MODEL CODE
ON
DOMESTIC AND FAMILY VIOLENCE

Drafted by the

Advisory Committee

of the

Conrad N. Hilton Foundation
Model Code Project
of the
Family Violence Project

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INTRODUCTION

Domestic and family violence is a pervasive and frequently lethal problem that challenges society at every level. Violence in families is often hidden from view and devastates its victims physically, emotionally, spiritually and financially. It threatens the stability of the family and negatively impacts on all family members, especially the children who learn from it that violence is an acceptable way to cope with stress or problems or to gain control over another person. It violates our communities' safety, health, welfare, and economics by draining billions annually in social costs such as medical expenses, psychological problems, lost productivity and intergenerational violence.

Domestic and family violence must be reduced and prevented. When it occurs we must intervene effectively. Our best hope to do so requires strong public policy against domestic and family violence and begins with appropriate legislation to that end. Leadership, communication and coordination are critical among legislators; government administrators; law enforcement; courts and their gatekeepers; attorneys; the medical and health care community; advocates and providers of services to victims; corrections and providers of treatment for offenders, educators, and volunteers.

Recognizing the critical importance of legislation, in 1991 The National Council of Juvenile and Family Court Judges, with the generous support and commitment of the Conrad N. Hilton Foundation, undertook the challenge of drafting a Model State Code on Domestic and Family Violence through its Family Violence Project. The Model Code was developed with the collegial and expert assistance of an advisory committee composed of leaders in the domestic violence field including judges, prosecutors, defense attorneys, matrimonial lawyers, battered women's advocates, medical and health care professionals, law enforcement personnel, legislators, educators and others. Hard choices and necessary compromises were made during three years of intense work. In two instances alternative solutions were set forth. The commentary accompanying the Code is descriptive while the appendices contain selected source materials. Throughout the discussions and Code itself, due process and fairness were paramount. Because this is a Model Code each chapter and section can be independently assessed and accepted or modified.
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MODEL CODE ON
DOMESTIC AND FAMILY VIOLENCE

CHAPTER 1

GENERAL PROVISIONS

Section 101. Construction.
The Model Code on Domestic and Family Violence must be construed to promote:

1. The protection and safety of all victims of domestic or family violence in a fair, prompt, and effective manner; and
2. The prevention of future violence in all families.

COMMENTARY
The Model Code was crafted to facilitate parallel statutory development with respect to domestic and family violence among the States and the District of Columbia. The enactment of similar codes by all jurisdictions will enhance both the uniformity and quality of justice for victims and perpetrators of domestic and family violence throughout the nation.

Sec. 102. Definitions.
Unless the context otherwise requires, as used in the Model Code:

1. "Domestic or family violence" means the occurrence of one or more of the following acts by a family or household member, but does not include acts of self-defense:
   (a) Attempting to cause or causing physical harm to another family or household member;
   (b) Placing a family or household member in fear of physical harm or;
   (c) Causing a family or household member to engage involuntarily in sexual activity by force, threat of force, or duress.
2. "Family or household members" include:
   (a) Adults or minors who are current or former spouses;
   (b) Adults or minors who live together or who have lived together;
   (c) Adults or minors who are dating or who have dated;
   (d) Adults or minors who are engaged in or who have engaged in a sexual relationship;
   (e) Adults or minors who are related by blood or adoption;
   (f) Adults or minors who are related or formerly related by marriage;
   (g) Persons who have a child in common, and
   (h) Minor children of a person in a relationship that is described in paragraphs (a) through (g).
3. "Program of intervention for perpetrators" means a specialized program that:
   (a) Accepts perpetrators of domestic or family violence into treatment or educational classes to satisfy court orders;
   (b) Offers treatment to perpetrators of domestic or family violence; or
   (c) Offers classes or instruction to perpetrators of domestic or family violence.
CHAPTER 2

CRIMINAL PENALTIES AND PROCEDURES

Sec. 201. "Crime involving domestic or family violence" defined.
A "crime involving domestic or family violence" occurs when a family or household member commits one or more of the following crimes against another family or household member:

1. Arson;
2. Assault Offenses (Aggravated Assault, Simple Assault, and Intimidation);
3. Burglary, Breaking and Entering;
4. Destruction, Damage, Vandalism of Property;
5. Homicide Offenses (Murder and Nonnegligent Manslaughter, Negligent Manslaughter, and Justifiable Homicide);
6. Kidnapping, Abduction;
7. Sex Offenses, Forcible (Forcible Rape, Forcible Sodomy, Sexual Assault with an Object, and Forcible Fondling);
8. Stolen Property Offenses;
9. Weapon Law Offenses;
10. Disorderly Conduct;
11. Family Offenses, Nonviolent;
12. Stalking;
13. Trespass of Real Property; and
14. State to add any other.

COMMENTS

This section enumerates the range of criminal conduct employed by many perpetrators of domestic or family violence. The Model Code offers this detailed list to underscore the breadth of violent crimes and fear-inducing or harmful conduct undertaken by perpetrators of domestic or family violence.

Drafters' Note: Crimes were listed using the classifications of Group A and Group B Offenses in the National Incident-Based Reporting System (NIBRS), 1992 edition of the Uniform Crime Reporting Handbook (Federal Bureau of Investigation, Uniform Crime Reports, Washington, D.C. 20535). The list of crimes encompassed within the definition of "crimes involving domestic or family violence" may be altered by state code drafters and must be modified to conform to a state's system of classification.

Sec. 202. Violation of certain orders for protection is misdemeanor.
Violation of one of the following orders issued in accordance with paragraph (a), (b), (c), or (d) of subsection 3 of section 305, paragraph (a), (b), (c), (d), or (e) of subsection 2 of section 306, or paragraph (a) of subsection 3 of section 306, respectively, is a misdemeanor:

1. An order enjoining the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner or other family or household member.
2. An order prohibiting the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly.
3. An order removing and excluding the respondent from the residence of the petitioner.
4. An order requiring the respondent to stay away from the residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named
"If you are the victim of domestic or family violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency order for protection. You may also request that the officer assist you in obtaining your essential personal effects and locating and taking you to a safe place, including but not limited to a designated meeting place for a shelter, a family member's or a friend's residence, or a similar place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you in obtaining medical treatment. You may request a copy of the report at no cost from the law enforcement department.

You may ask the prosecuting attorney to file a criminal complaint. You also have the right to file a petition in insert name of court requesting an order for protection from domestic or family violence which could include any of the following orders:

(a) An order enjoining your abuser from threatening to commit or committing further acts of domestic or family violence;
(b) An order prohibiting your abuser from harassing, annoying, telephoning, contacting or otherwise communicating with you, directly or indirectly;
(c) An order removing your abuser from your residence;
(d) An order directing your abuser to stay away from your residence, school, place of employment, or any other specified place frequented by you and another family or household member;
(e) An order prohibiting your abuser from using or possessing any firearm or other weapon specified by the court;
(f) An order granting you possession and use of the automobile and other essential personal effects;
(g) An order granting you custody of your child or children;
(h) An order denying your abuser visitation;
(i) An order specifying arrangements for visitation, including requiring supervised visitation; and
(j) An order requiring your abuser to pay certain costs and fees, such as rent or mortgage payments, child support payments, medical expenses, expenses for shelter, court costs, and attorney's fees.

The forms you need to obtain an order for protection are available from the insert clerk of the court or other appropriate person. The resources available in this community for information relating to domestic and family violence, treatment of injuries, and places of safety and shelters are: insert list and hotline numbers. You also have the right to seek reimbursement for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other expenses for injuries sustained and damage to your property. This can be done without an attorney in small claims court if the total amount claimed is less than fill in the amount required by statute."

3 The written notice:
(a) Must not include the addresses of shelters, unless the location is public knowledge.
(b) Must be provided in the native language of the victim, if practicable, when the native language of the victim is not English.
or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one person was the primary physical aggressor, the officer need not arrest the other person believed to have committed domestic or family violence. In determining whether a person is the primary aggressor the officer shall consider:

(a) Prior complaints of domestic or family violence;
(b) The relative severity of the injuries inflicted on each person;
(c) The likelihood of future injury to each person; and
(d) Whether one of the persons acted in self-defense.

3. A law enforcement officer shall not:
(a) Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage requests for intervention by law enforcement by any party; or
(b) Base the decision to arrest or not to arrest on:
   (1) The specific consent or request of the victim; or
   (2) The officer's perception of the willingness of a victim of or witness to the domestic or family violence to testify or otherwise participate in a judicial proceeding.

4. In addition to any other report required, a law enforcement officer who does not make an arrest after investigating a complaint of domestic or family violence or who arrests two or more persons for a crime involving domestic or family violence must submit a written report setting forth the grounds for not arresting or for arresting both parties.

COMMENTARY

Subsection 1 directs law enforcement officers that warrantless, probable cause arrests for misdemeanor and felony crimes of domestic or family violence is the preferred response. Presumptive arrest means law enforcement officers should arrest all alleged perpetrators of domestic or family violence unless there are clear and compelling reasons not to arrest. While many state statutes now permit or mandate law enforcement officers to arrest for enumerated crimes or in specified circumstances, such as injury to the victim or an attempt to place the victim in fear of bodily injury or death, the Model Code adopts broad authority for arrest in all crimes arising from domestic or family violence. The grant of broad authority is based on the policy determination of the drafters that arrest is a critical intervention against violence in intimate relationships and is an intervention that is underemployed in many jurisdictions, even in those with preferred or mandatory arrest laws. Simple and comprehensive arrest authority will cause decisive intervention and reduce the significance of extralegal factors in decisions concerning arrest.

Subsection 2 provides guidance to law enforcement for assessment of the claims of mutual violence. Officers are directed to consider certain factors about whether a person is the primary aggressor and then about whether the presumption in favor of arrest and charging the other person is overcome by the facts and circumstances as the officer understands them to be. In making dual arrests, officers may place victims at accelerated risk and often immunize perpetrators from accountability. See commentary following section 311. Subsection 2 provides instruction for focused investigation and informed decision-making, while continuing to vest discretion in the officer and offering some protection from liability when the officer acts within the parameters of the Code.

Subsection 3 contains explicit injunctions against practices that undermine the policy of presumptive arrest for crimes involving domestic or family violence. Paragraph (a) prohibits threatening or suggesting the possible arrest of all parties to discourage requests for intervention by law enforcement. Paragraph (b) makes it clear that the arrest decision is to be reached by an officer based solely on probable cause, and the decision may not be informed by extraneous, extralegal factors. The two factors are explicitly excluded from consideration in arrest decisions in crimes involving domestic or family violence. These exclusions are articulated in numerous state statutes and law enforcement policies on domestic or family violence.
Sec. 206. Mandatory arrest for certain violations of orders for protection.
When a law enforcement officer has probable cause to believe that a respondent has violated one of the following orders of the court and verifies the existence of the order, the officer shall, without a warrant, arrest the apparent violator whether the violation was committed in or outside the presence of the officer if the orders are issued in accordance with paragraph (a), (b), (c), or (d) of subsection 3 of section 305, paragraph (a), (b), (c), (d), or (e) of subsection 2 of section 306, or paragraph (a) of subsection 3 of section 306, respectively:

1. An order enjoining the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner or other family or household member.
2. An order prohibiting the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, either directly or indirectly.
3. An order removing and excluding the respondent from the residence of the petitioner.
4. An order requiring the respondent to stay away from the residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.
5. An order prohibiting the respondent from using or possessing a firearm or other weapon specified by the court.

COMMENTARY
This section directs law enforcement to make a warrantless arrest of a respondent if the officer has probable cause to believe that the respondent has violated specifically enumerated provisions of orders for protection. Research suggests that perpetrators are best deterred by swift and certain sanctions. Further support for the mandate stems from the conclusion of experts in the field that victims may refrain from seeking justice system intervention if perpetrators violate orders with impunity. See also section 202 which enumerates these violations of orders for protection that are misdemeanors. The arrest mandate is limited to those violations that may be charged as misdemeanors.

Sec. 207. Authority of law enforcement officer to seize weapons.
Incident to an arrest for a crime involving domestic or family violence, a law enforcement officer:

1. Shall seize all weapons that are alleged to have been involved or threatened to be used in the commission of a crime.
2. May seize a weapon that is in the plain view of the officer or was discovered pursuant to a consensual search, as necessary for the protection of the officer or other persons.

COMMENTARY
The Model Code grants law enforcement broad authority to seize weapons pursuant to an arrest for domestic or family violence. Weapons seizure is both evidence collection and crime prevention. The prevention element may be significantly higher in crimes of domestic and family violence because the recidivism rate is greater for these perpetrators and the risk for lethal recidivism is highest for victims in the context of domestic or family violence. Recognizing the peril posed by weapons, the Model Code directs law enforcement to confiscate weapons incident to all arrests for crimes involving domestic or family violence. In subsection 1, seizure of all weapons used or threatened to be used in the commission of a crime is mandated.

In subsection 2, when officers conclude that a weapon must be confiscated to protect law enforcement, victims of violence, or others, they are authorized to seize any weapon that is in plain view or which is located during a search authorized by a person entitled to consent to the search. The seizure of weapons authorized in this section is without regard to ownership of the weapons; weapons owned by a third party are subject to confiscation pursuant to this section.

Drafters' Note: Conform "weapon" to usage in state.
6. When a person who is arrested for or charged with a crime involving domestic or family violence or a violation of an order for protection is released from custody, the court or agency having authority to make a decision concerning release or agency having custody of the arrested or charged person shall:

(a) Use all reasonable means to immediately notify the victim of the alleged crime of the release; and

(b) Furnish the victim of the alleged crime at no cost a certified copy of any conditions of release.

7. Release of a person who is arrested for or charged with a crime involving domestic or family violence or a violation of an order for protection must not be delayed because of the requirements of subsection 6.

**COMMENTARY**

Subsection 1 directs the court or agency charged with making decisions about pretrial release of a person who is alleged to have committed a crime of domestic or family violence to review the facts of the arrest and detention and to evaluate whether the accused poses a threat to the alleged victim, a family or household member, and the general public. The Model Code expands the matters for review beyond those articulated in many state statutes, recognizing the increased risk that a perpetrator of domestic or family violence may pose to the victim and others in their respective families. Perpetrators of domestic or family violence are more likely than assailants who are strangers to their victims to retaliate against their victims and families for intervention by the justice system and to target them for intimidation for their participation in prosecution. As is the practice in many jurisdictions, the Code mandates that courts make a finding on the record concerning the determination required by this subsection.

In consideration of the required assessment of subsection 1 and before the release of the accused, subsection 2 authorizes the court or agency responsible for making decisions about pretrial release to impose enumerated conditions on pretrial release to protect the victim and to ensure appearance at court proceedings in the criminal case. The court or agency is also given broad discretion to craft other conditions to achieve victim-safety and the appearance of the defendant. Thus, where the court or agency concludes that the accused presents a threat to the safety of other family or household members or witnesses for the prosecution, any of the enumerated and other specifically tailored constraints on the accused related to these third parties may be imposed.

Subsection 3 requires the court or agency imposing conditions to issue a written order for conditional release, to distribute a copy to the custodian of the accused, and to provide information concerning the location of the victim in a manner that protects the safety of the victim.

Subsection 4 provides the accused of notice of any constraints imposed on his or her conduct by the conditions of release. Due process is accomplished and compliance is facilitated thereby. If the accused has actual notice of the conditions of release even though a copy is not provided to the accused, he or she is bound thereby and is subject to arrest pursuant to section 209, and the process and penalties that may be established elsewhere in state statutes.

Where conditions of release are imposed pursuant to administrative decision, subsection 5 enables the accused to obtain a hearing before a court to review the conditions imposed. A reviewing court may modify conditions pursuant to the hearing.

Subsection 6 provides a mechanism for prompt notification of victims of the alleged crime of domestic or family violence. It is important that victims be furnished certified copies of the conditions of release, at no cost to the victim, to enable victims to obtain law enforcement intervention upon violations and to facilitate verification by officers. Subsection 7 ensures that the accused's right to liberty not be subordinated to the victim's right to notice.
Sec. 212. Record of dismissal required in court file.
When a court dismisses criminal charges or a prosecutor moves to dismiss charges against a defendant accused of a crime involving domestic or family violence, the specific reasons for the dismissal must be recorded in the court file. The prosecutor shall indicate the specific reason why the witness is unavailable and the reasons the case cannot be prosecuted.

COMMENTARY
The Model Code does not require prosecutors to request victim input before seeking dismissal. It does anticipate that the prosecutor will assess the merits of the case and attempt to communicate with the victim before moving to dismiss a case of domestic or family violence. This section enhances the safety of victims. When victims are reluctant to testify, the formalization of the process for dismissal invites the prosecutor and the court to evaluate the intimidation and risk that may be posed by the defendant. Rather than dismiss cases as a matter of course when a victim under subpoena fails to appear, this provision encourages the prosecutor to ascertain the basis for the victim’s absence. Investigation may reveal coercive conduct by the defendant and indicate the necessity of increased protection for the victim, thereby also enhancing the possibility of successful prosecution.

Sec. 213. Dismissal of criminal case prohibited because civil compromise reached.
A court shall not dismiss a criminal case involving domestic or family violence for the sole reason that a civil compromise or settlement is reached.

COMMENTARY
The Model Code rejects state statutes and prosecution practice which permit or compel dismissal of crimes of domestic and family violence when a civil compromise, adjustment, or settlement is presented to the criminal court. While appropriate for tort claims, civil reparation is misused as a dismissal device in cases involving crimes of domestic and family violence.

Sec. 214. Rights of victims of domestic or family violence; duty of prosecutor to inform victim of rights.
1. A victim of domestic and family violence is entitled to all rights granted to victims of crime including but not limited to the right to:
   (a) Be informed of all hearing dates and continuances.
   (b) Provide the court with a victim-impact statement, victim-opinion statement, and an assessment of the risk of further harm.
   (c) Be present at sentencing and address the court.
   (d) Advise the court of conditions of probation and parole required to ensure the safety of the victim and other family or household members.
   (e) Restitution for losses sustained as a direct consequence of any criminal conduct.
   (f) Apply for victims’ compensation and to be informed of procedures for applying.
   (g) Receive notice from the prosecutor in accordance with section 211.
2. An attorney prosecuting a crime involving domestic or family violence shall notify the victim of domestic or family violence of the victim’s rights set forth in this section.

COMMENTARY
Subsection 1 enumerates the rights of victims of domestic and family violence crimes related to court or prosecution process and to compensation for losses occasioned by the criminal conduct. It specifies that victims of domestic and family violence are entitled to all the rights accorded other victims of violent crime.
other victim services of the domestic or family violence program. It includes all documents relating to the victim created by either during the course of advocacy and other service delivery. Neither the victim nor the advocate may be compelled to disclose these oral or written communications. The privilege may be waived only by the victim. Any waiver is binding on the advocate. The privilege expires upon the death of the victim.

Subsection 2 carves out an exception to the privilege related to mandatory reporting of child abuse and neglect and testimony or production of evidence in proceedings related thereto. The scope of the exception is to be construed in light of the state law on child abuse and neglect.

Subsection 3 identifies the limited class of advocates for whom the privilege is operative. This class includes persons employed or serving as volunteers in a service and advocacy program for victims of domestic or family violence and those providing assistance to victims in the court-related programs specified in section 314, who provide direct services, support, assistance, or advocacy to victims, who are supervised therein and who have completed the requisite hours of professional training designated in state statute.

Drafters note: States may need to cross reference with other state statutes concerning privilege.

Sec. 217. Residential confinement in home of victim prohibited.
In cases involving domestic or family violence, a court shall not order residential confinement for a perpetrator in the home of the victim.

COMMENTARY
While many forms of alternative sentencing may be appropriate for perpetrators of domestic and family violence, including but not limited to deferred sentencing as provided in section 218, specialized counseling or education of perpetrators, as described in section 508, or community service, home detention in the residence of the victim is prohibited by this Code because it endangers victims.

Sec. 218. Diversion prohibited; deferred sentencing permitted.

1. A court shall not approve diversion for a perpetrator of domestic or family violence. The court may defer sentencing of a perpetrator of domestic or family violence if:
   (a) The perpetrator meets eligibility criteria established pursuant to subsection 2;
   (b) Consent of the prosecutor is obtained after consultation with the victim, when the victim is available;
   (c) A hearing is held in which the perpetrator enters a plea or judicial admission to the crime; and
   (d) The court orders conditions of the deferred sentence that are necessary to protect the victim, prevent future violence, and rehabilitate the perpetrator.

2. A court or other appropriate authority shall establish criteria for determination of:
   (a) A perpetrator's eligibility for deferred sentencing;
   (b) A perpetrator's successful completion of the conditions imposed by the court; and
   (c) Penalties for violation of the conditions imposed by the court.

3. The case against a perpetrator of domestic or family violence may be dismissed if the perpetrator successfully completes all conditions imposed by the court pursuant to subsection 1.

COMMENTARY
The Model Code departs from state statutes or practices that approve pretrial diversion or deferred prosecution programs for perpetrators of domestic or family violence for many reasons. Pretrial diversion or deferred prosecution programs for these perpetrators convey the notion that domestic or family violence does not constitute serious crime. It is
4. The court shall establish policies and procedures for responding to reports of nonattendance or noncompliance by a perpetrator with the conditions of probation imposed pursuant to subsection 2.

5. The probation department shall immediately report to the court and the victim any assault by the perpetrator, the perpetrator's failure to comply with any condition imposed by the court or probation department, and any threat of harm made by the perpetrator.

6. The probation department shall establish policies and procedures:
   (a) For the exchange of information concerning the perpetrator with the court and the victim; and
   (b) For responding to reports of nonattendance or noncompliance by the perpetrator with conditions imposed pursuant to subsection 2.

COMMENTARY

Subsection 1 requires courts to evaluate whether a victim and members of the victim's family or household can be protected adequately against further violent criminal conduct of the perpetrator by sentencing the defendant to a term of probation which is conditioned by the safeguards set forth in subsection 2. Where a court concludes that one cannot reasonably expect that the defendant will desist, probation should not be granted.

In consideration of the required assessment of subsection 1, subsection 2 authorizes the court to impose enumerated conditions on a suspended sentence or probation to protect the victim and family or household members of the victim, to facilitate perpetrator desistance and rehabilitation, to promote the financial restoration of the victim, and to ensure compliance with the conditions. The court is given broad discretion to craft other conditions to safeguard victims and designated family or household members or to rehabilitate the perpetrator.

Subsection 3 requires perpetrators to pay the costs of any condition imposed to the extent that they are able.

Subsection 4 compels courts to establish guidelines for review of probation violations to ensure accountability of perpetrators participating in probation programs tailored for domestic and family violence offenders. Policies and procedures for responding to reports of noncompliance with conditions of probation enhance the uniformity, formality, consistency, and reliability of probation services and of charging decisions related to reported violations.

Subsection 5 requires the probation department, or another designated office, in each jurisdiction to report to the court and to the victim any assaults, threats, and violations of conditions by the perpetrator. Prompt reporting facilitates both safety and accountability. The drafters of the Code contemplated that probationers in this program are not career criminals or perpetrators of severely injurious violence, but persons who, confronted with the serious, adverse consequences of violence, may choose to desist from violent criminal conduct. Swift, certain, and explicit consequences for violation of the terms and conditions of probation increase the deterrent power of the probation program.

Subsection 6 requires that the probation department or designated office establish a system for communication to enforce the conditions of probation imposed by the court. This mandate necessarily entails a system for monitoring compliance of perpetrators admitted to this specialized probation. Formal, routine monitoring is essential for both safety and accountability. Paragraph (a) directs the agency to establish explicit procedures for response to the data obtained pursuant to the monitoring system. Again, the more public and predictable the response procedures and the more adverse and certain the consequences of noncompliance, the greater the anticipated deterrence. Paragraph (b) requires the agency to develop and implement a system for exchange of communication with the court and the victim about safety, compliance, and proceedings related to noncompliance with any terms or conditions of probation. See Appendices I and VIII.
those articulated in subsections 1 and 2 of section 219. The agency is authorized to impose conditions other than those listed, and could thus bar the parolee from any presence in the jurisdiction where the victim resides or could release the parolee to a jurisdiction other than where the victim resides or could require the perpetrator to participate in an electronic monitoring program. See commentary following section 219.

As to subsections 2, 3 and 4, the commentary following section 219 is applicable. Note that paragraph (b) of subsection 4 requires parole board or state designated agencies to develop procedures for imposing conditions that release perpetrators to jurisdictions other than where the victim resides. Paragraph (c) of subsection 4, like subsection 6 of section 219, contemplates that the agency will establish a monitoring system to evaluate compliance and to intervene where noncompliance occurs.

Sec. 221. Duties of department of corrections.

1. The director of the department of corrections or other appropriate state agency shall establish or make available:
   (a) Programs of education and counseling for offenders who are also victims of domestic or family violence; and
   (b) Programs of intervention for perpetrators convicted of crimes involving domestic or family violence.

2. The director shall adopt rules or regulations requiring initial training and continuing education for employees of the correctional institutions concerning domestic and family violence. A new employee must receive the initial training during the orientation of the employee to the institution.

3. The rules or regulations must be developed in consultation with public and private agencies that provide programs for victims of domestic or family violence and programs of intervention for perpetrators, advocates for victims, persons who have demonstrated expertise in education and training concerning domestic and family violence, and the statewide domestic or family violence coalition.

COMMENTARY

Subsection 1 requires the department of corrections or other designated state agency to provide educational and rehabilitative services to inmates who are victims or perpetrators of domestic or family violence. As used in this section, "offenders" includes all inmates who are victims of domestic or family violence, not just those who are convicted of crimes involving domestic or family violence. Intervention programs for perpetrators convicted of crimes involving domestic or family violence provide an opportunity for extended education, and development of skills which are essential for abstaining from violent behavior. Most perpetrators who stop violent, coercive, or threatening conduct do so after long-term intervention services. Likewise, programs of education and counseling for offenders who are also victims of domestic or family violence offer them opportunities for education, development of skills, and safety planning. Participation in intervention programs in prison will also assist the offender in the transition to life in the community.

Subsection 2 requires that the director of the state agency establish a system for instruction of all correctional employees, new and veteran, both during orientation and thereafter on a continuing basis, concerning domestic and family violence. All employees, not just guards and treatment staff, are included in this training mandate.

Subsection 3 directs that development of the system for instruction of correctional employees be undertaken in consultation with community experts on domestic and family violence to assure that the curriculum and procedures for intervention included therein promote victim safety, perpetrator accountability, appropriate temporary release and parole decisions, and alliances among correctional staff and community service providers to facilitate a bridge between institutional and community services on domestic and family violence.
appropriate standards for practice, and of strategies to avoid liability for improper response in crimes involving domestic and family violence. However, policies and procedures are not self-implementing; thus, the Code requires that the law enforcement agency put them into effect, which entails dissemination, education, and supervision.

Subsection 1 requires an enumeration of guidelines related to response to the crime scene. Such guidelines may include, but are not limited to, dispatch priority and process on domestic and family violence calls, investigation, evidence collection, arrest, notice and assistance to victims, seizure of weapons, procedures when arrest is not made, methods for processing the accused, assessment of risk, methods for input on conditions of release, follow-up with victims, report writing, and strategies to maximize officer safety.

Subsection 2 requires the law enforcement agency to apply the Model Code and state law relevant to law enforcement practices. Direction from the chief executive about application of the law is vital to enforcement of the law.

Subsection 3 instructs that the agency’s policies and procedures must detail the breadth of law enforcement assistance to victims. Policies and procedures found in other state statutes and regulations include but are not limited to transportation to shelter or medical treatment, assistance in regaining possession of the home or removing essential personal effects from the home, obtaining telephonic protection orders, enforcing orders for protection, and any other actions necessary to ensure the safety of the victim and any family or household member. Written procedures will direct officers in the efficient, yet comprehensive, performance of same. See sections 204 through 207, 209, 305, and paragraph (f) of section 306.

Subsection 4 calls for coordination among law enforcement, programs for victims of domestic or family violence, and hospitals. Coordination is important because each agency and service provider is involved with victims at a time of crisis when victims may require extraordinary assistance for safe and secure survival. Coordination among these agencies promotes early intervention, enhances information and referral, ensures that victims are apprised of legal and community options, reinforces safety planning, maximizes resources, and underscores the fact that the best results are achieved by collective efforts.
(b) All other forms required to petition for an order for protection, including but not limited to, forms for service and forms required by Uniform Child Custody Jurisdiction Act; and
(c) Clerical assistance in filling out the forms and filing the petition.

5. Except as otherwise provided in section 305, a petition for an order for protection must be in writing, verified, and subscribed to in the manner provided by state law.

6. All orders for protection must be issued on the form adopted in accordance with subsection 1

COMMENTS

Subsection 1 requires that the appropriate state agency promulgate uniform forms for all petitions and orders for protection which are authorized by statute in any family law or domestic relations matter. The agency is, likewise, required to supply the various forms to each court authorized to grant any of the protection orders.

Subsection 2 directs that the form petition require the petitioner to provide notice to the court of all the civil and criminal matters, past and present, involving both parties. With this notice, the court can more readily access court docket, pleadings or charges and outcomes, including the issuance of any civil protection or criminal restraining orders, the contents of which may be relevant to action taken in the matter currently before the court. This notice will facilitate informed court practice and inhibit the issuance of contradictory court orders.

Subsection 3 is designed to provide the perpetrator of domestic or family violence with clear, unequivocal notice of the potential consequences of violation of an emergency, ex parte, or comprehensive protection order. The right of every citizen to due process of law makes it essential that a person against whom an ex parte protection order is issued be apprised of the consequences of violation. Beyond this, paragraph (b) of subsection 3 informs the perpetrator that conduct which might otherwise be permissible is precluded by the protection order. This provision gives notice to the respondent, and indirectly to law enforcement officers, that entry into the residence from which the perpetrator is excluded will not be condoned and the order will be valid and enforceable notwithstanding any invitation by the victim.

Subsection 4 enumerates the responsibilities of the person designated by the court to assist petitioners for protection orders. Besides giving petitioners the forms developed by the state agency, the clerk of court must provide all other forms necessary for completion of the application process. In many jurisdictions this may include forms related to service; any form necessary for transmittal of an order to a local or state registry of protection orders; forms related to custody and visitation; forms required by the Uniform Child Custody Jurisdiction Act; and forms related to requests for restitution, child support, and attorney’s fees. Court clerks or others providing clerical assistance to petitioners are also charged with helping them complete all forms and file petitions.

Subsection 5 provides that all petitions be written and executed pursuant to state law and creates an exception to the requirement for telephonic orders issued pursuant to the request of law enforcement in section 305.

Subsection 5 directs courts to issue orders only on forms developed by the state agency pursuant to subsection 1. The purpose of this section is to underscore the importance of simple, consistent, and comprehensive orders.

Sec. 303. Jurisdiction; venue; residency not required to petition.

1. The court that has jurisdiction over domestic relations has jurisdiction to issue orders for protection.

2. A petition for an order for protection may be filed in the insert county or district:
   (a) Where the petitioner currently or temporarily resides;
   (b) Where the respondent resides; or
   (c) Where the domestic or family violence occurred.

3. There is no minimum requirement of residency to petition for an order for protection.
relevance to the protection order deliberations of any civil or criminal case in which either party is involved, rather than articulating a limited list of specific legal actions encompassed within the duty of notice. The Model Code also requires that a party, who has information which will facilitate identification and review of those other proceedings, furnish that information to the protection order court.

Subsection 2 makes it clear that a victim of domestic or family violence is not compelled to elect a single remedy in law or equity and that the protection order application may proceed to disposition notwithstanding any proceeding or outcome in any other legal arena. It rejects the statutory imposition of preemptive and exclusive jurisdiction by divorce courts contained in some state statutes once a divorce complaint has been filed by either party. The Model Code directs the protection order court to proceed immediately to disposition and prohibits deferral of disposition pending the outcome of other pending litigation between the parties.

Subsection 3 enables the petitioner to omit her or his address from all documents filed with the court in protection order applications in order not to reveal the location of the residence, whether or not it is a shelter for abused family members. The petitioner need not seek court approval for non-disclosure in all protection order documents. However, the petitioner must furnish the court with a mailing address, which need not be his or her residence, so that the court can provide the victim with notice of any proceedings and with copies of all orders issued. To determine jurisdiction or consider venue, the court may order disclosure of the address under prescribed conditions.

Sec. 305. Emergency order for protection; available relief; availability of judge or court officer; expiration of order.

1. A court may issue a written or oral emergency order for protection ex parte when a law enforcement officer states to the court in person or by telephone, and the court finds reasonable grounds to believe, that the petitioner is in immediate danger of domestic or family violence based on an allegation of a recent incident of domestic or family violence by a family or household member.

2. A law enforcement officer who receives an oral order for protection from a court shall:
   (a) Write and sign the order on the form required pursuant to section 302;
   (b) Serve a copy on the respondent;
   (c) Immediately provide the petitioner with a copy of the order; and
   (d) Provide the order to the court by the end of the next judicial day.

3. The court may grant the following relief in an emergency order for protection:
   (a) Enjoin the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner and any designated family or household member;
   (b) Prohibit the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;
   (c) Remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;
   (d) Order the respondent to stay away from the residence, school, place of employment of the petitioner, or any specified place frequented by the petitioner and any designated family or household member;
   (e) Order possession and use of an automobile and other essential personal effects, regardless of the ownership of the essential personal effects, and direct the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to possession of the residence, automobile, and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;
   (f) Grant temporary custody of a minor child to the petitioner; and
ownership of the residence;
(d) Order the respondent to stay away from the residence, school, or place of employment
of the petitioner, or any specified place frequented by the petitioner and any designated
family or household member;
(e) Prohibit the respondent from using or possessing a firearm or other weapon specified by
the court;
(f) Order possession and use of an automobile and other essential personal effects,
regardless of the ownership of the essential personal effects, and direct the appropriate
law enforcement officer to accompany the petitioner to the residence of the parties to
ensure that the petitioner is safely restored to possession of the residence, automobile,
and other essential personal effects, or to supervise the petitioner's or respondent's
removal of personal belongings;
(g) Grant temporary custody of any minor children to the petitioner; and
(h) Order such other relief as it deems necessary to provide for the safety and welfare of the
petitioner and any designated family or household member.

3. A court may grant the following relief in an order for protection or a modification of an order
after notice and hearing, whether or not the respondent appears:
(a) Grant the relief available in accordance with subsection 2.
(b) Specify arrangements for visitation of any minor child by the respondent and require
supervision of that visitation by a third party or deny visitation if necessary to protect the
safety of the petitioner or child.
(c) Order the respondent to pay attorney's fees.
(d) Order the respondent to:
   (1) Pay rent or make payment on a mortgage on the petitioner's residence and pay for the
   support of the petitioner and minor child if the respondent is found to have a duty to
   support the petitioner or minor child;
   (2) Reimburse the petitioner or other person for any expenses associated with the
domestic or family violence, including but not limited to medical expenses,
counseling, shelter, and repair or replacement of damaged property; and
   (3) Pay the costs and fees incurred by the petitioner in bringing the action;

4. The court shall:
(a) Cause the order to be delivered to the appropriate authority for service;
(b) Make reasonable efforts to ensure that the order for protection is understood by the
petitioner, and the respondent, if present;
(c) Transmit, by the end of the next business day after the order is issued, a copy of the order
for protection to the local law enforcement agency or agencies designated by the
petitioner; and
(d) Transmit a copy of the order to the state registry.

5. An order for protection issued ex parte or upon notice and hearing or a modification of an
order for protection issued ex parte or upon notice and hearing is effective until further order
of the court.

6. The designated authority shall provide expedited service for orders for protection.

COMMENTARY

Paragraph (a) of subsection 1 authorizes the ex parte issuance and modification of orders for protection. An ex parte
unless continued by the court for good cause shown. The court shall notify both parties by first class mail of the date and time of the hearing.

2. The court shall set a date for a hearing on the petition within insert number of days after the filing of the petition if a court issues an order for protection ex parte or a modification of an order of protection ex parte, and:

(a) The petitioner requests or the court provides relief in accordance with paragraph (g) of subsection 2 of section 306, concerning custody of a minor child; or

(b) The petitioner requests relief pursuant to paragraph (b), (c), or (d) of subsection 3 of section 306.

Such a hearing must be given precedence over all matters except older matters of the same character.

3. In a hearing held pursuant to subsection 1 or 2 of this section:

(a) Relief in accordance with section 306 is available.

(b) If respondent seeks relief concerning an issue not raised by the petitioner, the court may continue the hearing at the petitioner's request.

4. If a court denies a petition for an order for protection or a petition to modify an order for protection that is requested without notice to the respondent, the court shall inform the petitioner of his or her right to request a hearing upon notice to the respondent.

**COMMENTARY**

Subsection 1 provides the party who did not initiate the *ex parte* petition for relief or modification with the opportunity to challenge any provision of an order or modified order issued. The respondent, whether the victim or perpetrator, must make a timely request for a hearing on matters in dispute related to subsection 2 of section 306; otherwise, all issues that might have been contested are waived. The Model Code provides 30 days from service to make the request for hearing. This window of time gives the respondent adequate time to prepare the request for reconsideration and enables the moving party to rely upon the order issued at a date certain. Due process is thus afforded both parties. The court is assigned the responsibility for notice of both parties.

However, subsection 2 requires that when a court granting the *ex parte* order or modification awards custody of the minor children to the petitioner, when either party desires respondent visitation with the children, or when the petitioner seeks economic relief, the court must schedule a hearing within a time certain of the filing of the petition for protection or modification. The hearing is to be given precedence on the docket over all other matters except order for protection proceedings previously scheduled.

Subsection 3 reaffirms that the relief enumerated in section 306 may be granted at the hearing, even if neither the petitioner nor the respondent has made application for the specific relief orally or in documents filed with the court. This provision enables the court to issue supplemental relief pursuant to section 306 as it deems the relief is necessary to provide for the safety and welfare of the petitioner and family or household members. It permits the petitioner to request relief without the formality of amending the pleadings. It eliminates the requirement for responsive pleading; requiring only that the respondent request a hearing and allowing the respondent to identify any issues in dispute or relief sought at the hearing itself. If the respondent raises issues or asks for relief not addressed or sought by the petitioner, the court may grant a continuance should the petitioner ask for time to prepare to respond to the matters raised by the respondent.

