

Conflict Separation and The Development of Hardship in The Family and Children Psychological and Medico Legal Aspects

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Citation: Tomasello L and Ranno M (2024) Conflict Separation and The Development of Hardship in The Family and Children Psychological and Medico Legal Aspects. Annal Cas Rep Rev: ACRR-401.

Received Date: 12 July, 2024; **Accepted Date:** 17 July, 2024; **Published Date:** 23 July, 2024

Abstract

In light of the increasing number of separations and divorces, scholarly attention has focused on couples and relationships in the time of the "second modernity," to use a definition by Ulrich Beck, that is, in the contemporary era. It has been highlighted how the couple presents quite different connotations than that of the past, because it is contextualized in a "fluid" time (Bauman).

In an uncertain present and a future that presents itself as an ominous unknown, the couple seems a safe harbor toward which to land, in which to find meaning in existence and self-affirmation. While it is true that couple is the space of personal self-affirmation, it is, however, also the place of limitation, because partners can be carriers of even divergent desires and projects. In this paper, is examined, the developmental path of the couple and family, paying attention to the affective bond that becomes hostile and that arises in the conflictual separation, the effects on the family system constitute the leading theme along with the consequences on the psychological development of children. How do children experience the conflictual separation of parents? What are the attitudes and positions? What are the outcomes on the psychological development of minors? These were also the pivotal questions that were sought to be answered, while also introducing some of the judicial and clinical interventions to protect the child, who is inevitably involved in the conflict of parents who, although separated, still remain parents.

Keywords: conflict separation, development, Parental Alienation Syndrome.

Introduction

Separation is a traumatic event, involving not only partners but also children, given the systemic nature of the family unit. Cigoli (1) (1998) defines the family as a complex system consisting of three subsystems: couple, children and parents.

The functional couple manages to separate the conjugal aspect from the parental one and is able to face the changes due to the separation, trying to make it less traumatic for the children (2).

If the couple does not recognize the crisis and is not able to face it, the feelings of frustration, anger, desire for revenge, following the loss of the relationship, preclude the possibility of solving the situation.

Separation, according to Bohannon, involves six levels, almost six stages in sequential order, but since these stages are not approached in a synchronic way by the partners, the times of crossing each phase may not coincide.

The first level consists of the «emotional divorce» which indicates the deterioration of the couple and is the

antechamber of divorce. This is followed by the «legal divorce», which may coincide with the stage of emotional divorce. The «economic» divorce concerns the patrimonial aspect behind which often lie affective issues that can lengthen the processing time of the event. In the «parental» divorce, grievances can flow from the settling. The «social divorce» involves the redefinition of social relations in the light of the new situation. The «psychic divorce» allows a process of reappropriation of oneself and of one's own value, and as long as the despairing bond remains, the situation will have no evolution.

These phases, if accompanied by intense conflict, the process assumes the connotation of «schimogenesis», a term derived from skhisma (separation) and genesis birth and adoption (4).

There are two types of symmetric and complementary schimogenesis. The first sees the two spouses deployed in increasing retaliation, and not even attempts at conciliation are decisive, on the mandate of the judge, in many cases mediation does not allow the resolution of the conflict, even in the name of the supreme good towards the son.

Complementary schimogenesis refers to an asymmetric relationship in which one of the parties is in a position of power.

The family system in conflict

The termination of marriage does not automatically result in the total closure of relations between the ex-spouses, especially when there are children. The bond between the parents, even if they are in conflict, continues. In the separate family there is an evolutionary cycle marked by very precise events involving changes with cognitive and emotional implications.

Mazzoni identifies in the post-separative cycle of the family three phases that only partially resume the steps outlined by Bonan (5).

The first phase is the physical separation, an event particularly difficult to deal with emotionally. Those who move away from the family unit feel a heavy sense of exclusion, those who remain perceive the emptiness of the lack of routine. Children feel the burden of the suffering of both parents. The family is populated by other figures, such as lawyers, judges, social workers who exert a considerable influence on the path of the conflict, affecting in a constructive or destructive way. The judgment in court, represents the second stage, should close the curtain on disputes the court judgments instead, often open the door to new challenges, especially when agreements are not shared.

In non-confrontational situations, parenting can be carried out in a serene way allowing the transit to the third and final phase, in which there is the personal reorganization of all the members of the family is recomposed with different solutions, and new balances.

