e-ISSN: 2637-0743

THE ROLE OF MANDATORY PARENTING EDUCATION IN MITIGATING THE IMPACT OF DIVORCE ON MUSLIMS' CHILDREN

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ABSTRACT

Parental divorce poses significant risks for children that warrant concern, such as hostile conflict, the quality of parent-child relationship and the ability of parents to function effectively. Evidence-based interventions that strengthen parenting skills such as the mandatory parenting program for divorcing parents have been shown to have a positive impact on the divorced families worldwide. The possibility of Malaysia to implement similar regulation has yet to be explored. Given the rise in Muslim divorce cases, the likelihood of poor parent-child relationships following a divorce, and the fathers' noncompliance with child support orders, this study emphasizes the feasibility to create a regulatory framework for positive parenting education among divorcing parents in Malaysia. Past studies in the academic database have been examined with determined keywords. Results showed that supportive legal mechanisms that advocate for a mandatory parenting program for divorcing parents have been implemented mostly in the United States, The People's Republic of China, Singapore and Australia. Such evidence-based programs can be divided into three broad categories which are child-focused programs, child and parent focused programs, and parent-focused programs. In most cases these programs are intended to improve outcomes for the children. Thus, the

evidenced-based intervention in the form of regulatory framework for positive parenting education will contribute to support the parental divorce process when divorce is inevitable. On the other hand, it can educate the public about functional co-parenting post-divorce as the most effective ways to safeguard children's wellbeing.

Keywords: Parenting Education, Divorce, Children, Wellbeing, Malaysia

MITIGASI KESAN PERCERAIAN TERHADAP ANAK-ANAK ORANG ISLAM: PERANAN PENDIDIKAN KEIBUBAPAAN MANDATORI?

ABSTRAK

Perceraian ibu bapa menimbulkan risiko besar kepada anak-anak yang perlu dibinbangi seperti konflik permusuhan, kualiti hubungan ibu bapa-anak dan keupayaan ibu bapa untuk berfungsi dengan berkesan. Intervensi berasaskan bukti yang mengukuhkan kemahiran keibubapaan seperti program keibubapaan mandatori untuk ibu bapa yang bercerai telah terbukti memberi kesan positif kepada keluarga yang bercerai di seluruh dunia. Kemungkinan Malaysia untuk melaksanakan peraturan yang sama masih belum diterokai. Memandangkan peningkatan dalam kes perceraian orang Islam, kemungkinan hubungan ibu bapa-anak yang lemah berikutan perceraian, dan ketidakpatuhan bapa terhadap perintah nafkah anak, kajian ini menekankan kebolehlaksanaan untuk mewujudkan kerangka regulatori bagi pendidikan keibubapaan positif dalam kalangan ibu bapa yang bercerai di Malaysia. Kajian lepas dari pangkalan data akademik telah diteliti mengggunakan kata kunci yang ditentukan. Dapatan menunjukkan bahawa mekanisme undang-undang yang menyokong program keibubapaan mandatori untuk ibu bapa yang bercerai telah dilaksanakan kebanyakannya di Amerika Syarikat, Republik Rakyat China, Singapura dan Australia. Program berasaskan bukti tersebut boleh dibahagikan kepada tiga kategori yang luas iaitu program berfokuskan anak-anak, program berfokuskan anak-anak dan ibu bapa, dan program berfokuskan ibu bapa. Dalam kebanyakan kes, program ini bertujuan untuk meningkatkan hasil kepada anak-anak. Oleh itu, intervensi berasaskan bukti dalam kerangka regulatori pendidikan keibubapaan positif akan menyokong proses perceraian ibu bapa apabila perceraian tidak dapat dielakkan. Sebaliknya, ia juga boleh mendidik orang ramai tentang keibubapaan bersama selepas perceraian sebagai cara paling berkesan untuk menjaga kesejahteraan anak-anak.

Kata Kunci: Pendidikan Keibubapaan, Perceraian, Anak-anak, Kesejahteraan, Malaysia

INTRODUCTION

Each year, millions of children around the globe face family disruption, and in many countries, divorce rates are rising. Recent divorce statistics for Muslims in Malaysia show an increment of 45.8% cases in 2022 (46,138 cases) compared to the previous year (31,650 cases) (Department of Statistics Malaysia, 2023). In 2021, statistics revealed that 45,420 applications for divorce had been filed in the Syariah courts). Selangor recorded 8,811 cases, Johor 5,058 cases, Perak 4,215 cases and Kelantan 4,093 cases. Of the total divorce cases filed across the country, 38,254 cases were successfully resolved, while 7,166 were still pending in the Syariah Court (Berita Harian Online, 2022).

