

Superior Court of California County of Yolo

Orientation to Child Custody Recommending Counseling

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Introduction to Child Custody Recommending Counseling

Family Code section 3170 requires Child Custody Recommending Counseling (“CCRC”) whenever separating parents seek a court order about the custody and visitation of their child/children. Family code is based on the idea that children have a right to frequent and continuing contact with both parents. The primary focus of CCRC is to make sure your child maintains a healthy relationship with you and the other parent. Yolo Superior Court Family Court Services/Self-Help Center is responsible for providing CCRC to help parties develop an agreement on a parenting plan in their child/children’s best interests.

IMPORTANT TERMS TO UNDERSTAND

Child Custody Recommending Counseling or Mediation

Child Custody Recommending Counseling or Mediation provides an opportunity for parents to meet with a trained professional to develop a parenting plan that is in the best interest of their children. The Family code governs mediation and sets forth the purpose of Child Custody Recommending Counseling: To reduce animosity that may exist between parents, to develop an agreement assuring the children close and continuing contact with *both* parents and to develop an arrangement that is in the best interest of the children.

California’s mandatory CCRC law affords parents the opportunity to develop their own plans to raise their children after the decision to separate has been made, rather than to delegate that responsibility directly to the Court.

Child Custody Recommending Counselor or Mediator

The Counselors are appointed by the Court and meet various educational qualifications as prescribed by law. The Counselor provides a safe place for each parent to talk and be heard. The Counselor also provides information about the effects of parental separation, the developmental needs of the child(ren), how to effectively share parenting responsibilities in the best interest of the child(ren) and how to meet the needs of the child(ren) in the future.

Legal Custody

Legal custody refers to the rights and responsibilities of parents to make decisions concerning the child(ren) health, safety, education, and welfare. (School enrollment, participation in particular religious activities or institutions, beginning or ending psychiatric, psychological, or other mental health counseling, selection of a doctor, dentist, or other health professional, out of state or out of country travel).

- Joint Legal Custody: Both parents share the right and responsibility to make decisions for their child(ren).
- Sole Legal Custody: One parent has the right and responsibility for making decisions for the child(ren).

Physical Custody

Physical custody refers to how much time the child(ren) spends with each parent; where the child(ren) lives; how day-to-day responsibilities are fulfilled. Physical custody will not be awarded if a party is a registered sex offender, has been convicted of child abuse or has had child abuse substantiated against them (Family Code Section 3030).

- Joint Physical Custody - The child(ren) spends a significant amount of time with each parent. This does not mean timeshare must be equal. (One parent may have primary physical custody). Joint physical custody is shared by the parents in such a way to assure the child(ren) of frequent and continuing contact with both parents.
- Sole Physical Custody – The child(ren) resides with and under the supervision of one parent while timeshare and/or contact may be ordered for the non-custodial parent.

Domestic Violence

Domestic violence is a pattern of behavior used to establish power and control over another person with whom an intimate relationship is or has been shared through fear and intimidation, often including the threat or use of violence. Battering happens when one person believes that they are entitled to control another. Domestic violence generally escalates over time. It may include intimate partner relationships, live-in partners, dating relationships, spouses, family members, elders, and children.

Abuse generally falls into one or more of the following categories:

- Physical battering: punching, choking, slapping
- Sexual assault: rape, non-consensual sex acts
- Verbal, emotional, and mental abuse: yelling, cursing, name calling, threats and coercion (written or verbal), power and control (making someone afraid)
- Isolation: preventing from leaving home or communication with others
- Economic abuse: limiting access to funds and accounts

Supervised Visitation

Supervised visitation provides a highly structured, safe, and protected setting for parent-child contact when such contact presents risk to the child(ren) due to high conflict surrounding parental separation, domestic violence, substance abuse, mental illness of a parent, parental alienation, child abuse or neglect, child abduction, or after an extended time of no contact.

The emphasis of supervised visitation is on neutrality. The visitation monitor is an observer, intervening only when the emotional or physical safety of the child is threatened, or when program guidelines are broken. The monitor is “the eyes and ears of the court” to provide objective information required by the court or Counselor.