Schimogenesis not only puts an end to the relationship but to the shared narrative to give way to a type of narration based on the demonization of the other with the attribution of «extremely malevolent intentions and immeasurably great powers [...] evil traits of personality» (4).

Suffering obscures the mind of former partners, obscures their intellectual faculties, and the former partners are often unaware that the behavior of the former spouse may be induced by improper communication. One feels persecuted by the other and to explain their actions and behaviors one has the tendency to consider their mental representations of reality absolutely truthful. This leads to a spiral of conflict from which it is difficult to escape because the parties remain firm on their positions.

As has emerged in several points, the chronic conflict between former partners creates enormous difficulties in adapting both the child and the parents. Thus, it happens that, especially in situations where there are latent previous problems, separation is addressed in ways that, going beyond the normal suffering for the end of life in common, are channeled into destructive behavior aimed not only at the annihilation of the former partner, now considered an enemy, but also towards themselves and their children.

Parenting skills are lost and fragility and roles are confused: the parent who should support their children in such a

delicate phase ends up being protected and supported by their children. The times of the elaboration of the separation are dilated and the relational dynamics do not record any evolution, fossilizing the normal development of both adults and children or adolescents.

In the presence of pathological dynamics, situations are created that are not easily manageable because each member of the family seeks its own way to interact in the dramatic family situation and the transformations taking place.

The hardships of parents

Separation, beyond the level of conflict, causes a high degree of suffering in former spouses as parents.

The high critical potential of conflicting separations can lead parents, who direct all physical and mental energies in the dispute with their partner, to manifest real «indemnification neuroses, in a sort of compensation for damages for the wrongs suffered by the other» (6).

The period following the separation requires a reorganization not only from an emotional and emotional point of view, but also from a practical and organizational point of view, and this can make them less sensitive and less affective towards their children.

Jacobs refers to the «Medea syndrome», which involves the woman for whom revenge against her husband becomes the purpose of her own existence; mothers do not attempt to kill their children, as in the famous Greek tragedy, but to break the bond between father and children. Turkat, introduces the «Syndrome of the Malevolent Mother», declined to the male in «Syndrome of the malevolent parent», to indicate attitudes by one parent aimed at preventing the other parent from having a normal relationship with the children, also through legal actions (6). There are many fears on both sides and this leads to a spiral whereby the danger evoked becomes a real danger. It attacks in order not to be attacked and the attack leads to aggression by the other, triggering a chain reaction of increasing intensity, also to obtain the exclusive custody of the children (7).

In the «PAS, Parental Alienation Syndrome», one of the parents favors the rejection of the child towards the other parent. The rejected parent, after having tried unnecessarily to assert his rights also from the legal point of view, feels deprived of his parental function and may manifest depressive or anxiogenic symptoms.

Even if there is a law on the joint custody of minors to both parents (8), the fact that there is a prevalent placement with one of them, usually the mother, means that the relationship of the child with the parents is not equal, with a debasement of the noncustodial parental figure.

Children facing the conflict between parents

Communicating separation to children does not mean going into the details of things, the scope of discussion and reflection of adults. Children do not need to know why, but only to know that parents will always be there for them, ready to accept their questions and dispel their fears (9).

In the phase in which the separation between the parents takes place, especially when the conflict is more heated, the

son feels deprived of certainties, because the world in which he lived has collapsed, the parental figures no longer seem safe harbors and the fears and anxieties latent, linked to an ancestral past, or insurgents at the moment crush him in an anguish that can become pathological (2).

It is necessary to focus the maximum attention on the manifestations of discomfort, not always visible, manifested during the separation process, a fairly prolonged period, because the consequences, at different levels, can have a decisive influence not only on today, but also about the child's future. Unfortunately, often, the parents, overwhelmed by the vortex of the struggle, do not realize the state of malaise of the children.

How do children experience the conflicting separation of parents? What are the attitudes and positions? There are no unambiguous answers to these questions.

The positions of minors in the face of conflicting separations depend on several factors, the age and personality of the minors themselves.

Regarding age, for example, Lubrano Lavadera takes up the literature on the subject and focuses on three main hypotheses related to the role that this variable can have on the development of children of separated parents: hypothesis of the cumulative effect, hypothesis of the critical phase, hypothesis of the progressive withdrawal (11,12). Hetherington (13,14) argues that separation causes greater psychic discomfort in children under the age of 5; the more children involved in the separation will be large, the greater the cognitive and emotional resources to adapt to the situation. Malagoli Togliatti and Ardone (15), have elaborated the concept of critical phase, represented by the period of adolescence, phase of the evolutionary development, already complex in itself.