Subsection 4 requires a court to advise the petitioner of his or her right to request a hearing if the court denies a petition. Notice to the respondent is required.

**Sec. 308. Effect of action by petitioner or respondent on order.**

If a respondent is excluded from the residence of a petitioner or ordered to stay away from the petitioner, an invitation by the petitioner to do so does not waive or nullify an order for protection.
economic means of petitioners. The drafters concluded that the determination of indigence by the court or an affidavit of inability to pay fees and costs, required by some codes, unduly burdens victims and court personnel.

Sec. 313. Court-mandated assistance to victims of domestic and family violence.

1. The court system in each jurisdiction shall provide assistance to victims of domestic or family violence. The administrator of the court system may enter into a contract with a private agency or organization that has a record of service to victims of domestic or family violence to provide the assistance.

2. The duties of the provider of assistance include but are not limited to:
   (a) Informing victims of domestic or family violence of their rights pursuant to insert state law concerning victims' rights and assisting victims in securing those rights;
   (b) Informing victims of the availability of orders for protection and assisting victims in obtaining such orders;
   (c) Providing interpreters for cases involving domestic or family violence, including requests for orders for protection;
   (d) Informing victims of the availability of shelter, counseling, and other social services; and
   (e) Providing victims with safety plans and assisting victims in preparing the plans.

3. The provider of the assistance shall coordinate the provision of services with the providers of programs for victims of domestic or family violence.

COMMENTARY

Subsection 1 requires that the court in each jurisdiction establish an assistance program for victims of domestic or family violence. It may be staffed by court personnel or the court may contract with an organization with expertise in serving victims of domestic or family violence to provide the assistance enumerated in subsection 2. Many court programs that serve victims in protection order cases and in other civil or family law matters are located in community-based agencies.

Subsection 2 specifies the minimum of assistance to be rendered. The Code requires the provider of assistance to provide information to victims about legal rights, the protection order process, safe shelter, community services, and supports, as well as safety planning to enhance the justice system protections. In addition, the assistance program must furnish interpreter services for the hearing impaired and for those who are not able to communicate effectively in English in domestic or family violence cases.

Subsection 3 directs the provider of the assistance to collaborate with those other offices or organizations in the community providing domestic or family violence services.

Sec. 314. Registration and enforcement of foreign orders for protection; duties of court clerk.

1. A certified copy of an order for protection issued in another state may be filed in the office of the clerk of any district or family court of this state. The clerk shall act upon the order in the same manner as the clerk acts upon an order for protection issued by a district or family court of this state.

2. An order for protection filed in accordance with subsection 1 has the same effect and must be enforced in the same manner as an order for protection issued by a court of this state.

3. The clerk of each district or family court shall:
   (a) Maintain a registry in which to enter certified orders for protection issued in other states that are received for filing.
   (b) At the request of a court of another state or at the request of a person who is affected by or has a legitimate interest in an order for protection, certify and forward a copy of the order to that court or person at no cost to the requesting party.
CHAPTER 4

FAMILY AND CHILDREN

Sec. 401. Presumptions concerning custody.
In every proceeding where there is an issue as to the custody of a child, a determination by
the court that domestic or family violence has occurred raises a rebuttable presumption that it is
detrimental to the child and not in the best interest of the child to be placed in sole custody, joint
legal custody, or joint physical custody with the perpetrator of family violence.

COMMENTARY
Support for the presumptions incorporated in this section, that domestic violence is detrimental to the child and that it
is contrary to the child's best interest to be placed in sole or joint custody with the perpetrator thereof, is extensive. This
section compels courts, attorneys, custody evaluators, and other professionals working with cases involving the custody
of children to consider the impact of domestic and family violence on these children. This mandate is not limited to
courts issuing orders for protection but includes courts hearing divorce, delinquency, and child protection cases.

Sec. 402. Factors in determining custody and visitation.
1. In addition to other factors that a court must consider in a proceeding in which the custody
of a child or visitation by a parent is at issue and in which the court has made a finding of
domestic or family violence:
(a) The court shall consider as primary the safety and well-being of the child and of the
parent who is the victim of domestic or family violence.
(b) The court shall consider the perpetrator's history of causing physical harm, bodily injury,
assault, or causing reasonable fear of physical harm, bodily injury, or assault, to another
person
2. If a parent is absent or relocates because of an act of domestic or family violence by the other
parent, the absence or relocation is not a factor that weighs against the parent in determining
custody or visitation.

COMMENTARY
This section was constructed to remedy the failure of many custody statutes to give courts direction related to appropriate
consideration of domestic and family violence in contested custody cases. Paragraph (a) of subsection 1 elevates the
safety and well-being of the child and abused parent above all other "best interest" factors in deliberations about
custodial options in those disputed custody cases where there has been a finding of abuse by one parent of the other.
It contemplates that no custodial or visitation award may properly issue that jeopardizes the safety and well-being of
adult and child victims.

Paragraph (b) compels courts to consider the history, both the acts and patterns, of physical abuse inflicted by the abuser
on other persons, including but not limited to the child and the abused parent, as well as the fear of physical harm
reasonably engendered by this conduct. It recognizes that discreet acts of abuse do not accurately convey the risk of
continuing violence, the likely severity of future abuse, or the magnitude of fear precipitated by the composite picture
of violent conduct.

Subsection 2 recognizes that sometimes abused adults flee the family home in order to preserve or protect their lives and
sometimes do not take dependent children with them because of the emergency circumstances of flight, because they
lack resources to provide for the children outside the family home; or because they conclude that the abuser will hurt

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safety of the child.

(h) Impose any other condition that is deemed necessary to provide for the safety of the child, the victim of domestic or family violence, or other family or household member.

3. Whether or not visitation is allowed, the court may order the address of the child and the victim to be kept confidential.

4. The court may refer but shall not order an adult who is a victim of domestic or family violence to attend counseling relating to the victim's status or behavior as a victim, individually or with the perpetrator of domestic or family violence as a condition of receiving custody of a child or as a condition of visitation.

5. If a court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation.

COMMENTARY

Subsection 1 permits the award of visitation to a perpetrator of domestic violence only if protective measures, including but not limited to those enumerated in subsection 2 of this section, are deemed sufficient to protect the child and the abused parent from further acts or threats of violence or other fear-engendering conduct. The Model Code posits that where protective interventions are not accessible in a community, a court should not endanger a child or adult victim of domestic violence in order to accommodate visitation by a perpetrator of domestic or family violence. The risk of domestic violence directed both towards the child and the battered parent is frequently greater after separation than during cohabitation; this elevated risk often continues after legal interventions.

Subsection 2 lists the protective conditions most routinely imposed on visitation by the perpetrator of domestic and family violence. It is not intended to be exhaustive, nor does this subsection contemplate that each provision should be imposed on every custody order.

Subsection 3 recognizes that it may be necessary to withhold the address of the adult victim and children from the perpetrator and others in order to prevent stalking and assault of adult and child victims in their undisclosed residence. Research reveals that one of the most effective methods of averting violence is denying the abuser access to the victim, which can be facilitated by preserving the confidentiality of the victim's address.

Subsection 4 prohibits a court from ordering a victim of domestic or family violence to attend counseling related to the status or behavior as a victim as a condition of receiving custody of a child or as a condition of visitation. It does not preclude the court from ordering other types of counseling, such as substance abuse counseling or educational classes.

Subsection 5 requires a court to establish conditions to be followed if the court allows a family or household member to supervise visitation. When those supervising visitation are furnished clear guidelines related to their responsibility and authority during supervision, they are better able to protect the child should the perpetrator engage in violent or intimidating conduct toward the child or adult victim in the course of visitation.

Sec. 406. Specialized visitation center for victims of domestic or family violence.

1. The insert appropriate state agency shall provide for visitation centers throughout the state for victims of domestic or family violence and their children to allow court ordered visitation in a manner that protects the safety of all family members. The state agency shall coordinate and cooperate with local governmental agencies in providing the visitation centers.

2. A visitation center must provide:

(a) A secure setting and specialized procedures for supervised visitation and the transfer of children for visitation; and

(b) Supervision by a person trained in security and the avoidance of domestic and family violence.
mediation or refer either party to mediation only if:
(a) Mediation is requested by the victim of the alleged domestic or family violence;
(b) Mediation is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim; and
(c) The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including but not limited to an attorney or advocate.

COMMENTARY
Subsection 1 makes it explicit that referrals to mediation by a court in the context of domestic or family violence, not only mandates for participation, are impermissible. Judicial referrals are compelling and often viewed by litigants as the dispute resolution method preferred by the court. Also see commentary following section 311.

Subsection 2 authorizes courts to require mediation or refer to mediation when there is an allegation of domestic or family violence only where there is no protection order in effect and the three enumerated conditions for mediation are met. First, the court should not approve mediation unless the victim of the alleged violence requests mediation. The second requisite condition for court-approved mediation in the context of domestic violence contains two components: that mediation be provided in a specialized manner that protects the safety of the victim and that mediators be certified and trained in domestic and family violence. Guidelines have been generated by mediators, scholars, and advocates. Paragraph (c) of subsection 2 reflects the policy recommendations, promulgated by the collaborative studies of mediators, advocates, and legal scholars, that at the victim's option, he or she may have another party present during mediation. This person may be the victim's attorney, an advocate, or some other person of the victim's choosing.

Sec. 408(B). Mediation in cases involving domestic or family violence.
1. In a proceeding concerning the custody or visitation of a child, if an order for protection is in effect or if there is an allegation of domestic or family violence, the court shall not order mediation or refer either party to mediation unless the court finds that:
   (a) The mediation is provided by a certified mediator who is trained in the dynamics of domestic and family violence; and
   (b) The mediator or mediation service provides procedures to protect the victim from intimidation by the alleged perpetrator in accordance with subsection 2.
2. Procedures to protect the victim must include but are not limited to:
   (a) Permission for the victim to have in attendance at mediation a supporting person of his or her choice, including but not limited to an attorney or advocate; and
   (b) Any other procedure deemed necessary by the court to protect the victim from intimidation from the alleged perpetrator.

COMMENTARY
Subsection 1 authorizes a court to order or refer parties in a proceeding concerning custody or visitation of a child only under two conditions, that mediation is provided by a certified mediator who is trained in domestic and family violence and procedures are provided that protect the victim from intimidation.

Subsection 2 enumerates the procedures that must be followed by a mediator to protect the victim from intimidation. Paragraph (a) reflects the policy recommendations, promulgated by the collaborative studies of mediators, advocates, and legal scholars, that at the victim's option, he or she may have another party present at mediation. This person may be the victim's attorney, an advocate, or some other person of the victim's choosing. Paragraph (b) authorizes the court to impose any additional procedure deemed necessary to protect the victim from intimidation.

Sec. 409. Duties of children's protective services.
CHAPTER 5

PREVENTION AND TREATMENT

Sec. 501. Creation of state advisory council on domestic and family violence; purpose; required report.

1. There is hereby created the state advisory council on domestic and family violence.

2. The purpose of the advisory council is to increase the awareness and understanding of domestic and family violence and its consequences and to reduce the incidence of domestic and family violence within the state by:

   (a) Promoting effective strategies for identification of the existence of domestic or family violence and intervention by public and private agencies serving persons who are victims of domestic or family violence;

   (b) Providing for public education;

   (c) Facilitating communication between public and private agencies that provide programs for victims of domestic and family violence and programs of intervention for perpetrators;

   (d) Providing assistance to public and private agencies to develop statewide procedures and community education, including procedures for reviewing fatalities in local communities;

   (e) Developing a comprehensive and coordinated plan of data collection concerning domestic and family violence for courts, prosecutors, law enforcement officers, health care practitioners, and other state agencies, in consultation with each other and in a manner that protects the identity of victims of domestic and family violence; and

   (f) Promoting the organization of local councils on domestic and family violence and providing assistance and support to established local councils.

3. The advisory council shall report to the highest level of the executive, legislative or judicial branch of government of the state.

COMMENTARY

In subsection 1, the drafters of the Model Code identify a vehicle by which states can achieve the goals of awareness and understanding of domestic and family violence and of effective intervention to reduce the incidence thereof in the state. State advisory councils on domestic and family violence are able to give visibility, authority, and breadth of experience to the public awareness initiatives and other functions delineated in this section. The state advisory council, while reporting to the highest level of one branch of state government, is designed to be an independent agency to ensure that the focus of the work undertaken is not parochial, that all pertinent disciplines are involved in collaboration, and that strategies adopted are best suited to reduce the incidence of domestic and family violence within the state. See Appendix IV

Subsection 2 defines the purposes and the functions of the state advisory council. Paragraph (a) charges the council with promulgating strategies for identification of domestic or family violence. Paragraph (a) also requires the council to promote effective intervention strategies for agencies in the public and private sectors. The oversight efforts of a state advisory council, both to identify model programs and interventions undertaken by various disciplines and agencies and to facilitate research on the efficacy of these approaches for protecting victims and deterring perpetrators, will help to refine practice in the field and concurrently reduce domestic and family violence. Paragraph (b) authorizes the council to engage in public education. Paragraph (c) authorizes the council to facilitate communication between intervention programs for perpetrators and programs for victims of domestic and family violence. Paragraph (d) directs state advisory
(c) Facilitating communication between public and private agencies that provide programs to assist victims and programs of intervention for perpetrators;

(d) Providing assistance to public and private agencies and providers of services to develop statewide procedures and community education, including procedures to review fatalities; and

(e) Developing a comprehensive plan of data collection concerning domestic and family violence for courts, prosecutors, law enforcement officers, health care practitioners, and other local agencies, in a manner that protects the identity of victims of domestic and family violence.

COMMENTARY

This section authorizes local governments or a consortium of local governments to establish advisory councils within a county, circuit, or district to undertake work parallel to that of the state council and to coordinate with the state advisory council of section 501.

Sec. 504. State public health plan for reducing domestic and family violence.

1. The designated state public health agency shall:
   (a) Assess the impact of domestic and family violence on public health;
   (b) Write a state public health plan for reducing the incidence of domestic and family violence in the state.

2. The state public health plan:
   (a) Must include but is not limited to public education, including use of the various communication media to set forth the public health perspective on domestic and family violence.
   (b) Must be developed in consultation with public and private agencies that provide programs for victims of domestic or family violence, advocates for victims, the statewide domestic or family violence coalition, and persons who have demonstrated expertise and experience in providing health care to victims of domestic and family violence and their children.
   (c) Must be completed on or before insert date

3. The designated state public health agency shall:
   (a) Transmit a copy of the state public health plan to the governor and the members of the state legislature; and
   (b) Review and update the state public health plan insert interim.

COMMENTARY

This section requires that the designated state public health agency make an assessment of the impact of domestic and family violence on public health and write a plan for reducing the incidence of domestic and family violence in the state. Requirements for the plan are listed in subsection 2 and requirements for transmittal, review, and update are listed in subsection 3. This section also authorizes public health officers to assume the requisite leadership to effect the change in health care practice necessary for physicians, nurses, and medical caregivers to contribute fully to the multi-disciplinary initiatives to end domestic and family violence against abused adults and their children. See Appendices IV and VIII.

Sec. 505. Standards for health-care facilities, practitioners, and personnel; specialized procedures and curricula concerning domestic and family violence.
household member;
(e) An order prohibiting your abuser from using or possessing any firearm or other weapon specified by the court;
(f) An order granting you possession and use of the automobile and other essential personal effects;
(g) An order granting you custody of your child or children;
(h) An order denying your abuser visitation;
(i) An order specifying arrangements for visitation, including requiring supervised visitation; and
(j) An order requiring your abuser to pay certain costs and fees, such as rent or mortgage payments, child support payments, medical expenses, expenses for shelter, court costs, and attorney's fees.

The forms you need to obtain an order for protection are available from the insert clerk of the court or other appropriate person. The resources available in this community for information relating to domestic and family violence, treatment of injuries, and places of safety and shelters are: insert list and hotline numbers. You also have the right to seek reimbursement for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other expenses for injuries sustained and damage to your property. This can be done without an attorney in small claims court if the total amount claimed is less than fill in the amount required by statute.”

4. The written notice:
(a) Must not include the addresses of shelters, unless the location is public knowledge.
(b) Must be provided in the native language of the victim, if practicable, when the native language of the victim is not English.

COMMENTARY

This section recognizes the responsibility of the health care delivery system, public and private, to disseminate information about legal options and available services for the victims of domestic or family violence. In subsection 1, the state public health agency is directed to provide such information in written form to health care practitioners.

Subsection 2 requires practitioners in the health care community to make available written notice about legal options and community services and offers a simple, effective mechanism for transmitting life-preserving information to victims of domestic and family violence.

Subsection 3 provides the substantial elements of the notice.

Subsection 4 protects the confidentiality of the location of shelters and requires the notice be provided to those victims of domestic or family violence in their native language where practicable. Also see section 204 and the commentary following.

Sec. 507. Hospitals required to provide certain information to parents.
Hospitals shall provide information concerning domestic and family violence to parents of newborn infants and to parents of hospitalized minors. The information must include but is not limited to the effect of domestic and family violence on children and available services for the prevention and treatment of domestic and family violence.

COMMENTARY
services.

(b) Shall report to the court and the victim any assault, failure to comply with the program, failure to attend the program, and threat of harm by the perpetrator.

COMMENTARY

The requirements of this section establish the minimum level of responsibility, service, and accountability expected from providers of programs of intervention for perpetrators of domestic or family violence, and provide a measure against which the performance and efficacy of a program can be evaluated. See Appendix IV. Subsection 1 requires the appropriate state agency to promulgate statewide rules or regulations for programs of intervention for perpetrators. The Model Code specifies that the state agency is to consult with programs for victims and perpetrators, advocates for victims, and persons with demonstrated expertise in service delivery to victims and perpetrators.

Subsection 2 lists requirements for the rules or regulations including standards of treatment; criteria concerning the appropriateness of a perpetrator for treatment; provisions for communication and evaluation among the referring court, public and private agencies, and the programs of intervention; and the education and qualifications of providers. Statewide service delivery standards facilitate uniformity of practice, promoting the highest level of ethical and informed practice by practitioners.

Subsection 3 lists the principles which are required to be included in the standards of treatment.

Subsection 4 mandates that a program of intervention require a perpetrator who is ordered into treatment to sign releases allowing the program to provide certain information to the victim, the court, and other legal entities. The subsection also requires the provider of a program to report to the court and the victim assaults, threats, absence from the program, and failure to comply with the program by the perpetrator.

Sec. 509. Continuing education for law enforcement officers concerning domestic and family violence; content of course.

1. The peace officers standards and training committee or other appropriate state agency must provide insert number of hours of initial education to all prospective law enforcement officers concerning domestic and family violence.

2. The insert the appropriate law enforcement agency shall provide insert number of hours of continuing education concerning domestic and family violence to law enforcement officers each year.

3. The course of instruction and the objectives in learning and performance for the education of law enforcement officers required pursuant to subsections 1 and 2 must be developed and presented in consultation with public and private providers of programs for victims of domestic or family violence and programs of intervention for perpetrators, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the statewide domestic or family violence coalition.

4. The course of instruction must include but is not limited to:

   (a) The investigation and management of cases involving domestic and family violence and writing of reports in such cases;

   (b) The nature, extent, and causes of domestic and family violence;

   (c) Practices designed to promote the safety of officers investigating domestic and family violence;

   (d) Practices designed to promote the safety of the victims of domestic and family violence and other family and household members, including safety plans;
(e) The lethality of domestic and family violence.

COMMENTARY

Subsection 1 designates the office responsible for development and presentation of the continuing education courses on domestic and family violence for justice system personnel. It further directs that the requirement of continuing education in this field applies both to judicial officers and court staff. Magistrates, law masters, arraignment or other judicial officers, law clerks, court administrators, clerical assistants, registry staff, security personnel, process servers, and others working in criminal, family, and district courts where issues of domestic and family violence are addressed should be knowledgeable about the law and procedure. See Appendix VIII for a bibliography of continuing education curricula and materials for judicial and court personnel.

Subsection 2 directs that courses be prepared and presented in consultation with experts in the field and the state advisory council. See commentary pertaining to subsection 3 of section 509.

Subsection 3 requires all judicial officers and court personnel who come in contact with victims or perpetrators of domestic or family violence in the course of their professional responsibilities to receive a minimum number of hours of continuing education.

Subsection 4 lists the topics that must be included in courses of continuing education. See the commentary pertaining to subsection 4 of section 509.

Sec. 511. Continuing education for state, county, and city employees who work with domestic and family violence cases and are required to report abuse and neglect of children.

1. The appropriate state, county, and city agencies shall provide courses of continuing education concerning domestic and family violence for state, county, and city employees:
   (a) Who work with cases of domestic and family violence; and
   (b) Who are required by law to report abuse or neglect of children.

2. The courses must be prepared and presented in consultation with public and private agencies that provide programs for victims of domestic or family violence and programs of intervention for perpetrators, advocates for victims, the statewide or local domestic or family violence coalition and the state advisory council on domestic and family violence.

3. The courses must include but are not limited to the following topics:
   (a) The nature, extent, and causes of domestic and family violence;
   (b) Practices designed to promote safety of the victim and other family and household members, including safety plans;
   (c) Resources available for victims and perpetrators of domestic or family violence;
   (d) Sensitivity to gender bias and cultural, racial, and sexual issues; and
   (e) The lethality of domestic and family violence.

4. As used in this section, "state, county, and city employees who work with cases of domestic and family violence" include:
   (a) Probation officers;
   (b) Workers in children's protective services;
   (c) Psychologists;
   (d) Social workers;
   (e) Court appointed special advocates;
statewide domestic or family violence coalition, persons who have demonstrated expertise and experience in education and domestic or family violence, and the state advisory council on domestic and family violence.

3. The curricula must include but are not limited to:
   (a) The nature, extent, and causes of domestic and family violence;
   (b) Issues of domestic and family violence concerning children;
   (c) The prevention of the use of violence by children;
   (d) Sensitivity to gender bias and cultural, racial, and sexual issues;
   (e) Violence in dating and other social relationships of boys and girls; and
   (f) Practices designed to promote safety of the victim and other family and household members, including safety plans.

COMMENTARY

There are many curricula on domestic and family violence tailored for education of children attending kindergarten through grade 12. See commentary related to subsection 4 of section 509 and subsection 4 of section 510 which is related to subsections 2 and 3 of this section. See Appendix VIII

Sec. 514. Continuing education for school personnel who are required to report abuse and neglect of children.

1. The state department of education or other appropriate school district shall provide courses of continuing education concerning domestic and family violence for employees who are required by law to report abuse or neglect of children.

2. The courses must be prepared and presented in consultation with public and private agencies that provide programs for victims of domestic or family violence, persons who have demonstrated expertise in education and domestic and family violence, advocates for victims, the statewide domestic or family violence coalition and the state advisory council on domestic and family violence.

3. The courses must include but are not limited to the following topics:
   (a) The nature, extent, and causes of domestic and family violence;
   (b) Practices designed to promote safety of the victim and other family and household members, including safety plans;
   (c) Issues of domestic and family violence concerning children;
   (d) Sensitivity to gender bias and cultural, racial, and sexual issues; and
   (e) The lethality of domestic and family violence.

COMMENTARY

The nexus between domestic and family violence and child abuse and neglect is strong. School personnel can assist children in violent homes and their parents through identification, information and referral related to legal options and community resources, and safety planning. The Code requires that such courses be developed and provided to appropriate educators and school personnel who are mandated reporters. Also see commentary related to subsections 2 and 3 following sections 509 and 510.
Appendix B2 - Connecticut Family Civil Intake Screen.
# FAMILY CIVIL INTAKE SCREEN

## General Case Information

<table>
<thead>
<tr>
<th>Plaintiff</th>
<th>Defendant</th>
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<tbody>
<tr>
<td>Gender: Male</td>
<td>Gender: Male</td>
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<tr>
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<table>
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<th>Children</th>
<th>DOB</th>
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</tbody>
</table>

Children's Attorney/GAL: | Phone: |
|-------------------------|-------|

Plaintiff attended/completed Parenting Education Program: N Y Date completed Waived

Defendant attended/completed Parenting Education Program: N Y Date completed Waived

Who presently has legal custody of the child(ren)?
- Father
- Mother
- Joint
- No Arrangement
- Other

Who presently has physical custody of the child(ren)?
- Father
- Mother
- Joint
- No Arrangement
- Other

What is the current parenting plan/access schedule?

How long have these arrangements been in place?

## Supervisor Assignment Information

Referred for:  
- Mediation
- Conflict Resolution Conference
- Issue Focused Evaluation
- Comprehensive Evaluation

Assigned to:  

Date Assigned:

1
### Additional Referral Information

* Copies of this page and first page are to be retained in the case file.
* If this screen is being completed in the automated format most of the information on this page will auto-filled from information that will be entered in the screen that follows. When the screen is complete, return to this page and review for accuracy.
* If the screen is being completed on paper, skip this section and return to it at the end.

#### Family Violence Screening:

<table>
<thead>
<tr>
<th>Prior Arrests:</th>
<th>No</th>
<th>Yes</th>
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<tr>
<td>Comments:</td>
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<table>
<thead>
<tr>
<th>PO/RO in effect:</th>
<th>No</th>
<th>Yes</th>
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<tr>
<td>Comments:</td>
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#### Referral Status:

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<tr>
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<th>Self</th>
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<td>Case status:</td>
<td>Pendente Lite</td>
<td>Pre Judgment</td>
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<td>Type of Case:</td>
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<td>Unmarried</td>
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<td>Issues Referred:</td>
<td>Custody</td>
<td>Out of State</td>
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<td>Access</td>
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<tr>
<td>Forms Distributed:</td>
<td>Brochure</td>
<td>Questionnaire</td>
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Previous Referrals to PRO for services (dates):

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### ADDITIONAL PERTINENT INFORMATION

---

2
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<tr>
<th>Level of Conflict</th>
<th>Which of the following best describes your relationship with your child(ren)'s other parent?</th>
<th>How many times have you utilized Court interventions to deal with child-related disagreements between yourself and your child(ren)'s other parent?</th>
<th>At what stage(s) of the Court process have you returned to Court with disputes about your parenting arrangement?</th>
<th>Which of the following Court processes usually resolved your prior parenting disputes?</th>
<th>Current level of Conflict</th>
<th>Ability to cooperate and communicate</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOW</td>
<td>✅ Divorcing/separating and living apart</td>
<td>✅ No prior times; this is the first referral</td>
<td>✅ No prior Court services</td>
<td>✅ No Prior Court Service</td>
<td>LOW TO MODERATE</td>
<td>How well do you and your child(ren)'s other parent cooperate and communicate over your child(ren)</td>
</tr>
<tr>
<td>LOW</td>
<td>✅ Divorcing/separating but still living together</td>
<td>✅ Two or three times</td>
<td>✅ Pendent Lite/Pre-Judgment</td>
<td>✅ Negotiation</td>
<td>MODERATE TO HIGH</td>
<td>POSITIVE</td>
</tr>
<tr>
<td>MODERATE</td>
<td>✅ Already Divorced</td>
<td>✅ HIGH</td>
<td>✅ Post Judgment</td>
<td>✅ Mediation/Conflict Resolution Conference</td>
<td>HIGH</td>
<td>POSITIVE</td>
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<td>MODERATE</td>
<td>✅ Never Married Used to live together</td>
<td>✅ LOW/MODERATE</td>
<td></td>
<td></td>
<td></td>
<td>LIMITED</td>
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<tr>
<td>HIGH</td>
<td>✅ Never Married Never lived together</td>
<td>✅ HIGH</td>
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<td>LIMITED TO NO ABILITY</td>
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<td></td>
<td></td>
<td></td>
<td>NO CONTACT OR COOPERATION IS POSSIBLE</td>
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<tr>
<td>How were your present custody and access/visitation arrangements made?</td>
<td>POSITIVE</td>
<td>LIMITED</td>
<td>LIMITED TO NO ABILITY</td>
<td>NONE</td>
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<tr>
<td>A mutual decision was made together by you and the child(ren)’s other parent</td>
<td>POSITIVE</td>
<td>POSITIVE</td>
<td>LIMITED</td>
<td>LIMITED TO NO ABILITY</td>
<td>NONE</td>
<td></td>
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<tr>
<td>A decision was made with the help of a counselor, attorney, or mediator/negotiator</td>
<td>Somewhat important (some value but some problems/limitations as a parent)</td>
<td>Not important (has little to offer; problems/deficits as a parent)</td>
<td>Very unimportant (has nothing to offer as a parent)</td>
<td></td>
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<tr>
<td>A decision was made by someone in authority like a judge or after an evaluation</td>
<td>Very important (has many valuable things to offer as a parent)</td>
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<tr>
<td>How important is the other parent to the welfare of your child(ren)?</td>
<td>Very important (has many valuable things to offer as a parent)</td>
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<tr>
<td>Overall level of communication/collaboration</td>
<td>VERY IMPORTANT</td>
<td>IMPORTANT</td>
<td>LIMITED</td>
<td>LIMITED TO NO ABILITY</td>
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<td>Communication barrier to resolution of conflicts between you and the other parent</td>
<td>Communication barrier to resolution of conflicts between you and the other parent</td>
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<tr>
<td>Complexity of issues</td>
<td>HIGH</td>
<td>HIGH</td>
<td>MODERATE</td>
<td>MODERATE</td>
<td>LOW</td>
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<tr>
<td>What do you believe are the issues currently in dispute between you and your child(ren)’s other parent?</td>
<td>High relocation of one parent</td>
<td>High medical, educational and religious decisions for your children</td>
<td>High threatening or violent behavior between other family members</td>
<td>Moderate time sharing and holiday schedules (access issues) and/or arrangements for picking up/exchanging children</td>
<td>Moderate financial issues (child support/alimony, maintaining the family home)</td>
<td>Low other parent and friends/family speaking negatively about you to the child(ren)</td>
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<tr>
<td>Child Abuse/Neglect</td>
<td>Other:</td>
<td>Counselor needs to rate:</td>
<td></td>
<td></td>
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<td><strong>Concerns of:</strong></td>
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<tr>
<td>o Physically hurting the child(ren)</td>
<td></td>
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<tr>
<td>o Emotional abusing your children</td>
<td></td>
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<tr>
<td>o Neglecting to feed, supervise, etc. the child(ren)</td>
<td></td>
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<td>o Driving unsafely with the child(ren) in the car</td>
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<td>o Exposing children to dangerous/criminal behavior</td>
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<td>o Parent is engaging in sexually inappropriate behavior</td>
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<tr>
<td>Past only; No current allegations; one parent may have underlying concern that abuse/neglect may reoccur in the future</td>
<td>LOW</td>
<td>HIGH</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Current allegation; behavior not denied; currently in treatment or recently completed; recognition that behaviors have impacted relationship with child(ren); no agreement on how this should impact parenting plan</td>
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<td>MODERATE/ HIGH</td>
<td></td>
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<tr>
<td>Current allegation; minimizes behavior; may or may not be in treatment; ambivalent about if/how behavior impacts relationship with child; no agreement on how this should impact parenting plan</td>
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<tr>
<td>Child abuse issue totally denied by one party</td>
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<table>
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<th>Substance abuse</th>
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<td><strong>Concerns of:</strong></td>
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<tr>
<td>o Drinking too much</td>
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<tr>
<td>o Using illegal drugs</td>
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<tr>
<td>o Abusing prescription meds</td>
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<td>Past only; Agreement that there is no current use; one parent may have underlying concern that substance abuse may reoccur</td>
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<td>Currently using, no denial of use; currently in treatment/or recently completed; agreement that use has impact on ability to parent; no agreement on how this should impact parenting plan</td>
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<td>Currently using, no denial of use; may or may not be in treatment; ambivalent about how use impacts parenting ability; no agreement on how this should impact parenting plan</td>
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<td>Substance use totally denied by one party</td>
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<td>Mental Health</td>
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<td><strong>Concerns of:</strong></td>
<td><strong>Concerns of:</strong></td>
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<tr>
<td>o Being mentally or emotionally unstable</td>
<td>o Behaving violently towards you</td>
<td></td>
</tr>
<tr>
<td>o Depression</td>
<td>o Behaving violently towards their new significant other/spouse</td>
<td></td>
</tr>
<tr>
<td>o Personality Disorder</td>
<td>o Violence between current and past significant other/spouse</td>
<td></td>
</tr>
<tr>
<td>Past only; Agreement there is no impact on current functioning; one parent may have underlying concern that functioning may be compromised in the future</td>
<td>Past only; No current allegations or DV arrests; NO underlying fear of the other parent</td>
<td></td>
</tr>
<tr>
<td><strong>LOW</strong></td>
<td><strong>LOW</strong></td>
<td></td>
</tr>
<tr>
<td>Currently an issue, not denied; currently in treatment or recently completed; agreement that issue has impact on ability to parent; no agreement on how this should impact parenting plan</td>
<td>Current allegation or DV arrest; behavior not denied; currently in treatment or recently completed; recognition that behaviors have impacted on parenting relationships; no agreement on how this should impact parenting plan</td>
<td></td>
</tr>
<tr>
<td><strong>MODERATE</strong></td>
<td><strong>MODERATE</strong></td>
<td></td>
</tr>
<tr>
<td>Currently an issue; may or may not be in treatment; ambivalent about if/how issue impacts parenting ability; no agreement on how this should impact parenting plan</td>
<td>Current allegation or DV arrest; minimizes behavior; may or may not be in treatment; ambivalent about if/how behavior impacts parenting relationships; no agreement on how this should impact parenting plan</td>
<td></td>
</tr>
<tr>
<td><strong>MODERATE/ HIGH</strong></td>
<td><strong>MODERATE/ HIGH</strong></td>
<td></td>
</tr>
<tr>
<td>Mental Health issue totally denied by one party</td>
<td>Denial of allegations by one party</td>
<td></td>
</tr>
<tr>
<td><strong>HIGH</strong></td>
<td>Past DV incident(s); One parent continues to be fearful</td>
<td></td>
</tr>
</tbody>
</table>

**Issues Identified:** (To be filled out on the automated format only)

**Issues:**

**Rating:**
### Complexity of Issues

<table>
<thead>
<tr>
<th>Complexity of Issues</th>
<th>LOW/MODERATE</th>
<th>MODERATE</th>
<th>HIGH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parenting Time</td>
<td>Primary Residence</td>
<td>DV; Mental Health; Child abuse; Substance abuse; Issue present or history of abuse; Status of involvement; Parent must recognize, low risk impact; Parenting plan or treatment completed</td>
<td>Parenting Time; Primary Residence; DV; Mental Health; Child abuse; Substance abuse; Issue present or history of abuse; Status of involvement; Parent must recognize, low risk impact; Parenting plan or treatment completed</td>
</tr>
</tbody>
</table>

### Level of Dangerousness

<table>
<thead>
<tr>
<th>How frightened are you of your child(ren)'s other parent at this time?</th>
<th>LOW</th>
<th>MODERATE</th>
<th>HIGH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all</td>
<td>Somewhat</td>
<td>Very much</td>
<td></td>
</tr>
</tbody>
</table>

### During your relationship with the child(ren)'s other parent, how often did the following occur: (See Below)

<table>
<thead>
<tr>
<th>Threats to hurt or punish</th>
<th>Never</th>
<th>Once</th>
<th>Several Times</th>
<th>Frequently</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Low</td>
<td>Low</td>
<td>Moderate</td>
<td>Moderate/High</td>
</tr>
<tr>
<td>Push, grab, shove, bully</td>
<td>Low</td>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
</tr>
<tr>
<td>Low or Mod</td>
<td>Low</td>
<td>Moderate</td>
<td>Moderate/High</td>
<td>High</td>
</tr>
<tr>
<td>Choke, beat up the other (repeated blows)</td>
<td>Mod or High</td>
<td>Low</td>
<td>Moderate/High</td>
<td>High</td>
</tr>
<tr>
<td>Threat of/ use of a weapon</td>
<td>Mod or High</td>
<td>Mod or High</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Sexual abuse or rape</td>
<td>Mod or High</td>
<td>Low</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td><strong>Legal Response To Family Violence</strong></td>
<td></td>
<td></td>
<td>Overall Rating**</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-------------------</td>
<td>-------------------</td>
<td>-------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Occurred in the past:</strong></td>
<td><strong>Current - Within the past 12 months</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(prior to past 12 months)</td>
<td>Ratings if yes:</td>
<td>Ratings if yes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Have police been called because of allegations of violence or abuse by you or the other parent?</strong></td>
<td>Low or Mod.</td>
<td>Moderate</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Have criminal charges been filed against you or the other parent as a result of alleged violence? (assultive behavior)</strong></td>
<td>Moderate</td>
<td>Moderate or High</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Has there ever been a restraining or protective orders in place between you and the other parent?</strong></td>
<td>Low</td>
<td>Moderate</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Has there been an arrest for a violation of a protective order or restraining order?</strong></td>
<td>Low or Moderate</td>
<td>High</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Have you ever received medical treatment for injuries intentionally caused by the other parent?</strong></td>
<td>Moderate or High</td>
<td>High</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Has DCF opened a file as a result of allegations of child abuse or neglect against either parent?</strong></td>
<td>Low or Moderate</td>
<td>Moderate/High</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Service Options/Definitions

<table>
<thead>
<tr>
<th>Level of Conflict</th>
<th>Low to Moderate</th>
<th>Moderate to High</th>
<th>Moderate to High</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Communication/Cooperation</td>
<td>Positive</td>
<td>Limited</td>
<td>Limited to Mobility</td>
<td>None</td>
</tr>
<tr>
<td>Parents communicate and consider the other parent's opinion, minimal communication, passive cooperation.</td>
<td>Communication tends to be confrontational, done so in a challenging manner, rely on others for direction.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complexity of Issues</td>
<td>Low/Moderate</td>
<td>Moderate</td>
<td>Moderate to High</td>
<td>High</td>
</tr>
<tr>
<td>Parenting time, Primary Residence, No current DV, Mental Health, Child abuse, Neglect, Substance abuse, present and not treated, impact of issue on parenting recognized, how issue impacts parenting, plan in dispute, current or recently completed treatment, current.</td>
<td>Parenting time, Primary residence, DV, Mental Health, Child abuse, Neglect, Substance abuse, present, parent may have ambivalence on if how this impacts parenting, ability, how issue impacts parenting, plan in dispute, current or recently completed treatment, current.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level of Dangerousness</td>
<td>Low</td>
<td>Moderate or Moderate to High</td>
<td>Moderate to High or High</td>
<td>Moderate to High or High</td>
</tr>
<tr>
<td>Disparity in Base Need for corroborating evidence</td>
<td>Virtually no to moderate differences in fact, or position</td>
<td>Moderate differences in facts or position</td>
<td>Moderate differences in facts or position</td>
<td>Significant differences in fact, or position, Strong need to share their perspective</td>
</tr>
<tr>
<td></td>
<td>Very limited need for corroborating evidence (or no collateral resources needed).</td>
<td>Limited need for corroborating evidence (or more than 1 collateral resource needed).</td>
<td>Limited need for corroborating evidence (or more than 1 collateral resource needed).</td>
<td>Significant need for corroborating evidence and expanded interviews with clients</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Selection</th>
<th>Mediation</th>
<th>Conflict Resolution</th>
<th>Focused Evaluation</th>
<th>Comprehensive Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Average</td>
<td>Standard 65%</td>
<td>Average 61%</td>
<td>Standard 65%</td>
</tr>
<tr>
<td>----------------</td>
<td>---------</td>
<td>--------------</td>
<td>-------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Nov 1, 2004 to September 1, 2005 Services Outcome Overview</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>74%</td>
<td>67% 194%</td>
<td>11% 87%</td>
<td>21% 83% 60%</td>
</tr>
<tr>
<td></td>
<td>261</td>
<td>58 104</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>365</td>
<td>102 153</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>CE</td>
<td>IFE</td>
<td>CRC</td>
<td>CFC</td>
</tr>
</tbody>
</table>
Appendix B3 – Lackawanna County, PA Intake Screen.
COMMONWEALTH OF PENNSYLVANIA

LACKWANNA FAMILY COURT
Protocol for Family Intake Screen

Step 1. Upon filing for a Custody Action, the party that files will be given two Family Intake Screens. This parent (pro se) or the parent’s attorney is required to give one of the screens to the other parent.

