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How Personality Disorders Drive Family Court Litigation  
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I was first exposed to the concept of personality disorders in 1980 when I was in training as a therapist at the San Diego Child Guidance Clinic at Childrens Hospital. The DSM-III had just come out and Axis II of the five diagnostic categories required the therapist to diagnose the presence or absence of a personality disorder. (The current DSM-IV uses the same approach.) I quickly learned (often the hard way) that the presenting problems on Axis I (e.g. depression, substance abuse) were simply replaced by new ones, if an underlying personality disorder was not addressed in therapy.

Now that I have completed five years as a family law attorney, I have frequently witnessed the same underlying issues in hotly contested family court litigation - yet these remain undiagnosed and, therefore, misunderstood. As those with personality disorders generally view relationships from a rigid and adversarial perspective, it is inevitable that a large number end up in the adversarial process of court. Since more flexible and cost-conscious people nowadays are resolving their divorces in mediation, attorney-assisted negotiation, or just by themselves, those cases remaining in litigation may be increasingly driven by personality disorders.

### The Nature of a Personality Disorder

Someone with a personality disorder is usually a person experiencing chronic inner distress (for example fear of abandonment), which causes self-sabotaging behavior (such as seeking others who fear abandonment), which causes significant problems (such as rage at any perceived hint of abandonment) - in their work lives and/or their personal lives. They may function quite well in one setting, but experience chaos and repeated problems in others. They look no different from anyone else, and often present as very attractive and intelligent people. However, it is usually after you spend some time together - or observe them in a crisis - that the underlying distress reaches the surface.

As interpersonal distress, fear of abandonment, and an excessive need for control are predominant symptoms of personality disorders, they place a tremendous burden on a marriage. Therefore, intense conflicts will eventually arise in their marriages and the divorce process will also be a very conflictual process. In contrast to people who are simply distressed

from going through a divorce (over 80% are recovering significantly after 2 years), people with personality disorders grew up very distressed. It is the long duration of their dysfunction (since adolescence or early adulthood) which meets the criteria of a personality disorder.

Usually they developed their personality style as a way of coping with childhood abuse, neglect or abandonment, an emotionally lacking household, or simply their biological predisposition. While this personality style may have been an effective adaptation in their "family of origin," in adulthood it is counter-productive. The person remains stuck repeating a narrow range of interpersonal behaviors to attempt to avoid this distress.

A personality disorder does not usually go away except in a corrective on-going relationship - such as several years in a counseling relationship. Until then, the person may constantly seek a corrective experience through a series of unsatisfying relationships, through their children, or through the court process. In a sense, untreated personality disorders don't fade away - they just change venue.

#### Personality Disorders Appearing in Family Court

Probably the most prevalent personality disorder in family court is Borderline Personality Disorder (BPD) - more commonly seen in women. BPD may be characterized by wide mood swings, intense anger even at benign events, idealization (such as of their spouse - or attorney) followed by devaluation (such as of their spouse - or attorney).

Also common is Narcissistic Personality Disorder (NPD) - more often seen in men. There is a great preoccupation with the self to the exclusion of others. This may be the vulnerable type, which can appear similar to BPD, causing distorted perceptions of victimization followed by intense anger (such as in domestic violence or murder, for example the San Diego case of Betty Broderick). Or this can be the invulnerable type, who is detached, believes he is very superior and feels automatically entitled to special treatment.

Histrionic Personality Disorder also appears in family court, and may have similarities to BPD but with less anger and more chaos. Anti-social Personality Disorder includes an extreme disregard for the rules of society and very little empathy. (A large part of the prison population may have Anti-social Personality Disorder.)

Dependent Personality Disorder is common, but usually is preoccupied with helplessness and passivity, and is rarely the aggressor in court - but often marries a more aggressive spouse, sometimes with a personality disorder.

## Cognitive Distortions and False Statement

Because of their history of distress, those with personality disorders perceive the world as a much more threatening place than most people do. Therefore, their perceptions of other people's behavior is often distorted - and in some cases delusional. Their world view is generally adversarial, so they often see all people as either allies or enemies in it. Their thinking is often dominated by cognitive distortions, such as: all-or-nothing thinking, emotional reasoning, personalization of benign events, minimization of the positive and maximization of the negative. They may form very inaccurate beliefs about the other person, but cling rigidly to those beliefs when they are challenged - because being challenged is usually perceived as a threat.

