forms: adultification, parentification, and infantilization. Much as these terms capture role corruptions within particular parent-child dyads, a genuinely ecological understanding of family systems has taught us that these dynamics are systemic. That is, enmeshment in each of its several distinct forms can only be recognized, communicated, and remedied in the context of and with the active involvement of all members of the family system. This is nowhere more obvious and practically relevant than when one is concerned with “reunification” therapies, those interventions intended to respond to resist/refuse dynamics.<sup>19</sup>

### III. Adultification in the Developmental Context

Like many terms in family law, “adultification” comes with a lot of irrelevant baggage. It has been used to refer to the treatment of minors as adults under the law,<sup>20</sup> to communicate racist attributions about immigrant youths,<sup>21</sup> to describe children’s premature responsibilities to care for younger siblings,<sup>22</sup> to demean the adult-like characteristics of transgendered minors,<sup>23</sup> and as a political platform for children’s rights,<sup>24</sup> among other

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<sup>19</sup> BARBARA J. FIDLER ET AL., *CHILDREN WHO RESIST POSTSEPARATION PARENTAL CONTACT: A DIFFERENTIAL APPROACH FOR LEGAL AND MENTAL HEALTH PROFESSIONALS* (2013); Barbara J. Fidler & Peggie Ward, *Clinical Decision-Making in Parent-Child Contact Problem Cases: Tailoring the Intervention to the Family’s Needs*, in *OVERCOMING PARENT-CHILD CONTACT PROBLEMS: FAMILY-BASED INTERVENTIONS FOR RESISTANCE, REJECTION, AND ALIENATION* 13 (Abigail M. Judge & Robin M. Deutsch eds. 2016).

<sup>20</sup> Riane M. Bolin & Brandon K. Applegate, *Adultification in Juvenile Corrections: Examining the Orientations of Juvenile and Adult Probation and Parole Officers*, 41 *AM. J. CRIM. JUST.* 321, 333 (2016); Mae C. Quinn & Grace R. McLaughlin, *Article III Adultification of Kids: History, Mystery, and Troubling Implications of Federal Youth Transfers*, 26 *WASH. & LEE J. CIV. RTS. & SOC. JUST.* 523, 555 (2019).

<sup>21</sup> Laila Hlass, *The Adultification of Immigrant Children*, 34 *GEO. IMMIGR. L.J.* 199, 202 (2019).

<sup>22</sup> Rachel M. Schmitz & Kimberly A. Tyler, *Growing Up Before Their Time: The Early Adultification Experiences of Homeless Young People*, 64 *CHILDREN & YOUTH SERVS. REV.* 15, 16 (2016).

<sup>23</sup> Amy L. Stone, *Gender Panics About Transgender Children in Religious Right Discourse*, 15 *J. LGBT YOUTH* 1 (2018).

<sup>24</sup> Nancy E. Dowd, *Children’s Equality: Perspectives on Rights and Realities for Children of Color: Response: Strategizing a New Deal for Children*, 47 *FORDHAM URB. L.J.* 379 (2019).

variations. In the present context, adultification describes one among three common forms of intergenerational role corruption. Adultification, like parentification, deprives a child of the opportunity to remain a child, undermining his security, and burdening him with practical and/or emotional responsibilities he is not likely prepared to bear.<sup>25</sup>

Adultification occurs when a parent prematurely enlists a child as an ally, peer, friend, or “emotional partner.”<sup>26</sup> Adultification can occur out of practical necessity, as when a military parent is deployed and the parent who remains home turns to her son for support. It can occur as a result of social, ethnic, and/or religious isolation. And adultification can occur as a by-product of a psychologically disturbed adult’s inappropriate emotional investment in her child.<sup>27</sup>

Among the many lessons learned in the last ten years is the extent to which adultification is common and can even be healthy in certain relationship ecologies. Context matters tremendously. For example, one must be very careful not to overgeneralize from a child’s discrete tasks and adult-like “practice” responsibilities within the family system to infer role corruption and pathogenic dynamics: “Temporary parentification is considered normative at times and may even be associated with responsibil-

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<sup>25</sup> See, e.g., *Palazzolo v. Mire*, 10 So. 3d 748, 758 (La. Ct. App. 2009) (“Dr. Jordan translated the statement in his initial report that I.P. is a product of early adultification to mean that the parents had given her too much independence to make decisions beyond her age level. Dr. Jordan explained that he omitted this statement from his final report because he did not believe it was a significant issue given the many changes in I.P. between December 2005 and August 2006.”); *In re A.M.L.M.*, No. 13-18-00527-CV, 2019 WL 1187154, at \*12 (Tex. App. Mar. 14, 2019) (“As for Mother, Holder [LPC] did not recommend reunification for two reasons. First, Holder opined that “the family role scale is elevated.” This elevation resulted from Mother “dumping” on the children by using them for comfort and emotional support. Such a dynamic leads to “adultification” of the children and limits their social engagement outside the home.”).

<sup>26</sup> Anita Chandra et al., *Children on the Homefront: The Experience of Children from Military Families*, 125 *PEDIATRICS* 16 (2010).

<sup>27</sup> GREGORY K. JURKOVIC, *DESTRUCTIVE PARENTIFICATION IN FAMILIES: CAUSES AND CONSEQUENCES* (1998); Patricia Lester & Brenda Bursch, *The Long War Comes Home: Mitigating Risk and Promoting Resilience in Military Children and Families*, 28.7 *PSYCHIATRIC TIMES* 26 (2011).

ity, competence, and autonomy in children who are given adequate support and acknowledged for their helpfulness.”<sup>28</sup>

The contextual framework necessary for investigating whether a particular child has been adultified must account for factors such as age of onset, such that a longer history of healthy family relationships may act to insulate a child against the deleterious effects otherwise associated with adultification. Birth order and, whether the child has siblings, and how the sibling groups function within the larger family system are also relevant, such that later-born children with the benefit of sibling support may be less vulnerable to the deleterious effects of adultification.<sup>29</sup> The history and nature of co-parental conflict and the child’s exposure to that conflict may also be related to the risk of role corruption, such that those children exposed younger, longer, and to more severe conflict are at greater risk.<sup>30</sup> Only-children may be at higher risk than children with siblings.<sup>31</sup>

Much as the adultified child may bask in the enmeshed parent’s special attention and may even develop precocious social skills due, in part, to his special relationship with one parent, the developmental costs incurred can be tremendous. Role corrup-

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<sup>28</sup> Genie Burnett et al., *Family Unpredictability, Parental Alcoholism, and the Development of Parentification*, 24.3 AM. J. FAM. THERAPY 181, 181 (2006).

