

IMPACT OF DIVORCE ON CHILDREN - A SOCIO-LEGAL STUDY

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Abstract

The topic of "Divorce and its Impact on Children" is examined here. The fact that divorce has been a regular occurrence throughout human history is noteworthy. Any Couple of any social, religious, academic, political, economic, or other position, experience it. Children born into marriages where divorce has occurred are one of the most impacted parties in the divorce process. Most parents who decide to become divorced do not give much thought to how their decision may affect their children. This becomes the responsibility of this Research paper, which will examine these consequences on children. Normally also the decision of splitting up is not an easy process but the most affect parties will always be the kids. Children's repercussions of divorce are frequently profound. Children are particularly impacted by divorce since it happens during their early years. Their perception of themselves and of society is shaped by what they witness and experience throughout the failed marriage. We will know here how the kids are the most impacted and in what way they are impacted.

Keywords

Divorce, Impact on Children, Economic, Failed Marriage, Consequences, Long-term.

Introduction

In this research, the painful experiences of children of divorced parents are evaluated. Kid's anguish is first painful because they witness the family breaking apart and feel exposed. Any divorce tears a kid emotionally and mentally, which compromises the child's wellness. However, long-term effects are controlled by parental conduct, which influences whether children going through divorce will adjust well. Divorce has a significant effect on parent-child relationships. Children's contact with non-

custodial parents, who are mostly dads, tends to be less frequent and of lower quality, and there are indicators of stress in their relationship with the custodial parent, who is typically the mother. The necessity for a detailed explanation of children's interests in the modern setting and how they must be addressed in a separation process is also brought on by divorce. Regardless of age or maturity, divorce is a very upsetting event for all children. Family provides protection in the event of divorce in today's society, where the Indian society is seen as the first line of defence. Let's now take a look at what it's like

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for kids to live in a home when their parents are divorcing.

Problems of Adjustment

Particularly when they are in primary or nursery school, the children will be asked by their friends why they only have one single parent. They will have to get used to having different close relationships and maybe having less interaction with one of their families (mostly the father). In addition to this, "they must deal with family conflict, which may persist after the separation, and with attempts by each parent to acquire the child's allegiance and affection at the expense of the other parent."² So it shouldn't be a wonder that children of divorced parents are more likely to suffer anxiety and depression. People who experienced their parents' divorce while they were young people often find the event to be traumatic and demoralising, and they struggle to come to terms with the breakdown of their parent's marriage.

Emotional Toll of Divorce

Although divorce affects the entire family emotionally, children may find it particularly scary, baffling, and distressing. Youngsters frequently find it difficult to comprehend

why they must go between two places. They can be concerned that if their parents can grow apart, then perhaps one day they too would lose love for them. Children in elementary school may think that they are to blame for the divorce. They could think they acted inappropriately or fear that they did. Teenagers may become quite enraged over a divorce and the resulting adjustments. They could hold one parent responsible for the breakdown of the marriage, or they might hold one or both parents responsible for the turmoil in the household. Of course, every circumstance is different. In extreme cases, if a divorce results in fewer fights and less stress, a kid may feel relieved by the breakup.

Parental loss

The child will inevitably lose touch with one of the parents in a divorce, sometimes as a result of the legal process. This is detrimental to the growth of the youngster. The youngsters' occasional feelings of loneliness may hinder their capacity to interact socially with other kids. They can believe that the other parent doesn't care about them since they don't fully comprehend the situation. The absence of sufficient instruction from both parents may also put the child's conduct in danger.³

² Ubong Eyo, *Divorce: Causes and Effects on Children*, 6 Asian Journal of Humanities and Social Studies 175 (2018).

³ *Psychological and Legal Impacts: 5 Ways Divorce Affects Children*, Kath's Blog (Aug. 28, 2018), liveslovesmall.com/psychological-and-legal-impacts-5-ways-divorce-affects-children/.

Long-Term Effect on the Conduct

Kid's repercussions of divorce are frequently severe. Children are particularly impacted by divorce since it happens during their early years. Their perception of themselves and of society is shaped by what they witness and experience throughout the failed marriage. Even if the study's findings are, in some respects, disconcerting, a properly rebuilt family or a successful remarriage may improve both the standard of living for kids and adults. The divorce could put an end to the marital strife and let the kids keep their bonds with both parents. Divorce may also be helpful in separating a child from a troubled parent. Children may exhibit faster maturation and individuality in these circumstances. A philosophy that places a great priority on maintaining relationships as well as on love, faithfulness, and compassion may also be brought to early adulthood by them. The results of a research suggest that youngsters are more susceptible when they have frequent and continuing interaction with both parents who are unfriendly and obstructive with one another, and that children are particularly adversely affected by persistent conflict between divorced parents. It might not be the wisest step of the process to demand joint legal custody and frequent

visits in these situations. But in the other end, children who live in often turbulent and tense families exhibit a wide range of personal defense strategies and levels of resilience.