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Parental divorce poses significant risks for children that warrant concern. The three biggest factors that impact children's well-being during and after their parents' divorce are the degree and duration of hostile conflict, the quality of parenting provided over time, and the quality of the parent-child relationship (Pedro-Carroll, 2020). All of these factors revolve around the parents' well-being and capacity for effective functioning. An issue that is always a dispute among divorced Muslim couples is child support. In many situations, it is the father who is more often seen as being negligent in fulfilling the responsibility. Sometimes the cases of defiant fathers goes on for years because there is no cooperation from the parties involved. The Islamic Family Law in Malaysia has undergone a lot of improvement in order to ensure the wellbeing of the children after divorce. In addition to actions to block the accounts of exhusbands who fail to pay child support, there are several other enforcement actions and execution of orders that can be filed in the Syariah Court which includes the execution of wage garnishments, judgment debtor suits, judgment notices, commitment orders, income withholding, seizure and sale and seizure and surrender (Berita Harian Online, 2022).

However, the act of punishing through the law is not the only option available to take care of the welfare of children and divorced families. Evidence-based interventions for children and programs that strengthen parenting skills have been shown to impact children positively and divorced parents worldwide. The most common form of program for divorcing parents is the divorce education. The possibility of Malaysia implementing similar regulations has yet to be explored. Taking into account the increased cases of divorce, the cases of fathers' noncompliance to court orders for child support particularly for the Muslims and the risk of low quality of parent-child interactions post divorce due to hostile relations between the divorced parents, it is timely to explore the possibility for developing an evidenced-based preventive intervention in the form of regulatory framework for positive parenting education among divorcing parents in Malaysia. Therefore, this article reviewed past literature in the academic database using determined keywords such as parenting education, divorcing parents, divorce education and court-mandated parenting education. This effort will be an initial step towards supporting parental divorce process in the most effective ways by safeguarding children's well-being in cases where divorce is inevitable.

PARENTAL DIVORCE AND CHILD OUTCOMES

It has been well documented that children experience multiple and complex reactions when their parents divorce. Research shows that children face negative short term consequences after their parents' divorce such as social and emotional adjustment and decreased academic achievement (Lee & McLanahan, 2015). A heightened risk of long-term consequences were also documented for a significant minority of children into adulthood, including a poorer sense of well-being, lower socioeconomic status, poorer physical health, weaker emotional ties to their own parents – particularly their fathers, over time (Zill et al., 1993)— and a higher risk of divorce in their own marriage (Pedro-Carroll, 2020, Nuraimirah, Norulhuda, & Nur Saadah, 2019). The negative consequences can be particularly severe when divorce is marked by high conflict, infidelity, or violence (Scott et al., 2013).

However, while a prolonged interparental conflict can have enduring negative effects on children's social and emotional wellbeing, others that have been exposed to family violence or child abuse, can have a positive change due to parental divorce (Amato, Kane, & James, 2011). In the same vein, parenting through divorce presents particular challenges to the parents as most of them are facing arduous tasks to achieve parenting goals after divorce. Ongoing conflict, adversarial legal procedures, continuing hostility, enormous stress, which in turn

contributes to children's emotional and behavioral problems makes it difficult for the parents to focus on the children's needs. Therefore, parents need to have access to resources and support to navigate the difficult terrain of divorce, particularly when it comes to co-parenting and children's well-being.

The challenges and problems faced by the children and parents following divorce have compromised the wellbeing of the children although research shows that the outcomes of divorce are not the same for all children. There were studies on the risk and protective factors that put children in jeopardy of negative short- and long-term consequences or provide supportive buffers that help them thrive after their parents divorce (see Table 1). For instance, Sandler et al. (2014) found that high levels of interparental conflict were linked to poorer mental health in children, while positive parenting skills can act as a buffer against these negative effects. Other studies focus on the strategies of effective conflict management and parenting skills that contribute to children's growth and development. Studies of preventive intervention programs have also yielded abundant data, not only about effectiveness of program models, but also in increased understanding of how children experience their parents' divorce, conflict and parenting processes (Pedro-Carroll, 2020).