Gardner (16) has introduced the progressive withdrawal term to identify the negative consequences, in the various stages of the development of children. The effects are decreasing over time. Depending on age, different psychosomatic reactions and problems can be identified among minors, children in the range from 0 to 3 years may manifest behavioral disorders, such as loss of control of sphincters and self-advantageous behavior. The separation arouses in them different emotions among which anger, frustration and a sense of abandonment. Children from 3-6 years old experience insecurity and confusion regarding changes in their family life, some cling to the hope that parents can get back together and create fantasies to find comfort. Other children transfer on equal anger and aggression, others, overwhelmed by anxiety and insecurity, manifest involutive behaviors with respect to the regular stage of development: sudden crying, outbursts of anger, alteration of the phases of wakefulness and sleep, changes in nutrition. Children in the age group of 6-10 years, having greater awareness, take sides with one of the parents. Their reactions can be different such as resentment towards parents, anger, sadness, and psychosomatic symptoms with headaches and stomach pain. Declines in learning and transgressive attitudes can be recorded. Children between the ages of 11-17 experience conflict fully and the reactions can be of complete immersion in social life and in the peer

group, or isolation, sometimes accompanied by self-harming behaviors (demonstrative suicides, drug taking) or deviant. It is possible that they feel a feeling of loss and mourning for the end of family unity and struggle to adapt to a new reality (17,18).

Experts report experiences of impotence on the part of children, who feel they have no control over the situation and cannot influence the decisions of adults, they may feel forced to choose one of the parents, they feel children with the "half heart" And when the conditionings and pressures of one parent are very strong, they feel like children of one parent and deny the other or deny them both for their inability to keep their relationship alive.

Sacchelli and Marinello, taking up the contribution of Dell'Antonio (4), underline that the children of separated parents feel marginalized and live a «dilemma of loyalty», the minor is perceived as secondary to the conflict between parents. The children feel in balance between the two contrasting narratives of the parents and they are forced to take a position, to choose whose side they are on, they see themselves adrift because choosing one means losing the other (4).

The same authors investigate the adaptations of children involved in conflict separations articulating them along two axes: temporal and spatial.

In the first sphere insert the axis dependence-autonomy, the axis depression-aggression and the axis high-low cognitive functioning. The dependency-autonomy axis concerns the attitudes of children, who, to arouse the attention of parents engaged in conflict or manifest dependence on parents regressing from autonomy achieved or behaviors of «adultization». The aim is to show that they are independent and able to cope on their own or perhaps with the support of the peer group. The axis depression- aggression the child can have a position of closure and isolation or express pain through acts of aggression against the friendly group or the parents themselves, unaware that they are the cause of the unleashing of anger. It can also happen that one parent considers the other responsible for such attitudes as he considers the child to be close to the other spouse. The high-low axis of cognitive functioning pertains strictly to the school sector, where there may be a decrease in profits or, conversely, an improvement in cognitive performance that, far from representing an emotional well-being, hides the malaise linked to the conflict.

Adaptations along the spatial axis concern the positions taken by the child towards the parents which are configured in the following ways: divided child, mediator child, confidant-comforter child and substitute partner child. The divided child adapts to the conflict by establishing separate relationships with the two parents with the knowledge that they are two incommunicable worlds. The child mediator tries to mediate between parents hoping for a reconciliation, impossible to achieve. The confidant-comforter son sides with the weaker party in the conflict, trying to console it, almost assuming parental functions, and lifting it from the sufferings inflicted by the strong side. The partner-replacement child is presented as a substitute for the partner by developing a symbiotic relationship with the

abandoned parent and detachment from the abandoning parent until you decide not to attend him anymore and by implementing denigration systems comparisons (4). To what extent is a free choice or conditioning by the other parent, often a foster parent, can have an answer, from the Parental Alienation Syndrome.

The consequences of conflict separations on the psychological development of children

The child at birth carries a trans-generational baggage. Before coming into the world, in fact, as has been said, it can see the light ideally in the imagination of parents and relatives in a perspective that involves several generations which transmit the functioning structures of the family system, also conveying contents of pain experiences through a process called «projective identification» (19).