Money-related considerations

In post-divorce homes, a problem with money or a lack of it exists. To begin with, over 35% of single-mother families are poor. The unpaid child support and lack of financial assistance puts a lot of stress on the custodial parent. Contrarily, having money makes it easier to take advantage of good possibilities and less likely that bad things would happen, such having trouble getting about or being seriously ill without access to proper medical care. Although money is frequently overstated in relation to other characteristics, studies have emphasized that wealth might be interpreted as a symptom of a parent's irresponsibility. Some could consider the claim that children's happy memories are unrelated to financial means to be "idealistic."⁴

Possible Repercussions for Children of Divorce

The implications for the child may vary depending on their age and the specifics of their parent's divorce. The increased possibility of mental illness. Divorced parents

⁴ Vijender Kumar, *Impact of Divorce on Children : A Socioeconomic and Legal Study*, 6 Nalsar Law Review 126 (2011).

are more likely to have children who suffer from anxiety, depression, or other mental illnesses. Growing up presents numerous difficulties for children, and in most situations, the divorce of their parents only makes things worse. Next is the increased likelihood of behavioural issues emerging. Children who are raised in intact households (with both parents present) are less prone to act impulsively or violently. Children who have divorced parents also struggle more to interact with their classmates. And then Potential drop-in classes. It takes a lot of attention to perform well in class. Keeping your attention through your parents' divorce might be challenging. These children frequently have academic difficulties. And lastly increased likelihood of addiction development. Children of divorce are more likely to start using drugs while they are young. It frequently leads to a serious addiction.⁵

Custody-Related Laws and Issues

The Guardians and Wards Act, which codifies and changes the legislation pertaining to guardians and wards, was passed in 1890, making child custody law one of the earliest laws to be defined. The Guardians and Wards Act, 1890 is a secular law that governs

⁵ Natalie Maximets, *The Long Term Psychological Effects of Divorce on Children*, Mediate.com (July 30, 2021), www.mediate.com/the-long-term-psychological-effects-of-divorce-on-children/.

guardianship in all groups other than Hindu and Muslim societies. It makes it very apparent that the father's right is paramount. The definition of "guardian" in the Guardians and Wards Act of 1890 is identical to that in the Hindu Minority and Guardianship Act of 1956. Christian parents can agree on custody arrangements for their children under the Divorce Act of 2000. The custody of children is governed under Section 43 of the Parsi Marriage and Divorce Act, 1936, which applies to Parsis. Child custody can now be awarded to any parent, according to these established legislations. Researchers have shown that children raised by parents of the opposite gender may perform worse sociologically than children raised by boys and girls raised by moms. The quality of the parent-child connection, as opposed to the child's gender, has a greater impact on how well children adjust to divorce than does the child's gender.⁶

Effects of the Spouse's Remarrying

When the Supreme Court ruled in *Lekha v. P. Anil Kumar*⁷ that the mother's remarriage cannot be used as a reason to deny her custody of the child, the problem of what would happen if a spouse remarried was finally settled. Similarly to this, a father's

⁶ *Kumar V. Jahgirdar v. Chethana Ramatheertha* AIR 2004 SC 1525

⁷ *Lekha v. P. Anil Kumar*, (2006).

marriage is not a reason to deny him the right to custody of his children.

How to Prevent Long-Term Psychological Effects of Divorce on Children:

A distressing situation like a parent's divorce might unknowingly cause a kid to bear the weight for the rest of their life. People who went through similar experiences with their parents typically work hard to prevent doing the same thing with their children. Children should not be placed in the centre. Being a parent implies that they should put their children before their spouse and avoid competing with them throughout the divorce. The child will only experience trauma if you do this. Make no attempt to convince your child that you love them more than your spouse or strive to be a "better parent" than them. . Using your child as a liaison between you and your spouse is likewise improper. Your youngster can become traumatized by this conduct, which might later lead to anxiety and melancholy. Next is Co-parenting. Parental arguments and constant shouting won't be beneficial for the youngster. Try to come to an agreement with the spouse and establish a respectful line of communication. Protect the youngster from seeing any disagreements, even if you have them.

Consistency is key in the discipline. Regarding their child's discipline, both parents should work together. It's typical for many parents to let kids act anyway they choose in order to make up for the other parent's absence. Discipline that is applied consistently may lessen the likelihood that the youngster may eventually engage in criminal activity. Give your youngster more time. A youngster may experience a lot of confusion if their parents are divorced. Explain the situation and assure the youngster that you and your spouse's behaviour won't change. Your youngster will avoid overthinking and be able to perceive things for what they are if they are aware of the truth. Assist your kids in handling the circumstance. It is the responsibility of the parent to teach their children how to deal with the emotions that divorce might bring about⁸.

Conclusion

It's crucial to keep in mind that kids may face a trauma from their parents' separation or divorce. However, it does not always follow that it will. In some situations, especially if the parent's relationship has always been problematic, a divorce may be advantageous. It's important to give them your total focus during the divorce and all the necessary explanations. Every child deserves to have

⁸ Amy Morin, *The Psychological Effects of Divorce on Children*, (May 30, 2017),

www.verywellfamily.com/psychological-effects-of-divorce-on-kids-4140170.

both parents provide for their needs. The development of the children is negatively impacted by parental separation. It has an impact on their capacity to interact socially with new people and their families, which has an impact on both their academic and athletic performance. The children will have to forgo some essentials and recreational

opportunities if they rely solely on one income. The stress of a divorce might hinder the children's natural growth. Their tendency to relate everything that happens to them will undermine their self-worth and have an adverse effect on their future relationships. Therefore, consider the implications for the children before approving the divorce choice.