Two Types of Supervised Visitation

- Professional supervision: Visits are paid for with an hourly fee. A trained person follows State Guidelines to supervise the visit and provide reports to the court

following each visit. You may obtain a list of referrals from the Self-Help Center if professional supervised visitation is ordered.

- Non-professional supervision: A family member or friend (agreed upon by the parties) or someone specific is ordered by the court to supervise the visits in accordance with the State Guidelines for non-professionally supervised visits. Copies of the guidelines for non-professional supervisors are available upon request.

Confidentiality

CCRC recommendations are confidential and are not allowed to be copied or distributed to anyone other than the court, an attorney of record, or the parties to the proceeding, with the following exception: in certain instances, the court orders the exchange of information to other agencies in the child protection system, or to other involved mental health professionals. You may be asked to sign an authorization for release of information that allows the Counselor to communicate with other important individuals such as your child's teacher, pediatrician, or speech therapist, etc.

The Process of CCRC

Orientation to CCRC

Prior to mediation, all parties are **required** to complete **ORIENTATION TO CCRC**. The orientation process takes approximately 1-1.5 hours. Orientation is required for any referral or return to CCRC if the parties have not participated within the previous 2 years. Orientation is designed to help prepare you for your mediation appointment. **The judge will be notified if you fail to complete the required Orientation.**

CCRC Appointment

Both parents attend mediation. In cases involving domestic violence, parties may request separate mediation appointments, or a party may bring a support person, if necessary. The support person cannot participate in the session or advocate for the supported parent. Counselors may exclude the support person from the session if that person attempts to advocate for the parent or participate in or disrupt the appointment session. Relatives and attorneys are not permitted to be present at mediation. There is an informational document and signature of understanding page that a support person is supposed to review and sign prior to participation. For phone or Zoom mediations, you must ensure that you are ready and available to participate at the time of your scheduled mediation. Mediation is confidential, you must secure a quiet and private location where you may participate without being overheard by any third party including the child(ren) and where you will not be interrupted. If the counselor is not able to confirm confidentiality, he or she may opt to end the mediation session.

In some instances, the Counselor may find it necessary to interview the child(ren). If the Counselor requests to interview the child(ren), the process is explained to both parents. Counselors have the discretion to schedule in-person child interviews. **Please do not discuss the case with the child(ren) before or following the interview.**

Non-Appearance at CCRC

Because of the brief time frame between the CCRC appointment and the court hearing, if a parent misses the confirmed appointment, another appointment may not be scheduled. If the other parent attends as scheduled, the Counselor may go forward with only the one parent's input.

If both parents fail to attend their confirmed appointment, the counselor will notify the court of the parents' failure to attend. If this occurs, it is important that both parents still appear at the court hearing on the date scheduled.

Important information regarding CCRC

- You are **NOT** allowed to contact the Counselor before or after your CCRC appointment in person, by letter, by fax, by email or by telephone, without a court order.
- The Counselor or court staff are not permitted to give legal advice.
- CCRC is only allowed to address child custody and visitation related issues. Issues of child support, spousal support, property division, etc., cannot be discussed.
- If your child(ren) is interviewed by a Counselor, your child(ren) is not asked to
 - Choose between one parent or the other.
 - Interviews with children are not counseling sessions.
- The Counselors are mandated reporters of suspected child abuse and neglect.
- The Counselor will not appear at your court hearing after the CCRC appointment. The Counselor's recommendation will be provided to the judge, the parties, or their attorneys.
- After you have a court order for custody and visitation, if you believe the other parent is not following the order, you should contact law enforcement or file the appropriate motions with the court to seek enforcement. The Family Court Services/Self-Help Center does not have the authority to enforce court orders for child custody and visitation.
- The Counselor will discuss any special requests and parameters or possible recommendations for the parties during the appointment. These may include parenting classes, co-parenting classes, supervised visitation, drug and alcohol testing, anger management, counseling, etc.

Domestic Violence (FC 3044)

How does domestic violence affect custody and timeshare?