These elements can contribute, together with other variables, to understanding the effects of separation on the psychological development of the child. This expression refers to changes in the person's behaviour and abilities throughout life, with particular attention to childhood, childhood and adolescence, the phases on which the attention of the scholars is mainly focused is the psychological development, which comes from the interaction of processes of different nature: biological (body transformations); cognitive (changes of thought, intelligence and language); socio-emotional (changes in relational dynamics in emotionality in personality).

On development there are different theoretical approaches, methods and techniques, but beyond the differences, all development theories investigate three fundamental aspects: the nature of change, its processes and times, Emphasis is also placed on the duration and continuity of the transformation phenomenon.

The main approaches, taken from the work of Camaioni and Di Blasio (20), are: behavioral; organismic; psychoanalytic; ecological. The behavioural approach regards the individual as having a docile and malleable organism with unlimited learning abilities. According to this approach, changes and modeling come from the external environment through the repetition of behaviors that have had positive reinforcements. The main representatives of this strand are Skinner, according to whom development takes place through a sequential order of experiences with reinforcements, and Bandura, who, with his theory of social learning, argues that learning can also come from observation without any reinforcement.

According to the organismic approach, the individual is a dynamic organism that is oriented towards the realization of its potentialities. Change is a primary feature of his behavior. For Piaget, one of the most outstanding exponents of this current, cognitive development takes place through a series of stages characterized by different cognitive abilities and ways of thinking and interactions with the environment. Other exponents of the organismic approach are Vygotsky and Werner.

According to the psychoanalytic approach the individual is an organism capable of attributing meanings to himself and to the world, going through internal conflicts between

different feelings such as love and hate. Very important is Freud's theory, focused on psycho-sexual development that takes place through different phases that characterize an area of the body and are characterized by specific psychodynamic conflicts. Erikson is influenced by Sigmund Freud's psychoanalytic theory, but there are fundamental differences in his thinking. Clinical value is less important than psychology, sociology, and the interaction between the individual and society. The scholar uses the term stage of development, to indicate a series of stages to be crossed with relative dilemmas to be solved in order to arrive at the final identity of the person (21).

Internationally, the founder of the ecological approach is Bronfenbrenner. The psychologist breaks with the relationship of cause and effect as a priority factor of the actions of the individual and puts the focus on human abilities and their progressive evolution related to the social and institutional context in which you live, for which environment, group, individual development and learning are closely related and interdependent, according to the interlocking between microsystem (home, family, school with specific roles) mesosystem (links between different living environments), exosystem (external environments, but still conditioning), macrosystem (laws, value systems of society) (22).

Bowlby and his theory of attachment, which follows its own peculiar and autonomous development, detaching itself from the Freudian model and accepting contributions from cognitive, from neurobiology, biology and ethology, thus integrating «the way of looking at the problems of child development, to find what each of the different disciplines had to offer that could lead to a unified science». The psychoanalyst focuses on the maternal bond and the consequences that maternal deprivation, especially for prolonged periods, has on children, not because the maternal bond is based on hunger and nutrition, according to the current conception, but because it is innate in man, as in animals, the tendency to seek the presence of a protective figure known caregiver in the face of situations of pain, distress and danger. Attachment is therefore a natural tendency that remains unchanged, changing only very gradually, while attachment behavior is the action that the individual occasionally exerts to achieve, preserve, regain closeness with the figure from whom he receives security and protection, feeling anxiety from separation when proximity is not possible. Attachment behavior is mainly present in childhood, but it is also observable during the various stages of life, especially in times of increased vulnerability. Children who have the certainty of having their reference figures next to them have a better chance of becoming safe people and will better endure failure.

The attachment behavior, therefore, according to Bowlby, corresponds to an internal psychological structure that includes both models of concept of one's own self and of the bonding figures, and behavioral models with biological origins. New approaches are added to traditional approaches, including information processing theory and developmental neuroscience (23).

The theory of information processing focuses on the flow of information present in the child's cognitive system and the phases of information input (input) and output (output). The model of developmental neuroscience investigates the processes of psychological abilities (24).

Each theory, of which a rapid synthesis has been provided, is important, because it deals with one aspect of development, but the psychological development is so complex that one theory is not enough to investigate its complexity. So we need the contribution of all for a broader understanding, but certainly not exhaustive.