<sup>29</sup> For a review of case law and policy arguments concerning the rights of siblings, see James G. Dwyer, *A Taxonomy of Children’s Existing Rights in State Decision Making About Their Relationships*, 11 WM. & MARY BILL RTS. J. 845 (2002); Dana E. Prescott, *Biological Altruism, Splitting Siblings and the Judicial Process: A Child’s Right to Constitutional Protection in Family Dislocation*, 71 UMKC L. REV. 623 (2003).

<sup>30</sup> Patricia Noller et al., *Conflict in Divorcing and Continuously Married Families: A Study of Marital, Parent–Child and Sibling Relationships*, 49 J. DIVORCE & REMARRIAGE 1, 20-21 (2008) (“We found that the sibling relationships in the divorcing families tended to be “affect-intense,” or high in both nurturance and hostility. The Noller et al. comments made by the adolescents in the interviews helped us to interpret these data; younger siblings, in particular, tended not to appreciate what they saw as overprotection on the part of their older sibling, who sought to nurture them in the face of parental separation and divorce.); Katia E. Roth, Debra A. Harkins & Lauren A. Eng, *Parental Conflict During Divorce as an Indicator of Adjustment and Future Relationships: A Retrospective Sibling Study*, 55.2 J. DIVORCE & REMARRIAGE 117, 119 (2014).

<sup>31</sup> Esti Iturralde et al., *Positive and Negative Interactions Observed Between Siblings: Moderating Effects for Children Exposed to Parents’ Conflict*, 23.4 J. RES. ADOLESCENCE (2013), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3828047/pdf/nihms425519.pdf>.



tion in general, and adultification in particular are associated with increased risks of social and emotional dysfunction later in life, including difficulties with autonomy and anxiety. They are furthermore associated with higher risks of drug and alcohol abuse and addiction.<sup>32</sup> As an illustration:

Twelve-year-old Sam lived at least half of his life exposed to his parents' incessant conflicts. When his father moved out of the family home, his mother explicitly alerted him that he was now "the man of the house." Sam was proud of his role as his mother's confidant and helper in part because it made him feel special and in part because he could lord it over his younger sister. Although Sam often didn't understand the court orders that his mother shared with him, he liked to think that he helped her cope with her stress just by listening. When Father complained that Sam's grades had begun to decline and that Sam had quit the swim team, Sam simply stopped spending weekends with him. His mother said all the right things about "visiting with your father" but honestly felt validated by the child's rejection of the man whom she now hated.<sup>33</sup>

#### **IV. Parentification in the Developmental Context**

Although this term has taken on a number of meanings, it is far easier to disambiguate than some. The terms *adultification* and *parentification* are often confused and interchanged, confounding identification and the implementation of dynamic-specific remedies.<sup>34</sup> "Parentification" is sometimes used to describe a child's premature promotion to serve as his or her siblings' caregiver, a role that is looked upon differently across race and culture.<sup>35</sup> In the present context, we reserve the term to describe

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<sup>32</sup> Julia Margarita Bernard, *Exploring the Predictors and Outcomes of the Adultification of Adolescents* (2010), <https://docs.lib.purdue.edu/dissertations/AAI3444478/>.

<sup>33</sup> Case illustrations are anonymized accounts of the author's direct experience conducting child custody evaluations and/or serving as an expert witness in high conflict family law matters.

<sup>34</sup> Judyta Borchet et al., *We Are in This Together: Retrospective Parentification, Sibling Relationships, and Self-Esteem*, 29.10 J. CHILD & FAM. STUD. 2982, 2982 (2020); Lisa M. Hooper, Heather M. Moore & Annie K. Smith, *Parentification in Military Families: Overlapping Constructs and Theoretical Explorations in Family, Clinical, and Military Psychology*, 39 CHILD. YOUTH SERVS. REV. 123 (2014).

<sup>35</sup> Karissa DiMarzio et al., *Parent-Child Role Confusion: Exploring the Role of Family Processes in the Context of Parental Depression*, J. CLINICAL

a genuine role reversal, that is, those family system dynamics that prematurely promote a child to serve as his or her parent's caregiver. One particularly astute court described parentification as follows:

. . . parentification results in “pseudo-maturity,” characterized by children acting very responsible and trying very hard to be good caretakers. The problem. . . is [that] parentified children minimize their own need to be nurtured because they are placed in the role of the caretaker, rather than the child. As a result, parentified children may develop significant relationship problems as adults. The parentification manifests itself in adulthood in one of two extreme ways. The first is codependency, which results when parentified children try to compensate for the lack of nurturing they received as children. The second is continuing the self-sacrificing role of the caretaker at the expense of their own emotional needs. . . . parentification is “one facet of role reversal.” He testified[that] the anxiety resulting from parentification causes sleep loss, obsessive thoughts, perfectionism, over-extension, and depression.<sup>36</sup>

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CHILD & ADOLESCENT PSYCHOL. (2021) <https://cdn.vanderbilt.edu/vu-my/wp-content/uploads/sites/2804/2018/04/10214808/Parent-child-role-confusion-exploring-the-role-of-family-processes-in-the-context-of-parental-depression.pdf>; *Parentification*, in *MODELS OF PSYCHOPATHOLOGY* 37 (Lisa M. Hooper et al. 2014); Lisa M. Hooper et al., *Parentification, Ethnic Identity, and Psychological Health in Black and White American College Students: Implications of Family-of-Origin and Cultural Factors*, 43 *J. COMPARATIVE FAM. STUD.* 811, 811 (2012).

