



# Family Science Review

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## Special Issue: Family Science Careers Through the Eyes of Theory

This manuscript is part of a special issue of Family Science Review entitled Family Science Careers Through the Eyes of Theory, edited by Raeann R. Hamon, Ph.D., CFLE. The authors of these deliberately unconventional manuscripts were asked to select and describe a career that a professional with a family science background might pursue. After outlining the professional role, authors reflected upon the family theories that most influence the way they approach their work and perform their professional duties. Authors briefly review the scholarly literature on selected family theories, provide case studies or work scenarios as illustrations of theory in action, and discuss the strengths and weaknesses of the theories in their unique professional contexts. The Special Issue articles are designed to be used individually or in combination, and feature articles about careers in early intervention, special education, Family Court, child life, and higher education. The introduction to the special issue is available at <https://doi.org/10.26536/GMJK4953>. The complete special issue is available at <https://doi.org/10.26536/ZLUL3923>.

## Applying Bronfenbrenner's Ecological Systems Model in Family Court

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**ABSTRACT.** The work of Urie Bronfenbrenner is a key framework in Family Science, yet there are many areas where it has seldom been applied, including in the processes experienced by divorcing families in Family Court. Acknowledging the paucity of scholarship applying ecological systems theory to these topics, the paper offers instructive interpretations of personal practice experience in these roles. Described are two of several career roles in Family Court available to professionals trained in family science and how Bronfenbrenner's ecological systems model of development is applicable in that work. Careers described are providing training and consultation for attorneys and judges and conducting custody evaluations. Bronfenbrenner's model affords consistent and useful principles for both roles. The processes of separation and divorce are described as a series of ecological transitions that affect not only family structure, but the relationships that make up the family system, as well as family members' participation in other ecosystems. Changes in relationships and ecosystems affect development by requiring individuals to adapt. Family Court itself is an ecosystem with roles, activities and macrosystem beliefs that are often stressful for family members and that may increase risks to family relationships and development. Discussion considers areas where Family Scientists can use Bronfenbrenner's model to contribute to improved research and practice for divorcing families.

*Keywords:* ecological systems, Family Court, divorce, develecology, Bronfenbrenner, family science

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### **Applying Bronfenbrenner's Ecological Systems Model in Family Court**

Experiences of family change, including separation, divorce, co-parenting, and re-partnering of parents, affect the development of nearly half of children in the United States. Family scientists conduct research, provide parent education, evaluate and treat families and family members, as well as devise and advocate for improved services and policies governing such transitions and situations. I describe my experience in two of these professional roles, educating and advising attorneys and judges, and conducting family evaluations when parents cannot agree on co-parenting plans, or child "custody." Several family science theories may be useful in both these endeavors, however, I have found Bronfenbrenner's ecological systems model of development most helpful to understanding the processes involved in family transitions and in my work in these roles.

To put these applications of Bronfenbrenner's theory into context it may be helpful to note that family theory applications are largely absent in the literature on divorce and repartnering. Exceptions include the work of Hetherington, who has applied a family developmental systems theory perspective based on Carter and McGoldrick (1980) (Hetherington & Clingempeel, 1992, p.12) and a risk and resilience model (Hetherington, 1999). The risk and resilience model helps to explain the conditions that affect children's coping with family separation, but doesn't address how the processes operate. The family developmental systems theory helps organize the stages families go through. McGoldrick, Carter & Garcia-Preto (2011, Chap. 19) present a helpful set of "stages of the family life cycle for divorcing and remarrying families," with phases, tasks, emotional processes of transition, and developmental issues. Adding Bronfenbrenner's model to these puts coping, resilience, and family stages into context.

*Family Court Review* (FCR) is a primary journal for professionals in roles engaged with divorcing families and Family Court. Between 2000 and early 2023, ten articles in FCR referenced Bronfenbrenner. As is often the case, six of the references support the authors' mention of contextual or ecological factors as important, but the articles do not apply the model in any specific way. Hayes et al. (2012) report basing selection of items for a survey of contextual factors in parent coordination on Bronfenbrenner's model. Healy (2021) similarly based identification of layers of context on the model, but the model was not used to formulate the propositions for court reform described in his article. Babb (2014) identifies the need for a theoretical foundation to guide Family Court processes. She writes that Bronfenbrenner's model would serve that purpose, but offers no examples of how the model could be applied. In the most recent and most promising article, Greenwald O'Brien, Osman, and Sample (2023) present a case example of a custody evaluation incorporating an interpretation of the ecological factors faced by the family. They write that "Approaching cases using an ecological and family systems framework is necessary for accurate conceptualization and assessment of the best interest in the context of child custody evaluations" (p. 3). They cite Bowen's (1966) family systems approach and Bronfenbrenner (1992) as providing those frameworks.

Bronfenbrenner's ecological systems model (1979), based on constructivist understanding of human development, integrates individual development with an ecological framework made up of elements drawn from many sources in social science. A central principle of the model is that experiences in specific ecosystems shape a person's understanding of the experience and the environment. Bronfenbrenner's model is a powerful tool for understanding the interplay between development and context, a tool that can be applied to every person in every context. It can be especially useful to understanding the complex experiences of divorce and the multiple ecological conditions and changes that affect people in divorcing families.