Parents are required to complete the intake screen for all custody matters with the exception of Special Relief hearings.

Step 2. On the day of the Conciliation Conference, the parents are required to present the paperwork to the receptionist in the Court Administrator’s Office when they check in. When both parties provide the completed intake screen, the receptionist will attach the forms to the file and give it to Family Court Therapist, Ann Marie Terminini.

Step 3. Intake screens are reviewed by Family Court Therapist, Ann Marie Terminini.

Step 4. Both intake screens and summary page offering an overview of the family’s current status, suggestions for additional questioning by the Master or Judge, and considerations for ancillary services will be placed in the custody folder.

Step 5. Only after both screens are completed, and Ann Marie Terminini has had the opportunity to review the forms, the Judge/Master hears the case.

Step 6. Judge/Master indicates the outcome of the conference on the summary page designed for the intake screen.

Step 7. Judge/Master removes the intake screens and summary page from the file and presents it to Ann Marie Terminini. Since the screen is a confidential document it is not part of the record.

In the event that one or both parents do not submit a completed intake screen, they will be given this document to complete upon their arrival to the courthouse. They are told that should they not complete the screen prior to their court date, they will be required to complete it upon their arrival.

Cases should not be heard until both parents/guardians have completed the screen and Ann Marie Terminini, Court Therapist, has had the opportunity to review the survey. This may delay the court proceeding. Judge/Master should proceed with a case that is ready to be heard.
COMMONWEALTH OF PENNSYLVANIA
FAMILY INTAKE SCREEN
NOTICE TO PARENTS

Upon filing, the parties are given the following instructions along with the intake screening tool.

Dear Parent/Guardian:

During the process of family separation, you may be struggling to redefine your relationship with your former partner or just beginning to work together as parents on your child(ren)’s behalf. Not only are you trying to establish a parenting partnership, but you are faced with helping your child(ren) cope with parents living apart. We realize how difficult it might be to determine a living arrangement for your child(ren) that is truly in their best interest. The attached Family Intake Screen is designed to offer court personnel information that is needed to better understand your unique family situation. This valuable information will assist us in our attempts to create a two-home family that meets the needs of all family members.

Please complete the Intake Screen prior to your court date and return the survey on the date of your court conference or hearing. Present the paperwork to the receptionist in the Court Administrator’s Office when you check in. The Family Court Therapist will review the information, assess your current family situation and offer suggestions to the Custody Master or Judge who will be working with your family and presiding over your case.

In the event that you have not completed the Screen prior to your court date, you will be required to complete it upon your arrival. Your case will not be heard until both parents/guardians have completed the Screen and the Court Therapist has had the opportunity to review the survey. This will delay the court proceeding.

Do not share the information outlined in the Family Intake Screen with your child(ren) nor leave the survey in a place that your child(ren) may find it. The information you provide may be made available to the court therapist, custody master or judge, attorneys and/or the other parent. However, the Intake Screen is a confidential document that will remain in the office of the Family Court Therapist for approximately 6 months. After that time, the Intake Screen will be destroyed.

Complete the Family Intake Screen by filling in the small circle that best describes your family situation. You may add comments if you believe this information may be helpful.

By the Court,

President Judge Chester Harhut
## CONFIDENTIAL
## FAMILY INTAKE SCREEN

Lackawanna Family Court
Person Completing Form

Date Form Completed
Relationship to Child(ren)

### GENERAL CASE INFORMATION

<table>
<thead>
<tr>
<th>Plaintiff</th>
<th>Defendant</th>
<th>Docket #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender: Male Female</td>
<td>Gender: Male Female</td>
<td>PARENTS ARE GIVEN THIS DOCUMENT WITHOUT THE REFERENCE TO THE SEVERITY OF EACH ELEMENT. THE WORDS LOW THROUGH HIGH, POSITIVE, ETC. ARE NOT ON THE PARENT FORM.</td>
</tr>
<tr>
<td>DOB:</td>
<td>DOB:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
<td>Phone:</td>
<td></td>
</tr>
<tr>
<td>Employer:</td>
<td>Employer:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
<td>Phone:</td>
<td></td>
</tr>
<tr>
<td>Work Hours:</td>
<td>Work Hours:</td>
<td></td>
</tr>
<tr>
<td>Attorney:</td>
<td>Attorney:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
<td>Phone:</td>
<td></td>
</tr>
</tbody>
</table>

### Children

<table>
<thead>
<tr>
<th>DOB/Age</th>
<th>Gender</th>
<th>Resides with</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Children's Attorney/GAL:

<table>
<thead>
<tr>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Plaintiff attended/completed Parenting Education Program: N Y Date completed Waived
Defendant attended/completed Parenting Education Program: N Y Date completed Waived

Who presently has legal custody of the child(ren)? Father Mother Joint No Arrangement Other
Who presently has legal custody of the child(ren)? Father Mother Joint No Arrangement Other

What is the current parenting plan/access schedule?

How long have these arrangements been in place?

## Judge/Agency/Other Referral/Recommendations

Indicate custody matter

Recommendations:

1
Previous/Current Services

List the length of time of Previous/Current Counseling for Child(ren)__________________________

List the length of time of Previous/Current Counseling for Self__________________________

Name of Psychotherapist for Child(ren) ____________________________ Self__________________________

Drug & Alcohol Usage (frequency/amount) ____________________________ DUI? ______ yes ______ no
If yes, please explain___________________________________________________________

Fines/Costs/Restitution___________________________________________________________

Did you take part in a custody evaluation or psychological evaluation? ______ yes ______ no
If yes, list the name of the evaluator ____________________________ Date Completed______________

Have you or the other parent ever been subject to a protective order? ______ yes, who__________________________ / ______ no
If yes, when was it initiated?___________________________________________________________

What are the terms of the order?_______________________________________________________

Have you or the other parent ever been required to participate in supervised visitation? ______ yes, who__________________________ / ______ no
If yes, what are/were the terms of the visitation?__________________________________________

How often did the visitation occur?_____________________________________________________

List the name of the supervisor and their relationship to you________________________________

Have you or the other parent ever been reported to child protective services? ______ yes, who__________________________ / ______ no
If yes, what was it for and when?_______________________________________________________

Do you or the other parent have a history of stalking or harassment of the other parent? ______ yes, who__________________________ / ______ no
If yes, when did it occur?______________________________________________________________

Do you or the other parent have a history of any physical/sexual abuse of an adult/child? ______ yes, who__________________________ / ______ no
If yes, under what circumstances and when?______________________________________________

Was a police report made or formal charges brought against you or the other parent? ______ yes, who__________________________ / ______ no
If yes, what were you or the other parent charged with and what was the penalty?______________

Have you or the other parent ever been convicted of a crime other than a minor traffic violation? ______ yes, who__________________________ / ______ no
If yes, what was it and when?___________________________________________________________

Have you or the other parent ever been incarcerated? ______ yes, who__________________________ / ______ no
If yes, what was the reason and length of incarceration?____________________________________

Additional Concerns/Comments:_______________________________________________________

Developed Conflict:

Which of the following best describes your relationship with your child(ren)'s other parent?

- Divorcing/separating and living apart
  - LOW
- Divorcing/separating but still living together
  - LOW
- Already divorced
  - MODERATE
- Never married; used to live together
  - MODERATE
- Never married; never lived together
  - HIGH
<table>
<thead>
<tr>
<th>How many times have you utilized court interventions to deal with child-related disagreements between yourself and your child(ren)'s other parent?</th>
<th>No prior times, this is the first referral</th>
<th>Two or three times</th>
<th>Four or more times</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOW</strong></td>
<td><strong>MEDIUM</strong></td>
<td><strong>HIGH</strong></td>
<td></td>
</tr>
<tr>
<td>At what stages of the court process have you returned to court with disputes about your parenting arrangement?</td>
<td>No prior court services</td>
<td>Pre-Judgment</td>
<td>Post Judgement and Pre-Judgment</td>
</tr>
<tr>
<td><strong>LOW</strong></td>
<td><strong>MEDIUM</strong></td>
<td><strong>HIGH</strong></td>
<td></td>
</tr>
<tr>
<td>Which of the following Court process usually resolved your prior parenting disputes?</td>
<td>No prior Court services</td>
<td>Negotiation</td>
<td>Mediation, Conflict Resolution Conference</td>
</tr>
<tr>
<td><strong>LOW</strong></td>
<td><strong>LOW</strong></td>
<td><strong>LOW</strong></td>
<td><strong>MEDIUM</strong></td>
</tr>
<tr>
<td>Ability to Cooperate and Communicate</td>
<td>How often do you communicate with the other parent?</td>
<td>As needed; when the information is received; notification of important events/sharing of records in a timely manner</td>
<td>Weekly</td>
</tr>
<tr>
<td><strong>POSITIVE</strong></td>
<td><strong>POSITIVE</strong></td>
<td><strong>LIMITED</strong></td>
<td><strong>LIMITED</strong></td>
</tr>
<tr>
<td>What do you and the other parent talk about?</td>
<td>Focus on issues related to the child(ren); able to distinguish own needs from child(ren)'s needs</td>
<td>Exchange of information regarding the child(ren)'s needs, concerns, successes and schedules; notification of important events</td>
<td>Initially discuss issues related to child(ren); discussion quickly turns to inquiries about personal information, past relationship issues, other parent’s significant other</td>
</tr>
<tr>
<td>How do you generally communicate with the other parent?</td>
<td>Restrictions on conversations in front of the child(ren); directly to the other parent by phone</td>
<td>During child(ren)'s transitions in courteous manner</td>
<td>Via e-mail/voice mail/fax Verbal/written messages; through our children</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
<td>------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>Do not communicate</td>
<td>when the child(ren) is home and awake-courteous manner, when the child(ren) cannot overhear conversation-child(ren) is asleep; leave messages on the other parent's home answering machine</td>
<td>POSITIVE</td>
<td>LIMITED TO NO ABILITY</td>
</tr>
<tr>
<td>Describe the general tone of the conversations between yourself and the other parent?</td>
<td>Pleasant; cordial; courteous interaction; respectful; ability to appropriately disengage from conflicted interactions with other parent; respect for boundaries</td>
<td>Business-like; occasional expressions of anger; occasional verbal quarreling; negative emotions quickly brought under control; hang up phone as a way setting appropriate limits</td>
<td>Berates parent in front of the child(ren); frequent quarreling; sarcasm; difficult time with impulse control</td>
</tr>
<tr>
<td>Do not communicate</td>
<td>POSITIVE</td>
<td>POSITIVE/ LIMITED</td>
<td>LIMITED</td>
</tr>
<tr>
<td>Question</td>
<td>Positive</td>
<td>Positive</td>
<td>Limited</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>----------</td>
<td>----------</td>
<td>---------</td>
</tr>
<tr>
<td>How well do you and your child(ren)'s other parent cooperate and communicate over your child(ren)?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>We generally cooperate well</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>We cooperate some of the time</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>We do not cooperate well</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperation is almost impossible</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No contact or cooperation possible</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>What is the general outcome (reach resolution/closure, no agreement, arguments, hang up)?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reach resolution; empathy and sensitivity to child(ren)'s needs; support for appropriate child-rearing decisions across households; adherence to agreements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resolved resolution between parents using verbal exchanges with occasional expressions of anger; ability to separate own needs from child(ren)'s needs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resolution two out of five times; ineffective problem solving; frequent arguments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resolution one out of five times; threats of litigation; threats to limit access of other parent and child(ren); hang up</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No mutual resolution; threats of violence, leave town, withhold money; overwhelming sense of hatred</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How were your present custody and access/visitation arrangements made?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A mutual decision was made together by you and the child(ren)'s other parent</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A decision was made with the help of a counselor, attorney, or mediator/negotiator</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A decision was made by someone in authority like a judge or after an evaluation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The arrangements were made by you without discussing it with anyone</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How is the overall level of trust between parents to appropriately care for the child(ren) and safeguard their best interest?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust each other to: follow through on agreements, use good judgment when caring for the child(ren); continuity between households regarding child-rearing practices</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust each other most of the time; similar expectations in both households; at times miscommunication undermines appropriate care</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust each other some of the time; undermine decisions when things do not go your/their way</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do not trust each other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How important is the other parent to the welfare of your child(ren)?</td>
<td>Very important (has many valuable things to offer as a parent)</td>
<td>Important (has some valuable things to offer as a parent)</td>
<td>Somewhat important (some value but some problems/limitations as a parent)</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>POSITIVE</td>
<td>POSITIVE</td>
<td>LIMITED</td>
<td>LIMITED TO NO ABILITY</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Describe what happens when the child(ren) is transferred from one parent to the other.</th>
<th>Minimal positive verbal exchange; courteous interaction in and out of the presence of the child(ren);</th>
<th>Disrespect the transfer time by arriving too early/late; tension;</th>
<th>Delay or create painful good-byes; separation anxiety; child(ren)dificulty leaving one or both parents; negative body language</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSITIVE</td>
<td>LIMITED</td>
<td>LIMITED TO NO ABILITY</td>
<td>NONE</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>What do you believe are the issues currently in dispute between you and your child(ren)'s other parent?</th>
<th>Medical, educational and religious decisions for your child(ren)</th>
<th>Threatening or violent behavior between other family members</th>
<th>Time sharing and holiday schedules (access issues) and/or arrangements for picking up/exchanging children</th>
<th>Financial issues (child support/alimony, maintaining the family home)</th>
<th>Other parent and friends/family speaking negatively about you to your child(ren)</th>
<th>Appropriate daily care and discipline of your child(ren)</th>
<th>Other:</th>
</tr>
</thead>
<tbody>
<tr>
<td>HIGH</td>
<td>HIGH</td>
<td>MODERATE</td>
<td>MODERATE</td>
<td>LOW</td>
<td>LOW</td>
<td>Counselor needs to rate</td>
<td></td>
</tr>
<tr>
<td>Who makes the decisions regarding the welfare of your child(ren)?</td>
<td>Parental Decision-Making</td>
<td>What is your level of confidence that each parent will follow through with agreements?</td>
<td>Parent-Child Relationship</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>---</td>
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<td>---</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frequent both parents; personal differences between parents separated from child-rearing matters; adherence to agreements regarding child-rearing matters; tolerance for unexpected events that disrupt time-sharing arrangements</td>
<td>POSITIVE</td>
<td>Support for appropriate child-rearing decisions across households; tolerance of and respect for differences in parenting styles</td>
<td>POSITIVE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Most of the time both parents; personal differences between parents separated from child-rearing matters</td>
<td>POSITIVE</td>
<td>Confident in providing adequate care that safeguards the child(ren);</td>
<td>POSITIVE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ineffective problem-solving; undermine parenting decisions; each parent makes their own decision when the child(ren) is in their custody with no regard for impact on other household</td>
<td>LIMITED TO NO ABILITY</td>
<td>Little to no confidence that each parent will follow through with agreement</td>
<td>LIMITED TO NO ABILITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unilateral; primary custodial parent makes all the decisions; other parent is not consulted; demands rather than requests</td>
<td>NONE</td>
<td></td>
<td>NONE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<p>| Describe the relationship between you and your child(ren). | Describe the relationship between your child(ren) and the other parent | |
| --- | --- | |
| Close; respectful; discuss problems and concerns; maintain authority; occasional disagreements | Close; respectful; discuss problems and concerns; maintain authority; occasional disagreements | Close; respectul; discuss problems and concerns; maintain authority; occasional disagreements |
| POSITIVE | POSITIVE TO LIMITED | POSITIVE |
| Conflicted; generally argue over rules and expectations | LIMITED | Conflicted; generally argue over rules and expectations |
| No current relationship | None | No current relationship |</p>
<table>
<thead>
<tr>
<th>How often do you have contact with your child(ren)?</th>
<th>Daily; see or call them everyday</th>
<th>Frequently</th>
<th>Occasionally</th>
<th>No current contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSITIVE</td>
<td>POSITIVE</td>
<td>LIMITED</td>
<td>NONE</td>
<td></td>
</tr>
<tr>
<td>What do you and your child(ren) do together?</td>
<td>Engage in child-friendly activities; play board games; movies; visit relatives; cook/bake; watch TV</td>
<td>Engage in child-friendly activities; hang out; do homework; read</td>
<td>Activities are limited; parent-child contact limited; arguments; other individuals interfere with parent-child contact</td>
<td>No current contact</td>
</tr>
<tr>
<td>POSITIVE</td>
<td>POSITIVE</td>
<td>LIMITED</td>
<td>NONE</td>
<td></td>
</tr>
<tr>
<td>When discussing the other parent with your child(ren), what do you talk about?</td>
<td>How important the other parent is; the need to talk to the other parent about problems rather than taking care of the problem for the child(ren)</td>
<td>How important the other parent is; occasionally put-down the other parent</td>
<td>Question child(ren) about personal matters in the life of the other parent; frequently put-down the other parent</td>
<td>Continually put-down the other parent; talk about how the other parent cannot adequately care for the child(ren)</td>
</tr>
<tr>
<td>POSITIVE</td>
<td>POSITIVE</td>
<td>LIMITED</td>
<td>NONE</td>
<td></td>
</tr>
<tr>
<td>How do you support your child(ren)’s relationship with the other parent?</td>
<td>Appreciation of child(ren)’s relationship with other parent; recognition of the other parent’s positive qualities; view each parent as equal importance in the life of the child(ren)</td>
<td>Attempts to make child love one parent more than the other; use other people to care for child(ren) rather than give other parent extra time</td>
<td>Interrupts child(ren)’s visits in many different ways; absent parent calls frequently; shares divorce-related and other adult information with child(ren); rigid with child(ren)’s schedule</td>
<td>Sabotage child(ren)’s visits; delay bedtime; schedule activities on other parent’s time; over-involved/over-attached to child</td>
</tr>
<tr>
<td>POSITIVE</td>
<td>LIMITED</td>
<td>LIMITED TO NO ABILITY</td>
<td>NONE</td>
<td></td>
</tr>
<tr>
<td><strong>Child Abuse/Neglect</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Concerns of:</strong></td>
<td><strong>Past only; No current allegations; one parent may have underlying concern that abuse/)</strong></td>
<td><strong>Current allegations; behavior not denied; currently in treatment or recently completed;</strong></td>
<td><strong>Current allegations; minimizes behavior; may or may not be in treatment; ambivalent about if/how</strong></td>
<td><strong>Child abuse issue totally denied by one party</strong></td>
</tr>
<tr>
<td>o Physically hurting the child(ren)</td>
<td>o Neglecting to feed, supervise, etc. the child(ren)</td>
<td>o Driving safely with the child(ren) in the car</td>
<td>o Exposing child(ren) to dangerous/criminal behavior</td>
<td>o Parent is engaging in sexually inappropriate behavior</td>
</tr>
<tr>
<td>o Emotionally abusing the children</td>
<td>Neglect may reoccur in the future</td>
<td>recognition that behaviors have impacted relationship with child(ren); no agreement on how this should impact parenting plans</td>
<td>behavior impacts relationship with child; no agreement on how this should impact parenting plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>LOW</td>
<td>MODERATE</td>
<td>MODERATE/HIGH</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Substance Abuse</strong></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Concerns of:</strong></td>
<td><strong>Past only; agreement that there is no current use; one parent may have underlying concern that substance abuse may reoccur</strong></td>
<td><strong>Currently using, no denial of use; currently in treatment/or recently completed; agreement that use has impact on ability to parent; no agreement on how this should impact parenting plan</strong></td>
<td><strong>Currently using, no denial of use; may or may not be in treatment; ambivalent about how use impacts parenting ability; no agreement on how this should impact parenting plan</strong></td>
<td><strong>Substance use totally denied by one party</strong></td>
</tr>
<tr>
<td>o Drinking too much</td>
<td>o Using illegal drugs</td>
<td>o Abusing prescription meds</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>LOW</td>
<td>MODERATE</td>
<td>MODERATE/HIGH</td>
<td>HIGH</td>
</tr>
</tbody>
</table>

9
<table>
<thead>
<tr>
<th>Mental Health</th>
<th>Past only; agreement that there is no impact on current functioning; one parent</th>
<th>Currently an issue, not denied; currently in treatment or recently completed;</th>
<th>Currently an issue; may or may not be in treatment; ambivalent about if/how issues impacts parenting ability; no agreement on how this should impact parenting plan</th>
<th>Mental health issue totally denied by one party</th>
<th>Not an issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>o Personality Disorder</td>
<td>may have underlying concern that functioning may be compromised in the future</td>
<td>agreement that issue has impact on ability to parent; no agreement on how this should impact parenting plan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>LOW</td>
<td>MODERATE</td>
<td></td>
<td>LOW</td>
<td></td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>Past only; no current allegations or DV arrest; No underlying fear of the other parent</td>
<td>Current allegations or DV arrest; currently in treatment or recently completed; recognition that behaviors have impacted on parenting relationships; no agreement on how this should impact parenting plan</td>
<td>Past DV incident(s) However one parent continues to be concerned about interactions.</td>
<td>Current allegation or DV arrest; minimizes behavior; may or may not be in treatment; ambivalent about if/how behavior impacts parenting relationships; no agreement on how this should impact parenting plan</td>
<td>Past DV incident(s) One parent continues to be fearful.</td>
</tr>
<tr>
<td>Concerns of:</td>
<td></td>
<td></td>
<td></td>
<td>Denial of allegations by one party</td>
<td></td>
</tr>
<tr>
<td>o Behaving violently towards you</td>
<td></td>
<td></td>
<td></td>
<td>Past DV incident(s) One parent continues to be fearful.</td>
<td></td>
</tr>
<tr>
<td>o Behaving violently towards their new significant other/spouse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o Violence between current and past significant other/spouse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>LOW</td>
<td>MODERATE</td>
<td></td>
<td>HIGH</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>MODERATE/ HIGH</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HIGH</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How frightened are you of your child(ren)'s other parent at this time?</td>
<td>Not at all</td>
<td>Somewhat</td>
<td>Very much</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOW</td>
<td>MODERATE</td>
<td>HIGH</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

During your relationship with the child(ren)'s other parent, how often did the following occur:

- Occurrences within the past 12 months:

<table>
<thead>
<tr>
<th>Threats to hurt or punish</th>
<th>Never</th>
<th>Once</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Low</td>
<td></td>
</tr>
</tbody>
</table>

| Push, grab, shove, bully | Low | Low |
| Slap, hit, kick, bite, etc. | Low | Moderate |

<p>| Choke, beat, up the other (repeated blows) | Low | Moderate/High |
| Threat of/use of a weapon | Low | High |
| Sexual abuse or rape | Low | High |</p>
<table>
<thead>
<tr>
<th>Legal Response to Family Violence</th>
<th>Have police been called because of allegations of violence or abuse by you or the other parent?</th>
<th>Low or Mod</th>
<th>Moderate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent complete by circling response 0</td>
<td>Have criminal charges been filed against you or the other parent as a result of alleged violence? (assaultive behavior)</td>
<td>Moderate</td>
<td>Moderate or High</td>
</tr>
<tr>
<td></td>
<td>Has there ever been a restraining or protective orders in place between you and the other parent?</td>
<td>Low</td>
<td>Moderate</td>
</tr>
<tr>
<td></td>
<td>Has there been an arrest for a violation of a protective order or restraining order?</td>
<td>Low or Moderate</td>
<td>High</td>
</tr>
<tr>
<td></td>
<td>Have you ever received medical treatment for injuries intentionally caused by the other parent?</td>
<td>Moderate or High</td>
<td>High</td>
</tr>
<tr>
<td></td>
<td>Has Children &amp; Youth Services opened a file as a result of allegations of child abuse or neglect against either parent?</td>
<td>Low or Moderate</td>
<td>Moderate/High</td>
</tr>
<tr>
<td><strong>LEVEL OF CONFLICT</strong></td>
<td><strong>LOW TO MODERATE</strong></td>
<td><strong>MODERATE TO HIGH</strong></td>
<td><strong>FULLY HIGH</strong></td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------------</td>
<td>----------------------</td>
<td>----------------</td>
</tr>
<tr>
<td><strong>LEVEL OF COMMUNICATION/COOPERATION</strong></td>
<td><strong>POSITIVE</strong></td>
<td><strong>LIMITED</strong></td>
<td><strong>LTD TO NO ABILITY</strong></td>
</tr>
<tr>
<td>Parents communicate and consider the other parent’s opinion</td>
<td>Minimal communication, passive cooperation</td>
<td>Communication tends to be conflicted or tense so in a challenging manner, rely on others for direction</td>
<td>No communication, Avoidant, None</td>
</tr>
<tr>
<td><strong>COMPLEXITY OF ISSUES</strong></td>
<td><strong>LOW/MODERATE</strong></td>
<td><strong>MODERATE</strong></td>
<td><strong>MODERATE/HIGH</strong></td>
</tr>
<tr>
<td>Parenting time; Primary residence; No current DV; Mental Health, and Substance abuse issues not present or if so do not impair ability to mediate</td>
<td>Parenting time; Primary residence; No current DV; Mental Health; Child abuse/neglect, Substance abuse present but not denial; impact of issue on parenting recognized, how issue impacts parenting plan in dispute, current Guardians or recently completed treatment a must</td>
<td>Parenting time; Primary residence; No current DV; Mental Health; Child abuse/neglect, Substance abuse present, parent has maintained custody, how this impacts parenting ability, how issue impacts parenting plan in dispute, may or may not be in current treatment</td>
<td>Parenting time; Primary residence, No current DV; Mental Health, Child abuse/neglect, Substance abuse denied by one parent</td>
</tr>
<tr>
<td><strong>LEVEL OF DANGEROUSNESS</strong></td>
<td><strong>LOW</strong></td>
<td><strong>MODERATE</strong></td>
<td><strong>MODERATE/FULLY HIGH</strong></td>
</tr>
<tr>
<td>Disparity of facts/Need for corroborating evidence</td>
<td>Minor to moderate differences in facts and position</td>
<td>Moderate differences in facts or position</td>
<td>Moderate difference in facts or position</td>
</tr>
<tr>
<td>Service Selection</td>
<td>MEDICATION</td>
<td>COOPERATIVE PARENTING &amp; DIVORCE GROUP PROGRAM, ANGER MANAGEMENT DATS, PARENT EDUCATION DATS</td>
<td>COOPERATIVE PARENTING &amp; DIVORCE GROUP PROGRAM, ANGER MANAGEMENT DATS</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
§ 3901. Mediation programs

(a) ESTABLISHMENT -- A court may establish a mediation program for actions brought under this part or Chapter 53 (relating to custody).

(b) ISSUES SUBJECT TO MEDIATION -- When a program has been established pursuant to subsection (a), the court may order the parties to attend an orientation session to explain the mediation process. Thereafter, should the parties consent to mediation, the court may order them to mediate such issues as it may specify.

(c) LOCAL RULES.--

(1) The court shall adopt local rules for the administration of the mediation program to include rules regarding qualifications of mediators, confidentiality and any other matter deemed appropriate by the court.

(2) The court shall not order an orientation session or mediation in a case where either party or child of either party is or has been a subject of domestic violence or child abuse at any time during the pendency of an action under this part or within 24 months preceding the filing of any action under this part.

(d) MODEL GUIDELINES -- The Supreme Court shall develop model guidelines for implementation of this section and shall consult with experts on mediation and domestic violence in this Commonwealth in the development thereof. The effective date of this chapter shall not be delayed by virtue of this subsection.

HISTORY: Act 1996-20 (S.B. 432), § 2, approved Apr. 4, 1996, eff. immediately

LexisNexis (R) Notes:

TREATISES AND ANALYTICAL MATERIALS

LEXISNEXIS®

Pennsylvania Rules of Court, Annotated by LexisNexis®

* This document is current through amendments received December 1, 2006 *
*** February 7, 2007 Annotation Service ***

Pennsylvania Rules of Civil Procedure
Voluntary Mediation in Custody Actions

Pa. R.C.P. No. 1940.3 (2006)

Review Court Orders which may amend this Rule.

Rule 1940.3. Order for Orientation Session and Mediation. Selection of Mediator:

(a) Except as provided in (b), the court may order the parties to attend an orientation session at any time upon motion by a party, stipulation of the parties, or the court's own initiative.

(b) The court may not order an orientation session if a party or a child of either party is or has been the subject of domestic violence or child abuse either during the pendency of the action or within 24 months preceding the filing of the action.

Note: See also Rule 1940.6(a)(4) requiring termination of mediation when the mediator finds that the proceeding is "inappropriate" for mediation. The mediator has a continuing ethical obligation, consistent with Rule 1940.4(b), during the mediation to screen for abuse and to terminate the mediation in the event he or she determines that the abuse renders the case unsuitable for mediation.

(c) Following the orientation session and with the consent of the parties, the court may refer the parties to mediation. The mediation may address any issues agreed to by the parties unless limited by court order.
Appendix B5 – Sample Parenting Education Courses.
Generations

...for our children's children

Zach
Age 8

by Roberta Eisen, MEd, LPC

for
Allegheny County Court of Common Pleas,
Family Division
Kim Berkeley Clark, Administrative Judge
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12. Preparing for the Custody Mediation Session
1. Introduction

Welcome

Generations is a custody education/mediation program that includes an educational seminar for adults, an interactive group for children and a mediation orientation session.

The Generations program is part of the Allegheny County Court of Common Pleas Family Division. Effective February 1, 1997, all parties filing any type of custody request are required to participate in this program.

We welcome you to the adult education seminar. Although this class is for adults, it is about children...the children in your hearts...the children of this generation and for the generations to come...the children who deserve the laughter and happiness that childhood brings.

We hope that this class will provide families with enough information to better understand the importance of family dynamics in a child's adjustment, development, and success. Regardless of how the adults feel about each other, all children need and deserve a chance to know and love their mother, father, and family.

You are the experts; you are the people who love, support, and want the best for your children. We recognize how difficult and stressful this can be for both parents, families, and children. We welcome you and hope this will be a positive experience for everyone in your family.

Generations...

A Special thanks to Robert M. Wilson, Ph.D.
Yvonne E. Keairns, Ph.D.
Lorraine Bittner, J.D. and Janet Scott

Most of this program assumes that a child's most basic right to be safe from physical danger or violence is being met. If there are issues of child abuse, endangerment, or domestic violence, help is available.
2. Changing Families—Families Living in Two Homes

There are different types of families in our country and in our program as well: families that separated, families that divorced, and unmarried families. Some of you, especially those who have never lived in the same home and families that may include grandparents or other primary caretakers as well, may not have thought to consider this a family at all. From your child’s perspective, regardless of whether the family ever lived in one home together, the family generally consists of a mother and father living in two different homes. Sometimes, other family members, such as grandparents, may also play a significant role in a child’s growth and development. More children in the United States than almost any other country in the world, live in families with two households. Although a relationship is unsuccessful for the adults, you will still be the child’s family forever. Children can adjust to living in two houses successfully if the adults and families are mature enough to allow the children to go back and forth without suffering or “paying the price” for the failure of the adult relationships. As long as children feel secure and stable in both households, they will adapt to the differences.

A. Letting go of the past—

Holding on to the past, especially when the past may be full of negative, destructive emotions, cannot benefit your children. Often people cannot overcome the anger or pain associated with the past. Old resentments, old behaviors, or old “hot buttons” may feel momentarily good as a release of frustrated emotion. However, this will not allow you to move forward and beyond the past. The past cannot change and may be emotionally blinding present constructive, new opportunities. Children need parents and families to grow up and be strong enough to guide them beyond the past through the tough and sometimes difficult times that are ahead.

B. Letting go of the dream—

Many of us were raised to believe that a family can only be successful if it is in one place or is “intact.” Families from two households make up the majority of families in our society today. Although the storybook families of the past are a dream that we may like to hang on to, the reality is that half of all first marriages and two-thirds of all second marriages end in divorce (U.S. Bureau of the Census 1997). The fact is that, in our country, the family has been re-defined and restructured. Thirty to fifty percent of all children pay the price for the mistakes adults have made in their relationships. An estimated 50-70% of all children born since 1980 will live in single-parent homes or stepfamilies by the time they’re eighteen. (Paul Blick, demographer, 1993)

C. Making it work for you—

The sooner you can let go of the past, the better things will be for you and your children. It may not necessarily be what is going on in your family, but how you have chosen to deal with it. Learning to cope with your adult life and assuming responsibility for some of the choices you made in the past is important for you as an adult relating to your children and as a part of your children’s family. Your children will model your behavior and react as you have chosen to cope. Life may sometimes seem very difficult. If, however, you choose to make this work for you, the
outcome for you and your children will be wonderful. Their happiness is always subject to the choices you make as parents and families.

D. Making it work for your children—

Sometimes it is difficult to understand your feelings. Sometimes the feelings about your children and their well-being are difficult to separate from other adult issues. You may disagree at times with the other parent, but can you negotiate your differences constructively for your child? Is it "O.K." to disagree sometimes? Children model their behavior from the behavior they observe in their families.

Children need to be free to love both of their parents and families without being put in the middle or asked to choose between them. Children do best when both parents and families are able to make them feel loved, wanted, and secure in both households. Children adjust well if their parents and families are able to protect them from the adult world. The adult world can sometimes seem frightening to a child if that world is full of anxiety and stress. Parents need to learn to separate adult issues from parenting responsibilities in order for children to have independent and successful relationships with each parent.
3. Change—Redefining Roles, Relationships and Families

When we think about families in the 1940's and 50's, we can almost picture tree-lined streets where Mom stayed home and the children played outside on the streets after school. Fathers were hard at work. Mams took care of the house. There seemed to be some mythical power in parenting roles and families. Between the 60's and the 90's, social evolution, increased divorce rates, mothers entering the work force changed family structures dramatically. Today the traditional family of the 50's has dropped to less than 15 percent of all American families. Over 80 percent of school age children have mothers in the workplace. In our rapidly changing society, families struggle to evolve, survive and define.

A. Coping with Change—

Every family goes through different types of changes at different times. Some people have a much easier time dealing with change, while others are happy when things remain the same. Families often have to deal with many changes at the same time. As parents and families, you are role models for your children. You are their predictor as to how they will adjust to any given change or new situation. When you can cope with a situation, your children will watch your reaction and behave accordingly. Their adjustment or struggle to any new situation takes place as they observe the world around them. Their success in dealing with any change is directly related to how you handle it. If you're not "O.K." with something, they will also model or react to your behavior as well. They may have difficult times understanding this and sometimes become angry and confused observing you.

Think about how you feel about change... Are you excited about the prospect of some new place or a new experience or is that something that perhaps you would rather not think about? Most of us cope better with changes if we feel we have initiated or controlled them. What if the change is something you feel you are forced to deal with? Does that mean that you will refuse to adjust or is it more difficult for you?

B. Making Choices—

Sometimes we are forced to deal with a change we do not want. Certainly, such a change is difficult, but nonetheless, how we cope with it is our choice. We have the power to control our feelings, since feelings come from thoughts. We can determine how we want to feel about something by thinking about it. We might think that we feel very unhappy about something, and as we think about it further, we become very angry. It's almost always easier to express anger than sadness. Our feelings will determine our outcome. Choosing how we cope with something, whether or not it was our idea, is our decision and our choice.

It is sometimes difficult to assume responsibility for our own behavior. Blaming someone else shifts the responsibility from us and also seems easier. We can control our reactions, but we cannot control or change someone else or their behavior. This is often a problem in adult relationships because people want others to change, but will not look at themselves. Adults spend years in relationships thinking that the other person needs to change! What responsibility are you willing to assume for your part in your relationship with your child?
C. Changes in Parent-Child Relationships—

When situations change, family members involved need to restructure and/or adapt to the changes. Fifteen percent of men and twenty percent of women who have gone through major changes in their families expressed being much happier as a parent after the changes occurred. They felt considerably more satisfied as a parent when the focus was no longer on the struggle between the adults. In fact, they functioned better as parents and were happier in their lives. (J. Wallerstein and J. Kelly 1989). When parents have a positive attitude about their relationship with their child, and maintain the consistency and predictability of the relationship, the child feels secure, valued, loved, understood, and the entire family benefits. In order to promote these feelings, parents should attempt to improve their parent-child and family relationships. As change occurs, parents can be less anxious and better organized NO MATTER HOW THINGS CHANGE, YOU ARE MOM AND DAD AND THEIR FAMILIES FOREVER.