Table 1: Family's Risk and Protective Factors Source: Pedro-Carroll (2020)

	Family Risk Factors	Family Protective Factors
0	Ongoing conflict between parents,	 Protection from conflict between
	especially when it is abusive and/or	parents
	focused on children	
0	Diminished capacity to parent or	 Cooperative parenting (except in
	poor parenting	situations of domestic violence
		or abuse)
0	Lack of monitoring children's	o Healthy relationships between
	activities	child and parents
0	Multiple family transitions	o Parents' psychological well
	(divorce,	being
0	remarriage, another divorce)	
0	Parent mental health problems	 Quality, authoritative parenting
0	Chaotic, unstable household	 Household structure and stability
0	Impaired parent-child relationships	 Supportive sibling relationships
0	Economic decline	 Economic stability
		o Supportive relationships with
		extended families

Based on the family's risk and protective factors above (Table 1), it can be understood that one promising approach to improve children's well-being after divorce involves supporting parents. A study by Pecnik et al. (2024) found that an online parenting program for families in social services led to improvements in parents' self-esteem, competence, and morale, along with reduced anger and harsh parenting behaviors. This finding aligns with research on protective factors that buffer children from negative consequences of divorce. Hence, by helping parents manage conflict and develop positive parenting skills, even in high-conflict situations, interventions can significantly impact children's well-being.

e-ISSN: 2637-0743

EVIDENCE-BASED PARENTING PROGRAM

Divorce education initiatives have been implemented more advancedly in the USA, Australia, Singapore, and the People's Republic of China. Evidence-based programs for separating or divorcing families can be divided into three broad categories that focus on the family members involved: child-focused programs, child and parent focused programs, and parent-focused programs. In most cases these programs are intended to improve outcomes for the children of separating parents. Parent-focused programs are the most common form of program for separating families, which is the divorce education programs.

Almost all of the research evidence in this area comes from the United States, where 46 states have policies or legislation requiring separating and divorcing parents of children under 18 years of age to attend a divorce education program that promotes positive parenting, coparenting and child adjustment (Bowers, Ogolsky, Hughes Jr, & Kanter, 2014). Most of these programs are court-affiliated, universal, didactic and brief, normally lasting between four and 10 hours over one or two sessions (Schramm & Becher, 2020). Evaluations of the US-based divorce education programs have demonstrated generally positive outcomes for families, with online and in-person programs showing comparable results (Schramm & McCaulley, 2012). While these programs are mandatory in some areas, voluntary programs also exist to support co-parenting after separation. From a prevention perspective, research emphasizes the importance of evidence-based, theory-driven programs with demonstrated effectiveness (Sandler et al., 2015). This aligns with findings from a national survey of court personnel, indicating strong support for evidence-based interventions yet highlighting challenges like funding and parent engagement (Cookston et al., 2007).

Supportive legal mechanisms that advocate for a mandatory parenting program for divorcing parents have been implemented in other countries as well. The People's Republic of China has also started enforcing its parenting law, i.e. the Family Education Promotion Law, to instruct parents, including divorced parents, on how to be responsible guardians from January 1st 2022, as part of its efforts to improve the protection of children (South China Morning Post, 2022). China's approach in this regard, represents a more proactive and mandatory effort to ensure that parents, regardless of their marital status, are educated on their responsibilities as guardians. This suggests a more structured and enforced approach to family education, reflecting the Government's commitment to improving child welfare. By legally mandating parental education, the law aims to create a more consistent and supportive environment for children nationwide.

In Singapore, all parents with children below 21 years old are required to attend the Mandatory Co-Parenting Programme (CPP) before filing for divorce if they are unable to reach an agreement with their spouse on both the grounds for divorce and its ancillary matters, which reinforce the importance of co-parenting post-divorce (Government of Singapore (Family Assist), 2023). Singapore's CPP represents a proactive and compulsory measure to ensure parents are prepared for the challenges of co-parenting after divorce. By making this program mandatory before filing for divorce, Singapore aims to ensure that both parents are equipped with the necessary skills and understanding to prioritize their children's well-being. The requirement for participation in the CPP underscores Singapore's commitment to minimizing the potential negative impacts of divorce on children. The program likely helps reduce conflict between parents and promotes more cooperative co-parenting arrangements, which are beneficial for children's emotional and psychological health. For both programs in China and

Singapore, the long-term impact of such programs requires further investigation. However, these findings suggest parenting education can be valuable for divorcing parents.

