

Protecting Clients Who Are Divorcing Someone with Borderline or Narcissistic Personality Disorder

It's difficult to find balance in the roller-coaster ride imposed by someone suffering from a personality disorder.

By Elisa Reiter and Daniel Pollack | August 4, 2021



What You Need to Know

- Approximately 15 percent of adults in the United States meet the criteria for a personality disorder, according to the DSM-5.

- Divorce cases today are complicated by more individuals with borderline and narcissistic personalities.
- Cases involving a party with a personality disorder can easily morph into lifetime cases.

Bill Eddy, LCSW, JD (attorney, mediator, clinical social worker, and kindergarten teacher), joined with Randi Kreger (co-author of “Stop Walking on Eggshells”) to produce a fully revised and updated second edition of “Splitting,” published in July. Who may be impacted? The authors note that, reading the 5th edition of the “Diagnostic and Statistical Manual of the American Psychiatric Association” (DSM-5), published in 2013, one concludes: “The DSM-5 states that approximately 15 percent of adults in the United States meet the criteria for a personality disorder (APA, 2012, 646), which is equal to or greater than the percentage of adults with a substance abuse disorder.”

The first edition of “Splitting” was published in 2011. The most significant changes in the 2nd edition are details about dealing with anti-social personalities as well as the addition of a new chapter, “Presenting Your Case.” Eddy and Kreger note that in addition to seeing divorce cases complicated by individuals with borderline and narcissistic personalities, there appear to be more cases involving individuals with anti-social personality disorder. Further, the means of checking on families where domestic violence is an issue were complicated by COVID. Moreover, courts might excuse

aberrant behavior as situational or inappropriately allow blame to be shifted to the (more) reasonable parent.

In Chapter 7, Kreger highlights certain issues that are often raised in family court in regard to protective order applications:

1. Substance abuse;
2. False allegations of substance abuse;
3. Child abuse;
4. False allegations of child abuse;
5. Domestic violence;
 - a. Coercive controlling violence
 - b. Situational couple violence
 - c. Separation-instigated violence
 - d. Violent resistance
6. False allegations of domestic violence;
7. Legal impact of findings of abuse;
8. Parental alienation;
9. False allegations of alienation;
10. Relocation issues;
11. Financial manipulations;
12. False allegations of financial manipulations.

How does one spot a liar? Look for clusters and patterns. Keeping a written record of events can be crucial for the litigant, and for his or her advocate. Judges may not be familiar with borderline personality disorder or other personality disorders. Is there a day in family law practice when we do not hear someone accused of being a narcissist, or of engaging in parental alienation? Eddy and Kreger note the importance of not simply using labels, but of digging deeper (at 188):

Don't use the term "personality disorder" in court unless someone else brings it up. Explain patterns of behavior to evaluators and to the judge by providing detailed, accurate examples. Then explain why you are concerned that these patterns of behavior are not going to change unless there is court intervention (sanctions, restraining orders, changes in the parenting plan, and so forth).

For instance, the authors give the example of someone who has a borderline personality disorder, and is low-functioning. Such an individual may be prone to self-harm and to expressing suicidal ideations. They may be unable to control their emotions, frequently flying into impulsive rages, often criticizing and blaming others. A person with a low-functioning borderline personality disorder often remains in denial, projecting blame onto others rather than taking responsibility for their own acts or omissions. While this person might engage in therapy for a time, he often leaves therapy, or refuses to take the process seriously. He might engage in self-medication (through alcohol abuse, substance abuse, or financial issues). There is often a huge impact on family members who are left to try to find a counselor willing to work with an often-noncompliant patient, a patient prone to self-destructive or inappropriate behavior. Family members try repeatedly to resolve situations, exhorting their borderline relative to get professional help.

Expert witnesses are often needed to explain why:

- A person with a personality disorder can constitute a danger to the family unit that may not be obvious;
- Individuals suffering from personality disorders may not be credible witnesses as to their own acts or omissions;
- Individuals suffering from personality disorders may not be credible witnesses as to their spouse's acts or omissions;
- Individuals suffering from personality disorders often defy court orders.

Consequently, family law practitioners learn not to trust the opposing attorney, and to sometimes have a willing suspension of disbelief as to our own client. A person with borderline personality wants his advocate to be the savior, and to extract revenge on the opposing party for abandonment. A person with borderline personality disorder will love—until he hates—the very person or thing he once loved. And if things don't progress as he thinks it should, that hate will be manifested as a projection from his despised spouse to the attorney he feels should have been his hero. Blame is abundant.

What happens when we go to court? Emotions are exacerbated. If you are dealing with a blamer, his hope is to extract a pound of flesh, and to “seek validation of their cognitive distortions” (at 193). Such people search for attorneys described as “mad dogs,” “ferocious,” or “bullies.” They want someone who buys into their story rather than questioning them, their perceptions, or their motivations.

In the all-new Chapter 14 to Splitting, Eddy and Kreger make the following recommendations (at 225-229):

1. Write up three or four patterns of behavior that are troublesome. In lieu of a chronological (often lengthy) summary, they suggest presenting three or four instances or patterns of the most concerning aspects of behavior demonstrated by the party with a personality disorder. Highlights might include:
 - a. Violent behavior toward the children made the subject of the litigation;
 - b. Undermining the other parent's relationship with the children;
 - c. Lying about the other parent; for instance, by initiating a call with Child Protective Services;
 - d. Create a summary of desired orders;
 - e. Present testimony in support of the requested relief.

Eddy and Kreger are simple, thorough and easy to read. In addition to addressing the divorce process, they also address ways of enhancing a party's relationship with another parent suffering from a personality disorder. They understand that cases involving a party with a personality disorder can easily morph into lifetime cases. They urge balance, in court and outside of court. It's difficult to find balance in the roller-coaster ride imposed by someone suffering from a personality disorder, but reading the "Splitting" will make for an easier ride.

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