### **Bronfenbrenner's Ecological Systems Theory**

Bronfenbrenner's bioecological model of development is both simple and complex, depending on how deeply one wants to dive into applying it. I will focus on the early version of the model, as presented in *The Ecology of Human Development* (Bronfenbrenner, 1979). Readers unfamiliar with the theory are referred to that book, to Bronfenbrenner & Morris (1998) for later extensions of the theory, and to Shelton (2019) for an accessible introduction. Bronfenbrenner's model assumes a constructivist perspective on development (1979, p.9) and embeds it in an ecological systems framework. His definition of development introduces the central thesis. According to Bronfenbrenner (1979), development is the process of acquiring "a more valid, differentiated, and extended conception" (p. 27) or understanding of the ecosystem people experience by acting in it, applying their growing bodies, physical potentials, and cognitive abilities to explore and interpret it, and engaging in relationships with other people. As they do so, they acquire skills and motivation for exploring, maintaining, and changing their ecosystem. The content of their understanding and the specific skills they develop depend on their genetically determined biological characteristics and the specific experiences they engage in over time in their ecosystem.

Bronfenbrenner's model of the ecosystem focuses on important experiential elements such as activities, relationships, and roles, and the settings where people engage in them. Summarizing those elements briefly: Settings are the specific places that make up the ecosystem. Each setting contains particular physical characteristics, people, and a microsystem of roles, relationships, and activities. The physical characteristics shape and limit what activities can be available in the setting, the way people relate to each other, and the available roles and how they are played. These elements shape the experiences people have in settings as people participate in them. Settings also relate to each other, forming a mesosystem for each developing person. Interactions between settings also affect what people experience in each setting. Settings people do not participate in also may influence what they experience in their mesosystem settings and thus their development indirectly, creating an exosystem of such other settings. The regularities in details across those various systems, such as what activities people engage in, the ways roles are played, and how people relate to each other, as well as how settings are constructed and furnished, make up a pervasive macrosystem, equivalent to the culture. And finally, ecosystems and participants exist in time and change over time, adding the element of the chronosystem affecting development. Thus the experiences people have in different times may lead to differences between cohorts who participate in the same ecosystem over time. Identifying these representative features in a person's ecosystem is central to using Bronfenbrenner's model (Shelton, 2019).

Key systems principles integral to Bronfenbrenner's framework include that people develop by experiencing their ecosystem, adapting to it as they acquire understanding, skills, and motivation, improving their ability to function effectively in it. As people grow and acquire skills, their ability to operate in their ecosystem and to adapt change. Microsystems and their elements (roles, relations & activities) change as each participant develops. Ecosystems also change over time, and people adapt to the changing ecosystem. As people develop, their changes alter their relationships and the systems they participate in, in a reciprocal and transactional process. Change in any part of the system encourages adaptation by participants, and adaptation always requires some effort and may be stressful. The amount of effort and stress is proportional to the degree of change and the adaptations required. As people enter, experience, and adapt to more settings, they become more skilled at adapting (Shelton, 2019). From the perspective of general systems theory (Bertalanffy, 1968), human systems are open, dynamic, or "living" systems, that naturally change as the participants grow, and tend to resist system change, with a tendency to revert to prior patterns until adaptation is complete.

Bronfenbrenner's model is well-known as a guide to designing research that is both developmentally and ecologically valid. Tudge and his colleagues (2009, 2016) point out that it is a demanding model, often misused. Nevertheless, the model provides a rich conceptual framework for interpreting experience and the ecosystems it occurs in. Analysis that is consistent with the model helps to create understanding that may lead to more effective recommendations. An integral and important part of Bronfenbrenner's model provides hypotheses about the ecological conditions that support development. Examples include ongoing relationships characterized by positive affect; engagement in joint activities with increasing reciprocity and gradually more equal power between the parties; participation in settings that afford the person increasingly complex activities, a variety of roles to play, and a network of relationships among people who enjoy each other's company and activities and share their understanding of experience with each other; participation in settings where other participants know about and respect the other settings and their participants and where the person's roles in the different settings are compatible.

Bronfenbrenner's hypotheses provide a foundation for designing interventions that modify ecosystems to improve their support for development. Examples of such interventions include: providing better relationships or limiting participation in detrimental relationships; encouraging more responsible roles; affording activities that can become more complex; or providing information that a person can use to better understand and negotiate a setting. Changing policies in a workplace to permit parents to spend more time with children would be another, representing an improvement in a child's exosystem to affect their home setting and encourage the parent-child relationship.

An important tenet of Bronfenbrenner's work is the simultaneous integration of two perspectives: a developmental perspective and an ecological perspective. The ecosystem is a determinant of development, and development determines how a person experiences the ecosystem. The two are mutually and reciprocally intertwined. Elsewhere, I have proposed that this integration defines a broader field of inquiry, develecolgy, and that Bronfenbrenner's model fits within that field (Shelton, 2019, pp.8-9).

### **Careers in Family Court**

Professionals with training in family science play many roles working with families coping with the processes of separation and divorce. Put another way, many professional roles are involved in working with families experiencing divorce and re-partnering, and professional preparation in family science is important for all of them. At the current time, many of those professionals have limited or no training in family science. Examples include attorneys, judges, mediators, social workers, case managers, as well as many mental health counselors and psychologists. Clearly, there is much work for family science educators to do.