D. Committing to Change—Can you accept it?

Be prepared. For parents, change might mean that you have a much harder job meeting the needs of your children as they grow and develop. In addition, you must cope with change yourself as well.

Change can take its toll on a family. Things may seem to be going fairly well and then something initiates an old behavior, a disagreement from the past, and things come crashing down. Life is full of changes—not only in your family, but all around you. You may not like some of the changes, but life changes and it may bring a roller coaster of emotions with it. Recognize change as one of life’s inevitable challenges and be sure that you are willing to handle these natural growth periods, even though, at times, they may bring feelings of chaos, turmoil and pain.
**Change Checklist**

Change occurs in many different aspects of our lives for everyone in a family. How many of these different areas in your family have been affected by change?

<table>
<thead>
<tr>
<th>Children</th>
<th>Adults</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home</td>
<td>Home</td>
</tr>
<tr>
<td>School</td>
<td>Work</td>
</tr>
<tr>
<td>Friends</td>
<td>Activities</td>
</tr>
<tr>
<td>Family</td>
<td>Financial</td>
</tr>
<tr>
<td>Activities</td>
<td>Education</td>
</tr>
<tr>
<td>Religion</td>
<td>Parenting role</td>
</tr>
<tr>
<td>Grades</td>
<td>Time with child</td>
</tr>
<tr>
<td>Time with Mom</td>
<td>Extended family</td>
</tr>
<tr>
<td>Time with Dad</td>
<td>Friends</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>Neighborhood</td>
</tr>
<tr>
<td>Step-siblings</td>
<td>Step-siblings</td>
</tr>
<tr>
<td>Step-parents</td>
<td>Increased drug, alcohol use</td>
</tr>
<tr>
<td>Room at Mom's</td>
<td>Emotional</td>
</tr>
<tr>
<td>Room at Dad's</td>
<td>Sleeping</td>
</tr>
<tr>
<td>Time with grandparents</td>
<td>Eating</td>
</tr>
<tr>
<td>Teachers</td>
<td>Exercise</td>
</tr>
<tr>
<td>Pets</td>
<td>Social</td>
</tr>
<tr>
<td>Sports</td>
<td>Travel</td>
</tr>
</tbody>
</table>
4. Family Transitions and the Process of Adapting to Change

A. Transitions and Adapting—Adults

As situations change throughout life and we acknowledge and accept these changes, the family will also adapt accordingly. While all of this is going on, life sometimes seems very chaotic and difficult. Often adults get stuck in transitions related to change without realizing that they need to process and allow time for emotional adjustment. Family transitions have an ending, a middle and then new beginnings. Parents, children, and families all experience these transitions differently. The adults have the role of modeling appropriate behaviors for the children in helping them to adapt successfully. Preparing for transitions, and understanding the emotional process related to them, is important in order to get beyond them.

The Transition Curve for Adults

(Adapted from William Bridges 1988)
8. Stages of Adapting—Adults

1. **Denial**—Adults look for a "quick fix" in the denial stage and when that doesn't happen, they emotionally run away. Denial is simply pretending that it doesn't exist. Adults may go to great extremes in order to continue denying. Some adults use work as an escape, while others hide away at home and become withdrawn. Others may abuse drugs and alcohol in order to escape. Most of the time, some specific reaction initiates a move into the next stage—resistance.

2. **Resistance**—Although you may continue trying to escape, you may feel as though you are forced to cope with something that you don't want to acknowledge. You are desperately trying to hold on to the illusion that no one can bother you. Part of the resisting stage is very painful and it may seem easier to become angry. More than half of you may get "stuck" in anger and remain in this stage forever. Anger is destructive and requires a lot of negative input. It does not leave you with much energy for your children. These adults choose to actively resist any changes. Others may use passive aggressiveness to try to hold on to issues of the past, pretending that it doesn't bother them while "lashing out" unexpectedly. Both types of continuing resistance prevent you from moving forward. The longer you stay in this stage, the harder it may be to get beyond it.

3. **Exploration**—In this phase, you are finally able to look at other possibilities or explore new options. You are in the middle of the transition and at last you are thinking about different options and how you might cope with them. Sometimes during this stage you may feel as though you are on a roller coaster—there are many emotional ups and downs. Sometimes new things you are trying will work well; sometimes they won't work at all. Part of exploring, however, is finding options that work. New situations require new approaches; ones you can live with. At last, you can begin to see the light at the end of the tunnel. You're close to being able to move on. You are on your way to a successful "family partnership."

4. **Commitment**—You are finally at a point of acceptance and are able to cope with committing to a new plan and the changes associated with it. Things look and feel much brighter in this stage since you are constantly able to use your new resources and enjoy new possibilities and new growth. Congratulations, you've made it! The turmoil feels like it is behind you. Life begins to seem somewhat normal again. Remember—as long as you are feeling well adjusted, you are providing the best chance for your children to be well adjusted, too.

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Adults: Where are you in this transition curve? Caution: The stages of transition will not likely be uniform, smooth or orderly. Individual experiences can impact progress.
C. Transitions and Adapting—Children

Children feel the same stages of transition that the adults do, but express it in many different ways. The more you understand about yourself, the more you can understand what they are feeling. Be careful to focus on their feelings and protect them from your adult issues while they are going through their own transitions. Assure them that they are not responsible for whatever is going on between the adults. Reassure them of the love and caring in their family throughout this process.

The Transition Curve for Children

Denial

Commitment

Endings

New Beginnings

Resistance

Exploration

Neutral Zone

(Adapted from William Bridges 1988)

D. Stages of Adapting—Children

1. Denial—Denial with children can be experienced in many different and often difficult ways. Children feel confused and sad and may cope by running away from their emotions or hiding from reality. Sometimes younger children may want to fantasize that things are different or the way they were, in order to make themselves feel better. (Older children may stay away from home in order to continue to avoid dealing with the adult "stuff"). Children may feel very frightened during this time. They may be afraid to talk to anyone about what is really going on in their families
2. Resistance—Children also resist change. When their parents are having difficult times, it is difficult for children as well. Children also use anger to cope with resisting change. They, too, run the risk of being "stuck" in anger for a lifetime if the adults have become "stuck." Children who are resisting sometimes appear to reject, become aggressive, or blame a custodial parent, siblings or family pets. They may challenge limits and rules or become uncooperative. For older children, resisting may mean feeling as if they are supposed to be angry or blame one parent. That parent becomes the "bad" parent; but that is likely to change often as they try to cope. Younger children struggle to figure this out with negative behaviors and temper tantrums. The sooner you can get through this stage as an adult, the sooner you can be available as a parent to help your child.

3. Exploration—Exploration can be very confusing to children; they may quickly attempt to control what is going on around them if they feel that it seems out of control. They sometimes even feel responsible for making it better. Children search for a place to be comfortable and feel secure. They, too, are on an emotional roller coaster. They can only get through it with your help and guidance. New places, new schedules, new situations are only going to be positive experiences if you let them know that you’re there for them no matter what happens. Children in exploration especially need to be continually reassured of your love. They may begin feeling more comfortable talking about some of these new changes and may make suggestions to the adults about these changes. Their input may sometimes be helpful, but asking them to make adult decisions can be very stressful and inappropriate for a child.

4. Commitment—This can feel like the best and happiest stage for children. Now they can return to being children and not worry about Mom and Dad and their families. They still may be "testing the waters" during this stage and will need to look towards their parents and families for love, approval and acceptance. Will you be available for them when they need your attention?

Where do you see your children in this transition curve? Caution: The stages of transition may not be uniform, smooth or orderly for your children.
5. Getting Stuck

Fifty percent of people going through a major life, family or other transition run the risk of “getting stuck” and remaining angry about it for the rest of their lives. The longer you remain stuck, the deeper the resentments become and the more difficult it is to make changes. Part of the problem is that many adults are not able to identify what is happening.

Anger is a very powerful emotion and we all must find a way to deal with it. Everyone is entitled to feel anger; however, some expressions of anger may be risky, destructive, and even dangerous. Anger can be how you feel and anger can also be how you act. Anger that is consistently out of control, can “get you” before you know it. Anger sometimes is used as a tool to control and manipulate situations to get what one wants. When children witness anger and control, they learn behaviors that reinforce abuse, violence, and manipulation.
A. The Angry Adult

Angry people want to control. They feel out of control and expect others to always need to retaliate. Angry people avoid dealing with what they might be feeling by remaining angry. This defensive emotion protects them from something that may be too frightening, painful, or difficult to deal with. An angry outburst gives a temporary feeling of power and strength. Consistent anger may also be a habit for some people. They may wake up each morning and automatically feel angry. NO ONE CAN LISTEN IN AN ANGRY FAMILY. NO ONE CAN SOLVE PROBLEMS IN ANGER.

B. How to Manage Your Anger

1. Don't ignore anger. Recognize it and learn what to do with it.
2. Don't put off an angry feeling. It does not go away if it is not managed.
3. Your anger belongs to you. Don't try to put it on someone else.
4. If anger is only dealt with temporarily, it will resurface.
5. If anger is ignored, it will be destructive to other emotions.
6. Angry behaviors are learned behaviors. What are your children learning from you?

C. Making Changes with Your Anger

You and only you are responsible for your anger. Think about the story behind your anger. Anger doesn't happen overnight and it will take time to understand and control it.

1. Take "time out," stop and relax. Plan quiet time.
2. Try to accept differences. Learn that it can be acceptable to disagree.
3. Ask, don't demand. Stop trying to control others and pay attention to your own behavior.
4. Be responsible for everything you say and do.
5. Speak quietly and use "I" messages. Make eye contact.
6. Try to look for positive things to say about other people.
7. Be specific, direct and clear, but always polite.
8. Challenge old thoughts that may be keeping you angry.
## Stress Checklist

ANGER affects many aspects of our lives. Has the stress related to anger affected your life? What can you do to cope with your stress? Check your level of stress and pay attention to it.

<table>
<thead>
<tr>
<th>Physical</th>
<th>Emotional</th>
<th>Spiritual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headache</td>
<td>Anxiety</td>
<td>Emptiness</td>
</tr>
<tr>
<td>Tension</td>
<td>Frustration</td>
<td>Loss of meaning</td>
</tr>
<tr>
<td>Fatigue</td>
<td>Mood swings</td>
<td>Doubt</td>
</tr>
<tr>
<td>Insomnia</td>
<td>Bad temper</td>
<td>Unforgiving</td>
</tr>
<tr>
<td>Muscle aches</td>
<td>Nightmares</td>
<td>Martyrdom</td>
</tr>
<tr>
<td>Digestive upsets</td>
<td>Irritability</td>
<td>Looking for magic</td>
</tr>
<tr>
<td>Pounding heart</td>
<td>&quot;No one cares&quot;</td>
<td>Loss of direction</td>
</tr>
<tr>
<td>Accident prone</td>
<td>Depression</td>
<td>Cynicism</td>
</tr>
<tr>
<td>Teeth grinding</td>
<td>Nervous laughter</td>
<td>Apathy</td>
</tr>
<tr>
<td>Rash</td>
<td>Worrying</td>
<td>Needing to &quot;prove&quot; self</td>
</tr>
<tr>
<td>Foot-tapping</td>
<td>Little joy</td>
<td>Extreme changes in feelings</td>
</tr>
<tr>
<td>Increased drug, alcohol use</td>
<td></td>
<td>about spirituality</td>
</tr>
</tbody>
</table>

### Mental

<table>
<thead>
<tr>
<th>Forgetfulness</th>
<th>Low productivity</th>
<th>Confusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whirling mind</td>
<td>Negative attitude</td>
<td>No new ideas</td>
</tr>
<tr>
<td>Boredom</td>
<td>Spacing out</td>
<td>Negative self-talk</td>
</tr>
<tr>
<td></td>
<td>Poor concentration</td>
<td></td>
</tr>
</tbody>
</table>

### Relational

<table>
<thead>
<tr>
<th>Isolation</th>
<th>Intolerance</th>
<th>Resentment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loneliness</td>
<td>Lashing out</td>
<td>Hiding</td>
</tr>
<tr>
<td>Clamming up</td>
<td>Nagging</td>
<td>Distrust</td>
</tr>
<tr>
<td>Lack of intimacy</td>
<td>Using people</td>
<td>Fewer contacts with friends</td>
</tr>
</tbody>
</table>

(Adapted from R. Wilson 1998)
6. The Needs of the Children

Ideally children should be parented co-operatively. They should be permitted and encouraged to form the best possible relationship with both parents and develop healthy connections with the families of both parents as well. If children feel safe and secure in their primary relationships, they are likely to be successful, happy, and well-adjusted. The goal is to establish a base from which children can continue their uninterrupted healthy growth patterns.

CHILDREN'S RIGHTS

Every child has the right to:

1. Develop a relationship with both parents.
2. Exist in a world free of parent-driven conflict.
3. Go back and forth to visit freely between both parents.
4. Spend time and engage in activities with both parents.
5. Have a comfortable and safe space in both homes.
6. Expect consistent behavior from both parents.
7. Have the major important issues (medical, legal, educational) shared with both parents.
8. Not ever be put in a position to choose between their parents.
9. Sometimes make their own choices and to be heard.
10. BE A CHILD.

CHILDREN'S RESPONSIBILITIES

Every child has the responsibility to:

1. Form a relationship with both parents.
2. Not deliberately create conflict between parents.
3. Follow the custody and visitation schedule.
4. Find activities to share with both parents.
5. Respect the space and privacy in both homes.
6. Be consistent with age appropriate behavior with both parents.
7. Share upcoming events and decisions with both parents.
8. Not intentionally manipulate the parental relationship for their own benefit.
PARENT'S RIGHTS
 Generally every Parent has the right to:

1. Establish adult relationships.
2. Have a relationship with their children.
3. Have feelings about the other parent, so long as it does not interfere with the parenting partnership.
4. Develop traditions, rules, and boundaries.
5. Schedule and engage in any activities during "your" time with your child.
6. Know where your children are and that they are safe.
7. Attend and support any educational or community activities.
8. Know about any financial, medical, educational, and legal matters concerning you and your child.

PARENT'S RESPONSIBILITIES
 Every parent has the responsibility to:

1. Engage in the best possible cooperative parenting partnership.
2. Encourage and promote their children's relationship with the other parent.
3. Make and keep appropriate custody and visitation schedules.
4. Develop their own parenting style and not deliberately interfere with the other parent's parenting.
5. Provide private and comfortable space for their children in their home.
6. Provide good, safe, and appropriate child-care when parents cannot be available.
7. Communicate with the other parent about legal, educational, medical, and financial needs.
8. Support their children's participation in educational or extra-curricular and community activities.
7. How Families Can Help their Children

Parents need to reassure their children they will continue to take care of them and love them, no matter what. Children need to know that what is going on between their parents is not their fault. Parents can help their children by committing to working together in a cooperative, adult, business-like manner. The adults need to separate the emotional part of how they feel towards each other from what they feel about their children. Adults need to protect their children from hearing negative statements about their parents. Children view themselves as extensions of their parents. They need to see their parents as good people so that they can feel good about themselves.

Children’s needs change as they continue to grow and develop into young adults. The adults must continually adapt their parenting roles to meet the constantly changing needs of a growing child. A two year old child’s needs are different from the needs of a twelve year old. The important part is that both need parenting, just in a different manner. The developmental growth of a child determines his or her behavior. Can you as adults be available to meet the constantly changing needs of your growing child?

A. When to seek professional help

Remember, abnormal behavior in children can appear to be normal at times. The concern is if abnormal behavior continues for a long time or if it disrupts your child’s functioning. An occasional tantrum is different from being constantly angry. Trouble concentrating is different from failing an entire grading period in school.

Unfortunately, you may not always be the one to be able to help your children with some of these family changes. Your children may need to talk to someone who is a professional and impartial to their situation. Children sometimes feel responsible and angry towards their families regarding what is happening. They may also worry that you may feel sad, guilty, or angry if they tell you how they are really feeling. Children can often tell an objective, trained, professional things they would not tell a family member... someone who is not part of their crisis.

B. Children at risk.

Children who witness conflict in their families are at a higher risk for all negative behaviors including aggression, depression, addiction, eating disorders, regressive behaviors, performance and behavior problems in school, and mental health problems.

Emotional and behavioral changes in children are expected, but generally these changes tend to subside within a reasonable length of time. Parents need to be aware of three specific factors in determining their child’s risk for developing emotional difficulties: the duration of the behavior, the intensity of the behavior, and the extent to which the behavior interferes in the child’s life.

Children who show extremes in their emotional responses are also at risk. Children who do not seem to show any emotional reaction and children who show constant and intense emotional reactions may also be at risk. Children who have had difficulties with adjustment prior to facing a lot of change in their families are also at a greater risk.
## Developmental Stages and the Impact of Family Conflict

<table>
<thead>
<tr>
<th>Stages</th>
<th>Developmental Tasks</th>
<th>Concerns</th>
<th>Thoughts</th>
<th>Behaviors</th>
<th>Needs from Parents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toddler 0 – 3 years old</td>
<td>developing autonomy viewing oneself learning to trust sense of security sense of safety</td>
<td>Insecurity confusion regression mistrust feeling unsafe</td>
<td>Who will take care of me? My mom left me Where is my dad? Mommy’s sad... I must be sad separation fears stranger anxiety abandonment fears developmental setbacks tantrums, clinging, whining, fearfulness</td>
<td></td>
<td>love, care and attention clear parental roles consistency, routines, rituals, parental communication cooperation firm limits</td>
</tr>
<tr>
<td>Early Childhood 4 – 6</td>
<td>initiative managing impulses gender identification peer relationships separating from parents</td>
<td>self blame and guilt withdrawal, depression and anger loyalty conflicts increased neediness denial imagination and fears</td>
<td>This is my fault... Dad left because I was bad I’ll get them back together If I don’t talk about it, it will be all right regression emotional constriction eating/sleeping disturbances denying problems tantrums, whining exaggeration</td>
<td></td>
<td>clear parental roles consistency, routines, rituals, communication cooperation between parents setting limits permission to love both parents</td>
</tr>
<tr>
<td>Pre-adolescent 7 – 10</td>
<td>personal competence focus on school friends logical thinking sense of fairness sense of self views situations in concrete thinking</td>
<td>intense anger somatic complaints increased restlessness confusion insecurity not “fitting in” guilt hiding sadness</td>
<td>This never happened to anyone else This isn’t fair I can’t love both parents it’s mom’s fault Who will be in charge...? I’ll be responsible No one loves me</td>
<td>acting out/blaming loyalty conflicts impaired self-esteem over-responsibility emotional withdrawal feeling overpowered</td>
<td>clear parental roles consistency, routines, rituals, communication cooperation between parents permission to love both parents reassurance of love</td>
</tr>
<tr>
<td>Adolescent 11 – 14</td>
<td>separation independence sexual identity peer involvement family emotional refueling friendships emotional stability morals, values</td>
<td>pseudo-maturity helplessness vulnerability depression anger and betrayal choosing sides rebellion suicide</td>
<td>This is no big deal I’ll act mature to cope Why can’t my parents get it together? Does anyone love me? My friends know more My parents don’t understand anti-social activities substance abuse promiscuity school failure/truancy withdrawal from family pessimism over identification competition with parent</td>
<td></td>
<td>clear parental roles consistency, routines, rituals, communication cooperation between parents setting limits permission to love both parents respect your child validate their feelings</td>
</tr>
<tr>
<td>Teenager 15 – 18</td>
<td>one’s place in the world growing independence romantic relationships</td>
<td>Judgment of parents loyalty conflicts growing up too fast withdrawal depression taking sides</td>
<td>I’m not interested in choosing between mom and dad I’ll just avoid them I hate my parents avoidance of parents separate relationships with each parent substance abuse promiscuity</td>
<td></td>
<td>clear parental roles consistency cooperation between parents communication sensitivity understanding and respect</td>
</tr>
</tbody>
</table>
8. The Business of Co-Parenting

A. Family Goals

Think about your own parenting goals for your family partnership. What can you commit to in order to make this family partnership work for your family? What are you willing to do? List your parenting goals:

1. 

2. 

3. 

4. 

5.
B. The Family Partnership

You may not like the other parent, you may not trust or respect the other parent, but you should learn to work with him or her for your children. It is easy to blame the other parent for anything that has gone wrong; you may even wish she or he would disappear. Parenting, however, is about you, the other parent, and families learning to work in a business-like, cooperative relationship. Good family agreements allow you to set rules about working together. Every successful business needs to have a good business plan with specific goals.

A family partnership is a limited partnership or business consisting of two parents or sometimes other family members. The goal of this partnership is to nurture the parent/child/family adult relationships. Sometimes businesses must continue to operate under difficult circumstances. Feelings do not enter into professional business negotiations. Polite, courteous, and unemotional communication is most effective. Children need a working, respectful, and cooperative relationship between their parents and families. Although your adult relationship may no longer exist with the other parent, your family partnership will last forever!

C. Basic Family Partnership Principles

1. Maintain a business like relationship with the other parent and communicate accordingly.
2. Focus on the needs of your children and the strengths of your relationship with them.
3. Set boundaries and respect the other parent’s boundaries.
4. Protect your children from adult issues.
5. Never allow your children to become your best friends.
6. Do not use your children as messengers.
7. Keep your children out of the middle.
8. Do not make negative comments about the other parent.
9. Never ask your children to take sides.
10. Allow your children to develop their own safe relationship with the other parent, regardless of what you feel about them.
11. Avoid supermom/superdad syndrome or competitive parenting.
12. Avoid conflict in front of your children at all times.
9. Effective Communication and Problem Solving

Good communication is an important part of every successful business relationship. Unemotional communication refers to keeping each other informed about your children and making decisions together about them. This does not mean that you and the other parent will agree on issues. It does mean that when decisions are made on information shared that it does not interfere with your ability to work together. Old “hot-buttons” can change the focus of effective communication to destructive, unproductive arguments. Effective communication is not about winning or revenge, but rather a fundamental pathway to working cooperatively together.

A. Learning to Communicate

1. Non-threatening communication is most effective. People feel accused and respond defensively when they are attacked verbally with the word “You.” Avoid beginning your sentences with “You” and try always use “I” or “We” whenever possible. Using “I” and “We” reflects feelings or attitudes about something and does not evoke a defensive response. Example: “You’re never on time to pick up the children” versus, “I hope you can pick up the children on time.”

2. Limit communications to child related issues. Pay attention to your non-verbal communications; they are also very important. More than half of communication is conveyed through facial expressions and almost 40 percent through the tone of your voice.

   What happens when one parent attempts to communicate effectively and the other parent chooses to communicate defensively? This may be the case when one person remains “stuck” or resistant. Try being prepared with a statement that will provide a safety net to use in case of emergency. Example: “You have no idea what it’s like to be a parent!!” Response: “I’m doing the best I can.”

3. Try to decide ahead of time that you will not engage or participate in destructive communication. This is extremely difficult and may even seem a bit strained at first. Remember: It is your choice to stay in control. Problems cannot be resolved unless communication works constructively in the family partnership.

4. Pay attention and avoid parallel communication. Have you ever started a sentence and realized that the other person was not listening, but rather looking as if he or she was preparing to respond? Suddenly, the person begins talking and you continue trying to finish your part of the conversation. Both of you continue to communicate in a parallel manner, Nobody is heard and nothing is resolved. Parallel lines never come together and nothing ever changes with parallel communication.

5. Learn to listen to the other party. How we communicate and learn to negotiate our differences is the number one issue in the success or failure of any relationship—business, personal or otherwise. Good communication gives us a means to express our thoughts, feelings, needs, and concerns. As human beings, we all want to know that someone is listening to us while we are talking. Effective listening validates the words of the communicator. When you know that people are listening to you, most likely you will want to make a conscious effort to listen to them.
B. Listening to your child

Children want to talk. Children need to talk, and they also need someone to listen to them. Think about how you might feel if you wanted to tell something to somebody and you could not find anyone to tell. Children must be able to express themselves freely and comfortably. As adults, we can provide them with the security of listening to whatever they need to say. Be careful to respect something said in confidence if your child asks you to keep it just between the two of you. If there are not good "listening times" available during your schedule, try to set aside some "special time" to just talk to your child on a regular, consistent basis.

There is a distinct difference between listening to your children and pumping them for information about the other parent. Enter their world and listen to what they need to talk about as children.
10. Conflict

Unresolved issues between angry, frustrated parents and families may cause conflict. Conflict is very powerful and before you realize it, you are involved in it and may not feel as though you can get out of it! Conflict envelops your life and at some point may even feel “normal” after long periods of time. Being exposed to conflict between parents may teach children destructive ways of dealing with their own conflict. Conflict is very frightening to children and unwittingly puts them in the middle. Children hate to see or hear their parents and families fighting and many fantasize about stepping in and trying to stop the conflict.

Parental conflict is more closely associated with children’s problems than any other individual problem in distressed families. Some studies even indicate that parental conflict predicts a child’s behavior problems. Of all the problems associated with troubled families, conflict is a primary predictor of maladjustment in children. If there is a lot of conflict between a child’s parents, the child will have a lot of problems adjusting to many different aspects of life.

A. “Choose your Battles”

Ideally, parents should agree on basic parenting principles such as discipline, safety, health and religion; however, that, of course, is not always possible. A good approach may be to begin compromising or agreeing on some of the bigger issues. It may become easier to overlook differences over less significant issues such as haircuts, birthday parties or video games. When parents live in two different homes, there will be differences—some major, some minor. Try to focus on issues that really matter to you and to compromise on those issues you feel are less important where you can accept the other parent’s ideas. This will give the other parent an incentive to do the same for you on occasion as well.

Before you “choose your battle,” if it is based on information you have received from your child, BEWARE. Your child will always want your love and when he is with you, he will tell you what he thinks you want to hear. The same will be true when your child is with the other parent as well. KEEP YOUR CHILD OUT OF THE MIDDLE. Don’t let your child respond to conflict by manipulating one parent against the other.

B. Conflict as a choice

Have you ever found yourself in conflict and don’t even know what the conflict is about? How does it go wrong? Are your expectations realistic or do you set yourself up for failure all the time? You do not have control over anyone else’s behaviors or reactions, but you do have control over your own. Managing conflict is your choice. You can participate constructively or you can avoid the conflict once you realize that you have a choice.

Remember: Those who have chosen destructive conflict want the conflict to continue! They will be looking for ways to meet their need for turmoil and chaos. It is difficult to step back and plan how to handle disagreements, but in the long run, it is a more powerful position. Think about the last time you chose destructive conflict... was anything accomplished or resolved or did the conflict just become greater?
How Do You Respond to Conflict?

The statements below will give you an idea of how you respond to conflict and how you cope with it. This may help you decide whether or not you are dealing with it constructively.

Use the following scale to assess your reactions to conflict:

5—I am very likely to act this way
4—I frequently act this way
3—I sometimes act this way
2—I seldom act this way
1—I never act this way

1. It is easier for me not to be involved in an argument.
2. If I cannot make a person think like I do, I try to make them do as I think.
3. Kind words can win hard hearts.
4. I'll do something for you if I know you'll do something for me.
5. Let's try to reason together.
6. When two people fight, the person who doesn't say anything is most praiseworthy.
7. The stronger fighter overcomes the one who may be right.
8. I try to smooth things over to just keep peace.
9. I'd rather win some of the arguments than none at all.
10. Truth is in knowledge, not in what others say.
11. I like to fight and run away and then wait to fight again.
12. I know I can win the argument.
13. I will try to argue to kill with kindness.
14. If we can discuss something, we won't argue.
15. Nobody has the final answer, but everyone has a right to contribute.
16. If someone does not agree with me, I stay away from them.
17. Battles are won by those who believe in winning.
18. Using kind words in an argument are worth a lot and cost a little.
19. Tit for Tat is fair play.
20. If I am willing to give up, I can never get ahead.
21. I try to avoid people that only want to make your life miserable.
22. There are two kinds of people in the world, the winners and the losers.
23. If I speak softly it will insure less conflict.
24. If we can both give in halfway, it is fair.
25. I want to face conflict directly and deal with it immediately.
26. The best way to deal with arguments is to avoid them.
27. If I think I'm right, I know I'm right.
28. Being gentle and kind is always better than being angry.
29. As long as I know that I've won something, I'm O.K.
30. If you continue to argue, the truth comes out.
## Conflict Scoring Sheet

<table>
<thead>
<tr>
<th>Withdrawing</th>
<th>Demanding</th>
<th>Smoothing</th>
<th>Compromising</th>
<th>Confronting</th>
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_Devolved in conjunction_

_With Robert M. Wilson, Ph.D., 1999_
12. Preparing for the Custody Mediation Session

Mediation is a structured problem-solving process to make informed decisions through an impartial third party. Our mediation program in Allegheny County is based on similar programs throughout the country that have proven that parents are the best experts to make decisions about their children. Parenting agreement decisions reached through mediation work better and last longer than decisions made by someone in the court. The goal of the custody mediation session is to give parents an opportunity to communicate cooperatively towards solutions that will best meet your children's needs.

The mediator's role is to remain neutral and to assist both parents in negotiating options that will work for your family. Mediators are accustomed to working with people who are hurt, frustrated, and often angry. The mediator can assist you in refocusing your issues towards your children and your family.

Mediation is an alternative to the legal process. Both are ways to make decisions: the difference is how the decisions are made. Mediation is empowering, educational, and confidential. There are limited exceptions to confidentiality that will be explained by the mediator. Discussions during mediation cannot be recorded.

The Resolution Process: Litigation vs. Mediation
<table>
<thead>
<tr>
<th>Mediation</th>
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<tr>
<td>Cooperative process</td>
<td>Competitive process</td>
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<tr>
<td>Process oriented</td>
<td>Outcome oriented</td>
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<tr>
<td>Win/win</td>
<td>Win/lose</td>
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<tr>
<td>Attorneys needed for advice</td>
<td>Attorney involved in negotiation</td>
</tr>
<tr>
<td>and consultation</td>
<td>Adversarial and promotes</td>
</tr>
<tr>
<td>Way to manage issues and conflicts</td>
<td>conflict</td>
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</table>

There are several legal terms that may need to be addressed during your session. IT IS MOST IMPORTANT TO REMEMBER THAT IT IS NOT WHAT THE WORDS ARE, BUT HOW THE WORDS WORK!

Custody is divided into two categories:

1. The **physical custody**—scheduling
2. The **legal custody**—decision making

Each category can be defined as either primary/partial or shared/joint.

Examples: **Physical Custody**

1. **Primary physical custody**—the child sleeps at that parent's home *more* of the time.
2. **Partial physical custody**—the child sleeps at that parent's home *some* of the time.
3. **Shared/joint physical custody**—the child sleeps at *both* homes. The scheduling time may be equal or the parents have decided they want to call it shared.

**Legal Custody**

1. **Primary legal custody**—one parent has the right to make all major decisions for the child
2. **Shared/joint legal custody**—both parents have the right to jointly make major decisions for their child
Other issues to be discussed will be holidays, transportation, vacations, or any other discussion that will help your parenting agreement work more effectively for your family.

The intention of the mediation orientation session is for you to leave with a parenting plan (Memorandum of Understanding) that will need to be reviewed by an attorney and turned into a legal document (Order of Court).

Note: If at the end of the session you both decide that you have other issues to discuss you may choose to continue with additional mediation sessions. This option can be arranged at the end of your session with your mediator.
Joining the Children

During the last part of our seminar, the adults join the children to sign them out at the end of their session. The children are anxious to share what they learned from other children of similar ages in their group. Many children may be going through similar situations in their families with their parents or relatives.

Listen to their comments and focus on your children. They need you, they want to love you, and be reassured of your love for them. YOU WILL BE THEIR FAMILIES FOREVER.

We hope this was a positive experience for your family and that some of what was discussed today will better allow you to focus on the children.

Generations...

NOTE: SOME OF THIS HANDBOOK MAY NOT BE APPROPRIATE FOR FAMILIES WHO HAVE BEEN THE VICTIMS OF DOMESTIC VIOLENCE, VIOLENCE, OR ABUSE.

Abusive relationships are relationships where a pattern of behavior is used by an individual to maintain coercive control over the other person in the relationship. Children, regardless of whether they have experienced abuse directly or witnessed abuse, are affected by violence in their family.

Domestic violence consists of physical, sexual, psychological, and/or emotional abuse. It affects all socioeconomic, ethnic, religious, geographic, cultural, educational, and professional groups of people.

If domestic violence is an issue in your family, you may fill out the waiver form for your mediation orientation session contained in the materials sent to you from the court or served by the other party.
Suggested Reading List

Adults


Blan, Melinda. *Families Apart, Ten Keys for Successful Co-Parenting*.


Children (ages 5 - 7)


**Children (ages 8 - 12)**


Ives, Sally, David Fassler and Michele Lash, *The Divorce Workbook*. Waterfront Books, 1985


**Children (ages 12 - 17)**


Generations
440 Ross Street, 1st Floor
Pittsburgh, Pennsylvania 15219
Phone (412) 350-4311 Fax (412) 350-4370
(Telephone Hours: Monday-Thursday 9:00am - 11:45am & 1:00-3:00pm
Friday 9:00am - 12:00noon)

A Division of the Allegheny County Court of Common Pleas,
Family Division
Children Coping with Divorce and Family Conflict
Best Books
Children & Divorce

Kids First
Children Coping with Divorce and Family Conflict
by Chet Muklewicz
This booklet has been written for parents to help their children cope with separation, divorce, and family conflict. Parents are presented with information on how parental relationships have a direct effect on children and how children might respond at different ages. They will learn what parents in conflict do that hurts children and, more importantly, will learn what they can do to help their children adjust to the changes in their family.
KF100  Soft Cover 8.5x11, 34 pages............ $4.95
Substantial discounts for bulk orders *

KIDS FIRST PARENTING PLAN
by Chet Muklewicz & Doreen Graziano
Written by a psychologist and an attorney, this guide will help separating and divorcing parents to make child-centered decisions on how they will raise their children together after they have parted. At each step of the decision-making process, parents will be able to review the viewpoints of a psychologist and an attorney, examine highlights of critical research findings, and benefit from the opinions of experts.
KF101  Soft Cover 8.5x11, 64 pages, 12-page insert........... $19.95
Substantial discounts for bulk orders *

Taking the CONFLICT Out of Child Custody
by Chet Muklewicz
This powerful little booklet will help parents remain focused on the needs of the children and to keep them out of the middle of parental conflict. It includes seven insightful awareness activities and seven critical conflict-busting skills.
KF102  Soft cover 7x8.5, 14 pages, Pkg. of 10 ........ $19.95
Substantial discounts for bulk orders *

It's Not Your Fault, Koko Bear
by Vicky Lansky
A read-together book for parents and young children during divorce. Children will share Koko's angry and sad feelings. Each page contains practical tips for parents.
KF111  Soft cover, 32 pages ....... $5.99
Ages 3-7

Divorce is Not the End of the World
by Zoe & Evan Stern
Two young children offer an honest, positive, and practical guide that will help other kids realize they are not alone and that their feelings are not unusual.
KF110  Soft cover, 88 pages .... $8.95
Ages 7-16

Dinosaurs Divorce
by Laurene Krasny Brown & Marc Brown
This picture book helps young children and their families deal with the anxieties of divorce. Simple, direct text and lively illustrations.
KF112  Soft cover, 32 pages .... $6.95
Ages 3-7

Order by phone: 1-570-341-2007
Order on the web: www.kidsfirst.cc
Program Description

Kids First is a four-hour educational program designed for families to help their children cope with the difficulties of divorce and family conflict. Parents are presented with information and experiences to help them learn how parental relationships have a direct effect on children, how children might respond by age and gender, how to reduce separation distress in children, how to deal with parent-child alliances, how parents might free themselves from entrenched conflict, and how to develop a functional co-parenting relationship.

Court Mandated Parent Divorce Education

This Kids First class is court ordered, by local rule, by the Court of Common Pleas of Lackawanna County. Parents are ordered to attend the class within twenty days of filing for a custody action.

History of Kids First in Lackawanna County

The Kids First class has been mandated in Lackawanna County since May of 1996. It is also provided in Pike, Wayne, Wyoming, Columbia and Montour Counties.

Attendance

The Kids First class is proved every two weeks. Average class is approximately 40-45 participants. Annually, approximately 1,000 parents attend the Kids First class in Lackawanna County. Approximately 10,000 parents have attended the Kids First class since it began in 1996

Cost

Parents are required to pay $30 for the class. Fee waivers are provided on a case by case basis.
Protection Orders

Parents must attend separate classes if there is a protection order against either parent.

Program Evaluation

After each class, participants are asked to complete an evaluation of the class experience. The following is a summary of the evaluations for the classes provided in Lackawanna County for 2004. The data is attached.

N= 1,044

1. Ninety seven percent (97.42%) indicated that they strongly agreed (58.05%) or agreed (39.37%) that this class helped me better understand how children are affected by conflict.

2. Ninety nine percent (99.42%) indicated that they strongly agreed (74.9%) or agreed (24.52%) that the presenter was well prepared and knowledgeable on the subject.

3. Ninety nine percent (98.66%) indicated that they strongly agreed (60.73%) or agreed (37.93%) that the class presented useful ideas on how to keep children out of the middle of conflict.

4. Ninety eight percent (98.87%) indicated that they strongly agreed (62.16%) or agreed (36.21%) that the class presented useful information on what parents do that can hurt and help their children to cope.

5. Ninety six percent (96.07%) indicated that they strongly agreed (63.12%) or agreed (32.95%) that they would recommend this class to divorcing parents.

6. Ninety five percent (95.02%) indicated that they strongly agreed (57.09%) or agreed (37.93%) that the class was a useful and meaningful experience.