However, in Australia, divorcing couples are not mandated to attend the divorce education program (Australian Institut of Family Studies, 2021) unless the couple is planning on going through mediation or if there are concerns about family violence or child abuse and neglect (Parkinson, 2013). Most Australian families undergoing separation do not receive support from family dispute resolution services (Kaspiew et al., 2015). Some manage separation and co-parenting without any assistance from health and welfare professionals. Others receive support from practitioners outside of family relationship services, such as teachers, social workers, psychologists and general practitioners (Mahony et al., 2015). In recognition of the challenges associated with divorce, many parenting education programs have emerged to equip parents with the skills they need to navigate this difficult transition and minimize the impact on their children's well-being. One such program is Australia's "Bringing Up Great Kids" initiative. This evidence-based program offers communication, conflict resolution, and child-centred parenting workshops. Studies evaluating the program's effectiveness, such as by Hunter and Meredith (2014), have shown promising results. Parents who participated in the program reported a significant and sustained reduction in family conflict immediately following the program and two months later. Additionally, these parents demonstrated a substantial increase in confidence in their parenting abilities.

Canada also falls somewhere in this spectrum, just as Australia does. While parenting coordination, a program facilitating communication and decision-making for separated parents, exists, it is voluntary and requires mutual consent from both parties. Courts may order participation in high-conflict cases, but it remains optional in most Canadian provinces (Fidler & Epstein, 2008). Hence, an overview of the involvement of divorce education programs and family dispute resolution services in Australia and Canada emphasises that participation in such programs is often voluntary unless there are specific circumstances, such as mediation or concerns about family violence. The voluntary nature of these programs and the reliance on non-specialist support might indicate a need for increased awareness, accessibility, and encouragement for couples to engage in dispute resolution or educational programs. Enhancing the availability and promotion of these services could lead to better outcomes for separating families.

In summary, The USA (in some areas), China and Singapore's implementation of divorce education law reflects more stringent and child-centric outcomes. This situation might influence other countries to consider more robust legal frameworks for parental education, especially in divorce or separation. It highlights a possible trend towards more government intervention in family matters to ensure children's protection and proper upbringing. In contrast with the more flexible systems in countries such as Australia and Canada, this indicates a higher level of governmental involvement in ensuring that parents are adequately prepared to handle post-divorce parenting responsibilities, which could inspire similar initiatives in other countries.

FEASIBILITY OF A REGULATORY FRAMEWORK FOR POSITIVE PARENTING EDUCATION IN MALAYSIA

In Malaysia, specifically for Muslims, most divorce cases are followed by neglect and failure to provide child support (Sinar Harian Online, 2023) as the fathers refuse to be responsible for the children anymore (Roslina, Nurhidayah, & Mohd Na'im, 2017) and fail to pay for child

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support that goes on for years. The Islamic Family Law in Malaysia has undergone a lot of improvement to ensure the well-being of the children after divorce, especially in terms of child support, such as by blocking the accounts of ex-husbands who fail to pay child support, executing of wage garnishments, judgment debtor suits, judgment notices, commitment orders, income withholding, seizure and sale and seizure and surrender (Berita Harian Online, 2022). However, the issues of non-payment of child support and low quality of parent-child interaction and parental involvement with children after divorce (Nuraimirah, Norulhuda, & Nur Saadah, 2019) has jeopardized the outcomes for the children.

Regulatory frameworks are the legal mechanisms that exist on national and international levels. They can be mandatory and coercive (national laws and regulations, contractual obligations) or voluntary (integrity pacts, codes of conduct, arms control agreements). In other words, it is a model people can use to reform and enact regulations effectively and logically. Our country incurs enormous costs to ensure women who divorced and their children are given protection and assistance, whether in the form of financial, legal or other. It is the manifestation and Government's commitment to continue the development of Malaysia for the well-being of its people. The people's wellbeing becomes the first and foremost focus of the budget with specific incentives given to the single parents and their children. Without the help from the Government, it will cause adverse effects especially on women and children. The attitude of fathers who neglect children after divorce and violate court orders also threatens the well-being of the family. From an economic perspective, the country suffers a loss in productivity due to a troubled citizenry, which impacts the budget and development as a whole.