<sup>36</sup> *Mayo v. Mayo*, 619 N.W.2d 631, 636 (N.D. 2000). The dissent is important to read both as to policy and analysis. *Id.* at 641 (Maring, J., dissenting) (“Despite the questionable basis of Dr. Ascano’s opinions regarding ‘parentification’ of the oldest child, the trial court chooses to find the testimony of Dr. Will, Banjac’s expert, not credible because the ‘basis for his opinions are not reliable, valid tests due to the fact they are highly subjective and lack generally recognized scientific validity and reliability as predictive tests.’ The testing the trial court refers to includes the Rorschach test, which has been administered and interpreted by professionals to form diagnoses in psychiatric and psychological examinations.”); *See, e.g.*, *Grace L. v. State*, 329 P.3d 980, 985 n.12 (Alaska 2014) (“[P]arentification in the family entails a functional and/or emotional role reversal in which the child sacrifices his or her own needs for attention, comfort, and guidance in order to accommodate and care for logistical or emotional needs of the parent.” Nancy D. Chase, *Parentification: An Overview of Theory, Research, and Societal Issues*, in *BURDENED CHILDREN: THEORY, RESEARCH AND TREATMENT OF PARENTIFICATION* 3, 5 (Nancy D. Chase ed., 1999).”); *In re Marriage of McKean*, 254 Cal. Rptr. 3d 726, 734, 41 Cal. App. 5th 1083, 1092-93 (Cal. Ct. App. 2019) (“Testimony demonstrated the siblings had mutual bonds and Si.’s cognitive state was akin to that of a one-year-old to 18-

Parentification is observed among immigrant families,<sup>37</sup> impoverished families,<sup>38</sup> working parents,<sup>39</sup> parents with diagnosed character pathology,<sup>40</sup> and substance dependent parents,<sup>41</sup> and children who are homeless.<sup>42</sup> In homes with substance abuse, for example, researchers have found that, “When parents drink and

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month-old child. Children of that age indeed have relationships with their families, and dismissing the impact of separating the siblings based purely on Si.’s disability was error. Furthermore, there was insufficient evidence of the supposed “parentification” of Sa. and W.”).

<sup>37</sup> Olga Oznobishin & Jenny Kurman, *Parent–Child Role Reversal and Psychological Adjustment Among Immigrant Youth in Israel*, 23 J. FAM. PSYCHOL. 405 (2009).

<sup>38</sup> Thomas I. McMahon & Suniya S. Luthar, *Defining Characteristics and Potential Consequences of Caretaking Burden Among Children Living in Urban Poverty*, 77 AM. J. ORTHOPSYCHIATRY 267 (2007).

<sup>39</sup> EARL A. GROLLMAN & GERRI L. SWEDER, *THE WORKING PARENT DILEMMA: HOW TO BALANCE THE RESPONSIBILITIES OF CHILDREN AND CAREERS* (1988).

<sup>40</sup> Monica M. Fitzgerald et al., *Child Sexual Abuse, Early Family Risk, and Childhood Parentification: Pathways to Current Psychosocial Adjustment*, 22 J. FAM. PSYCHOL. 320, 320 (2008).

<sup>41</sup> Marolyn Wells, Cheryl Glickauf-Hughes & Rebecca Jones, *Codependency: A Grass Roots Construct’s Relationship to Shame-Proneness, Low Self-Esteem, and Childhood Parentification*, 27 AM. J. FAM. THERAPY 63 (1999).

<sup>42</sup> Schmitz & Tyler, *supra* note 22 (“Adopting early adult roles, or early adultification/parentification, consists of a child or adolescent assuming adult-like traits and responsibilities, such as providing extensive caregiving to parents or younger siblings.”); Amy K. Nuttall & Kristin Valentino, *An Ecological-Transactional Model of Generational Boundary Dissolution Across Development*, 53.2 MARRIAGE & FAM. REV. 105, 108 (2017). Adultification is often characterized using the term “triangulation” in reference to the child’s involvement in the parental subsystem as a decision maker or emotional support. (See, e.g., Patricia K. Kerig, *Triangles in the Family Circle: Effects of Family Structure on Marriage, Parenting, and Child Adjustment*, 9 J. FAM. PSYCH. 28 (1995)); Patricia K. Kerig & Julie A. Swanson, *Ties that Bind: Triangulation, Boundary Dissolution, and the Effects of Interparental Conflict on Child Development*, in *STRENGTHENING COUPLE RELATIONSHIPS FOR OPTIMAL CHILD DEVELOPMENT: LESSONS FROM RESEARCH AND INTERVENTION* 59–76 (Marc Schulz, Marcia K. Pruett, Patricia K. Kerig & Ross Parke eds., 2010). The impact of adultification is likely not as severe as that of parentification. *Id.* However, portrayed competence may actually mask the child’s burden and later negatively influence development, which Hetherington described as “competence at a cost.” *COPING WITH DIVORCE, SINGLE PARENTING, AND REMARRIAGE: A RISK AND RESILIENCY PERSPECTIVE* (Mavis Hetherington, ed., 1999).

children feel frightened and helpless. They may care for their parents [in order] to bring some sense of control to an otherwise uncontrollable situation.”<sup>43</sup> Of particular interest in the context of family law is the observation that “emotionally deprived parents may unconsciously regard their children as parental figures.”<sup>44</sup>

Parentification is most commonly observed and reported about mothers concerning their daughters,<sup>45</sup> and when the parentifying adult is chronically ill,<sup>46</sup> single, or out of work.<sup>47</sup> The experience of parentification has been linked to the child’s distress and dysfunction beginning in the adolescent years and well into adulthood.<sup>48</sup> Parentification has been associated with many forms of diagnosable psychopathology, particularly depression and character pathology. The experience is so common and deleterious that one author advised that, “It is important for clinical psychologists and other mental health care providers to assess for level and duration of the parentification roles and responsibilities carried out in the family of origin.”<sup>49</sup>

The literature of the last ten years has broadened professional understanding of parentification as it might be applied to family law. This includes the critical distinction between *instrumental parentification* and *emotional parentification*. The former describes the more benign dynamic at work when a child serves

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<sup>43</sup> Burnett et al., *supra* note 28, at 186.

<sup>44</sup> JURKOVIC, *supra* note 27, at 240.