The Presenter

Dr. Chet Muklewicz, a Pennsylvania licensed psychologist, maintains a private practice providing couples counseling, family therapy for divorcing families, divorce adjustment therapy for adults and children, child custody mediation, and post divorce parent coordination. Over ten thousand parents have attended his educational program called Kids First and he has helped hundreds of divorcing families in his private practice. He provides training to legal and mental health professionals throughout the United States and he is a frequent presenter on child custody issues at national conferences sponsored by professional associations. Dr. Muklewicz is the author of Kids
First: Children Coping with Divorce and Family Conflict, Taking the Conflict Out of Child Custody, and co-author of Kids First Parenting Plan.

Dr. Muklewicz provides the classes in Lackawanna, Wayne, and Pike Counties. Mr. Tony Libassi provides the classes in Wyoming, Columbia, and Montour Counties.

Class Handout: Kids First: Children Coping with Divorce & Family Conflict

A 38 page booklet that is given to parents for the Kids First class presentation. Most of the content covered in the booklet. Parents complete in-class exercises in the Appendices.

Kids First

Located in Dunmore, Pa, the mission of Kids First is to help children and families cope with divorce. We publish and distribute helpful books, provide educational programs to divorcing parents, and offer continuing education workshops to legal and mental health professionals.
# KIDS FIRST: Annual Class Report

**Location:** Lackawanna  
**Year:** 2004

**Total Class Attendees:** 1044

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<th>Disagree</th>
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<td>3. Presented useful ideas on how to keep children out of the middle of conflict</td>
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<td>5. I would recommend this class to divorcing parents</td>
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<td>6. Overall, this was a useful and meaningful experience</td>
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<td>396</td>
<td>23</td>
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KIDS FIRST
Children Coping with Divorce and Family Conflict

by
Chet Muklewicz, Ed.D.

About the Author

Dr. Muklewicz, a Pennsylvania licensed psychologist, maintains a private practice providing couples counseling, family therapy for divorcing families, divorce adjustment therapy for children and adults, child custody mediation, custody evaluations, and post-divorce co-parent coordination. Dr. Muklewicz provides training to legal and mental health professionals throughout the United States. Over ten thousand parents have attended his educational program for divorcing families called Kids First and he is the co-author of a parenting plan workbook called Kids First Parenting Plan: A Child-Care Planning Guide for Separating & Divorcing Parents. He is also the author of Taking the Conflict Out of Child Custody.

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Printed in the United States of America

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Kids First
1527 Adams Avenue
Dunmore, PA 18509
(570) 341-2007
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## Legal Foundation of a Two-Home Family

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## Building a Healthy Emotional Environment

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Understand Your Children's Emotional Room

We spend a lot of time, energy, and money making our homes safe and pleasant for our children. In spite of these good efforts, it is easy to overlook the fact that there is yet another place where our children grow up. It's not a physical place that can be seen with our eyes. To help imagine this place, think of it as your children's emotional room. It is the emotional space that lies between the parents of the children. This room may be filled with healthy cooperation or unhealthy parental behaviors and interactions. Children are likely to be okay if their emotional room is filled with stable adults and parental cooperation.

How to Create a Healthy Emotional Room

Do Less of What Hurts
- Children witnessing open parental conflict
- Children witnessing violence and intimidation
- Communicating through the children
- Quizzing the children
- Hearing one parent criticize the other

See complete list on p. 23

Do More of What Helps
- Vision of a functional co-parenting relationship
- Shield children from conflict
- Child exchanges that are on-time and conflict free
- Two cooperative parents
- Staying emotionally connected to the children

See complete list on p. 24

Note: Court ordered interventions may be necessary where there are genuine cases of abuse, neglect, domestic violence, substance abuse, or intense conflict.
Children in the Middle

Common sense tells us that children are hurt by being placed in this loyalty trap. It is a no-win situation for the children. To choose mom, they must reject their dad. To choose dad, they must reject their mom. If one parent wins, the children lose. Make no mistake, this hurts children. Research on children of divorce provides clear evidence that this causes stress in children and places them at risk for behavioral and emotional problems.

The Children’s Truth

The solution to this dilemma is to appreciate that there is a third truth to consider. It is the truth of the children. They have their own perspective. Because of their young ages and their inability to be heard, we have to quiet ourselves to become aware of their truths. If you have one of those small children’s chairs, sit in it and try viewing the world from a child’s perspective. What would it be like to have your parents, your only known security in life, to be so angry with one another? What would it be like to be the age of your child and feel that you must choose one parent over the other?

The Facts vs. The Children’s Truth

A parent once challenged saying, “Aren’t we splitting hairs here? If he or she filed for divorce, isn’t that the truth?” Of course, these are the facts. But parents must consider the difference between the “facts” and the “children’s truth.” The children’s truth represents their needs. Do they need to hear “Your mother or your father decided to breakup our family” or do they need to hear “Your mom and dad are not going to live together, but you still have two parents who love you and will remain in your life. We will always be there for you.” Isn’t that the truth?

A View From the Little Chair

Now, and in the future, when parenting disputes occur, try sitting in your child’s little chair and think of solutions that come from the truth as they see it. It will reflect their needs most accurately. If you can do this, the children will always win!
Child in the Middle Drawing

These parents were confident that they each needed to save this little girl from each other.

Reality Check: Do your children feel caught in the middle?

Children Listening Drawing

These parents believed that their children really didn't pay much attention to their fighting.

Reality Check: Are your children exposed to parental fighting and arguing?

Child Inhibited by Conflict Drawing

This little girl drew her family with her dad and his new wife on the right and her mom and her new baby brother on the left. She didn't draw herself. She said, "I don't know where to put myself."

Reality Check: Do your children feel the need to take sides or hide their affections for a parent?
At three years old, I was too young to understand about my parent's divorce. All I knew is that I had two of everything. Twohouses, two sets of toys, everything that I wanted. This only lasted a couple of years. By the time I was nine or ten, I headed over to my father's house because there was another woman there that my father said he did not want. I used to talk about it, but I never really talked about it.

Child's Letter: Living with Mom's Truth

This mother projected her feelings onto her son. She assumed that her son felt the same as she did. He hid his true feelings from his mother.

Reality Check: Are you assuming that your children are feeling the same as you are?

Child's Letter: Living with Dad's Truth

This father had an ideal new family in his mind. His sense of family differed from his daughter's sense of family.

Reality Check: Are you imposing your beliefs or hopes onto the children?

Child's Letter: Parents Living with Child's Truth

These parents were sensitive to how their daughter felt and they organized themselves around her needs.

Reality Check: Congratulations if you have achieved a state of co-parent cooperation. If not, do less of what hurts and more of what helps. See Appendix D.
Will Our Children Be Okay?

Your Personal Observations
As a separating parent, this has to be a profoundly important question to you. If you are like most people, you will probably talk to family members and friends who have gone through a family breakup themselves. Your inquiries and observations about the children are likely to provide you with a wide range of responses. You will find examples of children who seem to be doing fine. There will be others who struggle and experience difficulties, at least for a transitional period of time. Then, there will be some who are having serious, long-term problems. This varied profile is similar to what the researchers are reporting, as well.

What the Studies Say
Several comprehensive studies published recently clarify the issue. These studies reported that “on average” children of divorce are somewhat more likely to have certain problems than children of non-divorced, two parent families. They include more conduct problems, more symptoms of psychological maladjustment, lower academic achievement, more social difficulties, and poorer self-concepts.

The researchers were quick to point out that, much like your own observations, children do not experience their parents’ separation all in the same way. An “average” child of divorce simply does not exist. There is no single, one-size-fits-all description of how children experience divorce. For some it is a secure process of change. For some it is a period of transitional uncertainty. For others it is a continuation of frightening, out-of-control chaos and danger. They are not all the same. Parents worried about stereotypical perceptions that “all” children of divorce are troubled kids should take some relief in these findings. Although there is reason for concern, there is room for hope.

Focus on What Hurts and Helps
Rather than focusing on whether or not a child’s parents are divorcing, it is far more useful, the researchers remind us, to understand which conditions help or hurt a child’s chances of successfully coping with a divorce. Here the research speaks clearly as to what helps and what hurts. Those factors include the psychological adjustment of their parents, their parenting skills, the quality of contact with the noncustodial parents, the level of inter-parent conflict that precedes and follows the divorce, the degree of economic hardships the children are exposed to, the stressful events experienced before and after the divorce, and the feeling of being caught in the middle of their parents’ high conflict relationship.

What You Do Counts
Here’s the bottom line: Most children have the capacity to cope with a family breakup. They have the potential to adjust and grow up to be happy, normal kids. That is if, and that may be a big if, their parents can develop a functional co-parent relationship and keep the children out of the middle of any conflict. Divorce doesn’t hurt children. Conflict hurts children. Parents who remain conflicted and hostile after the divorce jeopardize the well-being of their children. How parents bring closure to their relationship as a couple will set the stage for parenting for years to come. Remember, from your children’s perspective, their family has not ended. It has only been reorganized into two households.

Note: Court ordered interventions may be necessary where there are genuine cases of abuse, neglect, domestic violence, substance abuse, or intense conflict.
Effects On Children

Types of Psychological Problems
The psychological problems include feelings of low self-esteem, anxiety, depression, and anger. These feelings might be expressed in withdrawing, crying or self-blaming behavior. They may complain of physical ailments such as headaches of bellyaches. Children may also regress or return to earlier levels of development such as thumb-sucking, baby-talking, or bed-wetting. The stress they feel may diminish their readiness to face the normal challenges of growing up. For example, they might experience exaggerated fears of abandonment over being dropped off at daycare. Or, they might have difficulty paying attention or sitting still in school. Sometimes they will later look back on their lives and feel that they were denied their childhood because they had to assume too many adult responsibilities. Many experience difficulty in forming a stable sense of their own identity.

Behavior Problems
Behavior problems are perhaps the most noticeable difficulties because some children will act-out their feelings with aggressive, disruptive, antagonistic, or antisocial behavior. Children who act-out may become defiant, argue with adults, and refuse to obey their parents. Children with more serious behavior problems might act-out aggressively with fighting, bullying, defying authority outside the home, or other offenses that seriously violate accepted societal rules and norms.

Problems Experienced Outside the Home
Children may encounter problems in school and in the community. Overall, academic achievement is negatively affected by the divorce of a child’s parents. Children may have difficulty in meeting the demands of entering daycare, starting school or participating in organized sports. Children with Attention Deficit Hyperactivity Disorders (ADHD) or learning disabilities may be seriously challenged if parents cannot cooperate. They might have trouble making new friends or fitting in with groups at school. Adolescent children of divorce are more likely to skip school, quit school before graduating. have problems with peer relationships, and commit delinquent acts. Delinquency among boys has long been associated with broken homes. Acquiring a “problem-child” reputation may help to form a negative self-concept and perpetuate problematic behaviors.

Problems May Last Into Adulthood
Their problems may continue into adulthood. Studies report that adult children of divorce have lowered psychological well-being and more adjustment problems. As adults, the quality of their lives may be diminished because they tend to have less education, lower job status, lower standard of living, and lower marital status than people who grew up in intact families. Reports suggest that children of divorce may struggle in their own search for love, intimacy, and commitment. Mindful of their parents’ relationship, they may be fearful of marriage, make hasty decisions, give up on a relationship too quickly, or avoid relationships altogether. Children of divorce are more likely to get divorced themselves.

Short Term Stress or Long Term Strife
Some children and their families will experience the adjustment of divorce as a short term stress. After a year or two, things settle down and the children seem to be reasonably well adjusted. In other families, divorce fails to relieve the family of stress and conflict. Parents who carry their discord into their post-separation relationship enter a new era of long term strife for themselves and their children. Many of these families will be in and out of family court for years to come. Of course, children in these families are much more likely to have long-lasting adjustment problems.
Which Children Are Most Vulnerable?

Children May or May Not Be Hurt
Each child and situation is unique. The adjustment of children might be categorized into groups. After some transitional adjustment, one group will be functioning well and feeling good about themselves. Children who have been painfully distressed by their parents' troubled marriage may actually show improvement when their parents get divorced. Another group will encounter moderate adjustment problems such as low self-esteem and some difficulty in adjusting to friends, school, and their home-lives. For others, divorce begins a downward spiral from which they may never recover fully. They are often intensely angry, moderately to seriously depressed, and affected by a shaken sense of identity. We now have a better understanding of the factors that determine which children are most likely to be adversely affected.

Characteristics of the Children
The age, gender, temperament, limitations, and experiences of children will influence their adjustment. At each age children are developing in their ability to think and cope. This results in unique adjustment challenges at each age (See the section on Ages of the Children). Early reports suggested that boys had much more difficulty handling the divorce of their parents. Later studies suggest that although there are still differences, especially in social adjustment, it is not as significant as it was once thought to be. Regarding temperament, some children are more sensitive than others and are, therefore, more likely to feel stressed by the divorce. Children challenged by limitations, such as ADHD or learning disabilities, might be expected to have more difficulties. Kids who have spent many years in dysfunctional families are likely to have more problems. Children who use active coping skills, such as talking about their feelings, will be better adjusted.

Parental Characteristics & Relationships
Characteristics of a child's parents are probably the most important factors that will determine whether or not children will be able to adequately cope with the family breakup. The stability of each parent, their co-parent relationship, and the quality of the parent-child relationship provide the foundation for both good and bad outcomes. Parents who are well adjusted bring stability and calm to this difficult life transition. Troubled or injured parents often bring instability and uncertainty. Parents who are able to put their differences aside and work together to meet the needs of the children are likely to have more positive results. Parents who remain conflicted after the separation compromise the adjustment of their children. Refraining from making criticisms about the other parent to the children will protect them from being affected by conflict. Children benefit when parenting styles include a balanced blend of nurturing and discipline.

Situational Factors
Situational factors such as financial support, extended families, school, community, and other stressors will also contribute to shape post-divorce lives of children. A steady stream of financial support is critical to the welfare of the children. Extended family members can play a supportive role or they can become part of the problem. Children may be hurt when denied access to family members who nurtured them. New partners can also be a source of comfort or trouble. Children who experience multiple losses of parental figures in one failed relationship after another can be expected to have more difficulty. Having to relocate and move away from family and friends may be difficult for children. Coincidental stressors, like the death of a grandparent, may add to a child's difficulty. The quality of schools and neighborhoods will also play a part. Having access to therapeutic services is associated with positive adjustment.
Infants & Toddlers
Birth to 2 1/2 Years

Babies are born with the capacity and the need to form emotional attachments with protective caregivers, usually their parents. These attached relationships make them feel secure. This external source of security is later internalized. To form secure attachments, caregivers need to show warmth, responsiveness, and consistency. It is possible and likely that children will be attached to several caregivers. Because of their limited ability to retain memories, infants and toddlers should see each of their parents every few days.

It is normal for young children to show some separation distress when leaving the security of an attached parent. They may display distress at leaving either or both parents, and again, upon returning. These young children are highly sensitive to potential danger signals. Children will be frightened by parents who fight in front of them or who are obviously distressed. It will cause them to cling to one parent. Their clinging behavior is sometimes the source of allegations of neglect or even abuse. Parents who reunite with children after a long separation should employ a reunification strategy of graduated contacts with the children.

Time Sharing Considerations

- Primary household recommended
- Parental cooperation required for shared physical custody
- Partial custody parent has 2-3 contacts a week
- 1-2 nonconsecutive overnights with attentive, attached caregiver should be okay
- Limit separations from children to 2-3 days
- Establish structured and predictable time-sharing schedule.
- Employ graduated reunification strategy where long separations have occurred
- Use trial periods with modifications
- Schedule evolves with age of children

Possible Age-Related Problems

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<th>Possible Problems</th>
<th>How to Help</th>
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<td>Sleep Disturbance: Caused by inconsistent sleep routines in two households</td>
<td>Parental communication to coordinate napping and bedtime routines</td>
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<tr>
<td>Emotional Memories: Fear responses to hearing and seeing parents fight</td>
<td>Avoid fighting in front of the children. They will feel it even if they don't understand it</td>
</tr>
<tr>
<td>Attachment Problems: Insecure or disorganized emotional attachments caused by inattentive parents or infrequent contact</td>
<td>Provide warm, responsive, and consistent emotional care. Establish predictable and developmentally appropriate time sharing schedule.</td>
</tr>
<tr>
<td>Separation Distress: Infants and toddlers may show distress when separated from emotionally attached caregivers. They may also display fear reactions to being with an unfamiliar parent</td>
<td>Avoid long separations from these young children. Establish calm, conflict-free exchanges. Avoid signally distress cues. Allow children to take comfort items from house to house. Implement reunification strategy for long separations</td>
</tr>
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Note: Court ordered family therapy, co-parent coordination, or other interventions may be necessary when high conflict parents cannot work together to adequately address serious problems experienced by the children.

AGES OF THE CHILDREN
Pre-School Children
3 to 5 Years

Children of this age have wonderful imaginations. The same imagination that has them believing in Santa Claus may now disturb them with fantasies of abandonment and disorganization. Unable to grasp the concept of time, they may find it difficult to tolerate the time between visitations. With a strong emotional attachment to their parents, they may become distressed at exchanges. Under stress, children at this age may resort to a more immature level of behavior, such as thumb sucking or bed wetting. Because their quality of thinking is rather self-centered, they have a tendency for blaming themselves for their parents’ breakup. They may become agitated and distressed before or after exchanges. As they enter pre-school, they may be less mature and more distracted than their fellow students.

Time Sharing Considerations
- Primary household still recommended
- Parental cooperation required for shared physical custody
- Partial custody parent has 2-3 contacts a week
- 2 consecutive overnights with attentive, attached caregiver should be okay
- Limit separations from children to 3-5 days
- Maintain structured and predictable schedule
- Employ graduated reunification strategy where long separations have occurred
- Use trial periods with modifications
- Schedule evolves with age of children

Possible Age-Related Problems

Possible Problems                                      How to Help

Self Blame: Self-centered thinking causes them to blame themselves for the breakup
Reassure them that it's not their fault. Provide follow-up reminders.

Fearful Fantasies: Parental fighting combined with children's magical thinking may cause fantasies of abandonment or imaginary threats.
Shield them from parental conflict. Prepare them for changes. Talk to them together, if possible.

Worry & Regression: Family chaos may cause worry, nightmares, and return to younger behavior.
Provide stability, structure, predictable schedule. Help them talk about their feelings.

Behavior Problems: Reacts to family distress with angry, acting-out behavior or may appear sad and withdrawn.
Shield them from parental conflict. Provide stability, structure, and comforting routines.

Note: Court ordered family therapy, co-parent coordination, or other interventions may be necessary when high conflict parents cannot work together to adequately address serious problems experienced by the children.

AGES OF THE CHILDREN
Early Elementary School Children

6 to 8 Years

Grief and sadness are the overwhelming feelings of these six to eight year olds. Domi-
nated by sadness, they may cry as they grieve the lost parent. Boys and girls of this age have fantasies about how their parents will reunite one day. They may try to become parental care-
takers. They can become too helpful, too good. These perfect little helpers may be masking their pain and worries with their caretaking behavior.

This is a particularly sensitive age for children to get stuck in the middle of parental con-
flict. Parents may compete for the children's loyalty. In the midst of this family upheaval, they are establishing themselves as students. They are painfully aware of their school perfor-
mane and how it compares to the work of their classmates. Their grief, sadness, and an-
ger may distract them from their studies. They may become behavior problems for their teach-
ers. Taking the behavior problems at face value, the teacher may label these youngsters as a troublemaker. This, of course, will only make matters worse.

Time Sharing Considerations

- Children may be able to tolerate shared physical custody
- Parental cooperation and close proximity are required for shared physical custody
- 2-4 consecutive overnights weekly with attentive caregiver should be okay
- Limit separations from children to 5-7 days
- Both parents support children's schooling and activities
- Use trial periods with modifications

Possible Age-Related Problems

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<th>Possible Problems</th>
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<td><strong>Loyalty Conflicts:</strong> Loving a parent disliked by the other parent causes anxiety and hidden affections. Quizziing leads to false reports.</td>
<td>Provide unconditional approval of children to love the other parent. Don't quiz. Keep your feelings to yourself. Demonstrate civility.</td>
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<tr>
<td><strong>Poor Self-Concept:</strong> Poor support and preparation for developmental tasks causes failures and leads to poor self-concept.</td>
<td>Provide coordinated support and encouragement for efforts of children.</td>
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<tr>
<td><strong>School Problems:</strong> Parental conflict leads to poor school preparation causing underachievement and negative image as a learner.</td>
<td>Provide parental communication and support for children to master challenges of learning.</td>
</tr>
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Note: Court ordered family therapy, co-parent coordination, or other interven-
tions may be necessary when high conflict parents cannot work together to adequately address serious problems experienced by the children.

AGES OF THE CHILDREN

10
Late Elementary School Children
9 to 12 Years

Anger is the single most notable emotion of late elementary school age children. With an improved ability to think and reason, they are likely to make judgments about who is “right” or “wrong.” If they are mad at one or both of their parents, they are more likely to tell it like it is or, at least, harbor quiet resentments. It is during this age that moral reasoning develops. They may be quick to criticize what they may see as hypocrisy. It is not uncommon to find them taking sides with one parent blaming the other for this tragedy. The divorce can also interfere with the formation of their identity, especially gender identity. Children at this age refer to their family for a sense of who they are.

A child who rejects a parent, especially a same-sex parent, is likely to have a shaken sense of identity and lowered self-esteem. They may feel embarrassed within their peer group or have difficulty adjusting to a new school group if they have to relocate.

Time Sharing Considerations
- Children can tolerate shared physical custody
- Parental cooperation and close proximity are required for shared physical custody
- Children may prefer primary residence closest to friends
- Limit separations from children to 7 days
- Both parents support friendships, schooling, and activities
- Flexibility and consistent contact should be maintained
- Use trial periods with modifications

Possible Age-Related Problems

Possible Problems

Taking Sides: Development of logical thinking within a context of parental conflict cause them to be aligned with one parent and reject the other.

Low Self Esteem: Identification with parent who is criticized causes children to absorb negative self image.

Peer Problems: Relocation, embarrassment, and social withdrawal reduces their standing in peer relationships. Demanding pre-teen social environment.

How to Help

Avoid displace anger for the other parent onto the children. Avoid blame. Keep them out of the middle. Help them understand that parents can be imperfect.

Avoid criticizing the other parent. Shield them from conflict.

Encourage and support healthy peer relationships. Build relationships through activities that emphasize their strengths.

Note: Court ordered family therapy, co-parent coordination, or other interventions may be necessary when high conflict parents cannot work together to adequately address serious problems experienced by the children.
Adolescents
13 to 18 Years

Adolescents tend to have a profound sense of mourning over the loss of their family as they have known it. Taking on a more adult-like physical form, they may freely express their anger at one or both parents. This is a time when teens spend much of their time with their friends or talking on the phone or communicating on-line. Yet, they still need a connection with their family for guidance and limit setting. With the breakup, the security of their parent-child relationship may appear to vanish. Greater peer-group loyalty coupled with reduced parental supervision may lead to trouble. Drug and alcohol use, teen pregnancy, and juvenile delinquency are some of the possibilities. In school, they may be too preoccupied to concentrate or complete homework assignments. If there is a reduction in guidance, there may be less focus on the importance of school in their lives. Boys may tend to become behavior problems. A need for intimacy may lead to increased promiscuity, especially among girls.

Time Sharing Considerations

- Children can tolerate shared physical custody
- Parental cooperation and close proximity are required for shared physical custody
- Children may prefer residence closest to friends
- Both parents support friendships, schooling and activities
- Flexibility and consistent contact should be maintained
- Use trial periods with modifications

Possible Age-Related Problems

Possible Problems

**Risky Behavior:** Divided parental attitudes leads to loss of authority over children. Discipline problems. Issues of smoking, drinking, drugs, delinquency.

**Sexual Behavior:** Family conflict may speed them into intimate relationships. Teen pregnancy. Sexually transmitted diseases.

**Poor Self-Image:** Poor image drawn from fragmented, conflicted, or denied family. Poor male-female relationship modeling.

**Troubled Relationships:** Oppositional behavior to a parent may be passively or actively encouraged leading to troubled parent-child relationships. Poor relationship skills transfer to other authority figures and peers.

How to Help

Parental communication on shared values for setting limits and discipline. Monitor activities and peer relationships. Mutual support of consequences.

Help them make informed decisions. Communicate values.

Help them see that both parents may have good qualities even if they are separated and they can be who they want to be.

Unless there is a genuinely abusive or negligent parent, don't interfere with the relationship between the children and the other parent. They must make their own peace. Don't let them fight your fight.

Note: Court ordered family therapy, co-parent coordination, or other interventions may be necessary when high conflict parents cannot work together to adequately address serious problems experienced by the children.
Parenting Plans

Preparing Parenting Plans
Most courts will require a formal written document, called a parenting plan, detailing parental agreements for the future care of the children. It addresses important issues such as legal custody, physical custody, special days and holidays, vacations, and others (See the Kids First Parenting Plan listed on the inside cover). Most parents ultimately reach agreements, sometimes reluctantly, on their parenting plans. The agreements are prepared and submitted to the court for approval. Once approved by the court, they become official court orders. Each parent is obligated to the terms of the agreement. Parents who fail to comply with court orders could be subject to contempt of court sanctions, such as fines or even imprisonment. Traditionally, attorneys negotiate the specific details of a parenting plan on behalf of their clients. However, there is a growing trend where parents are mediating their own plans.

Parents who cannot reach agreements will require a decision by the court. Such disputes often produce stressful environments for the children and force strangers (attorneys, custody masters, judges) to make decisions.

Custody Decisions and Options
Generally, custody can be divided into two categories: Legal Custody and Physical Custody. Legal custody refers to the right and responsibility to make important decisions regarding the children. Such decisions might include decisions on health care, education, activities, and religious orientation. Physical custody defines which parent has physical possession and control of the children. It will specify when and how frequently the children will be in the care of each parent. The options within each type are presented in the table below. The terms may differ from state to state. Some jurisdictions are moving away from using 'custody' terminology because they tend to evoke impressions of one parent winning and the other losing.

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<tr>
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<td>a. Sole Legal Custody— One parent has the exclusive legal right and responsibility for decision-making for the children.</td>
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<td>b. Shared or Joint Legal Custody— Both parents have equal rights and responsibility for decision-making (May vary from state to state).</td>
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<tr>
<td></td>
<td>c. Split Legal Custody— Each parent has exclusive rights and responsibilities to make decisions for designated children.</td>
</tr>
<tr>
<td>2. Physical Custody</td>
<td>a. Sole Physical Custody— A custodial parent has sole physical custody while the non-custodial parent may have visitation.</td>
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<tr>
<td></td>
<td>b. Primary Physical Custody— The children reside with a primary custodial parent and will have periods of partial physical custody with the other parent.</td>
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<td>c. Shared or Joint Physical Custody— The children reside in each parental home on a specified schedule. Does not necessarily mean 50/50 sharing. (May vary from state to state)</td>
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<tr>
<td></td>
<td>d. Split Physical Custody— Each parent has primary physical custody of designated children with the other having visitation or partial physical custody</td>
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Children Need Financial Support

For most families, a divorce is not only an emotional crisis. It is also a financial crisis. Consequently, many children experience a drop in the quality of their lives when their parents breakup. Some fall deep into poverty. For example, it is not uncommon for the children and the custodial parent to move into less expensive housing that is situated in a poor school district. These diminished life circumstances have a direct effect on their psychological, educational, and social adjustment. Make no mistake, your children need the money. Their well-being is dependent on it. Parents who fail to meet their financial obligations place their children at risk. Money will be limited, but the children should remain as a priority.

How is the Amount Determined

The amount of a child support payment is generally determined in two ways: Through agreements or litigation. Agreements can be informal verbal commitments or formal written documents. Written agreements may or may not be processed through the court to produce a court order. On the other hand, determinations made through litigation will normally result in a court order. Guidelines used by the courts consider the income of each parent and, to some degree, the number of overnights the children spend with each parent. Most states have procedures for collecting and enforcing child support payments, including garnishing paychecks of parents. These programs are usually managed by the courts and they produce the highest level of payment compliance. However, states will vary in their degree of collection effectiveness. Children and their parents must adjust their spending expectations and habits to fit the reality of their new financial situation.

When Parents Fail to Pay

Parents may fail to meet their financial obligations for a number of reasons. Some reasons may be beyond their control, such as unemployment or an injury that may cause a work disability. Developing a cooperative co-parent strategy for child support is most desirable under such circumstances. The children still need to be fed, clothed, and housed regardless of their parents’ financial problems. Parents who can afford to pay support and fail to do so jeopardize the well-being of their children. The best recourse of dealing with parents who chronically fail to pay is to seek a court intervention to determine and collect the payments. Judges have the authority to send deadbeat parents to prison for failing to pay child support. The courts take the matter of child support quite seriously.

Access & Custody Disputes Over Money

Sadly, many children become pawns in money battles disguised as visitation or custody disputes in the courts. Angry custodial parents may not allow the children to spend time with a parent who has not made timely support payments. This is wrong because it interferes with the stability of the parent-child relationship. It does not mean that the problem should be ignored. Resolution should be pursued independently through mediation or litigation. The courts have a much greater chance of securing payment compliance than a custodial parent does by denying the other parent access to the children. Another common problem that occurs is when parents have been sued for child support, they counter sue for custody of the children. At times there are good reasons to shift primary custody from one parent to the other. Such decisions should be made on the best interests of the children and not the revenge of a parent.
Never Married Parents

A Growing Problem
Approximately one third of all children born in the United States are born to unmarried parents. There are many challenges faced by never married parents. Many are young people who have never lived together. Teen parents are likely to have less maturity and fewer parenting skills. Their poor earning power and employment instability will create economic hardships. Other unmarried parents are adults who may have lived together for years. They may face economic challenges, as well. For example, cohabiting couples may not be able to share assets upon splitting up as married couples do. They are often unable to distribute future income in a similar way that married couples are required to provide spousal support. These financial constraints may pressure unmarried parents to become economically dependent on their own parents or a new partner.

Establishing Paternity
Children may have been conceived in unstable parental relationships such as one night stands, extramarital affairs, rebound relationships, or where there are accusations of unfaithfulness. Suspicions or doubts about paternity may undermine the willingness of some parents to provide important economic and emotional support to children. Parents may wish to firmly establish the paternity of a child. A father may demand proof that he is the biological parent before the court can make a determination of child support. Tests are available that are easy to use and are highly reliable. A sample of saliva is taken with a cotton swab from inside the cheek of the child and the father. The saliva is then processed for DNA matching. While the test is not physically painful, the experience can be emotionally difficult. Children may feel rejected by fathers who seem to be denying them.

You Do Not Have to be Married to Have Conflict
Many unmarried parents who breakup fail to appreciate the emotional challenges faced by their children. They often believe that, since they do not have to get divorced when they separate, their children will be spared the difficulties associated with a divorce. Consequently, they overlook the emotional difficulties faced by their children. You do not have to be married to have a conflicted co-parenting relationship. Disputes over child support, physical custody, parenting practices, extended families, new partners, stepfamily issues, and reunification with an absent parent are just a few of the possible problems faced by their children. They are no different than the problems faced by children of married parents. Divorce is not the real issue. That's mostly an adult problem. For children, the most painful problems come from troubled family relationships, regardless whether or not their parents had been married.

Custody Issues
Children benefit from having nurturing relationships with both parents. As with divorcing parents, the challenge for cohabiting couples is to keep the parent-child emotional attachments that have been formed while the parents lived together. A unique problem exists for parents who have never lived together. The objective is to develop a relationship that has never existed. It is not unusual to find fathers who have not seen their children with any regularity for months or even years after they were born. Both parents may mistakenly believe that unmarried fathers have no legal rights to see their children. They may gain access to their children through litigation or mediation. After access has been established, cooperative strategies are needed to reunite these children with their fathers.
Mediation

In Mediation Parents Make The Decisions

Over the past three decades, divorce mediation has become an increasingly popular alternative method of reaching divorce settlements and resolving disputes between divorcing couples. The essential difference is that in mediation it is the divorcing parties who make all of the important decisions. The process is facilitated by a mediator. Most mediators usually are mental health professionals or lawyers who have specialized training in conflict resolution. As mediators, they do not provide therapy or legal services. Their focus is on managing conflict and helping the individuals come to informed agreements on how to end their relationship or settle differences. There are different forms of mediation. Some mediators will facilitate comprehensive divorce packages that will include the division of property, financial plans, and parenting arrangements. Others may focus only on parenting and custody issues. Some courts and about a dozen states mandate that divorcing couples attend at least one mediation orientation session.

The Parties are Protected with Safeguards

Mediation rests on the belief that the most qualified individuals to make decisions about the post-divorce lives of children are the parents—even if they don’t like each other. The mediator helps the parties identify what they agree on, what they don’t agree on, and engages them in a process to negotiate their differences. The individuals are protected by the fact that they have the final say and must approve the conditions of the final agreement. No decisions are made by the mediator. The mediator is only a facilitator. Parents are also protected by retaining attorneys to serve as advisors. When a final agreement is reached the attorneys review it and present it to the court. Mediation stands in contrast to the traditional adversarial system where attorneys, zealously representing opposing interests, will be relied on to reach agreements on behalf of their clients. Of course, if a case goes to trial, the judge will make the final decisions.

Mediation May Cost Less and Result in More Compliance

A decade of divorce mediation research was summarized recently by Dr. Joan Kelly. The research focused on outcomes such as settlement rates, cost efficiency, client satisfaction, effect on the levels of conflict and cooperation, psychological adjustment, and compliance. She reported that “despite methodological problems limiting generalizations, most studies report mildly favorable to very positive findings. Mediation often takes less that half the time and is significantly less expensive when compared to the traditional adversarial process. Interestingly, the settlements do not differ much from lawyer-negotiated settlements. Yet, parents tend to view them as being more fair (presumably because they were involved in the decision-making). Most studies report higher rates of compliance with mediated agreements and the re-litigation rates are reported to be lower.

It May Not Be for Everyone

Debate centers on whether or not victims of domestic violence are appropriate candidates for mediation. The concern is that if individuals are intimidated by their spouses, they may not be able to negotiate in their best interests. Some programs screen out couples where domestic violence can be detected. The issue becomes clouded by the fact that 80% of women and 72% of men reported abuse during the marriage or separation. The focus then shifts to the nature of the domestic violence. Dispute resolution advocates argue that mediation should not be automatically dismissed. The research suggests that when women are the victims of severe and chronic violence and emotional abuse, they will still need protection.
Parental Emotional Adjustment

Parental Well-Being

Researchers have identified stressors that diminish parental well-being and buffers that help to enhance it. The stressors include co-parent conflict, children’s misbehavior, loss of contact with children, lack of emotional support, economic hardship, and other stressful life events. The factors that seem to help buffer parents from stress include education, employment, support from family and friends, support of a new partner, remarriage, and having a more optimistic perception of divorce. We also know that the course and rate of parental adjustment may be uneven. Often, the parent who initiated the separation will experience the stress earlier that the parent who has been left. Consequently, one parent may “get over it” sooner than the other. Parents might go through stages of adjustment that include denial, anger, bargaining, depression, and acceptance. Some will experience the breakup as a stressful transition that might last a year or two. For others, divorce may be the beginning of a lifestyle of troubled relationships with children and co-parents.

Negativity Attracts Negativity

If you have been deeply hurt by a breakup, it is important to become aware of how it may negatively affect your outlook, emotions, and behavior. Such negativity may alter parent-child relationships as parents become more stressed, intolerant, and punitive. In response to this parental negativity, children might respond with their own negativity. They might withdrawal, act-out, become defiant, or take sides with the other parent. In turn, this intensifies parental negativity. The same dynamics can be observed in co-parenting relationships where negativity may manifest itself in accusations, blame, criticisms, custody litigation, or denial of access to the children. In response, opposing parents may counter react with their own negativity. Desperate for relief, emotionally wounded parents may seek validation from their children or the courts. Their psychological survival may seem to depend on it. Unfortunately, this negativity seems only to attract more negativity.

When to Seek Help

Unlike a physical injury, we cannot see with our eyes the emotional pain that is caused by a family breakup. But, what if it could be seen? What would you look like if your emotional pain was a physical injury, like a bruise or a burn? If it was a bruise, how black and blue would you be? If it was a burn, how badly burned would you be? Allow a mental picture to form. If your visualization shows a seriously injured person, you may be limited in your capacity to face the challenges your children need you to overcome. We know that severe emotional injuries among parents diminishes the quality of parenting and contributes to co-parent conflict. You may want to seek professional help if painful emotions, such as feeling depressed or overwhelmed, are interfering with your ability to work, parent your children, or maintain important relationships. When choosing a therapist look for one who is experienced in divorce issues.

Parent & Child Well-Being

Parental well-being is no mere luxury. In fact, it is quite important to the well-being of the children. Studies report that children are more likely to be well adjusted when they maintain a close relationship with a stable parent. This is especially true for the parent with whom they spend the greatest amount of time. Parents who are well adjusted will have more patience and will be more attentive to the needs of children. They seem to have a buffering effect on the children that may help to protect them from other stressors associated with a divorce. Thus, it is important to take time to take care of yourself.
Appropriate Boundaries

Much like the borders of a country, boundaries establish lines that define and separate the physical and functional space of each parent. Boundaries that are too porous or intrusive may threaten a parent and cause childrearing dysfunction. On the other hand, boundaries that are too restrictive and rigid may prevent needed parental cooperation. Appropriate boundaries will help to create a sense of safety, personal space, comfort, and parental authority for each caretaker. Children will function best where there are appropriate boundaries. Consider the following boundaries.

Safety Boundary
Neither parent should feel threatened by physical harm or emotional abuse from the other parent. Protection or restraining orders may be necessary where there are genuine threats to physical or emotional safety.

Protection or Restraining Orders
Protection or restraining orders will establish specific boundary limits for contact and communication. These limitations should be followed to the letter of the orders. A parent violating limits of a restraining order, even at the invitation of the other parent, can be jailed. If appropriate, orders can be modified to provide for limited contact or communication, such as attending co-parent counseling.