Implementing a regulatory framework similar to those in the USA, China, or Singapore in Malaysia would require careful consideration of Malaysia's unique legal, cultural, and social context. It is suggested besides identifying the gaps in the existing legal framework and understanding enforcement challenges, it is crucial to cutomize the foreign models and adapt the key elements to fit Malaysia's context by incorporating culturally appropriate norms and legal requirements. To determine whether the framework should be mandatory (e.g., mandatory co-parenting programs like in Singapore) or which voluntary (e.g., parenting coordination programs similar to those in Australia and Canada), the balance between coercive and voluntary measures should reflect Malaysia's specific needs and capabilities. This can be achieved through stakeholders and public consultations. Futher, the long-term infrastructure and support systems, training and resources, public advocacy, phased implementation procedures, monitoring, and impact evaluation of the framework are all necessary to establish the capacity for the new policy's implementation.

In addition, introducing mandatory parenting education programs to divorcing parents requires their readiness to change and engage in the programs. Theoretically, there are four models that can help explain the possibility of these divorcing parents to accept the programs, i.e. the transtheoretical model (TTM), social learning theory, ecological systems theory and family system theory. The transtheoretical model (TTM) posits that behavior change involves progress through six stages: precontemplation, contemplation, preparation, action, maintenance, and termination (Prochaska & DiClemente, 2005).

This model suggests that parents' readiness to participate in parenting education programs may vary based on which stage of change they are in. For example, parents in the precontemplation or contemplation stages may be less ready to engage compared to those in the preparation or action stages who are more motivated to make changes. Social learning

theory (Bandura, 1969) proposes that people can learn new behaviors by observing others. In the context of mandatory parenting education, this theory suggests that observing other parents' model positive co-parenting behaviors in the class may increase readiness and motivation to change. Seeing others successfully navigate the divorce process and co-parent effectively could also inspire parents to shift their own perspectives and behaviors.

On top of that, the ecological systems theory (Bronfenbrenner, 1979) emphasizes the importance of considering the multiple levels of influence on an individual's development, including microsystems (e.g. family), mesosystems (e.g. school-family connections), exosystems (e.g. parent's workplace), and macrosystems (e.g. cultural values). In the context of divorce, this theory suggests that parents' readiness may be impacted by factors at various ecological levels, such as family dynamics, social support networks, and cultural beliefs about divorce and parenting. From this perspective, divorce represents a major disruption to the family system that requires adaptation. Parents' readiness for parenting education may be influenced by their ability to adapt to the changes and stressors of divorce, as well as their willingness to engage in new behaviors to promote family stability.

In summary, these theories highlight the multifaceted nature of readiness for parenting education among divorcing parents. Factors such as stage of change, social learning, ecological context, and family system dynamics likely all play a role in determining parents' motivation and ability to engage in these programs. Considering these theoretical perspectives can inform the design and implementation of mandatory parenting education to better meet the needs of divorcing families.

CONCLUSION

In conclusion, developing a regulatory parenting education framework in Malaysia to support parents during the divorce process requires a nuanced approach that align's with the nation's legal, cultural, and social fabric. By adapting the international models, Malaysia can ensure that the framework is culturally appropriate and aligned with local legal standards. A balanced approach, combining mandatory and voluntary elements, should be informed by extensive stakeholder engagement and public consultations to address the country's specific needs. Moreover, fostering interagency collaboration between education, healthcare, and social services is essential to creating a comprehensive support system for families. Clear legal structures and responsibilities should be established to emphasize the importance of coparenting and its impact on children's well-being. Ultimately, this initiative aims to support parents in navigating the challenges of divorce while prioritizing the emotional and psychological health of children in post-divorce situations.

Furthermore, the integration of theories underscores the complexity of parents' willingness to participate, highlighting the importance of considering their stage of change, social learning influences, ecological context, and family dynamics. When designing and implementing a regulatory framework for parenting education among divorcing parents, it is essential to incorporate these theoretical perspectives. By doing so, the framework can be more effectively tailored to address the diverse needs and motivations of parents, ensuring that the programs are accessible, relevant, and supportive. This approach not only enhances the likelihood of parents' engagement but also contributes to the overall success of the framework in promoting the well-being of children and families during and after the divorce process.

e-ISSN: 2637-0743

ACKNOWLEDGMENT

This research was funded by the Ministry of Higher Education Malaysia under the Fundamental Research Grant Scheme [FRGS/1/2023/SS10/UPM/02/5] and received its ethical approval from the Ethics Committee for Research Involving Human Subjects of Universiti Putra Malaysia [JKEUPM-2024-712].

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