<sup>45</sup> GROLLMAN & SWEDER, *supra* note 39; Deborah Jacobvitz, Shelly Riggs & Elizabeth Johnson, *Cross-Sex and Same-Sex Family Alliances: Immediate and Long-Term Effects on Sons and Daughters*, in BURDENED CHILDREN: THEORY, RESEARCH, AND TREATMENT OF PARENTIFICATION (N.D. Chase ed., 1999).

<sup>46</sup> Marie M. Duryea, *Mothers with Chronic Physical Illness and the Parentification of Their Children* (2008), <https://core.ac.uk/download/pdf/151575158.pdf>; Tanya L. Tompkins, *Parentification and Maternal HIV Infection: Beneficial Role or Pathological Burden?*, 16.1 J. CHILD & FAM. STUD. 108, 113 (2007).

<sup>47</sup> Jo Aldridge, *Experiences of Children Living with and Caring for Parents with Mental Illness*, 15.2 CHILD ABUSE REV. 79 (2006).

<sup>48</sup> Cliff Yung-Chi Chen & Andrea Panebianco, *Physical and Psychological Conditions of Parental Chronic Illness, Parentification and Adolescent Psychological Adjustment*, 35 PSYCHOL. & HEALTH 1075 (2020).

<sup>49</sup> Lisa M. Hooper et al., *Characterizing the Magnitude of the Relation Between Self-reported Childhood Parentification and Adult Psychopathology: A Meta-Analysis*, 67 J. CLINICAL PSYCHOL. 1028, 1039 (2011).

the practical or mechanical needs of the parent as when, for example, a disabled parent needs help with dressing or meal preparation. The latter is applied when a parent relies on a child for emotional nurturance, succor, and support. Of course, the two are not incompatible. In terms of the child's well-being, instrumental and emotional parentification differ to the extent that the former does not compromise the child's experience of the adult as an emotional anchor.<sup>50</sup> As long as the child feels emotionally secure, instrumental parentification can actually build resilience,<sup>51</sup> enhance problem solving abilities, and diminish the risk of substance abuse.<sup>52</sup> It is the child's loss of security associated with emotional parentification implicit in the parent's need to be cared for that seems to do the damage. By way of illustration,

Rachel's father had been in and out of her life for years, detoxing, participating in serial rehabs, and twice hospitalized due to opioid overdoses. When her mother finally left the family home, the eight-year-old refused to spend overnights with her insisting, instead, to stay with her father. Mother accused the father of alienation. Lawyers were enlisted. Experts were hired. The court ordered a child custody evaluation. The evaluator found little evidence that the father had been undermining the little girl's relationship with the mother. Instead, Rachel was terrified that her daddy would use drugs and die if she was away overnight. She had taken on the role of her father's caregiver, making certain that he took his medications and checking on him throughout the night in case he needed her.

One particular form of instrumental parentification deserves special attention. In many immigrant families, parents come to rely on their children as *culture brokers*.<sup>53</sup> Although educational and healthcare professionals often express concern about the

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<sup>50</sup> Borchet et al., *supra* note 34, at 2983.

<sup>51</sup> Antonietta DiCaccavo, *Working with Parentification: Implications for Clients and Counselling Psychologists*, 79.3 *PSYCHOL. & PSYCHOTHERAPY: THEORY, RES. & PRACTICE* 469 (2006).

<sup>52</sup> Lisa M. Hooper et al., *Patterns of Self-reported Alcohol Use, Depressive Symptoms, and Body Mass Index in a Family Sample: The Buffering Effects of Parentification*, 20.2 *FAM. J.* 164, 166 (2012).

<sup>53</sup> Vanja Lazarevic, *Effects of Cultural Brokering on Individual Wellbeing and Family Dynamics Among Immigrant Youth*, 55 *J. ADOLESCENCE* 77, 77 (2017); Edison J. Trickett & Curtis J. Jones, *Adolescent Culture Brokering and Family Functioning: A Study of Families from Vietnam*, 13.2 *CULTURAL DIVERSITY & ETHNIC MINORITY PSYCHOL.* 143 (2007). This raises fascinating questions about the current generation of children serving as "technology brokers" for their parents and grandparents. These children facilitate others' access to

well-being of children cast into this role,<sup>54</sup> empirical studies are mixed. For example, teens who serve as their parents' translators tend toward stronger academic achievement than others.<sup>55</sup>

## V. Infantilization in the Developmental Context

By contrast with adultification and parentification, infantilization only carries two meanings in the professional and popular literatures. The term is sometimes used in a pejorative sense to describe minorities, women, the elderly, and the disabled who are subjugated to the will of others.<sup>56</sup> In the present context, infantilization describes the family system dynamic in force when a parent acts to inhibit a child's otherwise age- and culture-appropriate movement toward autonomy. In this sense, infantilization is often associated with the idea of the "helicopter parent"<sup>57</sup> or, as others identify this practice, "overparenting."<sup>58</sup> In a forthcoming book, the authors suggest that, "The infantilized child never learns how to tolerate frustration, delay gratification, or manage adversity. He is the ruler of his own private kingdom at home within the enmeshed and infantilizing relationship, but out of

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software, cloud-based technologies, and video platforms at unknown costs and with unknown benefits.

<sup>54</sup> Tony Cline, Sarah Crafter & Evangelia Prokopiou, *Child Language Brokering in Schools: A Discussion of Selected Findings from a Survey of Teachers and Ex-students*, 31.2 *EDUC. & CHILD PSYCHOL.* 34 (2014).

<sup>55</sup> Raymond Buriel et al., *The Relationship of Language Brokering to Academic Performance, Biculturalism, and Self-efficacy Among Latino Adolescents*, 20.3 *HISPANIC J. BEHAV. SCI.* 283, 283 (1998).

<sup>56</sup> Joan C. Chrisler, Angela Barney & Brigida Palatino, *Ageism Can Be Hazardous to Women's Health: Ageism, Sexism, and Stereotypes of Older Women in the Healthcare System*, 72 *J. SOC. ISSUES* 86, 93 (2016); Rachel D. Godsil et al., *The Effects of Gender Roles, Implicit Bias, and Stereotype Threat on the Lives of Women and Girls*, 2.1 *SCI. EQUALITY* 14, 32 (2016); Rhoda Olkin et al., *The Experiences of Microaggressions Against Women with Visible and Invisible Disabilities*, 75 *J. SOC. ISSUES* 757, 775 (2019).

