

## FIGHTING FIRE WITH FIRE: WHAT TO KNOW WHEN DIVORCING A SPOUSE WITH NARCISSISTIC PERSONALITY DISORDER

Originally Posted on April 26, 2016

*Trending in divorce is a spouse's "Narcissistic Personality Disorder." If you find yourself in this situation, it is important to truly understand what a narcissist is, in order to then tackle the bigger issue of how to disarm the narcissist during the divorce process.*

**By Neena Tankha, Partner, Moses Richards Notaro & Tankha, LLP**

**NEW YORK, NY – APRIL 26, 2016** – After years of representing clients in highly contested divorce and custody cases, I like to think that I've heard every possible reason for getting divorced. But recently, there has been an influx in clients seeking a divorce because of their spouse's "Narcissistic Personality Disorder." If you find yourself in this situation, it is important to truly understand what a narcissist is, in order to then tackle the bigger issue of how to disarm the narcissist during the divorce process.

Narcissism, on a basic level, is characterized by a fundamental need to maintain feelings of self-worth. According to Dr. Jonathan Gould, a Board Certified Forensic Psychologist, specializing in forensic psychological consultation for family law, "Narcissism exists on a continuum from mild to severe. Almost everyone falls within this continuum by having some level of narcissism in their personality." Healthy narcissism is important in everyday life. People need to feel a sense of self-worth and confidence in what they do and a sense that what they do is valued by self and by others. Unhealthy or pathological narcissism can interfere with everyday life. Individuals with unhealthy narcissism often are unable to recognize the effect they have on others and have an overly inflated sense of their worth and a belief that they can do no wrong. They believe that they are entitled... to anything!

But based upon my litigation experience, many of my clients are not seeking divorces from the healthy narcissists who generally have positive self-esteem and can maintain high quality interpersonal relationships. Rather, they are struggling to break free from the pathological narcissist. Although the narcissistic persona protects the person from the outside world knowing about his/her low sense of self-esteem, the outward appearance is one of grandiosity. When challenged, the pathological narcissist often responds with attacks. These attacks may come in the form of violent verbal or physical outbursts, displaying little empathy for others and showing little, if any, ability to forgive others. The pathological narcissist can be manipulative, self-centered and vengeful, seeking to even the score at every turn.

Unfortunately for their spouses, the pathological narcissists can often times be Dr. Jekyll and Mr. Hyde. The pathological narcissist is often viewed by others during initial meetings as gregarious, seductive and wonderfully charming. Yet below the surface lies an overwhelmingly self-centered, egomaniacal side of this person, which a spouse must deal with on a daily basis.

Given the narcissist's ability to manipulate others, clients often are concerned as to what effect their spouse's narcissistic personality disorder will have on their divorce. Specifically, clients become worried that the narcissist, when wearing his/her "charming face" will be able to dictate the outcome of the case by manipulating the attorneys, the experts or even the Judge. This is where it becomes essential to know how to disarm the narcissist during the divorce process.

For purposes of this article, I will use this fact pattern:

*Tracey's soon-to-be ex-husband, Alan, has narcissistic personality disorder. Alan insists on having sole custody of the children, despite never having previously been their primary caretaker. When Tracey tried to discuss this issue with him, he insisted that Tracey either agree to Alan having custody or he will bury her in legal fees and will convince everyone in their social circle that Tracey has a substance abuse problem. Given Alan's status in the community and his ability to manipulate others, Tracey feels intimidated and trapped.*

Before discussing what Tracey and her attorneys should do, it is important for spouses to understand what Tracey should *not* do. Tracey should not engage Alan in a power struggle or in psychological warfare. This type of engagement is exactly what fuels a narcissist's fire, and more importantly, it will never produce a favorable result for Tracey. While Tracey will be left feeling frustrated, Alan will only thrive from his sense of empowerment.

Another "should not" for Tracey is to try and convince the Judge that Tracey should have custody of her children because Alan has narcissistic personality disorder. It is a common misconception among clients and even attorneys that being a narcissist is indicative of being a bad parent. However, simply using a broad brush stroke to label someone as a "narcissist" is not truly an indicator of one's parenting ability. As Dr. Gould explains, "A person can be narcissistically impaired in certain aspects of his/her life, yet not display behaviors that substantially interfere with parenting. It is critical to examine what specific parenting behaviors may be affected by the parent's narcissism rather than just presuming that the label "narcissism" provides information to the court about the nature and quality of the person's parenting or about the nature and quality of the child's relationship with that parent."



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Instead, for Tracey to properly show the Judge why Alan should not have sole custody, she must focus on the specific behaviors that Alan routinely exhibits toward the child and/or in his communications with his spouse that make him incapable of being the children's primary caretaker and/or the child's sole decision-maker. Often there will be evidence of the narcissistically impaired parent placing his/her needs above the needs of the children, and not being attuned and sensitive to the child's needs, wants, and desires. Often, the narcissistically impaired parent will show a poor ability to accurately read the child's signs and signals. The impaired parent may also find it difficult to respond to the child's demands in a timely and appropriate manner, leading a young child, in particular, to learn that the impaired parent is non-responsive or inappropriately responsive to the child's needs. Finally, the narcissistically impaired parent may engage in harsh, rigid discipline toward the child, leading the child to develop a sense of fear or mistrust toward the parent.

Tracey's attorneys will likely need to utilize resources, such as forensic mental health professionals, therapists, or parenting coordinators, to assist the Judge in identifying these specific behaviors and to help the court to understand that it is very likely that these negative parenting behaviors are unlikely to change over time, even with therapeutic intervention.

The lengthy discovery phase of a divorce proceeding will provide the attorneys an opportunity to do just that. While some states, such as New York, do not provide litigants an opportunity to take depositions regarding custody issues, there are additional methods that may be used to obtain this important discovery information. In New York and certain other jurisdictions, the Court often will appoint experts to discuss the custodial issues with the children themselves. While the notion of the children speaking directly to a psychologist, parenting coordinator or other expert often causes parents a great deal of anxiety and confusion, it can serve as a very important tool in identifying, from a child's perspective, behaviors that poorly serve the child and are representative of narcissistic parenting behaviors.

For example, suppose that Tracy and Alan's children inform the court-appointed expert that when they are with Alan, he doesn't allow them to have friends over to play. The children further inform the expert that when they are at Alan's home, Alan says the children are there to see him and they are not there to see their friends. Restricting the children's social activities in order to satisfy the parent's need to have the children's complete attention is a classic example of parenting behavior indicative of narcissism. More to the point, whether or not one uses the label "narcissist", the interview data from the children helps to paint a picture of a parent who is self-focused and insensitive to the children's needs, restricts social contact, and exhibits other behaviors that may serve to interfere with the children's healthy movement toward needed developmental tasks.

At trial, Tracey can then present the Judge with specific and detailed examples of all of Alan's behaviors that show how Alan has historically prioritized his own needs over those of the children and therefore has not acted in the best interest of the children. Only when this specific testimony is properly packaged and presented to the Court, can the Judge conclude that Alan has heightened levels of narcissism when it comes to parenting, and therefore, he should not have sole custody of the children.

Dealing with a pathological narcissist can seem like a challenging endeavor. However, those who exhibit narcissistic personality disorder share certain characteristics, and in the context of divorce, it is imperative that those characteristics are understood by a spouse. In these situations, it is equally as important to have an attorney experienced in dealing with litigants with narcissistic personality disorder.

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