My career has included several roles working with divorcing families over varying periods of time. I will focus first on providing training for attorneys and judges and consulting with attorneys on difficult or unusual cases and then on conducting forensic evaluations of families involved in disputes over parenting responsibility ("custody"). My other roles have included developing parent education programs for divorcing parents, training parent educators, evaluating and counseling children and adolescents coping with divorce, coaching parents on co-parenting and step-parenting, advocating for parent education and family-friendly processes, and teaching a seminar for HDFS students on parenting through separation, divorce and re-partnering. Suffice it to say that the perspectives and experience I have acquired in each of these endeavors are pertinent and useful to all of them.

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There is no single entry point for most of the roles mentioned. They are open to people from diverse educational and experience paths. My preparation included a doctorate in child psychology with clinical training, teaching experience in parent-child relations and family systems, and recognition as a professional that developed through my roles as a faculty member and Extension Specialist. Requests to serve as an expert witness and family evaluator led to teaching a seminar on parenting through divorce, which in turn led to developing and presenting a parent education program for divorcing parents (Branch et al., 2016).

### **Training/Consultation with Attorneys and Judges**

Training for attorneys and judges is typically sponsored by bar associations, judiciary agencies, other professional associations, and various others, with the approval of judges and state judiciary administrators. Presenters are invited from relevant professionals, practitioners, scholars, and others who can respond to identified needs. Providing training as well as consultation for attorneys and judges is similar to helping other audiences. One needs to have important knowledge to share, understanding of the context the audience works in, and the issues they face. In the case of helping professionals working in Family Court, a working knowledge of legal processes and roles, relevant family policy, and current issues are essential contextual components. Of course, familiarity with the relevant research, theory, and practice in family science is necessary. Bronfenbrenner's ecological systems model is helpful in analyzing the professional roles and relationships, as well as the context those professionals work in. It also helps one identify sources of conflict they encounter in their work as well as potential changes that might improve the efficacy of their work. Bronfenbrenner's model guides my understanding of the ecosystem of the Family Court and my work in it.

Trainings I have provided focus on helping participants understand the processes of separation, divorce, and co-parenting as they affect not only family structure, but the relationships that make up the family system, as well as the ecosystems family members participate in. They emphasize that every family member is involved in an ongoing process of development and that changes in relationships and ecosystems affect development by requiring individuals to adapt. Previous development provides the foundation for each person's adaptation to current situations. Specific issues attorneys and judges raise in the training provide material for applying developmental and ecological principles to suggest why individuals respond as they do, and how the legal processes may interfere with and might better support adaptation. Presentations often incorporate summary and critique of current research as well as alternatives to current expert opinion and practice in family law, especially when common beliefs and practice are not consistent with family science theory and research. Participants sometimes present stereotypic beliefs about male and female roles, appropriate parenting styles, behavior typical of specific developmental stages, as well as class and ethnic variations. A presenter's task is to help participants recognize such beliefs and support the development of what Bronfenbrenner would describe as a "more extended, differentiated and valid conception" of families and their ecosystems (1979, p. 27). In other words, to help participants develop.

Family scientists also consult privately with attorneys regarding specific cases. These can be opportunities to educate attorneys and their clients. Requests for consultation are initiated by attorneys to professionals who have established credibility in the area of divorce and parenting. Issues involved are quite diverse, but consultation requires learning about the specific family and the situations that underlie the request and determining what family science research and theory are pertinent. Consultants must try to understand the attorney's motivation and responsibility to the client and be clear about their own responsibility to represent family science faithfully. In this work, I am careful to explain that my primary responsibility is to promote decisions that will best support the development of children in the

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family and further family relationships. Among other issues, my consultation has involved helping attorneys develop ways to convince their clients to behave more appropriately to avoid increasing conflict and to explain separation effects to their children. Situations have included families with same-sex parents, unmarried parents, parents with mental health challenges, unreasonable expectations about co-parenting, and a terminally ill child.

### **Family Evaluations**

Family evaluations, sometimes called custody evaluations or forensic evaluations, have become an important part of Family Court practice when parents fail to agree on parenting plans for their children. Professionals from a variety of backgrounds provide evaluations, including psychologists, family and mental health counselors, lawyers, and others. Conducting family evaluations in parenting disputes requires assessing how families are responding to the changes of separation, and assessing their ecosystem and how they are changing it. Evaluations focus on the parents' relationship and how each of them relates with their children, their disagreement(s) over parenting, and predicting their future development. Evaluators make recommendations to the court about decisions that are most likely to foster and support the development of the children. Evaluators are required to understand the laws governing such investigations and the needs of the court, and the bases prescribed for making decisions. Evaluators' expertise must be established to the court's satisfaction by documentation of appropriate education and experience, and can be challenged in court by attorneys representing parents. My practice has been to always serve on behalf of the children involved, having been appointed by the court to do so or engaged by attorneys representing the interests of the children. I do not represent parents or their individual interests.

Evaluations may include psychological tests, observations, examination of school, health, and other records, and interviews with family members, friends, and others who are familiar with the family or children. Specific requirements for evaluators and for the procedures used vary across states. Some of these will be described in more detail below.

### **Applying the Theory in Family Court**

At least four aspects of family science roles in Family Court can be understood using Bronfenbrenner's ecological systems model: (1) understanding the processes of separation and divorce and how they affect development of family members, (2) interpreting the research literature, (3) grasping the ecosystem of Family Court, and (4) conducting family evaluations. In each of these domains, Bronfenbrenner's model provides essential structure.