<sup>57</sup> Jill C. Bradley-Geist & Julie B. Olson-Buchanan, *Helicopter Parents: An Examination of the Correlates of Over-parenting of College Students*, 56 *EDUC. + TRAINING* 314, 314 (2014); Wendy M. Rote et al., *Helicopter Parenting and Perceived Overcontrol by Emerging Adults: A Family-Level Profile Analysis*, 29 *J. CHILD & FAM. STUD.* 3153 (2020).

<sup>58</sup> Nathan A. Winner & Bonnie C. Nicholson, *Overparenting and Narcissism in Young Adults: The Mediating Role of Psychological Control*, 27 *J. CHILD & FAM. STUD.* 3650, 3650 (2018).

place, rejected, and bullied in any environment that expects age-appropriate prosocial behavior.”<sup>59</sup>

Infantilization has been observed across cultures, languages, religions, socio-economic classes, and in parents of both genders.<sup>60</sup> Infantilizing parents are often described as inclined to anxiety and perfectionism.<sup>61</sup> Mothers may be more likely to infantilize than fathers and the developmental impact of their corrupted roles may differ by gender such that the children of infantilizing fathers have greater difficulty with emotional functioning by young adulthood while the children of infantilizing mothers tend to have more difficulty with social functioning.<sup>62</sup> The social and emotional impact of infantilization may be greater for daughters than for sons, at least into the college years.<sup>63</sup>

Regardless of parent or child gender, children who have been infantilized are routinely described as academic and occupational underachievers,<sup>64</sup> anxious and/or depressed,<sup>65</sup> entitled,<sup>66</sup>

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<sup>59</sup> GARBER, PRESCOTT & MULCHAY, *supra* note 9.

<sup>60</sup> Guillermo Bernal, María I. Jiménez-Chafey & Melanie M. Domenech Rodríguez, *Cultural Adaptation of Treatments: A Resource for Considering Culture in Evidence-Based Practice*, 40.4 PROF. PSYCHOL.: RES. & PRAC. 361 (2009); Ryan J. Gagnon, *Examining Overparenting, Socioeconomic Status, and Parental Out-of-School- Time Experience: Does Socioeconomic Status and Out-of-School-Time Experience Matter?*, 101 CHILDREN & YOUTH SERVS. REV. 181, 187 (2019).

<sup>61</sup> Chris Segrin, Tricia J. Burke & Trevor Kauer, *Overparenting Is Associated with Perfectionism in Parents of Young Adults*, 9.3 COUPLE & FAM. PSYCHOL.: RES. & PRAC. 181 (2020).

<sup>62</sup> Sofie Rousseau & Miri Scharf, “I Will Guide You” *The Indirect Link Between Overparenting and Young Adults’ Adjustment*, 228 PSYCHIATRY RES. 826, 826 (2015).

<sup>63</sup> Chrystyna D. Kouros et al., *Helicopter Parenting, Autonomy Support, and College Students’ Mental Health and Well-being: The Moderating Role of Sex and Ethnicity*, 26 J. CHILD & FAM. STUD. 939, 946 (2016).

<sup>64</sup> Bradley-Geist & Olson-Buchanan, *supra* note 57, at 323.

<sup>65</sup> Jaerim Lee & and Sieun Kang, *Perceived Helicopter Parenting and Korean Emerging Adults’ Psychological Adjustment: The Mediation Role of Parent-Child Affection and Pressure from Parental Career Expectations*, 27 J. CHILD & FAM. STUD. 3672 (2018).

<sup>66</sup> Holly H. Schiffrin & Miriam Liss, *The Effects of Helicopter Parenting on Academic Motivation*, 26 J. CHILD & FAM. STUD. 1472 (2017).

with weaker empathy,<sup>67</sup> lower perceived self-efficacy in young adulthood,<sup>68</sup> and a higher risk of substance abuse.<sup>69</sup> Of course, here and in every instance in which research is cited, one must keep in mind the biases and limitations of empirical design, sampling, sample size, culture and era before generalizing to any single family system.<sup>70</sup>

As is the case with both adultification and parentification, the last ten years have generated research, theory, and case law<sup>71</sup>

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<sup>67</sup> Meredith McGinley, *Can Hovering Hinder Helping? Examining the Joint Effects of Helicopter Parenting and Attachment on Prosocial Behaviors and Empathy in Emerging Adults*, 179.2 J. GENETIC PSYCHOL. 102 (2018).

<sup>68</sup> Veronica Darlow, Jill M. Norvilitis & Pamela Schuetze, *The Relationship Between Helicopter Parenting and Adjustment to College*, 26 J. CHILD & FAM. STUD. 2291 (2017).

<sup>69</sup> Ming Cui et al., *Indulgent Parenting, Helicopter Parenting, and Well-being of Parents and Emerging Adults*, 28 J CHILD & FAM. STUD. 860, 861-62 (2019); Jie Xu & Xiaoxia Cao, *Young Adults' (Mis)use of Prescription Opioid Drugs: An Exploratory Study*, 35 HEALTH COMM. 1407 (2020).

<sup>70</sup> For a discussion on these limitations, see Jonathan Anthony Michaels, *Potential for Epistemic Injustice in Evidence-Based Healthcare Policy and Guidance*, 47.6 J. MED. ETHICS 417 (2021); Karen Newbigging & Julie Ridley, *Epistemic Struggles: The Role of Advocacy in Promoting Epistemic Justice and Rights in Mental Health*, 219 SOC. SCI. & MED. 36 (2018); Dana E. Prescott, *Bending the Light of Social Science in Family Court: Epistemic Injustice and Epistemic Exceptionalism Matter*, 33 J. AM. ACAD. MATRIM. LAW. 99 (2020).