Residential Boundary
Appropriate residential boundaries require each parent to respect the other parent’s physical living space. Entering the other parent’s residence when they are not there or entering without knocking are usually felt as unwanted intrusions. Each family must decide where to draw the boundary lines. For example, at exchanges, some parents wait in the car for the children while others have lunch together with the children.

Time & Authority Boundaries
Parents should not interfere with the other parent’s time or authority over the children. Parents should avoid making plans with the children on the other parent’s time. Children should be told of schedule changes only after the other parent has agreed to them. Children can be passively or actively empowered to defy a parent’s authority. Disagreements over parenting practices should be resolved between parents without involving the children.

Parent-Children Boundary
Parents may be under or over-involved with their children. Children need some independence for appropriate development. Enmeshed parents may overexpose children to their own painful emotions, such as intense depression or anger. Doing so may cause young children to show separation distress or may cause older children to take sides with one parent against the other. Phone calling children excessively when in the care of the other parent interferes with the other’s parent-child relationship.

Parent-Parent Conflict Boundary
High conflict parents need clearly defined boundaries. Their legal documents, such as parenting plans stipulations and court orders, can be used to develop detailed rules for time sharing, exchanges routines, co-parent-communication, parent-child phone calls, decision-making, and problem-solving. Flexibility between high conflict parents usually is problematic.

Children-Other People Boundary
Appropriate boundaries should exist between the children and other people. New partners, grandparents, and extended family members of one parent should avoid criticizing the other parent to the children. Nor should they assume primary parental functions, such as disciplining the children. Having the children call a new partner mom or dad violates this important boundary.
Communication

Communication Breakdown

When a breakup occurs, co-parent communication often breaks down. Sometimes both parents avoid each other. In other situations one parent may overwhelm the other with dozens of daily impulse calls. Answering machines may be filled with disturbing messages. Other parents may try to communicate with one another, but constantly end up fighting with each other. Parents with protection orders may be prohibited from all forms of communication. With parental authority divided across two households, children benefit when parents communicate about their needs and plans.

Structure & Function

Parents should negotiate the details of the co-parent communications. This could become a part of their parenting plan or court order. They should identify the frequency of their communications. Weekly or bi-weekly communications should be adequate. The method of communication should be selected. They might have face-to-face talks, talk by telephone, use e-mail, or mail letters. Their communications should take place when the children are not present or nearby. They should commit to not asking the children to pass messages. They should agree to an agenda of topics, such as health care, school, activities, and scheduling issues (see Appendix A). Impulse calling should be avoided. Instead, items should be added to the agenda for the scheduled communication. Only emergencies or scheduling changes should require immediate communications. Parents should agree to drop a topic if either parent makes a respectful request to postpone a conversation to another day.

High Conflict Parents

High conflict parents may be unable to communicate without professional assistance. Parents could petition the court for a formal court order for an intervention, or they could agree to do so informally or by legal stipulation. In this intervention, a therapist, mediator, or parent coordinator would meet with the parents to facilitate their communications within the sessions, as well as plan for communications outside of the office. Such an intervention could help parents stay focused on the children by keeping their own issues out of their parenting discussions. Important decisions could be mediated within the sessions, thus helping parents avoid costly litigation. Parents with protection orders may be able to obtain modifications of those orders to allow for communications at these special counseling sessions. Safety should always be the first consideration, however.

Parent-Child Communications

Most parenting plans allow for communications between children and a parent when the children are in the custody of the other parent. Parents should negotiate the communications between children and the away parent. They should decide on the frequency of calls. Some parents are constantly on the phone with their children when they are with the other parent. This interferes with a parent’s time with the children. They should agree to the best time for making calls to the children. Many parents find a daily phone call before bed works well. The children should be allowed privacy when talking by phone with a parent. There should be an understanding of the amount of time allowed for phone calls. Parent-child calls that last hours are inappropriate. Parents should make every effort to call as planned because children may be disappointed when parents fail to call. Parents should notify children when they know that they will be unable to make a call as planned. There should be plans for the parent with the children to facilitate a return call if they are not home when the call is received. Parents should not ask the children to pass messages or complain to the children about the other parent. E-mailing, instant messaging, and direct mail should also be considered for parent-child communications.
Effective Child Exchanges

Peaceful or Painful

Most children growing up in two households will switch residences several times a week. Some are exchanged on a daily basis. Exchanges force separated parents, new partners, and other family members to interact with one another. How parents behave will determine whether exchanges will be peaceful or painful for their children. A lot of bad things can happen at exchanges. Observing sarcastic remarks, insults, threats, arguing, or violence is painful, and perhaps damaging, for children. For better or worse, this all becomes part of the children’s new lifestyle.

Commitment Not To Provoke

An exchange can be defined from several viewpoints. From an angry parent’s viewpoint, an exchange provides an opportunity to confront the other parent in person. For some this is too hard to resist. On the other hand, if an exchange were to be defined from the children’s viewpoint, an exchange serves to transfer the children from one parent to the other in an emotionally safe environment. Parents can eliminate the threat of a disturbing parental interaction by simply making a commitment not to say or do anything that is provocative at an exchange. In other words, “I won’t start anything.” Further, if the other parent says something to provoke me, I will not respond to it and I will make a quick departure. Nothing bad can happen for too long if only one parent were to make this commitment.

Exchange Structure & Function

Parents, perhaps with the help of an experienced divorce therapist, should plan the structure and function of the exchange routine. They should decide who should and should not be present for the exchange. It will be best if some people are not present. Substitutes should be agreed upon. The location and exchange times should be identified. They should agree upon how long each should wait if the other does not show up on time. Courtesy phone calls for being late should be planned. How much interaction takes place at an exchange should be planned, as well. At the exchange, the parent with the children should ensure that the children are packed and ready on time. Many exchanges go bad because the children are not ready and parents must spend extra time under duress. The parent picking up the children should be on time. Courtesy calls should be made if the children are not ready or if the receiving parent will be late. At the actual exchange, it is best if parents could offer respectful greetings and goodbyes and provide a brief description of the highlights of the children’s time spent with the departing parent.

Comforting Young Children

Young children can be expected to show some separation distress when they leave a parent. Parents must be careful of displaying their own distress at departures as it is likely to trigger the same responses in the children. Avoid statements about how sad everyone is going to be without them. Remember, it’s the parent who will be alone, not the children. Consider employing a transitional ritual with multiple steps for young children. These steps should be followed in the same sequence each time. It should begin at least one hour before pickup time. The steps might include taking a bath, having lunch, packing their things, saying goodbye to a pet, reading a special book, review the calendar to see when they will return, draw a picture for the other parent, and finally say goodbye, and depart. This sequence of events will help children to emotionally detach in stages. Also, allow children to take a bag comfort items such as pictures, your nightshirt to sleep in, blanket, stuffed animals, etc. Parents could help soothe the separation distress in young children by refreshing the memories of the away parent with pictures, audio tapes, and video tapes.

High Conflict Families

Very high conflict parents should consider making transitions at neutral sites, rather than in person. For example, mom could drop the children off at school or at the babysitter’s home in the morning and dad could pick them up at the end of the day.
New Partners & Stepparents

It Will Happen to Most Children

In addition to experiencing the breakup of their parents, most children of divorce are likely to encounter the remarriage or re-coupling of one or both of their parents. For many, this will also include adjusting to the formation of a stepfamily that will include new stepbrothers, stepsisters, and eventually half siblings. If both parents remarry, children must face the challenge of fitting into two stepfamilies. This can be an overwhelming amount of change for children, especially if they are still adjusting to their parents’ breakup.

Children in the Middle

Driven by a vision of a new life complete with a new partner fitting in with their children, many parents look to their children for acceptance of their new partners and intentions. They may ask their children if they like their new partners, or they may ask if they would mind living with them. Be aware that many children will try to please their parents by telling them what it appears they want to hear. They know their parents want them to accept their new partners. Therefore, parents shouldn’t be surprised to have their children tell them that they like their new partners and that they want to spend time or move in with them. Be aware that those same pleasing children will try to satisfy the other parent by saying that they don’t like the new partners and that they don’t want to be around them. Parental conflict intensifies because both are receiving contradictory messages from the children.

Rejection of a New Partner

Hoping their parents getting back together, some children will not have anything to do with a new partner. Older children may be inclined to align themselves with an injured parent and become resentful toward the new partner of the other parent. This is especially true if the children perceive that the new partner has caused the marital breakup. Or, they may be nice to the new partner but direct their anger and rejection at one of the new partner’s children. A parent critical of the other’s new partner creates a hostile environment that encourages children to reject a new partner. Parents defending their new partners by blaming the children’s other parent will only intensify the rejecting behavior of the children. Blaming the other parent for the children’s rejecting behavior negates the children’s own feelings, even if those feelings are encouraged by a critical parent.

How to Help

Take your time. If you have found someone special, it is all the more important to proceed cautiously. Parents who rush their children into relationships with new partners before they are ready run the risk of having their children refuse to have a relationship with their new life mates. Such parents may ultimately be forced to choose between their children and their new partners. Children will benefit when parents discuss and agree upon how long they will wait before introducing a new partner to the children. They could also agree on a slow increase in the amount of time spent between the children and new partners. Avoid introducing children to casual dates. New partners should be sensitive to avoid doing things that threaten the status of the other parent. It might be best for children to call new partners by their first names rather than mom or dad. New partners should not assume primary roles of disciplining the children. Concerns about the role of new partners should be discussed between the parents rather than complained about to the children. Children should be given permission to have a relationship with new partners. Parents need to heal and emotionally recover from the breakup.
Grandparents & Other Caregivers

A Family of Caregivers
As in many families, grandparents and other caregivers are relied on to help raise the children. Many children have become accustomed or even dependent on the nurturing they received from grandparents, aunts, uncles, and even neighbors. Separation and divorce can tear apart the social network or support of the children. Children need the continued support of the people who have cared for them.

Don’t Become An Outlaw
As mom and dad separate children may be cutoff from the extended family members who loved and cared for them. Almost overnight in-laws can become outlaws. Consequently, strong feelings are abound as families rally around and defend their wounded member. Blame is easily assigned to the ex-son or daughter-in-law. This is, of course, quite normal. However, it is also quite divisive as extended families are now seen as enemy camps. Feeling defensive, the rejected ex-in-law may make it difficult or impossible for grandparents and other extended family members to see the children. The likelihood of losing access to the children increases with the more active, adversarial, and public a role family members play in the conflict.

Growing Up At Grandma’s
Many parents who breakup find it necessary to return to the homes of their own parents. They either cannot afford to get an apartment on their own or they may need the emotional and childcare support that is available to them at grandma’s. Sometimes grandparents are called upon to become the primary caretakers of the children. This might happen where there are issues such as substance addictions, incarceration, serious physical illness, or the death of a parent. These new roles will bring unexpected and sometimes unwelcomed changes to the lives of grandparents. Grandparents may have forgotten how difficult it is to raise children. In time they may come to feel more like parents than grandparents. They need all the support they can find from families and agencies. Legal agreements can outline the parental improvements necessary for the children to be returned to their parents.

Litigating for Access or Custody
Grandparents who have been involved in the lives of their grandchildren may petition the court to have access to the children under “grandparents rights.” These grandparents are often in conflict with their ex-son or daughter-in-law. Other grandparents litigate for custody of grandchildren. These cases usually call into question the ability of their own child to adequately care for their grandchildren. Child welfare agencies may be involved. In either situation, grandparents are encouraged to seek mediation as a means to finding a resolution.

Helping Your Grandchildren
The best way to help your grandchildren is to have everyone see you as a “solution” and not as a “problem.” Avoid presenting yourself as a “problem” by keeping your feelings out of it, by staying out of the conflict, by not criticizing your child’s ex-spouse (especially to the children), and by encouraging your child to put the kids first. You can present yourself as a “solution” by telling your child’s ex-spouse that you want to be of help, that you are available for childcare, and that you would like to nurture your grandchildren as you have in the past. The relationship between grandparents and their grandchildren has always been special. Children enjoy relationships with grandparents that are filled with doting attentiveness and affection. Don’t let these special moments become contaminated with the problems of the parents. Keep your focus on your purpose: The children.
What Hurts

Children are hurt by the following circumstances. Commit to doing less of what hurts.

- **Children witnessing open parental conflict:** This occurs when children observe parental arguments, accusations, criticisms, and confrontations. Children will feel anxious, sad, insecure, or even angry. They may withdraw, act out or take sides.

- **Children witnessing violence and intimidation:** Children witnessing emotional abuse or physical abuse are likely to fear the offending parent; or, they may become aggressive themselves. Witnessing abuse is considered a form of child abuse.

- **Parents dropping out of a child’s life:** This may lead to abandonment issues, self-blame, and self-identity problems. They may be indirectly affected by loss of income and a stressed-out single parent.

- **Chaotic changes and family disorganization:** It is stressful for children to lose a parent, move to another house or apartment, change schools, leave a neighborhood, lose contact with friends, and to be cutoff from affectionate grandparents and family. Children sometimes must endure more change than they can tolerate.

- **Surprise separations and disturbing departures:** Parents often underestimate the need for young children to know what is happening to their family. Keep in mind that young children will be quick to assume the burden of blame for the unannounced and unexplained departure of a parent.

- **Communicating through the children:** Children may be required to send messages, pass checks, offer excuses, and deliver provocative requests. Children, themselves, report that this is a most painful demand. Of course, the intensity of conflict raises the intensity of the pain.

- **Quizzing the children:** Some parents quiz or interrogate children about the other parent’s life-style, whereabouts, new partner, and parenting practices. This is painful to children because they must betray one parent in order to be loyal to the other.

- **Hearing one parent criticize the other:** Children want and need both parents. Feeling loyalty to a parent who is being criticized makes children feel disloyal to the parent making the criticism. They're trapped.

- **Making children feel like they have to side with a parent:** The emotional world of the children may be so polarized that it seems that there is no neutral or safe ground. They may feel that they have to be on one side or the other. Sometimes children will secretly suggest alliances to both parents.

- **Too many adult responsibilities:** Older children, especially girls, may be required to function as adults, often protecting younger siblings from chaos and conflict.

- **Children nurturing adults:** Distressed parents sometimes turn to their children for comfort. They elevate children to an adult status of emotional caretaker. They cry to them, tell them about their worries, and scare them with money problems. Children are burdened because they worry what will happen if the adults fail.

- **Impulsive angry phone calls or confrontations:** Children are often present for these impulsive outbursts. Children often listen to recorded phone messages and may feel anxious or align themselves with a parent.

- **Interfering with the other parent’s time or parental authority:** This sabotages and contaminates a parent’s relationships with the children. The children are likely to become oppositional and angry. This warps their social skills, self-identity, and quality of life.

BUILDING A HEALTHY EMOTIONAL ENVIRONMENT

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What Helps

Children are helped by the following circumstances. Commit to doing more of what helps.

- Vision of a functional co-parenting relationship: Children benefit when their parents have a clear vision of what they must do to create a healthy two-home emotional environment. A child-centered vision guides their actions.

- Developmentally appropriate and predictable time-sharing schedule that allows for some flexibility: A good parenting plan will help to create a sense of stability and security for the children. The plan is organized around the needs of the children.

- Child exchange routines that are on-time and conflict free: Remind yourself that the purpose of an exchange is to transfer the children from one parent to the other without anything bad happening between the parents. This is not the time to confront or express your displeasure to the other parent.

- Shielding children from conflict: Divorce doesn't hurt children. Conflict hurts children. Parents can shield their children from conflict by making careful plans to conduct their co-parenting business when their children are not present.

- Both parents remain cooperatively involved in the lives of the children: Generally, children love, want, and need both of their parents. They prosper when both parents can work together to meet their needs.

- Scheduled business-like parental communications that occur when the children are not present: Children are likely to have their needs met when parents can communicate and stay focused on their co-parenting agenda.

- Reasonable and private communications between children and the away parent: Allowing the children to make private phone calls to the away parent demonstrates your permission to have a relationship with the other parent. They will not feel the need to take sides.

- Parents healing and taking care of themselves: Parents who have taken care of their emotional wounds tend to be more patient, even tempered, and less punitive. The anger and hurt of emotionally wounded parents can be misdirected to the children.

- Parents support children's reasonable involvement in activities: Children will enjoy reasonable involvement in age appropriate activities. It develops skills and provides a structure for social development.

- A balance of nurturing and discipline in parenting children: Studies have shown that parents who express both clear expectations and limitations along with sensitive emotional support do best. A distant "hands off" approach or an overbearing "dictatorial" approach is less effective. Parents should work to enhance the weaker of the two skills.

- Stay emotionally connected to your children: Talk to them about how they feel. Get physically close, hold hands, make eye contact, turn off the TV. Make it a dialogue. Verbalize to them what your understanding is of how they feel.

- Conflict-neutral support system for parents and children: Children are supported by siblings, friends, teammates, and extended family members. Support from teachers, school counselors, and therapists can also be helpful. Support from people who add negative energy to the conflict is not good for the children.
Disengaging from Conflict

Look Before You Leap

Look before you leap means to pause, hesitate, stop, think first, walk away, sleep on it. Many parents going through a breakup find that the other parent may push their buttons. This generally means that the other parent does or says something that annoys or angers them. These deeds or misdeeds push their buttons and “set them off,” often triggering a counter reaction that may lead to an endless cycle of conflict reactions and counter reactions. Consider that there are triggering events (what the other parent does to push your buttons) and your reactions to those events. The reactions of both parents fuel the fires of conflict. Your reactions are the other parent’s triggers. Remember, you cannot control what the other person does, but you can control your own reactions.

The next time your buttons are pushed and you are about to make an impulsive reaction, stop and look at the situation from your children’s viewpoint. Try to think of how the children will be influenced by your impulsive reaction. You can react to your own hurt and anger, or you can take a proactive step to further serve the needs of your children. Impulsive reactions may feel good at the moment because they release tension, but they usually end up making things worse. Look before you leap.

View It From the Little Chair

Most people would agree that there are two sides to every story. In the case of custody conflict, consider that there are at least three sides or viewpoints to every story. Think of three chairs, two large chairs and one small one. These chairs represent the three viewpoints: His (the father’s), Her’s (the mother’s), and Their’s (the children’s). Whenever you are faced with a difficult custody problem, try to understand it and identify solutions from the perspective of the little chair. It will be necessary to let go of your own position to fully appreciate the situation as experienced by the children. If you have come to the conclusion that you and the children feel exactly the same, consider that it is quite possible that the children feel pressured to side with you. Such alliances are often expressions of co-parent conflict. You will find that the best solutions will be those that serve the needs of the children as seen from the “little chair.”

Calm Yourself and Control Your Reactivity

To co-parent civilly, you will need to calm yourself before interacting with the other parent. Anticipating trouble, many parents worry themselves into a frenzy that may lead to sarcastic remarks, criticisms, or other provocations. Parents need to calm themselves and control their reactivity for them to be able to tolerate the demands of co-parenting. Keep in mind that your actual co-parenting efforts might only be minutes a week. Try redirecting your thoughts from “I can’t do it” to “I can do it for a brief period of time.”

Try some deep breathing exercises. Clear your mind and breathe in slowly to a slow count of seven, filling your lungs to near full capacity. Hold it briefly and breathe out slowly all the way to a count of eleven. This will require you to fully deflate your lungs. With each exhale consciously allow your muscles to relax throughout your body. Three or four well-focused breaths may be enough to keep you from losing control. Walk away if things start to get out of control. Learning to emotionally detach from the other parent’s behavior may be the only way to find personal peace.

Note to Parents & Caregivers: Court ordered interventions may be necessary where there are genuine cases of abuse, neglect, domestic violence, substance abuse, or intense conflict.
Stay Focused on Your Own Behavior

We have two eyes. Using both to watch the other parent can interfere with our own parenting. Conflicted parents seem to have perfect vision when it comes to finding faults in the other parent, but often fail to see how their own behavior contributes to co-parent conflict. For example, one parent complained that the other parent had been critical and disrespectful in front of the children during an exchange. Although it was wrong for that parent to have been disrespectful, the offended parent failed to see how being an hour late for the exchange angered the other parent and contributed to the conflict. If this parent had focused on his or her own behavior and had been on time, there would not have been an argument. Sometimes parents become so preoccupied with the other parent that they overlook the needs of the children. For example, a boy missed an important soccer game as his parents stubbornly fought over whose responsibility it was to drive their son to the game. Had either parent focused on their own parental behavior, the child would have made it to the game. Except for cases of genuine abuse or neglect, parents should remain focused on how their own behavior adds to the quality of their children’s lives.

Learn to Push the Parent Button

Visualize your children standing in their emotional room alone with the other parent. The mood of this other parent will dominate their emotional environment while they are in the exclusive care of this parent. Imagine two buttons on the forehead of the other parent. One is a “panic button” that triggers intense fear, defensiveness, resentment, or anger. Think what you do or fail to do that seems to push this parent’s panic button. Next, think of the second button as a “parent button.” When the parent button is pushed the other parent is attentive, interested, and affectionate toward the children. Now, imagine your children entering their emotional room with the other parent waiting to receive them. No button has been pushed yet. As you send the children to the other parent, think of how you can help to push the “parent button” and avoid pushing the “panic button.” For example, you will trigger panic responses if you make sarcastic remarks at an exchange or have the children carry provocative messages. On the other hand, you can push the “parent button” by saying something like “the kids enjoyed going to the park with you last week” or having the children pick a flower or draw a picture for the other parent. Clearly, the children will be much happier if the parent button can be pushed. How can you help?

Manage the Influence of Other People

Turning to friends and family for support during a crisis is normal and often helpful. To receive comforting reassurance can have a healing effect. However, sometimes people we call on for support, with all good intentions, become part of the problem. Grandparents, brothers, sisters, in-laws, co-workers, new partners, attorneys, and even therapists can confuse and complicate what may be an already delicate situation. Normally, a husband and wife maintain some boundary of confidentiality around their private lives. With this crisis, that boundary is often breached and others may now assume a position of significant influence over a parent. Having too many advisors giving opinions and directives may interfere with a parent’s capacity to adequately adjust to the separation. The children will have little chance to adjust if the parents cannot do so. Conflict can be perpetuated by the team supporting you. Ending conflict may require that limits be reestablished between your team support and your co-parenting relationship.

Note to Parents & Caregivers: Court ordered interventions may be necessary where there are genuine cases of abuse, neglect, domestic violence, substance abuse, or intense conflict.

BUILDING A HEALTHY EMOTIONAL ENVIRONMENT

26
Helping Children Cope

Plan the Announcement of Your Separation

Try to view this event from the perspective of the children. What do they need? They need to know that they still have two parents who love them and both will remain in their lives. They need to know that the separation is not their fault and that they are free to love and care for each parent. How you tell them will communicate more than what you say. If possible, both parents should work together in planning the event to tell their children. Ideally, both parents should be present. This will help them to feel secure and free from painful loyalty conflicts. They should be told before the separation. Remember that ambushing a spouse with divorce papers undermines the security of the children. Avoid explanations that focus blame on either parent. The central theme should be about the children and how they will be cared for in the future. A therapist can help you plan how to do this in a healthy manner.

Prepare Them For Change

Children need to know about how their lives will change. They need a non-blaming, child-centered description of why the breakup is taking place. It should be clear that the reason for the separation is that mom and dad can no longer live with each other. Perhaps, they no longer love each other they way that a husband and wife should love each other. They need to be reassured that both parents still love them and will always remain in their lives. Remind them that the divorce is not their fault. They will need to know if they will be relocating or which parent will be leaving their current residence. They need to know about their new home. Where is it located? How big is it? Will they have their own room? They might enjoy picking out the colors and accessories to their new room. Discuss with them the time-sharing schedule. Avoid blaming the other parent. Change your children’s inquiries about who is to blame to reassurances of two loving parents.

Listen To Their Feelings

Don’t try to distract children from experiencing their feelings. Children whose parents have separated have experienced a profound loss. They may have many feelings. It is emotionally healthy to allow them to grieve the loss. The objectives are to be able to name their feelings, describe their intensity, and express their feelings to another person. Young children simply may not have the words to express their feelings. Help them to understand their feelings by reading age appropriate books on family breakups (see the inside covers for book suggestions). They need help in labeling their bodily sensations, such as those of feeling sad, scared, or angry. Once labeled, you can help them to identify the intensity. Are you feeling a little bit sad or a lot sad? Get them to identify other occasions when they had these feelings. Reassure them that it is okay to have feelings. Feelings that are acted out in unacceptable behavior should be redirected into verbal descriptions. (See the feelings chart in Appendix B)

Address Separation Distress in Young Children

The emotional attachments that children build with their parents helps to keep them close to the sources of security: Mom and dad. Separation from emotionally attached care-givers will tend to make them anxious. Psychologists call this separation distress. It is quite normal for older infants, toddlers, and preschool children to become distressed when they must separate from a trusted parent. Thus, they might resist separating from a parent at exchange times. At exchanges, parents should allow the children some adjustment time as they emotionally separate from one parent and engage the other. (See the section on Effective Exchange Routines). Of greater concern are those situations where children see their parents become upset and argue at an exchange. When this occurs their world of
security becomes altered to a world of insecurity and danger. When their resources of security have vanished, they may cling to one parent with terrorized desperation. They may be difficult to comfort. Parents can best manage the separation distress in their children by providing an atmosphere that is calm, non-threatening, and pleasantly engaging. They should avoid using exchanges as an opportunity to address disturbing issues.

Deal With Anger and Alienation

It is not uncommon to see children respond to family conflict with anger, especially among late elementary school age children and adolescents. These children have a greater intellectual capacity to make judgments and form opinions. Parents need to empathize with their angry children. This requires a parent to understand their point of view. It’s important that you describe your understanding of their viewpoint in words. Express your recognition and appreciation of how they are feeling. Empathy doesn’t require that you agree or even approve of their point of view. It’s simply a sharing of thoughts and feelings. These children are often vulnerable to taking sides with one parent against the other. Parents should try to avoid recruiting their children into faultfinding alliances. Avoid confronting an alienated child with evidence against the other parent. Regardless of the validity of the proof, it seems only to drive them further away from you. Address the heart, not the head.

Consider the Second Best Solution

Inevitably, childrearing problems will occur where one parent fails to do the “right” thing in the opinion of the other parent. Unfortunately, the reaction of the offended parent may unintentionally put the children in the middle of parental conflict by insisting that children defy their other parent. For example, a parent may try to get a young child to call a new partner mommy or daddy. Feeling certain that this is wrong compels the offended parent to demand that the child refuse to call this person mommy or daddy. Such a response may place the child in the middle of intense parental conflict as each parent places contradictory demands upon the child.

Consider the second best solution in these situations. This is a solution that immediately removes the child from the center of parental conflict, but does not necessarily resolve the dispute over who is right or wrong. In the above example, the offended parent could stop demanding that the child defy the other parent. Doing so would take the pressure off the child to defy the demands of the other parent to call this new person mommy or daddy. Clearly, it’s not the best solution, but it is the second best solution because it brings relief to the child. Resolution of the dispute could still be pursued through mediation, counseling, or court ordered interventions. The critical issue is to remove children from the center of parental conflict.

Retell Family Stories with Themes of Stability and Care

A child’s life is essentially a story told or lived out by parents and other caretakers. Such stories may be happy or sad or even tragic. The development and well-being of children is shaped, in part, by how their family stories are told. For example, depending on how the story is told it may or may not be a tragedy to be abandoned by a parent. Often parents end their relationships in dramatic departures that create insecurity in children. The children’s life stories need to be retold in ways that will foster security and stability. Consider these examples:

Initial Story: Your father left us and doesn’t care about us.
Retold Story: Your dad left your mom but he still loves you.

Initial Story: Your mother is the one who decided to breakup our family.
Retold Story: Your mom and dad are not going to live together anymore. But, you will always have two parents who love you and will be there for you.

Initial Story: Your father abandoned you
Retold Story: I don’t understand why your father doesn’t call you because you are such a great kid. Luckily, you are surrounded by many people who love you.
Strategies for Dealing with an Oppositional Parent

Plan A: Solve Problems Cooperatively

Clearly, children benefit when their parents cooperate with one another and their well-being is jeopardized when they remain in conflict. Parents can rise above the need to “be right” and do what they need to do to take care of their children. Sometimes that means yielding to the other parent because the need to resolve differences with civility may be more important than being right. If they are having difficulty working out issues on their own they could voluntarily seek the assistance of a mediator, family therapist, or other helping professional. It is estimated that at least half or more of all divorcing parents will be able to develop a functional co-parenting relationship.

Plan B: Seek Court Ordered Participation

It is not unusual to find one parent frustrated by behavior of the other parent that appears to be uncooperative, oppositional, or even defiant. Attempts to communicate may be blocked with caller ID and telephone answering machines. Concerned parents feel helpless because there appears to be nothing they can do to change the situation. It is obvious that issues between the former couple are interfering with their parenting relationship. Concerned parents who want to develop a functional co-parenting relationship with an uncooperative parent may petition the court to order both parents and the children into family therapy. The courts are often supportive of requests that serve the interests of the children. With both parents present, a neutral third party may have a reasonable chance to help build a better working relationship. The content of sessions would normally remain confidential, but the court may ask for confirmation that the parties are in compliance with the order. Parents who ignore a court order might be held in contempt of court and would be subject to sanctions.

Plan C: Obtain Court Interventions & Supervision

It is estimated that between five and ten percent of divorcing families involve toxic situations where the behavior of one or both parents seriously jeopardizes the well-being of the children. These circumstances might result from neglect, immaturity, poor parenting skills, co-parent conflict, violence, mental health problems or substance addictions. Even though they are often aware that the children are being hurt, these parents may be unable or unwilling view their own actions as contributing to the problem. Blame is almost always projected on to the other parent. These families are poor candidates for voluntary interventions and are likely to require court intercession. The court may impose a host of interventions to manage parental behavior (see the section on Toxic Situations and Court-Connected Interventions) and appoint special masters, parent coordinators, or guardians to supervise it. Failure to comply could result in contempt proceedings and court imposed sanctions. Confidentiality may not be protected for these sessions. Attendance and progress reports may be required by the court. This is strong medicine for difficult problems.

Plan D: Help Kids Cope

Despite the good efforts of attempting to work cooperatively, forcing participation through court orders, or having the court order and manage interventions, sometimes it just does not work. Unfortunately, there are troubled parents who are resistant to change and the courts are limited in their resources to monitor them. Concerned parents, courts, and social service agencies cannot always protect children from strained situations. When this happens, the strategy should focus on helping children to cope with their difficult life circumstances. Seeing a therapist or participating in a school or agency sponsored group program for children of divorce might help to validate their feelings, learn coping skills, and, in general, tolerate a difficult situation.
Domestic Violence

Different Rules for Domestic Violence

Under the genuine threat of domestic violence, vulnerable parents should avoid “working with” dangerous partners, as it may put them in harm’s way. In effect, there is a different set of rules where the real threat of violence exists. Of greatest concern, are those individuals who seek to dominate and control with their intimidation and violence. Vulnerable parents should be aware that they are most at risk when they attempt to separate from their aggressive partners. A combination of protection orders, distance, and treatment interventions may be the best way to ensure safety. Vulnerable parents should petition courts to ordered parallel parenting strategies where safety measures and other interventions are explicitly stated and monitored.

Cooperation May Be Possible for Some

Researchers have reported that domestic violence might be categorized into different types or profiles. For example, someone with no violent history may have become aggressive on only one occasion. This aggression might be seen as a result of the frustration and conflict in the couple/parenting relationship. This profile stands in contrast to a controlling batterer with a long history of violent behavior and substance addiction. Thus, we might consider that some individuals who acted aggressively might have the potential to cooperate with appropriate precautions and interventions. Knowing this, some parents may cautiously consider cooperative co-parenting. Of course, this represents a calculated risk.

Vulnerable parents dealing with violent controlling types are best advised to avoid this alternative. In the pursuit of cooperative parenting, safety should always be an unconditional requirement. A safety plan should be implemented. It might include Voluntary participation that could be stopped by the vulnerable parent; 2) Use of a media therapist, or co-parent coordinator to manage the co-parent meetings with no tolerance for intimidating behavior; 3) Arrange to have one vulnerable parent arrive ten minutes after the other parent; 4) Have the vulnerable parent depart ten minutes before the other parent leaves; 5) Have the vulnerable parent escort to and from the meetings; 6) Carry a cell phone for emergency calls, and 7) Develop an emergency escape plan.

Protection Orders

Individuals who have been victims of violent acts or who are in fear of their safety may seek protection or restraining orders from the court. They are court orders that provide strict limits on the behavior of aggressive individuals. These court orders might restrict them from being in the same location and prohibit them from any form of communication with the victim. With reason, the orders might also place restrictions or limitations on access to the children. Weapons are usually confiscated with protection orders. It is also common for orders to include interventions such as treatment for substance abuse, anger management, or mental health counseling. Some orders may allow limited parent communication or for the parents to be together for co-parent counseling. Monitoring compliance with protection orders is essentially up to the victim, since police cannot provide around-the-clock personal protection. Individuals reported to have violated their protection orders are subject to arrest and incarceration. It is an unfortunate fact that protection orders are occasionally misused and abused. For example, there are women who casually obtain orders only to ignore or drop them when they reconcile with their husbands or boyfriends. Worse, there are others who make false allegations to gain an advantage in child custody. Such abuse weakens this vital intervention.
Toxic Situations &
Court-Ordered
Interventions

When the behavior of one or both parents deteriorates to the degree that it might jeopardize the welfare of a child, the courts are inclined to order interventions. The interventions usually address serious problems such as addictions, mental illness, violence, neglect, or abuse. Many parents are simply unaware that the courts may support them in managing toxic situations. When interventions are ordered by the court and parents fail to follow those directives, they may be held in contempt of court. They could be fined or even jailed for failing to comply with the order. The courts may require compliance with an order as a condition for visitation with the children. The list of interventions may not all be available in all jurisdictions. Interventions will vary in the degree of intrusiveness to the family. Ask your attorney to petition the court for an intervention. Responsibility for costs should be addressed in the petition and order.

- **Children of Divorce Parent Education**: Many court systems mandate or make available educational programs that sensitize parents to the effects of divorce on the children.

- **Parenting Skills Education**: Usually, social service agencies offer short courses or individual training on effective parenting skills.

- **Special Needs Education for Parents**: Parents with a child with special needs or a disability may need special training to provide appropriate caretaking.

- **Drug and Alcohol Evaluations and Treatment**: Substance abuse or addictions are often at the root of toxic situations. Most court systems will have well developed procedures for ordering this intervention. The quality of case management may vary.

- **Mental Health Evaluations and Treatment for the Children or Parents**: May be done by a mental health professional in private practice or through a public clinic.

- **Family Therapy**: Relationship therapy that might enhance parent cooperation, parent-child relationships, sibling relationships, child-step parent relationships, and other family relationships.

- **Mediation**: The parents would meet with a mediator to find resolutions to disputes. This is an alternative to litigation.

- **Appointment of a Guardian ad Litem**: Usually an attorney, but sometimes a mental health professional, a Guardian ad Litem is assigned to represent to the court the best interests of the child. Guardians may conduct family assessments.

- **Supervised Visitation**: This intervention allows a parent to visit with a child under the specified supervision. Supervision might be provided by the other parent, a grandparent, mental health professional, or social service agency staff member.

- **Anger Control Programs for Domestic Violence**: A violent parent would be required to attend a class or participate in individual therapy to address issues of anger management.

- **Parent Coordination**: A parent coordinator, sometimes called a special master, would be assigned to manage the co-parent relationship. They might be conducted by the court or they may report to the court. Some may serve to arbitrate disputes, other may only mediate or provide recommendations to the court.

- **Custody Evaluations**: A mental health professional provides a report and recommendations based on the results of a comprehensive evaluation of the children, homes, and family members.
Questions & Answers

Q: My son is only nine months old. We’re not married either. Am I correct in thinking that he will not remember anything about our breakup?
A: That is correct. He won’t remember it. However, that’s not the issue. The issue is how two parents bring closure to their relationship as a couple will set the stage for parenting for years to come. Parents who remain in high conflict expose their children to risk of emotional and behavioral difficulties. The fact that you were never married does not remove the possibility that parents may remain in conflict over parenting and custody issues. Divorce or custody papers don’t hurt children, conflict does.

Q: My children don’t want to see the other parent. Should I make them go?
A: Knowing what your children really want is a tricky matter. It depends on their age, too. If you are obviously angry with the other parent, they may simply mirror back to you your own feelings. They may be frightened by your anger or worried about your ability to keep yourself together. Consequently, they may tell you what they think you need and want to hear. Generally, seeing the other parent on a planned schedule should be about as important as going to school. As with school, there may be a few exceptions when children might stay with you and not go with the other parent. It should be an adult decision, however. Would you trust your children to make good judgements if you told them that they don’t have to go to school if they didn’t want to? Genuine evidence of serious neglect or abuse should be investigated, however.

Q: My children’s other parent has dropped out of their lives? What should I tell them?
A: Don’t try to make up false stories about the other parent’s absence. Consider telling them “I really don’t know why he or she doesn’t visit or call you. I know how much I love you. You can be sure that I will always be here for you.” They need reassurance. Do not criticize the absent parents because, in all likelihood, they will reappear some day. When they return they never look like the person that was critically described to the children. When this happens children can feel betrayed by the critical parent.

Q: My former spouse left me for a co-worker. They now live together. I don’t want my children to be around this person. Can I prevent it?
A: You should ask your attorney about any conditions that may pose a serious threat to the children. Unless there is a good reason, the courts will probably not restrict access to the other parent and his or her new partner.

Q: My children’s other parent has not been involved with the children and now wants to be active again. Do I have to allow this?
A: Unless there are reasons that threaten the welfare of the children, courts are likely to allow access to a parent who has not been involved with the children. Check with your attorney. An alternative to just opposing it will be to work together to develop a strategy for reunification. In doing so, you will be able to influence the pace and conditions of the re-engagement. For example, a therapist could guide the entire process. Mediation is a good medium to develop such child-centered solutions.