### **Understanding Fundamental Aspects of Separation and Divorce**

As I apply Bronfenbrenner's framework in my work, the core perspective is as follows. Understanding the processes of separation and divorce is the foundation for carrying out all the roles mentioned. In this interpretation, the family is a system of relationships among people who engage in activities together and separately, and often occupy the same settings, where their activities, roles and relations with each other constitute microsystems. The microsystems established and maintained by parents and other family members provide the specific experiences that shape the development of all members of the family, especially children. The responsibility of parents is to create home microsystems for children and to manage their children's participation in both the home and the larger ecosystem. As stated before, Bronfenbrenner defines development as a process of developing understanding and skills through participating in ecosystems. Parents are significant elements of children's ecosystems whose activities, roles, and relationships with partners and children are closely observed by children and

important in children's developing understanding and skills. Parents also interpret experience for children and encourage activities and roles that support the skills children develop.

Bronfenbrenner's model applies to families experiencing separation and divorce in many ways, and I will outline a few major principles derived from understanding the model.

The parental relationship affects the emotional climate of the entire family system. Conflict, anger, lack of reciprocity, and struggles over power, among other aspects, are detrimental to the well-being of all, and especially to children. Continuing conflict between parents interferes with children's activities, may distort their roles, and prevents reciprocally mutual and enjoyable relationships. Through these effects, ongoing conflicts underlie the developmental problems most often experienced by children whose parents divorce (Ahrns, 1994; Emery, 2012; Hetherington & Kelly, 2002; Stahl, 2007).

Residential separation by parents typically disrupts all elements of the family microsystem. When parents and children move to other settings, activity patterns change, relationships are disrupted, and the roles of family members change. These changes can be confusing to children, creating stress, and requiring coping and adaptation. The greater the number of changes and the longer they remain unpredictable, the more difficult they are for children and the more likely children are to suffer developmentally. The great challenge for parents who are divorcing is to establish in their separate home settings new predictable microsystem patterns that are conducive to children's development. Most children's homes essentially change from a single setting with both parents to a two-setting home mesosystem, or as Ahrns (1979) suggested, a binuclear family. Bronfenbrenner's model suggests a number of characteristics of mesosystems that facilitate children's development. Similar goals, positive regard for those in other settings, and ease of both communication and transition between settings characterize the binuclear families that best support children's development through the transitions of divorce.

Changes in the parental dyad and the division of parental responsibilities in their new microsystems, along with other changes, challenge parents to maintain their emotional well-being and require significant adaptations to their new situations. At the same time, they are faced with the responsibility to help their children understand the changes in their lives and cope with the emotions elicited. Children often experience an increase in stress at the same time their parents are less able to help them manage it. If their ecosystem does not provide alternative sources of support, the family may experience increased stress and disruption to the development of each member. Their attempts to adapt may distort their participation in other relations, roles, and activities in ways that create even more family stress and long-term difficulties.

Bronfenbrenner's definition of development is also important in divorce because each parent as well as each child has an understanding of marriage, divorce and step-families they have developed from their own experiences in the ecosystem. Their understanding guides their reactions and their activities in efforts to cope with their specific situation. Children's understanding and coping may be quite different from their parents' understanding, presenting an additional challenge for parents in their attempts to help their children cope.

The concepts of macrosystem and chronosystem are relevant because the macrosystem includes the beliefs, common practices, laws, and regulations relating to divorce, while the chronosystem points to ways in which all of these have changed over time. Often parents' understanding is out of step with each other, and/or out of step with the macrosystem represented by Family Court. Such mismatching beliefs or understanding result in conflict between parents, different expectations of their children, or

unrealistic expectations of the courts or their attorneys. The American macrosystem's values and beliefs about divorce and parenting have evolved in major ways over time. Which parent "gets" the children, how the family resources are divided between divorcing parents, and how parents are expected to relate to each other and divide parenting responsibilities have all changed significantly over the past century (Emery et al., 2005). Awareness of these changes and why they occurred helps professionals understand the reactions and expectations of parents who may be responding on the basis of earlier versions of the cultural beliefs and the laws that manifest them. For instance, early in the twentieth century, fathers controlled the assets and resources of the family, as they were typically the producers of income and expected to retain those resources after a divorce. Current laws assign ownership of family assets equally to both partners, regardless of who actually earned the income. Many couples do not conduct their relationship in alignment with the newer norms, and one or both are surprised and angry when the court divides their assets (and liabilities) equally and assigns child and spousal support in ways designed to equalize the standard of living of the parents. Family scientists can contribute by improving and advocating for education about the differing legal rights and responsibilities of married and co-habiting parents and the allocation of assets and debts when they separate. Another contribution is educating couples on the parenting practices that support children's understanding and skills through the divorce process.

### **Interpreting the Research Literature**

All roles in Family Court benefit from knowledge of family science research and theory. There is an abundance of research literature on the effects of divorce on children, but studies of the processes that affect development are much less available. Bronfenbrenner created his framework to address two beliefs—beliefs shared by other researchers. The first is that research on children can only reveal the processes of development if research includes assessment at more than one point in time (longitudinal or developmental perspective). The second belief is that research must investigate the contexts that children experience (ecological perspective). For support for these beliefs, see Bronfenbrenner (1979, Chapter 1).