<sup>71</sup> See e.g. *Palazzolo v. Mire*, 10 So. 3d 748, 758 (La. Ct. App. 2009) (“Dr. Jordan translated the statement in his initial report that I.P. is a product of early adultification to mean that the parents had given her too much independence to make decisions beyond her age level. Dr. Jordan explained that he omitted this statement from his final report because he did not believe it was a significant issue given the many changes in I.P. between December 2005 and August 2006.”); *In re Collin Q.*, 114 N.Y.S.3d 142, 147, 178 A.D.3d 1208, 1212 (N.Y. Sup. Ct. 2019) (“The foster parents’ adult daughter - the child’s primary caretaker - disputed some of the infantilization claims during her testimony. The parent educators confirmed, however, that the child would be carried to supervised visits by the foster parents’ adult daughter, that she encouraged the child to use the pacifier during the visits and that she discouraged the child from helping pick up prior to the conclusion of visits.”); *In re A.M.L.M.*, 2019 WL 1187154, at \*11-12 (“As for Mother, Holder [LPC] did not recommend reunification for two reasons. First, Holder opined that “the family role scale is elevated.” This elevation resulted from Mother “dumping” on the children by using them for comfort and emotional support. Such a dynamic leads to “adultification” of the children and limits their social engagement outside the home.”).



which together suggest the value of distinguishing at least four mutually compatible types of infantilization.

*Adaptive infantilization* is a transitory, chameleon-like state.<sup>72</sup> A child who may otherwise appear to be developmentally appropriate falls back into a regressed and needy state in the care of a parent who needs to be needed and recovers his or her more appropriate functioning in other caregiving environments.

*Permissive infantilization* is associated with a parent who cannot or will not set behavioral limits and follow through with associated consequences. As a result, this child has little or no opportunity to learn to tolerate frustration or delay gratification. This parent may fear the child's anger and rejection, may be physically or emotionally absent, and/or may be engaged in a bidding war with another parent for the child's time, affection, and attention.

*Opportunistic infantilization* arises when a parent tacitly enjoys the social, emotional, and practical benefits accrued as a result of her child's genuine illness, injury, and/or developmental difference.<sup>73</sup>

*Infantilization as Factitious Disorder Imposed on Another (FDIA)*. FDIA (formerly known as Munchausen Syndrome by Proxy and Factitious Disorder by Proxy) is a diagnosable condition in which a parent induces an illness, injury, or developmental difference in a child so as to benefit from the resulting professional attention.<sup>74</sup>

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<sup>72</sup> Benjamin D. Garber, *The Chameleon Child: Children as Actors in the High Conflict Divorce Drama*, 11.1 J. CHILD CUSTODY 25 (2014).

<sup>73</sup> If the adult's only goal is external (e.g., financial) then the DSM would identify this as malingering. The term "malingering" is often misused even in forensics. For a helpful summary of the policy and literature, see David T.R. Berry & Nathaniel W. Nelson, *DSM-5 and Malingering: A Modest Proposal*, 3.4 PSYCHOL. INJURY & L. 295 (2010).

<sup>74</sup> Noemi Faedda et al., *Don't Judge a Book by Its Cover: Factitious Disorder Imposed on Children—Report on 2 Cases*, 6 FRONTIERS IN PEDIATRICS 110 (2018); Melanie Kean, *Fabricated or Induced Illness: The Importance of Health Chronologies in Recognising This Form of Abuse*, 1.6 BRIT. J. CHILD HEALTH 275 (2020).

## V. Recognition, Rigor, and Remedies

To date, the mental health and legal professions have few reliable and validated means of consistently assessing these and similar family system dynamics in the high conflict population that fills the family courts. Researchers have been more precisely defining terms and conceptual frameworks for treatment and forensics, and that research gives reason for optimism. This matters because evidence-based planning for mental health professionals and the family justice system requires evidence-informed and effective interventions grounded in the precise use of language. At the present time, evaluators are left to rely upon interview and observation, emphasizing the importance of culturally relevant developmental and family system norms, the value of structured and semi-structured interview methods, and adherence to the law's best interest of the children's standards.<sup>75</sup>

One such structured method is the process-oriented observational protocol.<sup>76</sup> Whereas child custody evaluations [CCEs] typically schedule interviews and observations across the calendar on the basis of participant and evaluator availability, the process-oriented method schedules these data-rich elements back-to-back across the course of one or more consecutive days, thereby allowing the evaluator to observe how family members use one another to manage the stresses of transition.<sup>77</sup> More than collect-

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<sup>75</sup> Milfred D. Dale & Desiree Smith, *Making the Case for Videoconferencing and Remote Child Custody Evaluations (RCCes): The Empirical, Ethical, and Evidentiary Arguments for Accepting New Technology*, 27.1 PSYCHOL., PUB. POL'Y, & L. 30 (2021) ("If offering an opinion on the ultimate issues of custody and parenting time, evaluators are also expected to consider these factors, and when possible and appropriate, evaluators may use social science research to support their choice of methods, inferences, and opinions."); Michele J. McIntosh & Janice M. Morse, *Situating and Constructing Diversity in Semi-Structured Interviews*, 2 GLOBAL QUALITATIVE NURSING RES. 233339361559 7674 (2015) ("The SSI is designed to ascertain subjective responses from persons regarding a particular situation or phenomenon they have experienced. It employs a relatively detailed interview guide or schedule, and may be used when there is sufficient objective knowledge about an experience or phenomenon, but the subjective knowledge is lacking.").

<sup>76</sup> Benjamin D. Garber, *Exploring a Process-Oriented Forensic Family Observation Protocol*, 54 FAM. CT. REV. 261, 262 (2016).

<sup>77</sup> Scheduling back-to-back interviews and observations is also more time- and cost-efficient. A parent who travels one hour each way for three one-hour interviews must invest nine hours. When that parent is interviewed for three

ing only the data available within a particular interview or observation, observing how participants manage the transitions between these elements is an incredibly valuable and often overlooked window into the system's dynamics.