Family code §3044 states there is a presumption that domestic violence is detrimental to the "best interests of the child." Because of this presumption, if a domestic violence protective order is issued against a person who has minor children, the entry of the domestic violence order may affect your rights to legal and physical custody of those children. The entry of such a protective order may also be grounds for modification of an existing child custody order. If a person does not have legal or physical custody, this non-custodial parent is entitled, in most cases, to visitation. However, a finding of domestic violence may affect the conditions

under which the judicial officer will allow the visitation to take place. Please read FL-3044 Information Sheet located at: [3044sheetEN.pdf \(ca.gov\)](#).

Separate CCRC Appointments/Domestic Violence

If there was **domestic violence** between the parents, separate CCRC appointments can be requested at the time of scheduling. If you have scheduled separate CCRC appointments, the dates and times will be kept confidential. Separate CCRC appointments are approximately 1 hour long for each party.

Domestic Violence and Children

Children are affected in negative ways when there is violence between their parents. Domestic violence affects every member of the family. Family violence creates a home environment where children live in constant fear. Children who witness family violence are affected in ways like children who are physically abused. They are often unable to establish nurturing bonds with either parent. Children are at greater risk for abuse and neglect if they live in a violent chaotic home.

- Witnessing violence between one's parents or caretakers is the strongest risk factor of transmitting violent behavior from one generation to the next.
- Boys who witness domestic violence are *twice as likely* to abuse their own partners and children when they become adults.
- 30% to 60% of perpetrators of intimate partner violence also abuse children in the household.
- Those who see and hear violence in the home suffer physically and emotionally.
- "Families under stress produce children under stress. If a spouse is being abused and there are children in the home, the children are affected by the abuse." (*Ackerman and Pickering, 1989.*)

Some of the ways children show the effects of domestic violence

EMOTIONAL

- Grief for family and personal losses.
- Anger, shame, guilt, and self-blame.
- Confusion about conflicting feelings toward parents.
- Fear of abandonment or expressing emotions.
- Depression, feelings of helplessness and powerlessness.

BEHAVIORAL

- Acting out or withdrawing.
- Aggressive or passive.
- Refusing to go to school.

- Acting as a parent substitute to siblings.
- Lying to avoid confrontation.
- Rigid defenses.
- Excessive attention seeking.
- Bedwetting and nightmares.
- Out of control behavior.
- Reduced intellectual competency.
- Manipulation, dependency, mood swings.

SOCIAL

- Isolation from friends and relatives.
- Stormy relationships.
- Difficulty in trusting.
- Poor self-control and problem-solving skills.
- Excessive social activities to avoid home.
- Passive or bullying with peers.

- Engaged in exploitative relationships.
 - Tired and lethargic.
- PHYSICAL
- Frequent somatic complaints, headaches, and stomachaches.
 - Poor personal hygiene.
 - Nervous, anxious, short attention span.
 - Regression in development.
 - High risk play.
 - Self-abuse.

PARENTING TOGETHER AFTER SEPARATION

- Give your child(ren) the stable, predictable routine they need.
- Figure out how you and the other parent can each make time to be with your child(ren).
- Get information to make good decisions about what your child(ren) need at each age.
- If possible, find a way to parent well together and separately.
- Take care of yourself; find ways to understand your confusing feelings.
- Try to stay calm in difficult situations.
- Communicate by e-mail or text in a business-like manner.
- Show your child(ren) that you respect their relationship with the other parent and support the time that they spend with each of you by following the court orders or agreements.

Stages of Grief

Children can experience the five stages of grief in dealing with their parents' separation. These are the same stages of grief that adults may experience during a loss:

- **Shock and denial** that their parents are separating.
- **Anger** because their parents are separating.
- **Depression** seeing their world is falling apart, overwhelmed by sadness and helplessness.
- **Bargaining** when children take on the responsibilities of making things the way they were, promising themselves or their parents anything to get their parents back together.
- **Acceptance** when children begin to talk more openly about the separation and get their energy and interests back.