If we apply these strict criteria to the large body of research on divorce we may expect, and it is my impression, that the literature is crowded with studies that provide scant useful information to apply in this context. For example, studies of children whose parents divorced compared with children whose parents did not, at only one point in time, can reveal nothing about development and provide no basis for advising families. As Bronfenbrenner (1979, p. 35) insisted, developmental validity requires assessment across time. Similarly, studies that assess nothing about the family system and/or context will not be useful in understanding the reality of adapting to changes in the family ecosystem or advising parents on how to provide a developmentally appropriate ecosystem for their children.

In Bronfenbrenner's model, it is crucial that research be longitudinal, to enable inferences about development, and that ecological factors of importance be assessed, so their role in shaping development during separation and divorce can be revealed. The most useful research examines all members of a family over time, focusing on emotional relationships, changes in settings and activities, and the broader ecosystem the family participates in, including extended family and friends, school and other community settings, new partners, resources, and risks. Examples of such studies are presented in the work of Constance Ahrons (e.g. Ahrons, 1994; Ahrons & Rodgers, 1987) and Mavis Hetherington (e.g. Hetherington & Clingempeel, 1992; Hetherington & Kelly, 2002).

There is much need for good sound research on families experiencing divorce that integrates both developmental and ecological perspectives. Family scientists are prepared to assess the developmental and ecological validity of research and its limitations and to sort the useful studies from

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the rest. It is essential that professionals working with divorcing families be mindful of the current limits of the science and the potential harm of many personal opinions and myths.

While Bronfenbrenner's model is well-established in contemporary research and practice in human development and in family science, it is not as prominent in the study of separation and divorce. Reports of the classic research of Ahrons and Hetherington cited above do not reference Bronfenbrenner; nor do they refer to the notions of ecology or ecosystems. More recent research similarly is seldom guided by ecological systems theory.

As mentioned earlier, marriage, as well as divorce processes and their meaning have changed significantly over the past half-century. For a recent update on trends, see Raley and Sweeney (2020). Older research may not reflect current situations, and advice based on old research may be inappropriate today. It is helpful to place research studies on a timeline for historical perspective on the generalizability of their findings to current families. Effects on children may have differed across time because the expectations of parents have changed or because the options or resources available to them may have been different. Bronfenbrenner's perspective requires us to consider changes in these ecological factors to understand the processes involved in creating differences in research conclusions over time and the recommendations appropriate to make from them.

Another set of trends in research regards who marries, who has children, and who divorces. Berger and Carlson (2020) describe the increasing complexity of American families. One steady trend is that fewer couples are choosing to marry, even after they have children. In my early efforts to provide education for parents in Family Court, I learned that in the counties where we worked, 25 to 30% of families with children who were separating had never been married. They still appeared in Family Court and in our parenting workshops because they were seeking approval of their parenting agreements. One result of this phenomenon is that research on divorce often does not include such families because researchers use divorce records to obtain their samples, not parenting agreements. Unmarried couples who separate do not appear in such samples, even though they and their children have similar experiences. Raley and Sweeney report in their decade review that "researchers are also increasingly interested in the dissolution of cohabiting unions" (2020, p. 83).

Knowledge of research literature is central to most roles family scientists might occupy in Family Court. Bronfenbrenner's model provides critical guidance for understanding, interpreting, and applying the research.

### **The Ecosystem of Family Court**

One significant application of Bronfenbrenner's model is the recognition that Family Court is an ecosystem itself, with a microsystem of roles, relations, and activities, a mesosystem of relations with other settings, and a macrosystem of values and beliefs represented by laws, regulations, and practices. Those who participate in Family Court over time develop understanding and skills consistent with the ecosystem in which they practice. Most divorcing families have little or no experience in this ecosystem setting, and little understanding of it. Some courts include people with roles designed to help people inexperienced in the setting. Family advocates, family case managers, and guardians ad litem are such roles. One of my earliest involvements in Family Court, at the request of a judge, was to produce guidelines for parents and attorneys on "Divorce Etiquette" (Shelton, 1991), to help encourage appropriate activities and roles among participants. Parent education programs often include information about what is expected in court; what parents can experience; the purposes of the court; and what it will not do, such as punish parents who have wronged their spouses. Such efforts are consistent with

Bronfenbrenner's model because they support more valid understanding and expectations of the court ecosystem.

The macrosystem manifested in Family Court is important because the laws and policies that are part of the macrosystem often do not support family relationships. Clare Huntington's excellent book, *Failure to Flourish* (2014), applies developmental and ecological perspectives to critique the impact of family law on family relationships and to suggest changes more compatible with family system theories. For example, structural family law--the policies and legal system that define the state's role in family life--should recognize a broader range of families, and aim to provide all parents support for maintaining stable family relationships (2014, p. 110). As another example, Huntington proposes that in cases of family re-organization, family law should focus less on adjudicating the rights of parents and more on supporting, maintaining, and repairing the relationships between family members (2014, p. 109). The latter suggestion recognizes that divorce rarely ends the ongoing relationships between parents or between parents and children, but divorce processes often hinder the possible future improvement of those relationships.

This situation carries significant implications for Family Scientists conducting family evaluations and making recommendations for parenting orders. It is possible to find oneself working within a context that makes co-parenting more difficult and limits the available options. In some situations, it may be useful to explain to parents that in the ecosystem of Family Court, there are no "Family Police" who will check up on how they are following the orders of the Court. They are free to adapt and evolve many aspects of their parenting plan in any way they agree to. Only if they disagree and one of them petitions the court will they have to re-appear in court and defend the actions they have taken. Designing and advocating for changes in policy to address the kinds of problems Huntington identifies are responsibilities for the field of Family Science.