A process-oriented approach can yield invaluable insights into the quality of parent-child and parent-parent relationships, including and especially questions about enmeshment. Whereas observing ten-year-old Sally in the conventional paradigm with her father on Tuesday and with her mother on Friday will likely provide valuable data about the quality of the child's relationship with each parent, a process approach calls for observing Sally with her father at 10 AM on Tuesday with the foreknowledge that mother will knock on the evaluator's office door and Father will leave at 11 AM. How do the father and daughter cope with separation? How do the adults behave toward one another? How does Sally greet Mother upon her arrival? How do all three manage the fleeting but emotionally supercharged transition as the father leaves and the mother arrives?

Clues that can generate hypotheses about enmeshment<sup>78</sup> are woven throughout these episodes. Does Sally's preoccupation

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consecutive hours, she must only invest five hours. The fatigue associated with such a rigorous protocol becomes one of the variables being studied: How do the participants anticipate, plan for, and manage their own and their children's needs during such a long day?

<sup>78</sup> The phrase "pathological enmeshment" has entered the lexicon of family courts through the testimony of mental health professionals. *See, e.g.,* Wagner v. Gordon, No. 1-19-1886, 2020 WL 4196841, at \*12 (Ill. App. Ct. July 21, 2020) ("And then the evaluator herself, Dr. Wilner, goes on to opine that, since the time of the couple's physical separation, it is this evaluator's opinion that Mark has developed and fostered a pathological enmeshment with Matthew such that Matthew has been encouraged to emotionally align with Mark around saving the family and encouraging Nancy to reconcile her marriage. \* \* \* This symbiotic reliance of Matthew has deepened Matthew's perception that he can only be happy in Franklin Grove with his father in wide open spaces and does not feel comfortable with his mom in Evanston."); Kirk v. Kirk, 770 N.E.2d 304, 306 (Ind. 2002) ("Mrs. Kirk has her own issues. She was diagnosed as "severely narcissistically disordered" and unknowingly "involved in manipulative, deceitful and exploitative behaviors in an effort to preserve her pathological enmeshment with her daughter."). This phrase should be used very carefully, if at all, as it has powerful connotations when misused in court (the word "pathological") and is not a recognized diagnosis. *See* Xavier F. Jimenez et al., *Clinical, Demographic, Psychological, and Behavioral Features of Factitious Disorder: A Retrospective Analysis*, 62 GEN. HOSP. PSYCHIATRY 93, 95 (2020) ("Ongoing dynamic

with the father's well-being while they are apart suggest parentification? Does the mother's not-so-subtle reminder that Sally needs to tell the evaluator important new information suggest adultification? Does Sally's abrupt decompensation when her parents are together at transition suggest adaptive infantilization?

Once these dynamics are recognized, there is some direction about the steps necessary (if not sufficient) to (re-) establish the child's opportunity to enjoy a healthy relationship with both (all) caregivers. In short:

- 1 Even though the problem may appear to be dyadic (e.g., one parent and child is enmeshed), the remedy must be systemic. All members of the family system must be invested in and prepared to support the process or, if not, then the explanation for why not must consider factors and consequences.<sup>79</sup>
- 2 Understanding that the enmeshed parent has inappropriately turned to the child for his or her need fulfillment, part of the solution must include that parent's establishment of alternate, healthier resources so as to free the child of his or her instrumental and/or emotional burden. This refers, for example, to systemically informed individual psychotherapies and a breadth of other resilience-building resources such as affiliation with preferred religious, community, and/or professional groups.<sup>80</sup>

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conflicts were also present in every case examined, though our methodology revealed a variety of issues ranging from grief discord, abuse, and pathological enmeshment.”).

<sup>79</sup> Polak & Saini, *supra* note 7.

<sup>80</sup> This and many of the issues inherent in these dynamics can be easily communicated using the metaphor of gassing up a car. People, like vehicles, need to be refueled. A parent's job is to keep his or her tank full so as to be available to refuel the child. The child has a tiny tank and is therefore unable to refuel the parent. Where else can the parent get refueled? Church? Gym? Book club? Intimate partner? *See, e.g.,* John Byng-Hall, *The Significance of Children Fulfilling Parental Roles: Implications for Family Therapy*, 30.2 J. FAM. THERAPY 147 (2008); Vanessa F. Schiller, Diana S. Dorstyn & Amanda M. Taylor, *The Protective Role of Social Support Sources and Types Against Depression in Caregivers: A Meta-Analysis*, 51 J. AUTISM & DEVELOPMENTAL DISORDERS 1304 (2021).

- 3 Divesting the adultified or parentified child of her role is likely to feel like a loss or a failure to the child and to spark anxiety for the enmeshed parent. Family therapists have often approached this step as a graduation of sorts, creating a ceremony for the child complete with gratitude for her hard work and reassurance that the formerly enmeshed parent now has alternate resources.<sup>81</sup> The child's anxiety can be further quelled when she can be given developmentally-appropriate exposure to the enmeshed parent's new supports, e.g., meeting the father's new AA sponsor or attending his new church together.
- 4 Identification of adaptive infantilization suggests that the child already has more mature skills evident in other relationships. This child needs to experience the formerly infantilizing parent's support for exercising those skills in his or her care.<sup>82</sup> This remedial process often requires coaching and scripting with the parent who may not know how to praise the child's movement toward autonomy.
- 5 Identification of permissive infantilization calls for an assessment of the adult's parenting capacity.<sup>83</sup> Those who have the skills and the maturity to establish and maintain healthy caregiving structures will need case management, education, and therapy to help them do so. Adults without these basic resources and those whose caregiving has taken a backseat to other priorities (e.g., addictions) may additionally require services such as psychotherapy, medication evaluation, and detoxification/rehabilitation. Co-parenting interventions are often a further necessary step in support of increased consistency of parenting practices.
- 6 Identification of opportunistic and/or FDIA infantilization likely calls for prompt and continuing intervention

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<sup>81</sup> Chase, *supra* note 36; Helen W. Coale, *Therapeutic Use of Rituals with Stepfamilies*, 2.1 FAM. J. 2 (1994).

<sup>82</sup> Hermioni N. Lokko & Theodore A. Stern, *Regression: Diagnosis, Evaluation, and Management*, 17.3 PRIMARY CARE COMPANION FOR CNS DISORDERS (2015).