Helping Children Cope

- Explain to your child(ren) that you and the other parent will be living in separate homes.
- Reassure your child(ren) that they will have contact with both parents, if appropriate.
- Do not discuss the court action or CCRC process with your child(ren).
- Do not argue with the other parent on the phone or in person in front of the child(ren), no matter how hard it is to put off a discussion until later, when child(ren) are not around.
- In highly conflicted situations, communication via e-mail or texting is recommended.
- Do not put your child(ren) in the middle by using them as messengers or spies.
- Do not deny your child(ren) contact with the other parent as a form of punishment.
- Allow child(ren) contact with other parent by phone or electronic media, if appropriate.

- It may help to have your child(ren) talk to a counselor or to other child(ren) who have gone through their parents' separation.
- Children react differently to parents' separation depending on age and development.
- It is important that you remain open to talking with your child(ren), listening to their feelings and that you give them understanding and nurturing during this time, without involving them in the court or mediation process.

Helpful Tips for Parents

- Find ways to reduce conflict.
- Avoid talking negatively about the other parent in front of your child(ren) or allow anyone else to do so.
- Try to find ways to communicate that will help you resolve your differences.
- Please don't put your child(ren) in the middle (i.e. avoid having them call to ask to stay longer with a parent).
- Keep exchanges of your child(ren) positive. (Remember to think of them like "Magic Moments," a visual with the two people they love most in the world, it is important for that to be 100% positive for them.)
- Avoid putting child(ren) in the position to choose between you and the other parent.
- Make sure it is okay for your child(ren) to love both of you!

CONSIDERATIONS WHEN PREPARING A PARENTING PLAN

- | | |
|---|---|
| • Child(ren)'s age and stage of development. | • How to promote a relationship with each parent. |
| • Child(ren)'s psychological attachments. | • Distance between parent's residences. |
| • Past caretaking responsibilities of the child(ren). | • Child(ren)'s School and Friends. |
| • Child(ren)'s temperament and ability to adjust to change. | • Vacations and holidays. |
| • Each parent's work schedule/demands. | • Substance abuse/mental health issues. |
| • Disabilities/special needs of the parents or child(ren). | • Parent's Criminal history. |
| | • CPS history/involvement in the case. |

Examples of Parenting Plans

INFANCY TO 3 YEARS OLD

For infants and toddlers to develop secure attachments to their parents, it is critically important that the separation time from the mother and father be small to minimize anxiety, keep attachments secure, and keep the child(ren) comfortable with both parents. It is hard for the child(ren) to maintain a memory of a parent if the parent is not there. Infants and toddlers have difficulty conceptualizing time and need frequent and continuing contact with a predictable pattern. Separation anxiety is most intense around fifteen (15) to twenty-four (24) months of age. Although it is normal for children at this developmental stage to cry and cling during transitions, most children can be quickly comforted by each parent.

Suggested Parenting Plan Options:

Child comfortable and secure with Both Parents	Child Less comfortable and secure to One Parent (Parent A)
1. Parent A ** Tuesday, Thursday 4:00 p.m. to 7:00 p.m. Saturday 10:00 a.m. to Sunday 10:00 a.m.	Weeks 1 & 2: Parent A ** Minimum (2 hours) per visit, three times per week on nonconsecutive days
2. Parent A ** Tuesday 5:00 p.m. to Wednesday 9:00 a.m. Thursday 4:00 p.m. to 7:00 p.m. Saturday 5 :00 p.m. to Sunday 5:00 p.m.	Weeks 3, 4, & 5: Parent A ** Minimum (3 to 4 hours) per visit, three times per week nonconsecutive days
3. Parent A ** Wednesday 4:00 p.m. to 7:00 p.m. Saturday noon – Sunday 5:00 p.m.	Weeks 6 & 7: Parent A ** Minimum (5 to 6 hours) per visit, three times per week nonconsecutive days
4. Parent A ** Wednesday 4:00 p.m. to 7:00 p.m. Saturday 5:00 p.m. to Monday 8:30 a.m.	Week 8: Parent A ** See Schedule for Child Attached to Both Parents
5. Parent A ** Tuesday noon – Wednesday noon Thursday noon – Friday noon Saturday noon – Sunday noon	<i>*Parents may agree on any combination of the above.</i> **Child is with Parent B at all other times