The examination aims to provide the context in which to insert the contributions on the outcomes that the conflicting separations have on the development of minors, according to different models: cognitive-behavioral, emotional security, attachment styles, of specific emotions.

The cognitive-behavioral model is aimed at understanding the dynamics and processes by which the child's parental conflict is reworked. Grych and Fincham, as reconstructed by Camisaca, Miragoli and Di Blasio, begin the analysis starting from the hypothesis that there are two important risk factors: the conflict itself involving mode, intensity, frequency of manifestation, content and coordination tools and outcomes; the lack of knowledge by the child about the events and his inability to describe them (25). This model identifies two steps in the conflict processing process. In the first instance the child assesses the situation negatively, feeling a strong sense of threat to himself and the family. In the second phase, however, questions arise as to who is responsible for the situation and whether he or she has the right tools to resolve the situation himself. When children hold themselves accountable for events, this leads to maladaptation, already theorized, due to the guilt and shame that overwhelms them. If, instead, a parent is held responsible, they will become recipients of his feelings of anger (24).

The model of emotional security is based on the principle that a good relationship of attachment with the parent is a fundamental tool to stem stress. When children in the face of conflict feel emotionally insecure and vulnerable, psychological problems arise with manifestations of excessive involvement or avoidance of conflict (24).

The model of attachment styles, inspired by Bowlby's approach, presents, according to recent literature and research, an effective reference point for reading the outcomes of traumatic events in minors such as conflict separations. On the basis of observations on the behavioral effects of separation of children in the early years of life, four main categories of attachment have been identified: (25) safe, insecure avoiding, insecure-ambivalent and insecure-disorganized. In children with a safe attachment, negative emotions in the face of the separative event have no psychological repercussions. Children with an insecure-avoiding attachment seem indifferent to parental conflict, as they have activated defensive levees to avoid suffering. Children who have an anxious-ambivalent attachment experience an increase in the feeling of danger and threat and experience symptoms of a different nature. In insecure-

disorganized attachment the child alternates behaviors typical of one or more styles of insecure attachment to moments of disorganization and fear in dealing with separation stress. Furthermore, the child is engaging in contradictory and sometimes incomprehensible behaviour, which is now seeking to refuse contact with the adult.

The model of specific emotions, proposed by Crockenberg and Langrock (26, 27), dwells on the meaning that marital conflict has for the child and the influence it exerts on his emotional reactions. According to the authors, children have different goals (safety, relationship, etc.) that can be threatened by marital conflict. At the moment when the child has the perception that the goals of safety, of relationship, related to the family are questioned, he reacts with negative emotions related in intensity to the degree of conflict between the parents at a given moment. When the conflicting interaction is repeated in the same way, the child recognizes the results prematurely and is overwhelmed by sadness. The prolonged reiteration of the contrasts between the parents make him in the end aware that nothing is more recoverable than his family. The awareness of what is reality can lead to two outcomes: manifestations of anger towards the parent he deems guilty or fear and closure in himself.

Another model is the systemic-relational one that focuses on the processes that globally involve the family: the minor, in fact, can be involved in triangular dysfunctional dynamics according to dangerous modes and attitudes that if chronic can be carriers of serious diseases.

If we reflect on the consequences of conflicting separation on the mental health of minors. Some emotional illnesses are easily detectable and short-lived, others latent and with long paths before being detected and arriving at a full-blown diagnosis. These are anxiety disorders, adaptation disorders, eating disorders, conduct disorders, self-harm, learning disorders. Of course, there is no automatism between the separation of parents and the onset of such disorders because psychological distress depends on many factors. Among these, there is the ability or not of the child/adolescent to be able to be subjective, that is to maintain a confidence in feeling that he can control the life that surrounds him and is able to separate himself from the figures that have taken care of him.

Finally, a syndrome that can overwhelm minors is PAS (Parental Alienation Syndrome). The term is used for the first time by Richard Gardner, psychoanalyst and child psychiatrist and forensic Columbia University in New York who investigated the phenomenon since the 80s, focusing attention on the minor and providing the syndrome the definition of: «successful maneuvers by the foster parent to alienate the child from the non-resident parent to the point of causing him not to attend» (28).