<sup>83</sup> Terry Donald & Jon Jureidini, *Parenting Capacity*, 13.1 CHILD ABUSE REV. 5, 6 (2004).

from Child Protective Service (CPS), medical, mental health, and child development specialists, if not also law enforcement. These infantilization dynamics can pose imminent risks of harm and even death.<sup>84</sup>

- 7 The non-enmeshed parent will simultaneously need education and support. This adult's parenting skills may be weak and/or rigid, and he or she may have acted to or around the child in a manner that adds estrangement to the resist/refuse recipe.<sup>85</sup>
- 8 Both parents and their allies (e.g., extended family, intimate partners, surrogate caregivers) are also likely to need education, if not close supervision and the threat of court sanctions intended to minimize the child's exposure to words, actions, and expressed emotions that denigrate any caregiver.
- 9 The characteristics and behaviors of the enmeshed child's full-, half- and stepsiblings must be understood to the extent that they play a role in and are affected by the dysfunctional family system. Concerned professionals must take care, for example, that an enmeshing parent does not shift her needs from one child to another, that siblings aren't serving as one or another parent's agents, and that the resist/refuse polarization isn't reversed.
- 10 The child's anxiety adjusting to the new balance of family relationships must be respected and treated with great care. In some cases, security and reassurance can be buttressed through the use of transitional objects.<sup>86</sup>
- 11 Finally, it is critical that a uniform narrative be established that explains the shifting family dynamics and avoids shame and blame. "The parentified child's future development and the possible outcomes may depend on

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<sup>84</sup> Lauren B. Day et al., *Personality Profiles of Factitious Disorder Imposed by Mothers: A Comparative Analysis*, 14.2 J. CHILD CUSTODY 191 (2017).

<sup>85</sup> Richard A. Warshak, *Reclaiming Parent-Child Relationships: Outcomes of Family Bridges with Alienated Children*, 60 J. DIVORCE & REMARRIAGE 645 (2019).

<sup>86</sup> Benjamin D. Garber & Dana E. Prescott, *On the Value of Teddy Bears and Barbie Dolls: The Place of Children's Transitional Objects in Family Law*, 49 SW. L. REV. 189, 196 (2020).

how the child feels about, and makes meaning of, the parentification experience.”<sup>87</sup>

## VI. Conclusion: Dynamics not Diagnoses

If the goal of the family law process is to serve the best interests of the child, then family law professionals have a responsibility to understand and be prepared to recommend those conditions most likely to facilitate healthy development. This means eschewing individual diagnoses and the individual adult psychometric instruments that generate them in favor of developing the means of recognizing, communicating, and recommending as necessary the means to remedy family system dynamics. As much as simple, black-and-white answers may be appealing, in the context of family law they tend to be misleading and may even do harm. If our own personal experiences as children and parents are not sufficient to teach us about the incredibly complex nature of relationship dynamics, then the accumulating body of research and case law will have to suffice.

The polarized child’s alliance with Parent A and resistance/refusal of Parent B is seldom or never the result of a single bad act or caused by a single bad actor. Family law professionals must learn not to ask *which* dynamic is at work, but instead to ask *how* each of many concurrent and interwoven dynamics are at work in any single family. This includes a thorough understanding of healthy child and family development and how the boundaries within the dysfunctional system can be corrupted. This article has endeavored to update the means of recognizing, communicating about, and responding to evidence of developmentally inappropriate enmeshment as one among the numerous factors that can contribute to resist/refuse behaviors.

Unfortunately, the process of developing a vocabulary of high conflict family system dynamics is hindered by psychology’s historical indebtedness to the medical model of individual diagnosis and treatment. Systems are exponentially more complex than individuals at every level of inquiry from the subatomic to the super-cosmic. Families are chaotic and non-linear systems that consume and are infinitely greater than the sum of their parts.

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<sup>87</sup> Borchet et al., *supra* note 34, at 2982.

Two cautions are offered in conclusion. Both fall under the general understanding that this is necessarily a work in progress. First, it should be self-evident that many of the distinctions and attributions offered here are often built on small, individual, and often qualitative reports. There is an urgent need for replication, expansion, and rigorous analysis of these studies across cultures and languages and ages and genders. A 2031 ten-year update of this article may well make different distinctions, but hopefully will add at least as much depth to this discussion as this article added to that of its predecessor.

The second caution is less obvious but arguably more important: As family law professionals, we have the hubris to intervene in, evaluate, opine about, and adjudicate other people's lives. This comes with the very high risk of being drawn into pathological and pathogenic relationship dynamics in ways that harm not only those whom we intend to serve, but ourselves, as well.<sup>88</sup> Building this science serves the additional benefit of providing an anchor outside of the fray, an *etic* as opposed to an *emic* perspective on the people who look and act and feel so much like the person in the mirror.<sup>89</sup> The goal is to reinforce professional objectivity and help to minimize individual bias to the benefit of all.

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<sup>88</sup> Lisa Morgillo, *Do Not Make Their Trauma Your Trauma: Coping with Burnout as a Family Law Attorney*, 53 *FAM. CT. REV.* 456, 459 (2015); Alexis Resnick, Karen A. Myatt & Priscilla V. Marotta, *Surviving Bench Stress*, 49 *FAM. CT. REV.* 610 (2011); Richard A. Warshak, *Risks to Professionals Who Work with Troubled and Alienated Parent-Child Relationships*, 44.3 *AM. J. FAM. THERAPY* 111 (2016).

<sup>89</sup> Nina Hansen & Luzia Heu, *All Human, Yet Different: An Emic-Etic Approach to Cross-Cultural Replication in Social Psychology*, 51 *SOC. PSYCHOL.* 361 (2020); Andrew Lindridge, *Etic-Emic Dilemma*, in *WILEY ENCYCLOPEDIA OF MANAGEMENT* 9 (Carey Cooper et al. eds., 2015) ("The emic looks at the system from within, embedded in the experience and immersed in its reality. The emic validates personal experience but has no baseline that might allow analysis. Where the etic are objective, the emic are subjective. Where the etic are scientific, the emic are phenomenological. Where the etic foster emotional distance, the emic foster rapport. And where the etic categorize and quantify, the emic empathize."); GARBER, PRESCOTT & MULCHAY, *supra* note 9.