Essential Considerations - Infancy to 3 Years Old

- Degree of Attachment – Attachment is defined as the level of trust, security, and bonding in a parent/child relationship. If a parent has not had contact with an infant to 3-year-old child for an extended period or has not been involved in the day-to-day care of the child, contact should start slowly and gradually increase as the child adjusts and feels more comfortable.
- To maximize the child’s trust and security, it is critical that the less attached parent spend significant alone time caring for the child.
- Information regarding the infant/toddler’s diet, medications, daily routine, etc. should be provided by the custodial parent.
- To communicate the feeling of security to the child, it is usually best for the primary parent to deliver the child to the other parent.
- Exchanges are to be done quickly with no excessive delays.
- Security object(s) may go with the child.
- Days of contact should be consistent.

3 TO 5 YEARS OLD

Current research suggests that children in this age group can form strong attachments to both parents, as well as other adults and caregivers. Along with the growing ability to form attachments with many people comes the ability to tolerate longer periods of separation from

attachment figures. Important for children throughout the preschool years are consistency, predictability, and structure.

Suggested Parenting Plan Options

1. Parent A - Alternate weekends Saturday and/or Sunday from 8:00 a.m. to 4:00 p.m. and Wednesday evenings from 6:00 p.m. until 8:00 p.m.; Parent B - All other times
2. Parent A - Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. and Wednesdays from 5:00 p.m. until 8:00 p.m.; Parent B - All other times
3. Parent A - Alternate weekends from Saturday at 8:00 a.m. until Sunday at 8:00 p.m. and Tuesdays and Thursdays from 5:00 p.m. until 8:00 p.m.; Parent B - All other times
4. Parent A - Alternate weekends from Friday evening until Monday morning and every Wednesday overnight; Parent B - All other times
5. Parent A - Monday afternoon to Wednesday morning and Every Other Weekend (Friday afternoon to Monday morning); Parent B - Wednesday afternoon to Friday morning and Every Other Weekend (Friday afternoon to Monday morning)
6. Parent A – Saturday evening through Wednesday morning; Parent B - Wednesday afternoon through Saturday evening
7. Alternate Weeks with Parent A/Parent B and Wednesday overnight with other parent
8. A combination of any of the above

Essential Considerations – 3 to 5 Years Old

- Consistency, predictability, and structure are important during the preschool years.
- Children in this age group can follow their schedules using color-coded blocks of time to represent time with each parent marked on a calendar.
- Children in this age group can understand one parent may do things differently than the other parent, or rules may differ in different places.
- Preschool children are capable of spending overnights with each parent; however, week-long blocks of time may seem very long to such young children, and a visit with the other parent midweek may be necessary.
- Most important for children in this age group is that they are not exposed to parental conflict. Exposure to parental conflict can cause young children to experience anxiety and to regress to younger behaviors.
- Nightmares are common for young children and some of their anxieties are often expressed as fears or through nightmares. Nightmares do not necessarily mean the child is having bad experiences with either parent.
- Young children are very self-centered and often dislike changing activities when they are interested in a particular activity. They may cry, for example, when dropped off at preschool or when they are picked up from preschool. Similar protests can occur during parental exchanges of the child.
- If a child cries when one parent picks up the child, this may mean only that the child does not want to “switch gears”; and such incidents should not be universally interpreted to mean that there is a problem between the parent and child.

6 TO 11 YEARS OLD

Most six to eleven-year-old children can handle moving back and forth between parents' homes with ease, although some children do better spending more time at one home. The child's school schedule, extra-curricular activities, parents' work schedule, and availability to provide transportation and supervision, are important factors in deciding on a parenting plan in this age group. Stability, predictability, ensuring the child's preparedness for school, and protection from parental conflict are essential to the child's adjustment.