Q: We’re grandparents and for years have provided regular babysitting for our grandchildren. Now the parents are divorced and our child’s former spouse doesn’t want us to see our grandchildren. Don’t the children need us?
A: Yes. It would be good for the children to continue to see you if you had been a consistent, regular source of comfort to the children. Your son or daughter should have the discretion to allow the children to spend time with you when the children are in his or her custody. Many states provide access to grandparents. Check with an attorney. Often, such opposition is rooted in a the critical positions grandparents have taken against their former daughters or sons-in-law. Certainly,
you own child has been hurt and it is normal for you to defend him or her. However, this can alienate the other parent. It would be best for the grandchildren if you were to voice your support for the children and try to keep you support for your own child private.

Q: My children's other parent is hostile and oppositional. The children are told terrible things about me. I feel helpless. What can I do?

A: Start by committing yourself to not doing the same. You children will benefit if they have at least one parent who is not upsetting them. You can coach your child to ask the other parent to not criticize you by saying, “Mom or dad, it makes me feel bad when you say those mean things about my mom (or dad).” You can also petition the court to order the children and the adults into family therapy.

Q: My children's other parent always uses the children to call me to ask if they can stay longer. This frustrates me because I have plans for them, but I don't want to disappoint them. What should I do?

A: Remove them from this in-the-middle position by asking to speak to the other parent. Tell your child that this is an adult decision and that you would like to speak to the other parent. If this continues to cause problems, you may want to enter into mediation with the other parent or petition the court to order family therapy.

Q: I'm worried that my children's other parent is drinking excessively when the children are in his (or her) care. What can I do?

A: Serious concerns about neglect or abuse should be assessed by an external agency. Most courts have referral resources to court-order drug and alcohol evaluations and treatment. If you are in the middle of divorce litigation, it could be made a part of the parenting plan. Serious concerns could also be reported to children protection services.

Q: I'm separated from my children's other parent and now living with a new partner. My children love my new partner and choose to call this person Mom (or Dad). The other biological parent objects. Shouldn't the children get to decide what to call her (or him)?

A: When a child comes to their mom (or dad) and refers to another person as such raises strong fears of being replaced by another. This raises anxiety, tension, and animosity among the adults, especially if this person was part of an affair that is perceived to have caused the breakup. These strong feelings are stressful to children because their behavior (calling this person mom or dad) is causing everyone to be upset. It would be much easier for children to refer to new partners by their first names. Children can have good relationships with new partners or stepparents without calling them mom or dad. These are adult problems that need a child-centered solution.

Q: When are the children old enough to make up their own minds as to whether or not they want to spend time with the other parent?

A: Consideration of the expressed wishes of the children in the determination of custody is a complicated matter, both emotionally and legally. Emotionally, we know that children feeling the pressure to of their parents' hostility are apt to respond to each parent in a supportive, but contradictory manner. Older children may take sides with one parent. Both are symptoms of feeling caught in the middle. Most children do not want to carry the responsibility of rejecting a parent. Legally there is a question as to the validity of how such information is gathered and used. Some judges may speak to children, others will not. Their input may or may not be given weight in making decisions. Attorneys, custody masters, and judges may not have the specialized training to obtain reliable information from children. If necessary, a trained and skilled therapist or custody evaluator would be the best person to obtain reliable information from children.
Appendix A: Agenda for Co-Parenting Discussions

**Directions:** Parents should have regularly planned parenting discussions to share information, make decisions and solve problems. Use this form as a guide to structure a business-like discussion. Avoid discussions of unrelated topics. Parents could prepare for their discussion by each filling-out this form ahead of time. Disputes that cannot be resolved should be tabled and pursued at another time with the help of a mediator, therapist, or other third party.

### Information Sharing

What information do you have for the other parent? What information do you want from the other parent?

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### Decision-Making

Identify decisions that should be discussed or need to be made.

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### Problem-Solving

Identify problems that should be discussed or need to be solved.

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- List your agenda items before the communication
- Avoid emotionally charged impulse calls. Put items on list for next contact
- Start with easiest first, hardest last. Consider topics as presented.
- Make respectful requests rather than critical complaints
Appendix B: 
Feelings Chart for Children

**Purpose:** The purpose is to help young children to talk about their feelings. In doing so, they might be less inclined to act-out their feelings with unacceptable behavior. The objectives are to have children name their feelings, describe their intensity, and accurately express them to another person. It will be important for parents to respond with understanding and empathy.

**Directions:** Point to each drawing. Ask your child if they can name the feeling that is expressed in the drawing. Ask if they had ever felt that feeling before. If so, ask them to tell about that experience. Ask if they felt it only a little or a lot. Ask if it lasted for a little time or a long time. Ask them to point where those feelings were in their body (for example, they might say it felt like butterflies in my belly).
Appendix C:
Helpful Websites

Best Books: www.kidsfirst.ce Includes a selection of the best books on children and divorce. Includes books for children and adults. Topics include child adjustment, parent adjustment, co-parenting, high conflict, parent alienation, and more.

Child Support: www.acf.dhhs.gov/programs/cse This is the website for the Federal Office of Child Support Enforcement

Divorce Issues: www.divorcemag.com/links/ An extensive list of links for divorce. Includes topics such as child custody, support, financial, law, mediation, father’s rights, parenting, therapy, referrals, and more. Free e-mail newsletter.

Divorce Issues: www.divorceresource.com A very comprehensive resource on divorce that includes articles, research, legal information by state, chat rooms, referrals for local family law attorneys or mediators, and more. Information is available on all important topics, such as effects on children, custody, visitation, and parent alienation.

Divorce: www.selfgrowth.com/divorce.html Provides an extensive list of website links on divorce topics.

Divorce Parenting: www.divorceandkids.com A good source for information on children’s needs and parenting tips.

Domestic Violence: www.ndvh.org The National Domestic Violence Hotline. Phone 1-800-799-SAFE (7233) TTY 1-800-787-3524

Fatherhood: www.fatherhood.org This is the website of The National Fatherhood Initiative. Their mission is to improve the well-being of children by increasing the proportion of children growing up with involved, responsible, and committed fathers. Dads can receive information and support from NFI Bookstore for dads.


Never Married Parents: www.info4parents.com Resources, information, and referrals to help never married parents to become better parents. Topics include advocacy, parenting, paternity, and legal issues.


Parent Alienation: www.rgardner.com/refs/ Numerous articles describing, discussing and defending the formulation of Parent Alienation Syndrome (PAS) by Richard Gardner, MD.

Parent Alienation: www.deltabravo.net/custody/pasarchive.htm An extensive list of articles on parent alienation describing the causes and interventions for children alienated from a parent.


Single Parents: www.singleparents.about.com Information, resources, and support for single parents. Topics include child development, custody, support, dating, money matters, and more Free e-mail newsletter.

Stepfamilies: www.safamilies.org/ This is the website of the Stepfamily Association of America. It provides educational resources and information on stepfamilies.

Stepfamilies: www.focusas.com/Stepfamily.html Resources, information, organizations, articles, books on stepfamilies, and successful co-parenting.
Appendix D: Vision of the Future & Personal Plan

Having a vision of how a family will work after a separation is like having a map on a trip. It tells you where you want to go and how to get there. Think of it as a blueprint that tells us how to build a healthy emotional environment for your children. You can create a healthy emotional environment for your children by doing less of what hurts and more of what helps. See the directions below.

<table>
<thead>
<tr>
<th>What Hurts</th>
<th>What Helps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directions: Check items below to identify things that might be in your children's emotional room. Make a commitment to do less of what hurts.</td>
<td></td>
</tr>
<tr>
<td>Directions: Check items below to identify helpful things that will improve your children's emotional room. Make a commitment to do more of what helps.</td>
<td></td>
</tr>
<tr>
<td>□ Children witnessing open parental conflict</td>
<td></td>
</tr>
<tr>
<td>□ Children witnessing violence and intimidation</td>
<td></td>
</tr>
<tr>
<td>□ Parents dropping out of a child's life</td>
<td></td>
</tr>
<tr>
<td>□ Chaotic changes and family disorganization</td>
<td></td>
</tr>
<tr>
<td>□ Surprise separations and disturbing departures</td>
<td></td>
</tr>
<tr>
<td>□ Communicating through the children</td>
<td></td>
</tr>
<tr>
<td>□ Quizzing the children</td>
<td></td>
</tr>
<tr>
<td>□ Hearing one parent criticize the other</td>
<td></td>
</tr>
<tr>
<td>□ Making children feel like they have to side with a parent</td>
<td></td>
</tr>
<tr>
<td>□ Too many adult responsibilities</td>
<td></td>
</tr>
<tr>
<td>□ Children nurturing adults</td>
<td></td>
</tr>
<tr>
<td>□ Impulsive angry phone calls or confrontations</td>
<td></td>
</tr>
<tr>
<td>□ Interfering with the other parent's time or authority</td>
<td></td>
</tr>
<tr>
<td>□ Vision of a functional co-parenting relationship</td>
<td></td>
</tr>
<tr>
<td>□ Developmentally appropriate and predictable time-sharing schedule that allows for some flexibility</td>
<td></td>
</tr>
<tr>
<td>□ Child exchange routines that are on-time and conflict free</td>
<td></td>
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<tr>
<td>□ Shielding children from conflict</td>
<td></td>
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<tr>
<td>□ Both parents remain cooperatively involved in the lives of the children</td>
<td></td>
</tr>
<tr>
<td>□ Scheduled business-like parental communications that occur when the children are not present</td>
<td></td>
</tr>
<tr>
<td>□ Reasonable and private communications between children and the away parent</td>
<td></td>
</tr>
<tr>
<td>□ Parents healing and taking care of themselves</td>
<td></td>
</tr>
<tr>
<td>□ Parents support children's reasonable involvement in activities</td>
<td></td>
</tr>
<tr>
<td>□ A balance of nurturing and discipline in parenting children</td>
<td></td>
</tr>
<tr>
<td>□ Staying emotionally connected to children</td>
<td></td>
</tr>
<tr>
<td>□ Conflict-neutral support system for parents and children</td>
<td></td>
</tr>
</tbody>
</table>

Note to Parents & Caregivers: Use this checklist as your vision and personal plan. The children will benefit from a healthy emotional environment. Make a personal commitment to do less of what hurts and more of what helps.
Appendix E:
Immediate Relief for Your Children

1. Control Your Impulsive Actions and Reactions

Identify three things you can stop doing that might put children in the middle of parental conflict (asking children to pass messages, leaving angry messages on answering machines, criticizing the other parent, quizzing the children, displaying disturbing emotions in front of children, showing court papers, and others).

1. 

2. 

3. 

2. Stop and Think: View it From the Children’s Perspective

What can you do to prevent yourself from acting or reacting impulsively. Identify a feeling (like a racing heart or anger) to serve as an indicator to notify you that it is time to walk away.

Try to view the immediate problem or situation from the children’s perspective. Put yourself in the little chair (see page 2) and ask yourself “How will my children be affected if I were to act or react impulsively.” Identify situations where it will be important to maintain your self control

3. Improve Exchanges of the Children

Identify three things you can do to remove the conflict from exchanges (make a commitment not to say or do anything to provoke the other parent, make a commitment not to react to the other parent if he or she says or does something provocative and leave quickly, be on time, have the children ready on time, have all of their things ready to go on time, calm yourself before the exchange, demonstrate civility in front of your children, and others).

1. 

2. 

3. 
Best Books
Children & Divorce

Divorced But Still My Parents
by Shirley Thomas & Dorothy Rankin
This interactive workbook is perfect for children because it keeps their attention while they learn more about divorce and themselves.
KF113  Soft cover, 86 pages  $14.00
Ages 6-12

The Essential Grandparent's Guide to Divorce
by Lillian Casson
This book details practical down-to-earth advice and tips on how to maintain your support for your grandchildren, as well as your grown children.
KF125  Soft cover, 123 pages  $10.95

Custody Chaos, Personal Peace
Sharing Custody with an Ex Who Drives You Crazy
by Jeffrey P. Wittmann
In this empowering, common-sense and insightful guide for reclaiming your life, you'll discover a road map for relating to difficult ex while raising children from separate homes.
KF121  Soft cover, 286 pages  $13.95

Rebuilding When Your Relationship Ends
by Bruce Fisher
If you're putting your life back together after a divorce, you need this book. An all new revised, updated and expanded edition.
KF126  Soft cover, 324 pages  $12.95

101 Ways To Be a Long Distance Super Dad... Or Mom, Too!
by George Newman
An invaluable book of ideas and suggestions for parents who find themselves in one place and their children in another.
KF122  Soft cover, 123 pages  $9.95

The Fresh Start Divorce Recovery Workbook
A step-by-step program for those who are divorced or separated by Bob Burns & Tom Whiteman
Practical tools to complete a journey toward wholeness after the trauma of divorce Questions, self-tests, exercises, and practical information.
KF127  Soft cover, 302 pages  $15.99

Parenting After Divorce
A Guide to Resolving Conflicts and Meeting Your Children's Needs
by Phillip M. Stahl
Packed with real-world examples, this book avoids idealistic assumptions, and offers practical help for divorcing parents.
KF123  Soft cover, 176 pages  $15.95

Divorce Book for Parents
by Vicki Lansky
With humor and common sense, this book offers sound, sensible advice to parents on helping children cope with divorce and its aftermath.
KF128  Soft cover, 226 pages  $6.99

Divorce Casualties
Protecting Your Children from Parent Alienation
by Douglas Darnall
Exploring such issues as secrecy, spying, false accusations, threats, and discipline, this book helps parents to recognize alienation and teaches them to minimize its damaging effects on children.
KF124  Soft cover, 269 pages  $14.95

The Good Divorce
by Constance Ahrons
Helps parents move beyond the confusing early stages of a breakup and learn to deal with the transition from a nuclear to bi-nuclear family.
KF129  Soft cover, 299 pages  $14.00

Order by phone: 1-570-341-2007  Order on the web: www.kidsfirst.cc
Best Books
Children & Divorce

Vicki Lansky's
Divorce Book for Parents

101 Ways to Be a
Super Dad

Divorce Reconciliation Workbook

Children Coping with Divorce and Family Conflict

KIDS FIRST

Parenting After Divorce

KIDS FIRST

Custody Chaos, Personal Peace

All the Best Books Available from Kids First

KIDS FIRST
Resources for Children & Families of Divorce

570-341-2007


ISBN 0-9704707-0-3 470705
Appendix B6 – PA Parenting Education Programs by County.
Statewide Survey of Custody Practices & Procedures

Parent Education Programs by County

Summary

✓ 45/67 (67%) of the counties have a parent education program

✓ The median program duration is 4 hours (minimum is 40 minutes, maximum is 8 hours)

✓ The most frequently used programs include Children in the Middle (4), Kids First (8) and Penn State's Education Program for Separating/Divorcing Parents (4)

✓ The median cost for a parent education program is $40 per party (minimum is no fee, maximum is $75)

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<th>PROGRAM</th>
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<th>FEE</th>
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<td>York</td>
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<td></td>
<td>2 hrs</td>
<td>$50 pp</td>
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Helping Children Who Witness Domestic Violence:

A Guide for Parents
Instructor’s Manual

Funded by the King County Women’s Program

By Meg Crager and Lily Anderson
By: Meg Crager & Lily Anderson
Seattle, Washington

Funded by the King County Women’s Program

Contributors:
- Lucinda Cervantes, Lorraine Livermore and the staff of New Beginnings
- Staff of Family Services
- Staff of Eastside Domestic Violence Program
- Dinah Wilson
- Men, women and children experiencing DV

Special thanks to:
The King County Women’s Program
Note to Instructors

The Curriculum

The purpose of the curriculum is to help parents who have experienced domestic violence to understand the impact on their children and themselves; to teach parents to talk to and listen to their children about their experience of the violence; to encourage children’s resiliency, and to support parents in strengthening their relationships with their children.

The curriculum is designed for use by instructors and counselors in parent education classes, DV shelter programs, batterers’ treatment programs, and other related counseling programs. If you are unable to teach the entire curriculum, the authors recommend that you always include the first two sessions. *(What is Domestic Violence and Effects of DV on Kids).*

The focus of the curriculum is domestic violence and parenting issues. This is not a curriculum for a comprehensive parent skills class. Parents participating in your program may have several other needs that are not met by this curriculum. These might include needs for safety planning and shelter, perpetrator treatment, parenting skills, etc. Instructors can use the resource list at the back of the curriculum to find other resources.

Many parenting classes include parents from a variety of backgrounds. In your class, you may have immigrant and refugee parents, parents whose religion, culture, or sexual orientation may be different from your own, as well as parents who are not literate.

When teaching the curriculum, it is important to acknowledge the individual beliefs and experiences each parent has, that may affect his or her understanding of the material in this curriculum. By opening up a discussion of these individual beliefs and experiences at the first session, you can help parents to integrate these new materials with some of their current knowledge and strengths as parents. Encourage parents to discuss their own beliefs and experiences throughout the class. If you have parents who are not literate or have limited literacy skills, tailor your use of the curriculum to their needs, by limiting the written exercises and homework.

Structure of the Curriculum

The curriculum contains twelve sessions. Please note: there are two versions each of Session 5 and Session 6; one for victims and one for perpetrators of domestic violence. These are
appropriate for use in specialized DV programs. If you are teaching a parent education class, you may choose to skip these sessions.

Each session includes learning Objectives and a Lesson Plan, and detailed notes and guidelines for the instructor. Most sessions include brief stories to illustrate key points. The curriculum includes an instructor manual and a student manual.

Assumptions of Curriculum

The curriculum is based on the following assumptions:

- Children who experience domestic violence in their families are victims of domestic violence, even when they don’t physically witness the violence.

- Domestic violence is a pattern of coercive behavior that one person uses to maintain control over his or her partner. It is not caused by anger, stress, drugs or alcohol, the behavior of the victim, or other external forces.

- Domestic violence is always the responsibility of the perpetrator.

- There is never any circumstance when it is justifiable for a person to use violence against their partner.

- Perpetrators and victims of DV come from all cultural, socio-economic, religious and educational backgrounds. There is not one “type” of person who is a perpetrator or victim of DV.

- Corporal punishment is not an acceptable form of punishment for children who have witnessed domestic violence.

- The role of the instructor is to model respectful behavior in the class. Every participant in the class should be treated with respect, regardless of his or her behavior in the class.

- Each person has their own beliefs and experiences about parenting. These need to be acknowledged and discussed when they come up during classes.

We ask that every person using this curriculum feel comfortable with these assumptions.

Responding to Perpetrators and Victims of DV in Your Class

Domestic violence is an extremely difficult topic for some participants. In every coedecational parenting class there are likely to be both perpetrators and victims of domestic violence.

DO NOT get into arguments about the definition of domestic violence. Allow some discussion. If people don’t agree with the definitions provided here, acknowledge that they have a different definition, but the definition provided in the curriculum is the one that will be used in the class.

DO NOT try to provide individual counselling to anyone during the class. If a person is in crisis, or has an urgent need to talk to someone about domestic violence that is currently going
on in their relationship, refer them to a specialized program for perpetrators or victims of DV in your community. (See the resource list at the back of this manual). **Note: Please do not refer couples who are currently experiencing DV to couples’ or family counseling.** Perpetrators of domestic violence often use couples’ or family counseling as a way to further intimidate and control their partners and/or children.

**Introduction**

**Instructor:** *Introduce yourself. Give students your name, phone number and when you can be reached.*

**Welcome participants.**

**Tell Class:**

Please share something about yourself as a parent. We would like to hear something about your children as well, so that we can all know a little about each others’ families.

Write on the board:

- Your name
- The names and ages of each of your children
- One thing you enjoy about being with your children
- One of your best qualities as a parent
- One thing you want to learn or work on in this class

**What Has Impacted My Parenting**

**Tell Class:**

Every parent has their own set of experiences that teaches us about our role as a parent, and how we should interact with our children. Before we start on the content of this curriculum, we’re going to take some time to look at what experiences have influenced each of us as parents. We would like to continue this discussion throughout the class sessions.

Take a few minutes to think of what these influences were for you. Some examples are:

- Your own family including parents and grandparents, aunts and uncles and others,
- Your culture,
- Your ethnic background,
• The culture in which your children are being raised, if different from your own,
• Your religion,
• Your spouse or partner’s background,
• Your experience in your relationship with the father or mother of your child,
• The community where you currently live with your family,
• Your income level, immigration status, and other factors that affect your life.

Take some time to discuss these with the class. If people are having a hard time getting started, you can begin with some examples, or by sharing some of your own experiences. Then ask class:

What contributes to your strengths as a parent?
What things about your parenting would you like to change?
Purpose of the Class

- To understand the effects of domestic violence on children
- To learn ways to talk to and listen to them about their experience of domestic violence
- To understand how domestic violence affects you as a parent
- To work on safe, nonviolent relationships with your child’s father or mother
- To learn and practice new problem-solving techniques with children
- To find support and counseling for you and your children, if needed

During this class we will be talking about some things that can be difficult, sad, or upsetting. If you want referrals to places to get help or support for domestic violence related issues, please ask the instructor.
Rules

1. All information about class participants is CONFIDENTIAL. You are welcome to share your own experiences and knowledge from the class with friends and family members, but do not discuss your classmates' experiences or mention their names.

2. Speak respectfully to everyone you interact with in the program, including fellow classmates, instructors, and support staff.

3. Please give your full attention to whoever is talking. Do not interrupt people who are talking, or start private conversations with other participants.

4. Bring your workbook and a pen or pencil to each class.

We want this class to be as helpful to you as possible. Please ask questions, and let us know how we can make it more useful for you. If you have trouble understanding anything that's being taught, or have difficulty reading or writing, please let the instructor know.
Contents

Session 1  What is Domestic Violence?
Session 2  Effects of DV on Children
Session 3  How to Help Our Children
Session 4  Talking to Children About DV
Session 5V  For Victims: Safety Planning for Victims of DV
Session 5B  For Batterers: Accountability to Children
Session 6V  Parenting When You've Been a Victim of DV
Session 6B  Respectful Parenting with Your Children's Mom (for Batterers)
Session 7  Respectful Parenting
Session 8  Handling Anger as a Parent
Session 9  Conflict Prevention
Session 10  Respectful Limit-Setting with Children
Session 11  Understanding Children's Development
Session 12  Strengthening Relationships with Our Children

Resource List
SESSION 1: What is Domestic Violence?

OBJECTIVES:

1. To teach the definition of domestic violence
2. To help participants understand the impact of domestic violence on parents

LESSON PLAN:

- Introductions
- Goals and rules
- Definition of domestic violence (DV)
- Power and control in violent relationships
- Effects of DV on victims
- Effects of DV on perpetrators
- Homework

Begin by telling the class:
We are going to start by defining domestic violence.

Write on the board:
"Domestic violence is not just hitting. It is a pattern of actions that one person uses to control or dominate his or her intimate partner through violence and the threat of violence."

I am going to read a story from a man who was violent to his wife. As I read it, listen for the different things the abusive person is doing. We will make a list of them afterwards.

John's Story

John completed a domestic violence treatment program. His actions are very typical for a person who is abusing his wife or partner. This is how he described his violent/abusive behavior.

One night, it was just before Christmas. I went out Christmas shopping for my family. I had $400 on me. I spent $300 on presents, and then I went to a bar and spent $100 on drinks for me and my friends. I took a cab home and forgot to take the gifts with me. The driver took off with all the Christmas presents in the car. I went in the house and I started screaming at Suzanne. I told her to call the taxi commission and find the driver who had the presents. It was late
and she couldn't get through to the commission. I started screaming at her and
telling her how stupid she was. I told her it would be her fault if the kids
didn't get any Christmas gifts. My son, he was three at the time, was there and
he started crying. I took some of our family pictures off the wall and threw
them across the room I threw Suzanne down on the ground. I picked up my
son and shook him. Then I screamed at her, “Take your fucking kid and get out
of here.”

Other times I threatened to commit suicide just to scare her. I would put down
her family, and tell her she was a failure, a rotten mother and a rotten wife. I
told her that if she told anyone about the violence I would kill her. I would pull
her hair and pinch her. I would say things to her like, “I am the king, and you
are my slave.” I would make her have sex when she didn’t want to.
Throughout our marriage, I abused her verbally on a daily basis. I beat up on
her pretty bad when she was pregnant. I hit and kicked her in the legs and arms
and smacked her face.”

**Ask the class**

What are some things that John did to control his wife and son?

**Generate a list. Write the list on the board.**

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**What is domestic violence?**

**Domestic Violence (DV)** is a whole pattern of actions that one person uses to dominate and
control another person through physical and sexual violence, and the ongoing threat of
violence.

**Who Commits DV?**

A *batterer* is any person who uses physical violence and the threat of violence to control or
limit the actions of his or her intimate partner.

A *victim* of domestic violence is any person who is in an intimate relationship with a batterer.

DV happens in every neighborhood, in every social class, and in every religious, racial and
ethnic group. It can happen to our friends, grandparents, neighbors, coworkers and ourselves.

The majority (90%) of reported domestic violence assaults are committed by men against
women. Some women assault their male partners, but in many of these cases, they are acting
in self-defense. Domestic violence also occurs in gay and lesbian relationships.
Why Are People Violent to Their Partners?

People are violent to their partners because at some time in their lives, they have learned that being violent is the way to make your partner and children act the way you want them to. They believe that they have the right to be violent at home.

Men who batter are often supported in their violence by social norms that say that the man has to do whatever it takes to "be in charge," or "wear the pants." They may also be supported by family members, friends, police, courts, doctors, counselors, pastors, and others who choose to ignore the violence when they hear about it.

Myths and Misconceptions About DV

There are many "myths" about what causes domestic violence. Some of the myths about DV are that it is caused by:

- Stress
- Alcohol or drugs
- Problems in communication
- Something the victim did
- Anger
- Jealousy
- Insecurity

*The only thing that causes DV is the actions and choices of the violent person.*

*Review the definition of DV. Allow for some discussion, but do not allow people to argue about the causes. If people strongly disagree, ask that they accept your definition for now, and try to work with you.*

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Power and Control in Violent Relationships

*Tell class:*

We define DV as a pattern of behavior that one person uses to dominate and control his or her partner.

Control issues are something most people experience, not only in relationships but in many other aspects of our lives, including our jobs, our social activities and our government and legal system.

Power relationships can be thought of as a pyramid. The person or people at the top are in control, and the person or people on the bottom are relatively powerless.
A good way to understand this kind of system is to look at South Africa under apartheid. In that country, the white minority attempted to maintain complete control over the black South Africans, the East Indians, and other people of color. Many people have similar experiences in the United States.

**Ask the class:**
How did the people in power maintain control over others?

**Have class generate a list, including**
- Dictating where people can live and what kind of work they can do
- Establishing curfews, and limiting travel
- Denying them education, jobs, and access to medical care
- Preventing them from voting or having any voice in political decisions
- Denying them police protection
- Denying them fair treatment in court
- Preventing people from gathering
- Limiting access to information
- Creating negative stereotypes through media

**Ask class:**
How did those in power use violence and the threat of violence?

**Generate a list, including**
- Police harassment
- Threats
- Imprisonment of political activists
- Torture
- Killing of those who speak out against oppressive system

**Ask class:**
How does this affect oppressed peoples' ability to express themselves and work towards freedom from oppression?
• People are afraid for themselves and their families.
• They feel hopeless, powerless.
• They feel there is no point in trying to change the system.

Ask class:
What beliefs would you imagine the white people in power had about their rights to control other people?
• That white people are superior
• That they have the right to rule the land they “conquered”
• That they have the right to do whatever it takes to maintain the order they have established

How do you think they justified the oppression to themselves and to others?
• By saying that people of color need to be “ruled,” or they will take over and cause chaos
• By saying that people of color are less intelligent and capable, and that they are unable to make good decisions.

How did the people in control act? How did they feel?
• Entitled, all-powerful, and that they could do whatever they wanted to
• Threatened and afraid that oppressed people would try to take power

How did the people at the bottom of the pyramid feel about their lack of power?
• Hopeless, angry, trapped, despairing, voiceless, powerless, vulnerable, vengeful, depressed, and self-destructive
• Fearful of speaking up against the oppressor, and fearful about teaching their children the truth of the situation because they might be imprisoned or killed.

Why didn’t the people at the bottom of the pyramid tell those in power how they felt?
• They were afraid of being tortured, imprisoned or killed.

In violent relationships, the abusive person is at the top of the pyramid, and uses many different tactics to control his partner and keep her powerless. The person who is being abused experiences all of the same feelings of hopelessness, anger, loss of self-esteem, powerlessness, etc., that oppressed people feel. Some common tactics abusive people use to keep their partners under control are:
- Controlling financial resources
- Deciding whether or not their partner can work
- Determining who s/he sees socially
- Preventing their partner from making any family decisions
- Threatening to take the children away
- Expecting their partner to have sex whether they want to or not
- Punishing their partner when they do something the abusive person doesn't want them to do

**Ask class:**
What beliefs in your culture support men's violence against women?

**Examples:**
- That men are superior: more intelligent, more capable, make better decisions
- That men have the right to do whatever it takes to control their wife or partner
- That women who are battered deserve or like to be hit
- That when men get angry they have the right to become violent
- That domestic violence is a private matter between two people and it's no one else's business.

The Power and Control Wheel (developed by the Domestic Abuse Intervention Project in Duluth, Minnesota) on page 1-5 of the workbook describes several other kinds of abusive behaviors which are not physical.

Each spoke of the wheel shows a tactic that an abusive person may use to control or maintain power over his partner. The rim of the wheel is physical and sexual violence. Violence is what holds the system together.
POWER AND CONTROL WHEEL
Effects of DV on the Victim

Tell the class to refer to page 1-6 in the workbook.

Lots of times we hear people say about a battered woman, “Why doesn’t she just leave?”

Think about what it is like to be a woman whose husband is doing everything on the Power and Control wheel.

What would her days be like?

Ask class to generate list, including:

- No privacy
- No freedom to express ideas, especially when she doesn’t agree with her husband
- Constant fear for herself and her children
- No freedom to spend money, make decisions about how to spend it
- No freedom to decide when/in what way to have sex
- Limited contact with friends, family members
- Insulted, humiliated, embarrassed
- Having the rules she sets for the children undermined or changed
- No help with the children
- No time for herself
- Is blamed and punished for children’s misbehavior
- Sees her children being punished abusively
- Exhausted
- No security in terms of her sense of safety, stability

Let’s just think about how this would affect a woman’s ability to be a Mom.

Write list on board. Include:

- Afraid for her children
- Feels powerless to protect them
- Feels guilty about the violence
- Feels ashamed
- Feels she has no authority as a Mom
- Afraid of losing her children
- Has no privacy
- Feels undermined
- Blames herself for being a bad Mom

This is just a brief overview. We will come back to this in more detail later.
Effects of DV on the Perpetrator

Perpetrators of domestic violence inflict pain and fear on their families, and they also experience some negative consequences themselves for using violence.

Think about what it is like to be a man who is doing many of the things on the Power and Control wheel.

How would his use of violence affect his relationship with his wife or partner?

Ask class to generate a list:
- Loss of trust from his partner.
- Loss of intimacy.
- Loss of respect.
- Loss of self-respect.
- Fear of getting caught.
- Possible arrest and jail-time if police are called
- Possible loss of job and friends
- Possible loss of partner and children

How might his use of violence affect his relationship with his children?

Ask class to generate list, including:
His children
- are afraid of him
- run away when he tries to show them affection
- withhold information about their lives
- don’t ask him for help or support
- don’t talk freely with him
- aren’t able to have fun with him because they are afraid of what he might do
- lie to him to protect themselves or their Mom
- use violence against him
- don’t respect him
HOMEWORK:

We have defined DV as a whole system of actions that one person uses to dominate and control another person. Most people have been in a situation where they have been controlled by another person or institution. Many people have experiences with bosses who are very controlling.

Tell the class:

Think of a situation where you felt controlled by another person or situation and you were unable to leave the situation (a job, your parents' house when you were little, a relationship, school or other institution, etc.). It should be a situation where the person had more power than you did. Turn to page 1-7 in the student workbook and answer these questions:

- What did the person or people do to control you?
- How did you feel? How did you think about the person or people who were controlling you?
- How did do you think the person controlling you felt towards you?
- What kept you from leaving the situation sooner than you did?
SESSION 2: The Effects of Domestic Violence on Kids

OBJECTIVES:

1. To help parents understand the effects of DV on their kids.
2. To help them understand more about their children’s feelings and experiences.

LESSON PLAN:

- Homework Review
- Story Exercise
- Small Group Exercise
- Summary
- Homework

For the first exercise, each participant will be asked to imagine that they are a boy or girl of a particular age. To prepare for the session, create an index card for each class member that says what age they are. For example, write “8” on a card to indicate that the person is eight years old. Make cards for ages 6-12 (to coincide with the content of the story).

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Homework Review

Remind class that the homework assignment was to think of what it felt like to control other people and what it felt like to be controlled.

Ask for a two or three volunteers to talk about the assignment.

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Story Exercise

Tell class:

We are going to talk today about the effects of DV on kids. We’re going to start with an exercise to understand this. Everyone is going to get a card saying what age they are (for example, eight years old).
The purpose of this exercise is to understand the effect of DV on children so we can better help our children. It is difficult, but try not to judge the mother or father for what they did or didn’t do. Just listen from the point of view of the child.

Give each participant a card with an age written on it. Tell them to imagine that they are a child of that age while you are reading the story. Before you begin, write titles for two columns on the board:

Abusive Behavior

Child’s Feeling

After each anecdote, stop and list the abusive behavior and the child’s feeling.

Tell class:

So far, you have grown up with both parents. You love both your parents. Sometimes they get along very well. Your father is sometimes very nice to you. He is handsome and funny. He makes you laugh. You want them to be together. The violence in your home has been going on since you were born. As I read the different situations, think about how you might feel, and what you might learn from each situation.

1. Lots of times, when you are having a family dinner at home, your father tells your mother that he can’t stand the way she chews. She is a slob. She is so gross. He can’t bear to look at her. He tells her to wipe the grease off her chin. She takes a napkin and wipes her face. She looks down and doesn’t say anything.

Ask class and list on board:

What was the abusive behavior? What would the child feel?

2. Your mother is doing a load of laundry and cooking dinner. You are playing on the floor in the living room. Your sister is napping. Your father comes home and trips on one of your toys. Your father screams at your mother and tells her she’s a slob and why doesn’t she ever clean the house. Your mother tells him to stop. He tells her to quit her bitching. Your sister wakes up and starts screaming. Your mother says that he shouldn’t talk like that in front of you. Your father slams her against the wall and hits her. On his way out the door he says he wants the house clean when he gets home. You are crying. Your mother is crying. She hugs you and tells you not to worry. Things will be OK.

Ask class and list on board:

What was the abusive behavior? What would the child feel?

3. Your father comes home the next night. He brings you a beautiful new kite. He says he’s sorry he upset you, but if your mother were a better housekeeper these things wouldn’t happen. He hugs you and the two of you go outside to fly your kite.
**Ask class and list on board:**

What was the abusive behavior? What would the child feel?

4. You aren’t doing so well in math class. You just can’t concentrate. You get a D. You bring your report card home. Your mother tells you that you shouldn’t show it to your father. Later, your father finds it. At that moment, your mother is on the phone with a friend. Your father calls you into the living room and asks you why you’re doing so badly. You say you don’t know. He keeps asking you. When you don’t answer he gets very angry. He takes off his belt and hits you across the legs. Your mother comes running in and physically tries to stop him. He throws her to the ground. He says to her, “Maybe if you weren’t so busy yacking on the phone all the time, my kid would be doing better in school.” He tells you that you better answer him next time he asks you a question. The next night your mother offers to help you with your math homework.

**Ask class and list on board:**

What was the abusive behavior? What would the child feel?

5. You’re driving home from a family picnic. You’re on a narrow back road. You had a great time playing with your cousins. Your parents smiled at each other the whole time and you feel good. Things are going to work out. Your father was drinking beer all day. He and your mother are singing. There’s a fork in the road and your father asks your mother which way to go. She says, “I don’t know.” She grabs a map and tries to open it. Your father starts screaming at her and telling her she’s a stupid bitch. He accelerates and drives 90 miles an hour around a sharp curve. You notice the speedometer. Your mother pleads with him to slow down. Your little sister starts crying. Another car comes and your father slams on the brakes. You are holding on to your sister. Your father turns around and smiles at you. “Close call, huh?” You smile back.

**Ask class and list on board:**

What was the abusive behavior? What would the child feel?

6. Your father seems to have disappeared for good. You haven’t seen him in a long time. Your mother is always worried about money now. You had to move out of your house to a small apartment in a yucky building. There are lots of strange people on your street. You had to change schools. You don’t have a yard to play in. You never see your friends anymore. The other kids in school tease you a lot for the way you dress. You’re the new kid. You don’t understand what’s going on in most of your classes. You hope your father will come back. Then you can move back into your house and have your yard and your friends back. Maybe your Mom and Dad will get along. When you ask your mother when he’s coming back, she just says she doesn’t know. You wait to hear from him. You’re afraid to ask because your Mom doesn’t seem to want to talk about it.

One day you’re leaving the new school and your Dad is standing by the door. You shout “DADDY!” He picks you up, gives you a big hug and says you’re going for a ride with him. You go out to your favorite restaurant and he gives you a nice present. He asks
you where you live now. You are eager to see him so you tell him. He asks you if your Mom is seeing anyone new. Then he tells you that your Mom won’t let him see you anymore. He asks, “Do you miss me?” You start to cry. He says you can stay the night with him if you want to. Do you want to?

**Ask class and list on board:**

What was the abusive behavior? What would the child feel?

7. He takes you to his new place. It’s a very nice apartment with a view of the mountains and the Sound. He has a whole room that he says is just for you when you come to visit. He’s bought all the toys you said you wanted but didn’t have. He has a huge TV with the video game you always wanted. You play for a while. Later you tell him you need to call Mom. He says you can call later. He takes you to a fun movie. He asks you how you like school. You remind him to call Mom. He asks for her number. He calls her and tells her that you’re with him. He says he just wants to spend some time with his own child. You can tell by the way he’s talking that she’s angry. He sounds calm. He says he loves you. He gets off the phone and says your Mom is just crazy. She broke up your family and now she doesn’t even want you to spend time with him. He asks you where you’d rather live.