The scholar identified in children with this syndrome eight primary symptoms well defined and repeated over time as: devaluation and defamation, with an absolutely negative view and without feeling any guilt on the part of the child/minor towards the noncustodial parent; the belief on the part of the child that he has managed alone to mature his beliefs that are not based on rational assumptions and based on concrete facts; the reproduction of expressions and

situations not attributable to the child's processing skills; the manifestation of hostility towards any extended family created by the parent towards whom one feels contempt.

Later, other authors, as it is possible to read in Sacchelli and Marinello (4), would have underlined the systemic character of this syndrome, because it is inherent in the structure of the family system being broken up and accepted as a form of adaptation.

Some psychologists and jurists doubt the existence of PAS, stating that it is not classified among the pathologies recognized by the international scientific community, others are more possible and define it as an abuse (29).

In the DSM-5-TR. Diagnostic and statistical manual of mental disorders there are implicit references that can refer to the PAS as: «Child parent relational problem [...] Negative effects of parental relational distress on the child [...] High level of emotions expressed within the family [...] Fictitious disorder caused to others» (30).

However you want to consider PAS, what is important is to emphasize how often minors have an active part in the trans-generational history of the couple and their way of perceiving the child. The child, in fact, can possess an emotional kit with tears, small or large, even before the separation attributable to different factors such as a prolonged symbiosis with the mother or completely absent, to which can be added disparaging attitudes by a parent and abuse. The conflicting separation brings out what was latent: the symbiotic bond with the caring mother, the rejection of the abusive parent. The minor puts himself on defensive positions by adopting protective shields, such as «regression to the symbiotic phase, the division between good parent and bad parent, the emotional safety distance "the False Self and the As Self", the Falsification of memories» (2).

The minor recovers the previous experience of symbiosis and solidarity with the parent with whom he was in symbiosis previously, making his thoughts his own. In the split the child conceives of parents in the round: on the one hand the good parent and on the other the bad one that persecutes and therefore to reject. The emotional safety distance is a shield that erects to anesthetize the pain of suffering. The child resorts to the False self, to an identity that does not belong to him, because it seems to him the only possible solution: better a false relationship system to protect himself from the anguish of having to show himself in his existential "nakedness". The construction of the False Self binds in a crescendo to As Self which represents a further piece and much heavier than the falsification of itself. A social adaptation is recorded with a closure in front of emotions so as not to run the risk of seeing the imaginary castle collapse from the protective towers, but from the unstable foundations. There is also an instrumental use of memories, with distortions, cancellations and confusion, with serious consequences, as in the false accusations of sexual abuse.

The minor with PAS sides for a parent not only because he conceives it as the best, but because he believes it stronger. Denigrate the other because he thinks he cannot count on

him and the more he pursues in his work of destruction and the parent maybe does not insist with his presence not to upset him, the more the child feels abandoned and intensifies the symbiotic relationship with the alienant. The parent who welcomes this attitude and strengthens it will seriously harm the child and the damage will be even more serious when the child realises that he has been exploited by the parent to whom he gave unconditional support.

Relations between parents and children: the rights of the child

The child has fundamental rights recognised by the Constitution, the Civil Code and, in the case of separation of parents, by Law n. 54/2006 (32), which provides for joint custody, or rather shared custody, except in cases where sole custody is chosen. because custody of one of the parents is contrary to the interests of the child (33).

The Child and Adolescence Authority also intervened in 2018 to protect children's rights with the "Charter of children's rights in the separation of parents" It was inspired by the principles of the 1989 New York Convention on the Rights of the Child of Adolescence.

The document has been drawn up in synergy by experts, associations and with the fundamental contribution of boys and girls, potential recipients of the legislative measure. In ten articles are condensed the rights of minors from that of being able to love and be loved by both parents to that of continuing to be a child above and outside any quarrel, without being pressured and without assuming roles that do not belong to him. The child has the right to be informed about the situation he or she is experiencing, to be heard and to be able to express his or her feelings. Other recognized rights include parental sharing on choices that affect them such as residence, education, education and other important aspects. And, to conclude, the right to respect one's own time for the elaboration of the separation, to receive explanations on facts that concern him and not to undergo changes in the standard of living (34).