Suggested Parenting Plan Options:

1. Parent A - Alternate weekends Saturday and/or Sunday from 8:00 a.m. to 4:00 p.m. and Wednesday evenings from 6:00 p.m. until 8:00 p.m.; Parent B - All other times
2. Parent A - Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. and Wednesdays from 5:00 p.m. until 8:00 p.m.; Parent B - All other times
3. Parent A - Alternate weekends from Saturday at 8:00 a.m. until Sunday at 8:00 p.m. and Tuesdays and Thursdays from 5:00 p.m. until 8:00 p.m.; Parent B - All other times
4. Parent A - Alternate weekends from Friday evening until Monday morning and every Wednesday overnight; Parent B - All other times
5. Parent A - Monday afternoon to Wednesday morning and every other weekend (Friday afternoon to Monday morning); Parent B - Wednesday afternoon to Friday morning and Every other weekend (Friday afternoon to Monday morning)
6. Parent A - Saturday evening through Wednesday morning; and Parent B - Wednesday afternoon through Saturday evening
7. Parent A - Alternate weeks with Parent B; Parent B - Alternate weeks with Parent A
8. A combination of any of the above.

Essential Considerations 6 to 11 Years Old

- Parents need to communicate with each other about establishing consistent rules, structure, and discipline for the child.
- Exchanges should be done quickly and without conflict to reduce transition issues.
- Exchanges may be done by pickup and return at school or daycare.
- Neither parent should schedule outside/extracurricular activities that interfere with the other parent's court-ordered time with the child without mutual agreement.
- Parents need to agree mutually on any rescheduling in a timely manner.
- Parents should communicate when there are changes in the schedule.

12 TO 18 YEARS OLD

Adolescents are developing a separate identity from their parents and typically are more focused on activities and relationships outside the home. At the same time, they need ongoing contact with both parents and continued guidance about rules and standards for their behavior. Adolescents often want to be more independent and to have a say in their living arrangements. Parents may find it helpful to allow older teens to express their ideas for schedules and living arrangements, while making it clear that it is still up to the parents to make the final decisions. Flexibility is the key in accepting children's increasing ability to care for their

own needs and make more of their own decisions, while making sure that access to both parents occurs on a regular basis.

Suggested Parenting Plan Options:

1. Parent A - Every other weekend (Friday 6:00 p.m. to Sunday 6:00 p.m.); Parent B - All other times
2. Parent A - Every other weekend (Friday 6:00 p.m. to Sunday 6:00 p.m.) plus weekly mid-week visit (Wednesday 5:00 p.m. to 8:00 p.m.); Parent B - All other times
3. Parent A - Every other weekend (Friday 6:00 p.m. to Sunday 6:00 p.m.) plus weekly midweek overnight (Wednesday 5:00 p.m. to Thursday before school); Parent B - All other times
4. Parent A - Every other weekend (Friday afternoon to Monday morning) plus weekly midweek overnight; Parent B - All other times
5. Parent A - Monday afternoon to Wednesday morning Parents alternate weekends Friday afternoon to Monday morning; Parent B - Wednesday afternoon to Friday morning. Parents alternate weekends Friday afternoon to Monday morning (2-2-5-5 schedule)
6. Parent A - Alternate weekly custodial periods with Parent B; Parent B - Alternate weekly custodial periods with Parent A
7. A combination of any of the above.

Essential Considerations – 12 to 18 Years Old

- It is not unusual for teenagers to be angry or embarrassed by the break-up of their parents and to side with one parent over the other. It is important for both parents to be sensitive to their feelings, yet both parents need to encourage ongoing contact with that parent despite these feelings.
- Older adolescents may resist a rigid weekly schedule and may prefer to adjust to the schedule based on school activities or other extra-curricular activities.
- Both parents need to support their children's participation in extra-curricular activities even if it conflicts with their parenting time.
- Effective parental communication and cooperation are required to support adolescents.
- While input from their child should be considered, it is the final responsibility of the parents to agree upon the parenting plan.
- Parents should not use children as messengers or rely on them for emotional support.
- Flexibility and communication are keys in maintaining positive relationships.
- Often teenagers after having lived with one parent wish to spend more time or to live with the other parent. Developmentally this can be appropriate since the adolescent is struggling with forming an identity and often needs to have meaningful contact with the other parent to successfully form their self-concept.