

Trevor Todd and Judith Milliken QC

Dysfunctional Families



Some years ago, *The Vancouver Sun* ran a feature reporting that 1 in 3 British Columbians expects to be disinherited by his or her parents.

My reaction? Likely another 15 to 20 percent will be very disappointed on the death of their parents to learn they have been disinherited.

One is easily convinced, practising estate litigation, that nowadays there are more dysfunctional than functional families. Indeed the dysfunctional family is the bread and butter of my practice. With the growing number of second marriages and blended families, the numbers are ever increasing.

In this article I hope to share some of my experience and insights into dysfunctional families. I do not pretend to have any scientific expertise, only a wealth of practical experience dealing with the financial, emotional, and psychological aftermath of such families.

What is a Dysfunctional Family?

Most of us grow up believing our own family is “normal.” It is only with life experience that we may come to

recognize there is perhaps “something unusual” about our own upbringing and family life. We may also come to realize that many families are unfortunately not the happy, healthy families to which we all aspire.

Typically a dysfunctional family is one where the relationships between parents and children are strained and unnatural. Although there may be many different root causes, such families usually involve one or more family member with a serious problem that impacts every other member of the family.

Many families may seem normal at first glance. Scratch the surface, however, and some surprising relationships are exposed.

In turn, the other family members adopt atypical roles and behaviour that allow the family to function on a basic level. For example, an older child may assume a caretaking role toward younger siblings to cover for an alcoholic mother.

In my experience, a dysfunctional family often means parents fail to

adequately provide for their children’s emotional, psychological, and/or physical needs. Such children often suffer from low self-esteem all their lives. Needless to say, this impacts every aspect of their lives, from jobs to marriages to financial security.

Many families may seem normal at first glance. Scratch the surface, however, and some surprising relationships are exposed. For example, a recent case involved a family who, 4 days before the death of the patriarch, learned that he had another family in another city. You can imagine the profound shock and grief caused by this deception. The surviving family questioned their basic beliefs about who they were.

Types of Dysfunctional Families

The following are examples of patterns occurring in dysfunctional families. Although I have separated them under discreet titles, there are no clean lines. More than one such problem behaviour often occurs in the same family setting.

1. Addiction

In this scenario, one or both parents have addictions relating to drugs, alcohol, gambling, sex, work, or food. Any such addiction can clearly have strong negative effects on other family members.

For example, I had a case where a crack cocaine-addicted father lived in a crack house with a crack-addicted prostitute. When he visited his wife and children, he stole and pawned his young son's sporting equipment. This addict then moved in with his elderly father and turned his home into a crack house. The father disinherited him.

More common in my experience is alcohol abuse, which is extremely destructive, as well. Often the children of alcoholics vow never to drink, but many unfortunately go on to repeat the pattern themselves.

2. Physical Violence

In such families, one or both parents use physical violence as a means of control through intimidation. The children may be the victims of violence and may be forced to witness their mother being beaten, to participate in punishing siblings, or simply may live in fear of explosive outbursts. Such children frequently grow up with anxiety and depression issues.

What is more, they are far more susceptible to being abused again by others. Boys raised in such families are also at a much higher risk of becoming abusive husbands.

One extreme case involved violence that began during a second marriage many years after the children had left home. In this case, an elderly widower dated and quickly married a young female escort. She soon isolated him from his adult children, had his Will redrawn in her favour, and began to operate her escort service "specializing in seniors" out of his home. Within a few months of marriage, she physically beat the elderly man to death and was ultimately convicted of murder.

3. Lack of Emotional Support

In these families, one or both parents fail to provide their children with adequate emotional support (often they also fail to provide basic physical and financial care at the same time). For example, one case involved a man who had simply been ignored as a child and left to fend largely for himself. He grew up to be an emotional cripple who completely

lacked social skills and lived a very isolated existence. Thus he was awarded a large share of his parents' estates. He would need those funds to survive since he was effectively unemployable.

Religious Fundamentalism and Rigidly Dogmatic Beliefs

Such families frequently involve parents who exert a strong authoritarian control. These families rigidly adhere to a particular belief, sometimes religiously or culturally based. Compliance with cultural or religious expectations is not expected; it is *demand*ed.

As more cases of family sexual abuse surface, it is clear that sexual abuse by a parent or quasi parent will produce lasting emotional scars on his or her victim.

An extreme example of such behaviour would be the family "honour killings" of which we read from time to time. These involve male family members killing a female member because she is believed to have "brought shame" on the family. In my own practice, I had a case involving an overly strict mother who put down the family dog because her daughter's girls did not keep their room clean enough.

1. Overly Possessive Parents

I have had many court cases involving overly possessive parents who exploit their children, treating them as possessions whose primary purpose is to respond to the parents' needs. They often do not encourage their child to become independent. This sometimes results in the scenario where one child, typically the youngest, never leaves home. Instead the child cares for the parent until death and is often "rewarded" or "compensated" for his or her "sacrifice." Most often, the other siblings view him or her as a freeloader.

It is sometimes amazing to hear the childish emotions these situations continue to evoke in adult children. In one case, I represented a youngest child who had never left home and who was rewarded with privileges and a larger inheritance than his four older siblings. At the examinations for discovery, I asked his older sister why the others hated my client so. She responded, "Because he was allowed cheese sandwiches before bed and we were not."

2. Sexual Abuse

As more cases of family sexual abuse surface, it is clear that sexual abuse by a parent or *quasi* parent will produce lasting emotional scars on his or her victim. Typically it is the father or stepfather who sexually abuses a daughter or stepdaughter. It is surprising, however, how frequently mothers ignore the disclosures of abuse and deny that their husband (and breadwinner) could have perpetrated such acts. This failure to believe and to protect the child only aggravates an already difficult situation.

One case involved the death of a father who had divided his estate in equal shares among his children and one grandson. When I questioned his daughter for the motives for such a distribution, I was surprised to learn she was the mother of her father's child.

Conclusion

Every family varies greatly in the frequency and severity of dysfunctional interactions. When such unhealthy patterns become the norm rather than the exception, however, they foster abuse and/or neglect.

In dysfunctional families, children may be forced to take sides in conflicts; they may be ignored, discounted, criticized, or abused. Other parents may be inappropriately intrusive and overly involved and protective. Many children of dysfunctional families, however, complain that their parents were emotionally distant and uninvolved in their lives.

The fundamentalist family may provide excessive rules while the drug-addicted parents may provide no

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guidelines or structure. Some children may be rejected while their siblings receive preferential treatment. Children may be slapped, punched, kicked, or emotionally abused and locked out of the house. Some children run away or leave home at an early age. Others never leave.

The bottom line with all dysfunctional families is that such abuse and neglect inhibit the development of healthy adults with healthy relationships. As adults, such people often have difficulty in judging character and trusting others and themselves. They often experience difficulties in their workplace, in their relationships, and with their very identities.

What is more, in the world of the estate litigation, they are often disinherited. ▲

Trevor Todd restricts his practice to Wills, estates, and estate litigation. He has practised law for 32 years and is a past chair of the Wills and Trusts (Vancouver) Subsection, BC Branch of the Canadian Bar Association, and a past president of the Trial Lawyers Association of BC. Trevor frequently lectures to the Trial Lawyers, CLE, and the BC Notaries and also teaches estate law to new Notaries. His Website includes 30 articles on various topics of estate law.

Judith Milliken QC has practised law for 31 years in the areas of commercial law, criminal law, and most recently estate litigation. She teaches legal English and assists her husband Trevor Todd in his estate litigation practice.

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