### **Conducting Family Evaluations**

When parents cannot agree on parenting arrangements for their children, they are typically advised to use alternative means of dispute resolution, including mediation or family counseling, rather than litigating their disputes in court. The legal system is designed to make decisions between parties following law, rather than deciding how people who disagree should tailor their lives to raise their children. When faced with disagreement, courts have increasingly relied on expert opinion and professional evaluators to recommend how the court should decide between disagreeing parents or order a court-determined parenting scheme. This trend has changed the ecosystem of the courts significantly, not always with beneficial impacts on families.

My career has involved conducting family evaluations in such cases, often at the request of attorneys representing children whose parents cannot agree. I have also reviewed evaluations done by other evaluators and advised parents and attorneys when evaluations conflicted or recommended judicial decisions considered unworkable. In my doctoral training in child psychology, home visits and joint parental interviews were important elements of the diagnostic assessment process. When I began to do forensic evaluations for custody disputes, there was little literature on conducting them, so I was guided by my training and by Bronfenbrenner's model of development. As a psychologist and family scientist employing developmental and ecological perspectives, I am often puzzled by evaluators' reliance on standard psychological tests in these evaluations and by their failure to interview parents together or to observe parents and children in their familiar home settings. Psychological tests may be useful for determining psychopathology and personality styles, but most divorcing families include parents who are not pathological and there is scant evidence supporting the ability of personality tests to predict

parenting effectiveness. For references supporting the lack of validity of the typical evaluation process, see Emery et al. (2005) and Rappaport (2022).

Bronfenbrenner's model suggests that assessment of a family is most likely to be ecologically valid if it is conducted in the ecosystem they normally participate in or one most like it. The relation between the two parents is an essential ingredient in the transition to a binuclear family. Their communication and emotional responses to each other are among the most frequent occasions for conflict between them. Assessing that relation by interviewing the two parents separately has dubious validity. A joint interview in which they are both trying to demonstrate to the evaluator how well they behave and how reasonable they are provides a realistic test, and in my experience is a very useful procedure for assessing the parents' relationship. Their behavior and presentation during the interview indicate the potential for an effective co-parenting relation. Yet standard evaluation practice, as represented in the work of Benjamin et al. (2018) still does not include a joint interview.

A second way Bronfenbrenner's model can guide an evaluation is in observation of parent-child interaction. Again, ecological validity will be enhanced by an observation of their interaction in the setting they are most likely to interact in—their home. Yet, Benjamin et al. prescribe an observation in the evaluator's office, where standard materials are available, and the parent is instructed to play with the child. The observations are videotaped. This seems to be a stress test unlike most situations parents would arrange for their children. The purpose of the evaluation is to assess each parent's ability to parent, which as suggested earlier includes establishing and maintaining a safe and comfortable environment for the child. In most cases, by the time an evaluation is conducted, parents have established at least temporary residences for themselves and their children. Yet, Benjamin et al. (2018) limit home studies only to those cases where neglect or abuse are alleged by a parent. Again, in my experience, visiting the residence of each parent while the children are present, observing interactions in their normal setting, and sometimes eating a meal with the family, provide an opportunity to assess the microsystem of the home and the children's interactions with the parent in familiar surroundings. Certainly, the home visit introduces a stranger to the microsystem and creates potential anxiety for the parent, but the evaluator obtains much more ecologically important information than can be obtained in an office situation.

The Association of Family and Conciliation Courts recently published a new set of guidelines for parenting evaluations (2022) that is quite extensive and recommends many practices that are sensitive to past criticisms. They are the most appropriate guidelines available. Nevertheless, they are not informed by any evident family science theory or research (no references are provided). They do specify some procedures that are more consistent with a developmental and ecological perspective, including that all children living in the home, including stepsiblings, half-siblings, foster siblings, and other children should be interviewed. They indicate that the relationships between each child and all adults living in a residence and participating in caretaking should be assessed. The guidelines do not specify that observations or interviews should be conducted in the child's home. They specify that "the nature of the co-parenting relationship between the parents" should be assessed (p. 21), but do not specify whether the parents should be interviewed together. And again, they specify that the "child's relationships with extended family and significant others" should be assessed (p. 21), but do not prescribe observation of the relationships or interactions. Thus, the guidelines identify developmentally important elements of the child's ecosystem, but do not require direct observation of those elements, the most ecologically sensitive assessment process.

A second difficulty with the evaluation process is that the legal guidelines for determining how to compare the two parents and assign responsibility ("custody") have changed over time. Early in the

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twentieth century, as noted above, responsibility for children was routinely given to fathers, as children were treated as property and women did not have property rights. That standard was replaced by the “tender years” doctrine, which reflected professional opinion that mothers were essential to the well-being of infants and young children. In the mid-twentieth century, many jurisdictions adopted the principle of “the best interests of the child.” This led to the flourishing of psychological experts assigned to advise courts on what those interests were and how to assess them. Custody was typically assigned to one parent. Over the same period, as gender and parenting roles have evolved, shared responsibility and co-parenting have become much more common and even expected.