With the Cartabia reform (35), interesting innovations have been introduced regarding the family process, such as the introduction of the Court for the Family, the strengthening of the specialization of the judge and of the professional figures involved in caring for families in difficulty, such as the family mediator and the family coordinator, is a key figure in situations of conflict. In addition to these professional skills, the reform has introduced a tool, the Parental Plan, based on the principle of bi-parenting, to allow parents to establish the decisions. In the case of conflicting separation, parents will present their own Parental Plan and then the judge will fix a document shared by the parties on the concrete daily needs of children in the school and out-of-school environment. In addition, the Plan may allow a fair presence alongside children with an equal division of tasks by both parents and Moreover, it could be an effective tool to mitigate conflicts and to prevent appeals by parents to the court for changing the conditions of custody and the management of children.

Judicial intervention and clinical intervention

The parental responsibility of both parents continues to be maintained even after separation, except in cases of

particular gravity, but in the conflict separations, as repeatedly reiterated, this exercise presents many difficulties and in order to resolve the situation, the judge is called upon to decide not only on the couple but especially on the rights of minor children.

The judge before making a judgment appeals to the court-appointed psychologist to settle the dispute between the parties and to investigate, also through the support of specialists on some aspects, such as: the psychological condition of minors, personalities and parenting skills, their lifestyle, the quality of parental interaction with children, the suitability of parents to ensure an adequate path of growth of the child. Not always the protection of the interests of the parties involved, such as the interests of children and the right to bi-parenthood provided for in the relevant legislative measures, is easy to reconcile (36). Clearly to the designation of the court appointed psychologist, the parties in dispute often appoint of the Technical Consultants of part (CTP) in order to reveal the incompetence and the parenting inadequacy of the other parent (4). The main objective of the court- appointed psychologist, in collaboration with the Party Technical Consultant, is to arrive at an objective assessment of the facts. Court appointed psychologist must act with caution, to avoid interfering with the dynamics of the relationship, therefore, the clinical approach of the expert is oriented to observe the subject without penetrating into its internal sphere, but rather to understand the dynamics of events and to report to the judge the results of the interventions. The action, even within a legal framework, inevitably presents the features of clinical intervention, but it is only a small part.

Court appointed psychologist, can't represent the appropriate context for psychological assistance to the child and parents, for this purpose we need the figures of specialists, without any mandate from the judge, who intervene in appropriate spaces.

As stated in point 10 of the Noto Charter (1996) (19) «The function of the expert in charge of carrying out an assessment of the child for judicial purposes must remain distinct from that aimed at supporting and processing and must therefore be entrusted to different subjects. The distinction between roles and subjects must be respected even if these tasks are assigned to public social and health services».

The actual clinical intervention provides a different context and practices with the intervention of specialists who have no inspection purpose but only curative. Such interventions can be carried out in public structures, such as local health agencies, Consultants, or by private structures, at freelancers or private centers. The most common forms of support are: Family Mediation, Family Mediation and Therapeutic Resources for PAS.

Conclusions

The parent plays a key role in ensuring the welfare of the child. In response to rising divorce rates, many countries have adopted a mandatory educational program at the time of divorce. These are short, educational programs focused on helping children cope during and immediately after the

divorce process. In these circumstances, central is the figure of the pediatrician who, in his role as guarantor of the psycho-physical well-being of the child, must take charge of the entire family unit, also confronting the parental figures in the most appropriate ways (joint convening, individual interviews, joint meetings with the children and families of origin) with the aim of spurring the parents to continue to function as 'parents,' regardless of their inability to function as a couple, a task that is not always easy especially in situations of conflict. To limit the most harmful consequences in all age groups, changes in routine should be avoided by agreeing on basic milestones such as feeding schedule, sleep, playtime (a key aspect for younger children). The parent may be 'friends' with the children but still remains a parent and, as such, should limit the sharing of his or her own problems (sexual, financial, legal) that the child, even as a teenager, is unable to fully understand.

On the contrary, it is necessary to make it clear to the children that they are not responsible for the separation, to create a routine of meetings of the parent with whom they do not live lived in environments dedicated only to fun but that they share moments related to everyday life (accompanying the children to school, doing homework together, etc.). Finally, an exhaustive psychological assessment must be provided to delve into the ways in which the children cope with the conflict situation with the specific objective of outlining the emotional, cognitive, behavioral and affective-relational profile. In this, discussion with other professionals relevant to the child (referring physician, teachers) is indispensable. It will then be possible to intervene on resources and resilience, including through the strengthening of metacognitive skills that enable the child/adolescent to cope with experiences in a functional way. The goal is to ensure a low level of interparental conflict as a protective factor and defense against the undesirable consequences of divorce.

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