People with personality disorders also appear more likely to make false statements. Because of the thought process of a personality disorder, the person experiences interpersonal rejection or confrontation much more deeply than most people. Therefore the person has great difficulty healing and may remain stuck in the denial stage, the depression stage, or the anger stage of grief - avoiding acceptance by trying to change or control the other person.

Lying may be justified in their eyes - possibly to bring a reconciliation. (This can be quite convoluted, like the former wife who alleged child sexual abuse so that her ex-husband's new wife would divorce him and he would return to her - or so she seemed to believe.) Or lying may be justified as a punishment in their eyes. Just as we have seen that an angry spouse may kill the other spouse, it is not surprising that many angry spouses lie under oath. There is rarely any consequence for this, as family court judges often believe the truth cannot be known - or that both are lying.

## Projection

Just as an active alcoholic or addict blames others for their substance abuse, those with personality disorders are often preoccupied with other people's behavior while avoiding any examination of their own behavior. Just as a movie projector throws a large image on a screen from a hidden booth, those with personality disorders project their internal conflicts onto their daily interactions - usually without knowing it. All the world is a stage - including court.

It is not uncommon in family court declarations for one with a personality disorder to claim the other party has characteristics which are really their own ("he's manipulative and falsely charming" or "she's hiding

information and delaying the process"), and do not fit the other party. Spousal abusers claim the other is being abusive. Liars claim the other is lying. (One man who knew he was diagnosed with a Narcissistic Personality Disorder claimed his wife also had an NPD simply because she liked to shop.)

### How Family Court Fits Personality Disorders

Family Court is perfectly suited to the fantasies of someone with a personality disorder: There is an all-powerful person (the judge) who will punish or control the other spouse. The focus of the court process is perceived as fixing blame - and many with personality disorders are experts at blame. There is a professional ally who will champion their cause (their attorney - or if no attorney, the judge). A case is properly prepared by gathering statements from allies - family, friends, and professionals. (Seeking to gain the allegiance of the children is automatic - they too are seen as either allies or enemies. A simple admonition will not stop this.) Generally, those with personality disorders are highly skilled at - and invested in - the adversarial process.

Those with personality disorders often have an intensity that convinces inexperienced professionals - counselors and attorneys - that what they say is true. Their charm, desperation, and drive can reach a high level in this very emotional, bonding process with the professional. Yet this intensity is a characteristic of a personality disorder, and is completely independent from the accuracy of their claims.

### What Can Be Done

Judges, attorneys, and family court counselors need to be trained in identifying personality disorders and how to treat them. Mostly, a corrective on-going relationship is needed - preferably with a counselor. However, they usually must be ordered into this because their belief systems include a life-time of denial and avoidance of self-reflection.

In California, for example, Family Code Section 3190 allows the court to order up to one year of counseling for parents, if: "(1) The dispute between the parents or between a parent and the child poses a substantial danger to the best interest of the child. [or] (2) The counseling is in the best interest of the child." Even short-term counseling can help.

Therapists, in addition to being supportive, need to help clients challenge their own thinking: about their own role in the dispute; about the accuracy of their view of the other party; and about their high expectations of the court. Further, therapists should never form clinical opinions or write declarations about parties they haven't interviewed.

Likewise, attorneys need to also challenge their clients' thinking and not accept their declarations at face value. More time should be spent educating them to focus on negotiating solutions, rather than escalating blame. As it applies to California, the court should make greater use of sanctions under Family Code Section 271 for parties and attorneys who refuse to negotiate and unnecessarily escalate the conflict and costs of litigation.

The court must realize that the parties are often not equally at fault. One or both parties may have a personality disorder, but that does not necessarily mean both are offenders (violent, manipulative, or lying). A non-offending, dependent spouse may truly need the court's assistance in dealing with the offender. The court should not be neutralized by mutual allegations without looking deeper. Otherwise, because of their personality style, the most offending party is often able to continue their offender behavior - either by matching the other's true allegations for a neutral outcome, or by being the most skilled at briefly looking good and thereby receiving the court's endorsement.

The court is in a unique position to motivate needed change in personal behavior. In highly contested cases, counseling or consequences should be ordered. Professionals and parties must work together to fully diagnose and treat each person's underlying problems, rather than allowing the parties (and their advocates) to become absorbed in an endless adversarial process. Because their largest issues are internal, they will never be resolved in court.

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