The evaluation process conflicts in another way with Bronfenbrenner’s model in that it does not address potential development in response to ecological changes. Evaluators and judges often base their opinions or decisions on parenting behavior prior to separation. A commonly cited principle from psychology is that the best predictor of future behavior is past behavior. This principle has even been proposed to be the guiding rule for custody determination, under the label of the “Approximation” rule (Scott, 1992). On the basis of this principle, post-divorce parenting is supposed to “approximate” the division of time spent parenting by each parent before the divorce. In their extensive critique of custody evaluations, Emery et al. (2005) endorse the approximation rule because it is clearer than the best interests of the child principle. I suppose that the general principle might be useful, but following the guidance of Bronfenbrenner’s model, it is necessary to add that the best predictor of future behavior is past behavior only if one assumes there will be no development and no ecological change. Each of these conditions, of course, means that the principle is highly questionable when applied to parents, since they are likely to continue to develop, especially as they experience parenting on their own, and they definitely are not going to parent in the same ecosystem, as they will not be living with the child’s other parent. The division of responsibility for parenting and household work assumed by a couple sharing a household is not likely to be the same as the division of responsibility or work assumed by a parent living alone with children.

It is reasonable to conclude that the current basis for parenting determinations is vague and difficult. It tends to be based on precedent and opinion more than on any other standard. For that reason, court practice has come under significant criticism (Emery et al., 2005; Rapaport, 2022). There is great need for Family Scientists to contribute to better understanding and practice on behalf of families.

Berger and Carlson (2020) recently reviewed contemporary research and family policy regarding complex families and observe that contemporary families are becoming more diverse and complex. They emphasize that current policies often do not apply consistently or well to the more complex family forms and relationships now seen. Both trends are showing up in Family Court and are not well represented in research or practice, challenging the professionals who work with divorcing families. Understanding changes over time in marriage and divorce has also been important in consulting with attorneys on specific cases, and in training, as Family Courts are seeing more never-married couples establishing co-parenting agreements, even when their relationships have been very short, and they may never have co-habited or developed any sort of stable couple relationship.

Another very recent experience is divorcing same-sex couples, and establishing parenting agreements regarding children for whom only one of the partners is a biological parent (Langenbrunner et al., 2020). In some cases, the biological parents are divorced and the second same-sex parent is a step-parent. In other cases, a child is the adoptee of one or both same-sex parents. In such cases, the court has no precedent, and there is scant research on such families. In these cases, Bronfenbrenner’s theory can be a useful guide for establishing agreements that recognize the unusual circumstances and focus on establishing stable ongoing relationships and ecosystems for the children. Family scientists can

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make a significant contribution to these diverse families by conducting appropriate research on how they function and how they negotiate the processes of separation and co-parenting.

### Case Illustration

*How adopting Bronfenbrenner's developmental ecological systems model has shaped my practice is illustrated in a case in which I was retained to provide a family evaluation for a divorcing couple with three children, ages 4 to 10. The family had lower socioeconomic status, both parents being high school graduates. The father worked providing homeowner services; the mother was a retail salesperson. The mother had filed for divorce, alleging the father was an abusive alcoholic. She was involved with another man. The father had moved from the home at her request but had not yet established a permanent residence, living temporarily with friends and family members. Nevertheless, he was spending time with the children regularly and caring for them whenever the mother needed. He called them every evening to say goodnight and read stories to the youngest over the phone. The mother was requesting nearly full-time parental responsibility and only minimal parenting time for the father, citing his alleged irresponsibility and abuse.*

Allegations of abuse always must be carefully investigated. A thorough interview and home visit process included interviews with extended family and friends of both parents and with the father's employer. These and other indicators cast doubt on the mother's allegations of abuse, alcohol misuse, and unreliability. The father was reported to be highly reliable, considerate, and hard-working. The children had no complaints about abuse and reported that he never said negative things to them about their mother or her situation. On the other hand, they reported several concerns about her, her new partner, and their responsiveness to the children. My observations in the home and in the father's temporary residence substantiated the children's views. I observed a loving and attentive father with children who clearly enjoyed their transactions with him and felt confident and secure in his presence. In contrast, I observed a disorganized relational environment with the mother, the children trying to behave and cooperate while her requests were unclear and her responses to the children somewhat critical or inattentive. Her new partner attempted to carry out a parenting role in a way that was intrusive and without understanding.

Individual and joint interviews and communications with the parents strengthened my impressions that the father was thoughtful, open, and considerate, the mother less mature, more self-centered, and manipulative. The new partner was inexperienced with children or parenting, certain he knew everything he needed to know to run a family, and unable to consider alternative views. My recommendations for more equally shared parental responsibility reflected the understanding I had developed. In the hearing before the judge, family members and friends of the mother supported the view she had reported and testified that she was a mature, competent, loving mother. The judge was swayed by these reports and ignoring my report and testimony, assigned parental responsibility as the mother had requested, but did support the father's continued occasionally caring for the children and communication by telephone.

The father was disheartened by the false testimony and rejection of my recommendations. Bronfenbrenner's theory guided my subsequent conversation with him and my advice. Assuming my assessments of the adults and of the children's relations with them were valid and knowing that the children would develop and adapt to the ecosystems and relationships provided by the adults, I advised the father to continue exactly as he had been conducting his parenting. Consistent care and attention, adult responsibility, and helping his children as they negotiated their lives, while not criticizing the other adults were key. He had shown his ability to do those things. Assuming the mother and her partner were

not likely to create supportive relationships or a secure home microsystem for the children, conflict and dissatisfaction were likely. Understanding that Family Court does not encompass a role for “Parenting Police,” I advised the father to simply continue being a good dad and to be open to his children when they inevitably would decide they would rather spend time with him. In fact, within a few years, all three children were residing primarily with their father, doing well in school, and popular among adults in their neighborhood.

This example demonstrates the value of using Bronfenbrenner’s framework to determine appropriate elements of the evaluation, including assessments in context and observation of the relational transactions of parents with each other and with their children. It also illustrates the use of prediction of an ongoing developmental process affecting family members’ adaptation to their changing circumstances. The eventual outcome in this particular case is not unusual for divorcing families. They often structure themselves quite differently over time. Court custody determinations guided by family evaluations done in the usual way lead to parenting structures that may not accommodate children’s or parents’ changing needs. The current research literature contains little focus on the parenting adaptations of divorced families over time. Family Scientists would make a significant contribution to understanding these families if they used Bronfenbrenner’s model to design long-term studies of the parenting adaptations of divorced families.

### Discussion

This article presents a number of important points that deserve further consideration. It supports the belief that Bronfenbrenner’s ecological systems framework is a generalizable and powerful tool for understanding family transitions, including separation, divorce, and repartnering. The integration of developmental and ecological perspectives is essential to capturing the complexity of family systems. It is, however, only a framework. To apply it requires the user to fill in the details of development and of the ecosystem in which the development and the participants are embedded. Bronfenbrenner (1979, p.9) explains that his “conception leans heavily on the ideas of Piaget.” A constructivist understanding of development is necessary to applying the framework. Erikson’s psychosocial theory of development (1950) provides a way to understand divorce at different times in life, as well as the responses and coping attempts of family members in different stages of development. Bowen’s family systems analysis of emotional relationship patterns helps understand the ways family members respond to anxiety and attempt to control other members and their own emotions (Bowen, 1978; Gilbert, 2017; Kerr & Bowen, 1988). Bronfenbrenner identifies affect, power, and reciprocity as important aspects of relationships but doesn’t go into the kind of detail Bowen does. Bowen’s analysis is particularly helpful in assessing resistance to change and the ways family members try to cope with anxiety raised by conflict. These are examples of how other theories can work with Bronfenbrenner’s model to enrich our understanding. Family scientists need to understand and be able to apply a variety of developmental and family system theories to address the wide range of potential situations of interest.

In addition to theories of development and family systems, using Bronfenbrenner’s framework requires knowledge of the institutions and social systems that occupy the ecosystem and that family members participate in. The macrosystem of beliefs and values, the legal and regulatory systems of the society, education, health care, social services, communities, and so many other elements provide the details of the experiences that shape families. Bronfenbrenner’s model requires awareness of these various systems, how they work, and how they interact. Well-prepared family scientists have background in all of these and are skilled at identifying and analyzing the contexts specific to the families and situations they study and practice in.

More specifically, the work and careers described here involve a sequence of transitions—separation, divorce, single parenting, and repartnering--and an ecosystem context—Family Court—that have not been prominent targets of family theory. Several aspects have been identified where neither Bronfenbrenner’s model nor other family theories have been applied, suggesting fertile opportunities for family scientists to break new ground, improve our understanding, and potentially enhance the ability of families to cope more effectively with the transitions. Applying integrated developmental and ecological perspectives to these transitions and to the processes families are subjected to could result in more effective education, helping services, policy, and legal procedures, to the benefit of children and parents.

Additionally, several areas in which research is lacking invite family scientists to design and execute studies necessary to explore emerging trends and neglected topics. The trend toward more complex family systems along with the related trend toward more second and third marriages with children open many new areas for research. With more parents and children with diverse sibling relationships, these more complex family systems will be more difficult for divorced parents to manage and negotiate, and more difficult for children to adapt to comfortably. Research on parenting would benefit from greater attention to co-parenting of biological children and their step-siblings and half-siblings.

For studies to be of practical use, they should apply a model such as Bronfenbrenner’s and aim for valid longitudinal and ecological data. Researchers must be aware of the importance and the difficulty of using Bronfenbrenner’s model for research, and study the analyses and guidelines provided by Tudge and his associates (Tudge et al., 2009, 2016).

Another area for research focus is confirmation of Bronfenbrenner’s framework itself. Bronfenbrenner’s first major presentation of his ecological perspective in *The Ecology of Human Development: Experiments by Nature and Design* (1979) appeared 45 years ago. He included 50 hypotheses for research to test his analysis. Family science and human development would benefit from critical reviews of the pertinent research to assess the current validity of each of those hypotheses. Most have some face validity, and the framework is useful in analysis, as I hope I have demonstrated. But Bronfenbrenner envisioned researchers actively testing the hypotheses in rigorous research to build a better understanding of the ecological conditions that support human development and to apply that understanding to benefit children and families. His grand vision for research has not yet been realized.

A number of family science careers share interest in the topic of divorce. Several are directly involved in Family Court, and others benefit from understanding of the legal components that affect families. All of them require knowledge of development and family system theories as well as relevant research and practice skills. It is difficult to imagine any family science role that would not be more effectively served by knowledge of the integrated developmental and ecological perspective in Bronfenbrenner’s ecological systems theory.

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