**Ask class and list on board:**

What was the abusive behavior? What would the child feel?

**Tell class:**

Take a few minutes and answer the questions on pages 2-2 and 2-3 of student workbook.

- How old were you?
- How did you feel about your father?
- How did you feel about your mother?
- Who did you blame?
- What did you want to do?
- How might you think men and women are supposed to act in relationships?
- What was it like to be an adult participating in this exercise?

**Ask for three or four volunteers to share their experiences. This may be difficult for some people, as many participants may have lived with DV.**
Group Exercise

If you have nine or more students, break up into three groups to look at effects. Assign one topic to each. Otherwise, do the following as a large group exercise.

Tell the class that you are going to take some time to think more about the impact of DV on children. Break the class into three groups, if necessary, and discuss the following questions. They can write down their answers on page 2-4 of their workbooks.

This is a difficult topic, but it is the first step in trying to help our kids.

When children witness domestic violence in their home:
1. How do they feel?
2. What do they learn?
3. How do they act?

Bring the group back together and share answers. Generate lists on the board. Point out to the class that there is a place in the workbook to write these lists down.

How do children feel?
- scared
- powerless
- confused
- bad
- helpless
- angry
- self-blaming
- anxious
- guilty about loving the abusive parent
- guilty about not protecting abused parent
- worried about the future
- worried about possible loss of a parent
- insecure
• hopeless
• split down the middle
• numb
What do they learn?

- Other people are responsible for my behavior
- I am responsible for other peoples’ behavior
- Men have the right to control women
- Violence is an appropriate way to solve problems
- My mother is to blame for my father’s violence
- The violence is my mother’s fault
- Women have no rights
- My mother can’t protect me
- Nothing is safe
- Domestic violence is normal
- Intimidation is the way to get what you want
- Other people have the right to abuse me
- My father’s violence is my fault
- It’s OK to abuse my mother

How do they act?

- Regress: bedwetting, whining, temper tantrums
- Earlier childhood fears return
- Aggressive to other kids, brothers and sisters, pets
- Treat Mom like Dad treats her
- Experience problems concentrating
- Easily distracted
- Fight at school
- Get bad grades
- Lie, steal
- Withdraw and unusual shyness
- Forgetful
- Have trouble sleeping
- Very anxious
- Physical illness: stomach aches, nausea, headaches
- Easily startled
- Unable to play
- Highly sensitive to noise
- Attention Deficit Disorder (ADD) symptoms*

(*Note: Some children who have witnessed DV are incorrectly diagnosed with ADD. They are given medication for ADD, when they may really need counseling and support for having witnessed domestic violence).
IMPACT OF DV ON KIDS

How do children feel?

What do they learn?

How do they act?
Summary

Tell class:
As we have described, DV can have a lot of bad effects on children. But there are lots of things parents can do to help. The first step is understanding these effects. The next step is learning to talk to our kids.

HOMEWORK:
Review the list of the effects of domestic violence on children. If you have had violence in your home, what are some of the effects you have seen in your children? Answer the questions on page 2-5 in the workbook.

How do they feel about the violence?
What have they learned from the violence?
How do they act as a result of the violence?
SESSION 3: How to Help Our Kids

OBJECTIVES:

1. To introduce some ways to help children when they have witnessed DV
2. To explain the impact of denial on children
3. To understand children's emotional needs after they have witnessed DV

Lesson Plan:

- Homework review
- Helping our kids when they have witnessed DV
- The impact of denial of DV on kids
- Obstacles to talking to our kids about DV
- Benefits of talking to kids about the violence
- Emotional needs of children who have witnessed DV

Homework Review

How have your kids been affected by DV? Ask for three or four volunteers from the class. At this time, don't give any advice. Just listen and understand.

Helping Our Kids When They Have Witnessed DV

Tell class:

Many parents say that the experience of domestic violence didn't affect their children. They may see that their children are acting "normal," doing well in school, and playing with their friends.

It is important to understand that children learn to define themselves and to understand the world around them from what they observe at home. When very young children start to understand the idea of "ME" they watch their Mom and their Dad, or whomever is taking care of them. A child begins to develop her concept of "ME" from how each of her parents interacts with her, and how her parents interact with each other. She defines herself as "Like Mom" and "Like Dad," and "Like Mom and Dad."
Many other people and experiences contribute to a child’s idea of “ME,” including brothers and sisters, friends, teachers, other family members, etc., but a child’s sense of self begins to develop at home. This is the child’s self that begins to interact with the outside world.

**Tell class:**

We have been talking about the effects of DV on kids. There are lots of things we can do to help them when they have witnessed DV. Two of the most important things are

- Talking to them
- Listening to them

Explain to class that it is normal for people who have been in a violent relationship to NOT want to talk to their kids about it. It is easier to pretend that it didn’t happen, that the kids didn’t know about it, that they will just forget about it.

Denying the violence often causes kids to be more confused and scared.

*Refer to page 3-2 in the student workbook. Review the page and then ask the class for other ideas and write them on the board.*

**Ask for questions.**

Ideas for helping our kids when they’ve witnessed DV:

- Talk about it with them when they are ready
- Listen to them
- Talk about their feelings
- Show understanding
- Let them know it’s not their fault
- Let them talk, if they want to
- Let them know you love them
- Let them know you will try to keep them safe/act in a way that is safe
- Let them know the violence is not okay
- Acknowledge it’s hard/scary for them
- Accept that they may not be willing or able to talk about it right away
- Always act in a way that is non-threatening and non-violent with your kids
- Take them to counseling if they need it
- Set limits respectfully when your child is acting violent (to be discussed further in a later session)
• Don’t expect your child to respond immediately.

**Impact of Denial on Kids**

**Tell class:**
When we don’t talk to our kids about it, they make their own assumptions, and learn some negative lessons of what is supposed to happen in a relationship.

**Refer to page 3-3 in Student workbook**
This is a story from an advocate who works with children in a DV shelter.

**The advocate’s story**
I worked with Amy, a little girl who was six years old. Her Mom never said anything to her about the violence, or why they were staying in the shelter. In our groups, we have the kids draw pictures. Amy drew a picture of a man and a woman in a house. The man had his mouth wide open. She told me that it was Amy and her husband when she grew up. I asked her what her husband was doing. Why did he have his mouth wide open. She said, “He’s yelling.” I said, “Why is he yelling?” Amy said, “’Cause he loves her.”

Here is a story from a 39-year-old man who has been arrested for domestic violence ten times.

**Bill’s story**
My father used to beat on my step-mom all the time, right in front of me. No one ever talked about it. No one said anything. I got so used to it, I would just sit there and eat snacks, watch TV, like nothing was going on. I’ve never really beat on my wife like he did; I just slap her and push her around sometimes.

**Discuss the stories in terms of the impact of denial on kids**

**Write on the board:**

**How Denial of DV Affects Kids**

**Ask class to generate list on board of the effects of denial on kids. Refer to page 3-3 in the student workbook.**
How Denial Affects Kids

- Child learns that the violence is normal
- Child is afraid to talk about the violence
- Child is confused, doesn’t understand
- Blames her/himself
- Learns to deny and not to talk about their own feelings
- Makes them feel like they are crazy
- Makes them feel lonely, isolated from their friends
- Learns that it’s not OK to ask about the violence or discuss it
- Gives children unrealistic beliefs about the causes of the violence

*It’s a lot scarier for kids when no one ever talks to them about the violence.*

---

Obstacles to Talking to Our Kids and Working to Overcome Them

**Tell class:**

It is often difficult to talk to our kids about the violence. There are lots of things that make it difficult. We are going to work in small groups and list the obstacles to talking to our kids.

**Write on the board:**

What are the obstacles to talking to our kids about domestic violence? How can we overcome these?

*Divide the class into smaller groups and ask them to generate a list of obstacles, followed by ways to overcome them. Ask students to turn to page 3-4 in their workbooks and write down their answers.*

*Bring the group together again, Before you begin, write titles for two columns on the board:*

<table>
<thead>
<tr>
<th>Obstacles</th>
<th>Overcoming Obstacles</th>
</tr>
</thead>
</table>

*Ask the groups to share the obstacles they identified, and then brainstorm ways to overcome them.*
Below are some examples of obstacles and ways to overcome them. As you go through this exercise, acknowledge each parent's feeling, and remind them that no matter how young their child was or how far away from the physical violence when it occurred, the child probably has a sense that something scary happened. Emphasize the importance of talking to children about the violence.

Examples of Obstacles

- I have tried to talk about it. My child won’t listen.
- I feel uncomfortable.
- I’m scared to bring it up.
- I don’t know what to say.
- I don’t have time.
- I’m embarrassed.
- I’m afraid I’ll make things worse.
- I don’t think it’s such a big deal.
- It’s over now, why talk about it.
- I don’t want them to hate their Dad/Mom.
- They won’t understand.
- They didn’t know it happened.
- They are too young to hear about it.
- They’ll just be more scared.
- They’ll tell other people.
- Their Dad/Mom will be mad.

Examples of Ways of Overcoming Obstacles

- Be patient. Don’t push it. Try another time. They usually hear you anyway.
- Acknowledge that it may be uncomfortable for you to talk about the violence. Try to get more comfortable by talking to someone you trust.
- Acknowledge that it may be scary for you to remember the violence. It’s scary for your kids, too. Once you start talking, it may feel less scary.
- Acknowledge that saying that you don’t have time is probably because it’s difficult, or you don’t feel capable of talking to your child about it.

If you don’t know what to say, pay close attention next week, when we’ll talk more about it.
Benefits of Talking to Kids About the Violence

Tell class:
There are many benefits to talking to kids about the violence. What do you think some of these are?

Examples of benefits:
- Children feel safer.
- They learn that violence isn’t their fault.
- They learn that violence isn’t an OK way to solve problems.
- It helps them to feel cared for, and understood.
- Children learn that it’s OK to talk about feelings.

Tell class:
To summarize the emotional needs of kids who have witnessed DV, we are going to discuss page 3-5 in the student workbook.
Emotional Needs Of Children Who Have Witnessed DV

Child’s Emotion: Fear

- Fear of those they love in their own home, where they should feel most safe

Child needs to:

- Be able to talk to someone they trust about their feelings
- Learn ways to keep themselves safe and to know they have a plan for what to do when there is violence
- Have a feeling of control in the situation (“I will go over to my neighbors when it happens”)

Child’s Emotion: Anger

- Anger at the abuser, or at the survivor for not leaving the situation

Child needs to:

- Know that it is normal and okay to feel angry about this
- Be able to talk about the feelings with someone they trust
- Express their anger in non-destructive ways

Child’s Emotion: Mixture of anger and love

- Feeling torn between feelings of anger and love toward the abuser. Feeling guilty for both feelings

Child needs to:

- Learn that it’s okay to feel both anger and love toward someone
- Know it is okay to love their parent even when they hate the behavior they see
- Know they are not bad if they love the abuser

Child’s Emotion: Confusion about being able to love both parents

- Feeling they need to take sides (e.g. “if I love Mom, I can’t love Dad” and vice versa)

Child needs to:
• To know that it is okay to love both parents at the same time
Child’s Emotion: Loss
- Loss of a healthy, safe family
- Loss of one parent if they leave (or the constant threat of this)
- Loss of comfort in the home

Child needs to:
- Talk about feelings with someone they trust
- Develop a support system of extended family or friends outside the home

Child’s Emotion: Guilt/Responsibility
- Guilt for causing the violence, or not stopping it somehow
- Responsible for preventing the violence, and taking care of Mom and the family

Child needs to:
- Understand that the violence is not their fault, and that it is an adult problem for the adults to work out.

Child’s Emotion: Feeling life is unpredictable (never knowing when a crisis will erupt)
- Feeling vulnerable on a daily basis, with no power or control about what will happen

Child needs to:
- Find areas in their lives where they can have control and make plans and decisions
- Create a safety plan with someone they trust
- Create some structure and stability wherever possible (creating daily routines that provide a sense of control)

End the discussion by repeating that talking to your kids about DV is very difficult for most people and takes a lot of work, patience, and commitment. In our next class session, we will talk more about ways to talk to your kids.

HOMEWORK:
1. Ask students to review page 3-5, 3-6 & 3-7 of their workbooks. Ask them to check off the needs they think their child has

2. Ask students to think about what they want their children to know when they talk to them about the violence in their family. They can write down their ideas on page 3-8 of their workbooks.
SESSION 4: Talking to Children About Domestic Violence

OBJECTIVES:
1. To teach parents what messages their kids need to hear
2. To help them learn to listen and respond

LESSON PLAN:
- Homework review
- Talking to our kids
- Children’s responses when we talk to them
- Listening to our kids
- Listening for and accepting feelings
- Obstacles to listening

Homework Review:

*Have parents share:*
- what they think their children’s emotional needs are
- what they want their children to know about domestic violence

*List the responses on the board and discuss.*

Talking to Our Kids

Refer to page 4-2 in Student Workbook. Tell class:

We’re going to start by reading a story from a Mom who talked to her child about a DV incident after it happened.

*Kathy’s Story*

I had never talked to my daughter about it at all. But when we were staying in a shelter and she was in a kids’ group and all the kids were drawing pictures, my daughter drew a picture of a hospital emergency room. She drew herself in the waiting room, crying and she drew me on a stretcher, bleeding. I was really surprised I asked her what the picture was. She said, “You were hurt, I was sad. I was waiting for you, alone.” I hugged her. I said, “I’m so sorry you had to see me get hurt. I had no idea you were so sad about it. It must have been
very hard for you.” I told her that I would try to make sure things were safe for us.

Ask class:
What messages did this mother give her child as she was talking to her? What else could she have said?

What messages do you think children need to hear about domestic violence from the survivor?

List responses on the board.

Ask class to turn to page 4-3 in their workbooks and review “What Children Need to Hear about DV from the Survivor.”

What Children Need to Hear About Domestic Violence from the Survivor

• It’s not okay.
• It’s not your fault.
• It must be scary for you.
• I will listen to you.
• You can tell me how you feel; it is important
• I’m sorry you had to see/hear it.
• You do not deserve to have this in your family.
• I will keep you safe.
• There is nothing you could have done to prevent/change it.
• We can talk about what to do to keep you safe if it happens again. (For example, staying in your room, going to neighbors, etc., which will be discussed in detail in safety session).
• I care about you. You are important.
Have class turn to page 4-4 in their workbooks. Tell class:

Now we are going to talk about how an abusive person can talk to his child about the violence. This is what Frank said to his sons after he was arrested for domestic violence:

Frank's Story

"I talked to my boys. I explained to them that yelling at their Mom and hitting her was wrong. I said, "I went to jail because I slapped your Mom. When you do wrong, this is what happens." Later I talked to them some more. I told them that it wasn't just getting locked up. I hurt their Mom, and scared her, and I scared them too. I told them they should never do to a woman what I did to their Mom. I think they understood."

Ask class the following questions, and list the responses on the board:

- What messages did Frank give his sons?
- What else could he have said?
- How would he need to act in front of his children and with their Mom?
- What would the children learn if Frank admitted to his children that he was wrong and then hit their Mom again?
- What messages do you think children need to hear about domestic violence from the abuser?

Have class turn to page 4-5 in their workbooks and review.

What Children Need to Hear About Domestic Violence from the Abuser

- My behavior was not okay, violence is not okay.
- I am responsible.
- It's not your fault.
- It's not your mother's fault.
- I am sorry you had to see/hear that.
- You must have been scared.
- I will listen to you.
- It's okay if you are mad at me, scared of me I would be, too.
- You shouldn't have to have this happen in your family.
- Your feelings are important.
- I am getting help so you can feel safer.
Children's Responses When We Talk to Them

Ask class:
How do you think your child might respond when you try to talk to her or him about the violence?

Generate list. Have class fill in page 4-6 in their workbooks as you write list on board. Make two columns, one for Responses and one for Feelings

- Ignore you
- Change the subject; for example, “I’m hungry”
- Blame you; for example, “If you were nicer to him, he wouldn’t hit you,” or “You should have done what he said”
- Put her hands over her ears
- Kick his Lego set
- Run to her room and slam the door
- Say “Don’t worry, Mom,” and try to cheer you up
- Scream at you, call you names and say “You’re so mean to my Mom”
- Hit you
- Listen quietly, without saying anything
- Say, “It’s no big deal”

Ask class:
What feelings do you think the kids in these examples are having?

List feelings on the board next to each response.

Tell class:
Once we start talking to our kids about DV, we need to be ready to listen to them, and accept their responses. So the next thing we’re going to talk about is listening to our kids.
Listening to Our Kids

Tell class:
In order to help kids understand and talk about the DV, we need to learn to listen to them. We are going to break up into small groups. Each group should answer both of these questions:

- How do you know when someone is listening to you?
- How do you know when someone is not listening to you?

Give the class about ten minutes to discuss these questions. Tell them to write down their answers on page 4-7 of their workbooks. Then ask them to return to the large group. Ask each group to share its answers.

Tell the class:
Many of us have the tendency to do everything except listen, including telling our own experiences, offering advice, denying the other person’s feelings, trying to psychoanalyze, or just changing the subject. There is nothing wrong with any of these responses. But they aren’t the same as listening.

Here are some examples of the ways we don’t listen.

Read the following situation to the class.
Your friend says to you, “My boss is really a jerk. Yesterday he gave me an assignment at 4:00 and expected me to have it done by 5:00, when he knows it takes a whole day to do it. I had to stay late to finish it and I missed the last bus home. When I came in to work this morning he didn’t even say anything to me.”

Read each of the following responses to the class and after each response ask participants to think about how that response feels. Write the feeling on the board.

Telling our own experience—Yeah, my boss is a real pain too. I was on the phone with my wife yesterday because my son got in trouble in school. So my boss comes in and says that next time he sees me on the phone he’s going to take the time out of my paycheck.

Giving advice—Just try to forget it. It’s only a job; it’s not your whole life.

Denying the other person’s feeling—What are you complaining for anyway? You should be happy. At least you have a job. Do you know how many people are unemployed in this country right now?

Trying to psychoanalyze—You know, you really seem to have problems with authority figures. Maybe you should look at that.

Changing the subject—Really? So what do you want to have for dinner?
Asking questions—Why didn’t you just tell him it wouldn’t be enough time? How many hours worth of work was it anyway?

Defense of the other person—He was probably under a time crunch, too, you know. And he probably didn’t think of saying anything to you this morning because he has so much work to do.

Pity—Oh, you poor thing. That must have been terrible.

Listening—That sounds pretty frustrating.

Have class turn to page 4-8 in their workbooks. Review “How to Listen and How Not to Listen.”

How to Listen

• Don’t interrupt.
• Look at the person who is talking.
• Give them your full attention, if possible.
• Answer in a way that lets them know you are listening.
• Don’t express an opinion or say that the other person is right or wrong.
• Let them know you understand their point of view.
• Being a good listener takes effort and practice. Try to hear what the person is saying, even if you don’t agree.

How to Not Listen

• Don’t look at the person speaking
• Interrupt him
• Correct him
• Give advice
• Tell her she is wrong
• Tell her not to feel what she is feeling
• Change the subject
• Ask a lot of questions
Listening For and Accepting Feelings

Tell class:
Sometimes just listening quietly without saying anything is the best thing to do. And sometimes children need us to listen to their feelings, and to let them know that we hear and accept the feelings. We are not judging them or telling them the feelings are right or wrong.

Ask class to turn to and review page 4-9 in their workbooks.

Tips for Listening For and Accepting Feelings
Learning to listen can be difficult. Here are some tips:

- Listen for the feeling you hear.
- Let them know you hear them. Say, “It seems like you feel _____________.
- Don’t say anything else. Allow some time for the child to respond.
- Don’t tell your child what to do, how to feel better, or why he feels the way he does.

After your child has had time to respond, you can let her know you understand by saying things like

- That sounds frustrating, hard, etc.
- Sometimes I feel that way, too.
- I understand.
- I’m here for you if you want to talk about it now, or later.

Tell class:
Recognizing the person’s feeling is saying, “You sound like you are really disappointed.” or “You seem angry.” Doing this is harder than it sounds. So we’re going to practice now.

Ask class to turn to page 4-10 in their workbooks.
Listening for and Accepting Feelings

Below are some examples of things kids say. For each example, we are going to think of two responses to the child: one that denies his or her feeling (not listening) and one that acknowledges his or her feeling (good listening).

Example:

"I thought we were going to stay home and rent a movie! I don’t want to go to Aunt Marie’s house again. I HATE Aunt Marie!"

Denial of the feeling: “Don’t talk like that about your Aunt Marie. You know you love her. Now get your shoes on!”

Acknowledgement of the feeling: “You sound really disappointed.”

Read examples to class and ask for response that denies feeling and response that acknowledges feeling.

1. “I don’t want to play with Eric ever again. He’s stupid!”
2. “Why do you always have to tell me what to do?”
3. “I don’t want you to go. Don’t leave!”
4. “I’m not going to go to math class anymore!”
5. “Nina wrecked my picture. I’m gonna wreck hers!”
6. “It’s my room. Why should I clean it?”
7. “You’re mean! I hate you!”

Obstacles to Listening

Ask the class:

What gets in the way of listening to our kids?

Generate a list of obstacles to listening on the board. Ask the class to write ideas on page 4-12 of their workbook. Include:

- You are too tired.
- You are in a hurry.
- You have too much to do.
- You want to teach your child instead of listen to her.
- You don’t think what your child is saying is important.
- You don’t like what your child is saying.
• You have heard it many times before.

HOMEWORK:

Tell class to turn to page 4-13 in their workbooks. Ask them to take 10 minutes this week to listen to their children. Ask them to try to use some of the skills we learned today and to write down how it felt.
SESSION 5: Safety Planning for Victims of Domestic Violence

OBJECTIVES:

1. To help women name and understand the ways that batterers use children to maintain control
2. To help women plan for their own and their children's safety
3. To briefly review some legal issues related to DV

LESSON PLAN:

- Homework review
- Understanding how batterers use children for control
- Safety planning with your children
- Batterers' tactics in Court
- Building safety into the parenting plan

Homework Review

Ask class:
Homework for last week was listening to your kids for 15 minutes. How did that go?

Invite participants to share.

Understanding How Batterers Use Children for Control

Refer to page 5-2 in student workbook. Tell class:

We are going to talk today about the different ways that batterers may use the children against their partner or former partner. Then we will discuss some things you can do to protect yourself and your children from these tactics.

This is a story from a woman who was battered by her husband, Karl, for eight years until she left with their 4-year-old daughter, Anna.

Kim's Story

"When we were getting ready to go to school one morning, Anna got her shoes on before I was ready and ran out into the yard, opened the gate and ran around
the outside of the car to wait for me. I was about 10 feet behind her. She ran about halfway across the street as though it was a game. No cars passed, and I managed to get hold of her. Karl had seen the whole thing from the window and was very angry with me. He grabbed Anna from me and put her in the living room. He ordered me in the house and right in front of Anna, he hit me very hard across the head at least two times and kicked me in the leg. He yelled at me about what I was doing and said he had seen the whole thing. He said that Anna could have been killed and that if anything happened to her while she was in my care, he would kill me.

"Karl has called me stupid, dumb and slow so many times that Anna has learned the vocabulary, sometimes using it on her dolls, and at times on me. She has also called me a "nasty bitch," which she didn’t learn from me."

**Ask class:**
What were some of the ways that Karl used Anna to control his wife?

**Generate a list and write it on the board.**

**Tell class:**
While many batterers want to be good fathers, they still use the children to gain control over their kids’ Mom. Use of violence against your children’s Mom is not compatible with good parenting.

**Ask class:**
What are some other ways that your husband or partner has used the children against you?

**Write the list on the board. Have the class write the list on page 5-3 of their workbooks. Include:**
- Criticizing mother in front of the children
- Getting children to take his side against her
- Questioning children about mother’s activities
- Yelling at the mother when the kids misbehave
- Blaming her for separation or divorce
- Telling them that she is crazy or a drunk or an addict, etc.
- Getting other family members to speak badly about her to the kids

**Take a few minutes to process this exercise. It can generate a lot of feelings for Moms.**
Safety Planning With Your Children

Tell class:
Unfortunately, children are often physically and always emotionally endangered when domestic violence occurs. It is important to help them find ways to stay safe. Developing a safety plan with your kids can be complex. The goals for the safety plan are usually:

1. For children to be physically safe
2. For them to know where and how to get help.

When safety planning with kids, it is important to let them know that they are NOT responsible for the violence, and they can NOT stop it.

There are several steps you can take to safety plan with your kids. The first step is talking to your kids about the violence. We discussed this in Session 3.

Ask class:
- How many of you here have been able to talk to your kids about the violence?
- If few participants have, go back to discussion of obstacles to talking to kids about the violence.

Tell class:
Think of a situation where your child has been in danger from his or her Dad’s violent behavior. What would you have liked him or her to know and do?

Ask for one or two examples from participants.

Examples:
- Call my sister to get help
- Go to her house
- Call 911

Tell class:
When you develop a safety plan with your children, think about what your child is actually able to do. A three-year-old can’t walk four blocks by herself to a friend’s house. A five-year-old might have trouble staying in his room for three hours. The plan should be age-appropriate.
Review page 5-4 in the student workbook, “Steps for Safety Planning When Violence Takes Place at Home”

Steps for Safety Planning When Violence Takes Place at Home

Identify a person or people who could help

- Focus on what your child thinks she could do to keep herself safe
- Give her time to come up with her own solutions
- Ask her who she thinks could help her, and whether she would feel comfortable asking that person

Children should know that:

- The safety plan may not always work
- It’s not their fault if it fails

Help your child to identify warning signs

First, think about what are the warning signs (if any) that you have when your partner is about to become abusive. Here are some examples:

- Mom and Dad are arguing
- Dad is raising his voice
- Dad and/or Mom is drunk/high
- Dad is name-calling or threatening
- Dad is slamming doors, stomping around

In talking to your child about his or her father, always stay focused on behaviors. You could say something like, “Sometimes your Dad acts in ways that are scary, and when he does, we need to do things to try to stay safe.”

What kids can do to stay safe

They can:

- Go to their room
- Leave the house and go somewhere safe: a neighbor’s house, a relative’s house, or outside
- Stay out of the way
- Dial 911 if there is a phone where their Dad can’t hear them
- Don’t ever try to physically stop the violence
Tell your child that he or she can’t control their Dad’s behavior.

Ask the class to turn to page 5-5 in their workbook, the safety plan. Explain the plan to the class, and that it is something that a Mom should create WITH her child. Tell them that creating a safety plan will be this week’s homework assignment.

SAFETY PLAN FOR ____________________

This page is for Moms and kids to talk about together, and for kids to fill out with their Mom’s help if they need it.

Who do I trust who can help me be safe when there is violence in our home? (Neighbor, relative)

Name of person: ____________________________________________

Phone numbers: ____________________________________________

What plan should I make with that person (Example: That person will call the police when I call to say there is a problem between my Mom and Dad, or will let me come to their house)

__________________________________________________________

__________________________________________________________

Where is a safe place for me to go when my Dad is acting in scary ways? (examples: our neighbor’s house, a relative’s house, etc. (List names of people)

__________________________________________________________

__________________________________________________________

If I can’t leave, where is the safest place in the house for me to go? (Example, my bedroom, the basement, the bathroom)

__________________________________________________________

__________________________________________________________

If I can call 911, what should I say?

__________________________________________________________
Tell the class to turn to page 5-6 in the workbook. Read the page and then discuss it in class.

Safety Planning For Yourself When Your Children Visit Their Dad

If you are afraid that your child's father may be abusive during visitation exchanges, try to arrange for supervised visitation. Ask a legal advocate at one of the programs for victims of domestic violence to tell you ways to do this. (see Resource List)

- Have the visitation rules clearly written in the legal documents, and follow them yourself. They should include very specific details about location, time, days, and arrangements for the safe transfer of the child.

- Be consistent with your visitation/parenting plan. Don't be manipulated or threatened into changing it.

- Don't get into arguments with your child's father about visitation. If he wants to argue about it with you, hang up the phone, or leave the situation.

- If you don't have supervised visitation, arrange for him to pick up the kids at someone else's house. Ideally, this person knows your situation and understands the risk to you.

- Have as little contact with him as possible over the phone and in person.

- Try to make your child's experience as positive as possible, even though this can be extremely difficult. (We will talk more about this later).

Safety Planning for Your Children When They Visit Their Dad

Tell class:

Visitation can be difficult for any child, but it is especially difficult when there has been domestic violence. When a person who wants to maintain control over his partner loses contact with her, he often uses their children to try to regain control.

If you are separated from your abusive partner and your children visit with him, be aware that he may interrogate them about many things including:

- Your new address and phone number
- Where you are working
- Whom you are seeing
- Where you are going for counseling or support
- Whether you are drinking or using any drugs
If you are concerned about maintaining a confidential address and phone number, it is important to discuss with your child how he might respond when his Dad asks him questions about your life.

**Have class turn to page 5-7 in their workbooks.**

Here are some things you can discuss with your children to help them plan for visitation with their Dad. This can be very difficult to talk about. If you don’t feel that you can talk about it, you might ask for help from a family member you trust, or from an advocate in a domestic violence program.

- Information about how to respond if their father interrogates them about your activities
  
  **Example:** *Please don’t ask me questions about my Mom. It’s uncomfortable for me*

- Information about the impact of drugs or alcohol on their Dad so that they have coping strategies for when he is intoxicated.

  **Example:** *Tell your child “When Dad is drinking a lot, he may start slurring his speech, walking unsteadily, etc. He may not be able to take care of you. You can call Grandma and ask her to take you to her house.”*

- A plan for calling you or another family member who can help. They should know how to use the phone, how to make a long distance or credit card call, and how to ask an operator for help in making a call.

- Understanding that they may feel torn between loyalty to you and loyalty to their Dad.

- How to call 911 and what to say.

- If you have two or more children, you can talk to them about ways they can help to protect each other
Legal Issues

If there are many women in the class who don’t have orders for protection, and want them, you may want to include this information in the session. Brochures about protection orders should be available from your local court advocates. (In King County, call 206-296-9547 or call the Washington State hotline at 1-800-562-6025)

Orders for Protection

Refer to page 5-8 in student workbook

Tell class:

If you are separated from your children’s father and you don’t already have an order for protection (OP), you may want to consider getting one. If you don’t have a protective order or a court-approved parenting plan, he can legally have access to the children at any time.

An OP is a legal document issued by the court that is designed to protect a person from future domestic violence and allows the court to award other things to DV victims (e.g., custody of their children, use of certain property, etc.).

If you need to restrict your children’s father’s access to the children, you will need an OP even if a no-contact order has already been issued. The no-contact order requires him to stay away from you, but doesn’t prevent him from having contact with your children.

As the petitioner, you will not be charged for filing an order for protection. The court can provide the following protection in the order:

1. Give one parent custody and set a visitation schedule for the other parent’s contact with the children;

2. Order the respondent from causing the petitioner any physical harm, bodily injury, assault, including sexual assault; and from molesting, harassing, threatening, or stalking the petitioner;

3. Order the respondent to stay away from the petitioner’s residence, workplace, school, and the daycare or school of a child;

4. Restrain the respondent from coming near the petitioner and from any contact whatsoever, in person or through others, directly or indirectly;

5. Order the use/possession of essential personal effects or a vehicle; and

6. Order a party to undergo drug/alcohol treatment, batterer’s treatment, or counseling.

The more complete and detailed information you have about the violence, the stronger the case you will have. You can prove that the violence took place by telling the court in your own words what happened, by submitting documents (witness declarations, police reports,
medical records, conviction records or dockets, pictures of your bruises, pictures of the property damage, batterer’s treatment reports, statements from counselors, evaluations, etc.), to verify your claims.

Orders may be issued for a fixed period or for one year. Orders restraining the respondent from contacting his minor children, however, may only last up to a year. A petitioner may apply for renewal of the order within three months before her order expires.

If you need additional information about orders for protection, please call the numbers listed in the resource section under Protection Orders. It is helpful to talk to an advocate before getting a protection order. An advocate can explain the process and let you know if you qualify.

**Batterers’ Tactics in Court**

In custody and divorce cases, many batterers will use abusive tactics to further abuse the Mom, and sometimes to try to gain custody of the children. What are some of abusive tactics that you have experienced?

**Examples:**
- Using information about the fact that you sought counseling, mental health or substance abuse treatment against you
- Making the claim that you were also violent to him
- Telling the court that you used drugs, or alcohol, and therefore are an unfit Mom
- Using your lack of financial resources against you

*Ask class to brainstorm some ways to try to minimize the impact of these tactics.*

**Tell Class:**

Many judges and court commissioners have limited knowledge of the dynamics of domestic violence. Be as prepared as you can for this fact. You may want to try to build some safety planning into the parenting plan. (A parenting plan is a legal document that sets forth the conditions of visitation, including schedule, place of exchange, and any other requirements for both parents.)
Building Safety into the Parenting Plan

If you are developing a parenting plan through the court, and you do NOT have supervised visitation, consider asking the court to enter an order setting conditions for visitation. In addition to agreed upon times and dates, you could ask to include the child’s right to contact the mother or another “safe” person by phone during visitation, and limitations on the batterer’s behavior such as:

- Use no alcohol or drugs during the visit,
- Don’t ask your children about you or your activities,
- Take the children to planned activities,
- Return their clothing and personal possessions,
- Remove weapons from the home during the visit,
- Other conditions that you think would be important to your child’s safety.

HOMEWORK:

Discuss safety planning with your children. Have one of your children fill out the Safety Plan on page 5-5. If this seems too difficult, think about what you might want to say to your children about it, and what the obstacles are to saying it.
SESSION 5: Accountability to Our Children - For Men Who Batter

OBJECTIVES:

1. To help men define responsible parenting
2. To look at the impact of DV on children
3. To help men be accountable to their children and others for the violence

LESSON PLAN:

- Define responsible parenting
- Look at the impact of participants' violent behavior on their children
- Discuss ways to help children feel safer
- Complete an accountability exercise

Responsible Parenting

Tell Class:

Today we are going to talk about how each person defines responsible parenting. We will look at the impact of DV on children and talk about what it means to be accountable to our children for the violence.

Ask Class:

What does it mean to be a responsible parent?

Have class turn to page 5-2 in their workbooks to write down ideas as they are discussed.

Generate a list on the board, including:

- Provide for children: shelter, food, clothing, education.
- Teach them positive values and skills for living.
- Teach them respect for others, including their mother.
- Understand their feelings and needs.
- Nurture them.
- Show them affection.
Ask Class:
What did you learn from your parents about being a responsible parent?

Tell Class:
Many men who have been violent to their children’s Mom tell themselves that they have never hurt their children. But when a man is violent and abusive toward his children’s Mom, he is also violent to his children.

Take some time to listen to the class’s reaction to this statement.

Have class turn to page 5-2 & 5-3 in their workbooks. Ask them to take a few moments to answer the questions. Ask for volunteers to share what they wrote.

Think about any loud arguments or violence you saw or heard in your family when you were a kid.

- What did you see/hear?
- What did you do?
- How did you feel?
- How do you think this affected your relationship with your Dad or step-Dad?
- With your Mom?
- With your children’s Mom?

How Violence Impacts Children

Have class turn to page 5-4 in student workbook.

As we read Jack’s story, pay attention to how his violence toward his son’s Mom impacted his son.

Jack’s Story
The night I got arrested, I was really upset because I lost my job. I went out and had a few drinks and when I got home, my wife, Linda, was upset with me because I was late and everyone had been waiting for me to get home to have dinner. The kids were running around making a lot of noise, and I just wanted to be left alone.

I shouted at the kids to be quiet but nobody was listening to me. I told Linda to shut up and get the kids under control. Then I grabbed her by the shoulders and started shaking her. I had done stuff like that before. She told me to leave
or she would call the police. My son, who is 7, was shouting at me to stop. My 5-year old daughter was crying. I told Linda that if she called the police I'd make her really sorry. Then I left.

I went out and had another drink. I came back and all the doors were locked and I had forgotten my keys. I banged on the door and she didn't open it, so I broke the kitchen window and climbed in. Linda screamed for help. We started arguing and I grabbed her by the neck and choked her. My daughter was holding my leg, trying to pull me off Linda. My son called the police. I shouted at him and he went and hid in the closet.

Now, my son is scared of me. Every time I raise my hand to reach for something, he cowers, like I'm going to hit him. When I go to my daughter now, she runs away.

One day about a month after the incident, I went into my son's room and he had his sister down on the floor and he was choking her. My daughter wasn't making a sound. I grabbed him, but I couldn't say anything. He was acting just like me. Lately, he's also been getting into trouble at school for starting fights with other kids.

**Ask Class:**

What were Jack’s abusive actions?

- He shouted.
- Told her to shut up.
- Made her responsible for the children’s behavior.
- Grabbed her by the shoulders.
- Threatened her.
- Returned drunk and abusive.
- Broke the window.
- Choked her.

What did his children see and hear?

- Dad shouts at Mom and tells her to shut up.
- Tells her to get the kids under control.
- Then he grabs her by the shoulders and shakes her.
- He threatens her.
- He disappears.
- He comes back and bangs on the door.
- He breaks the kitchen window.
- He grabs and chokes Mom.

**What did his children feel?**
- Scared for their Mom
- Worried
- Responsible for the violence
- Responsible for protecting Mom
- Scared for themselves

**How did they act as a result?**
- Son cowers.
- Daughter runs away.
- Son chokes his sister.
- Daughter does not call for help.
- Son fights with other kids.

**How did Jack's behavior affect his relationship with his children?**
- They are afraid of him.
- They don't trust him.
- They may not come to him when they need help.

**What do his children need from him in order to recover from experiencing the violence?**
- No abuse or threats to Mom in the future
- Respectful behavior to Mom
- No physical punishment of children (Discussion of this topic follows)
- Calm voice
- Non-threatening facial expression
- Staying at eye-level with his child
- No threats to child
- Acknowledging that his use of violence was wrong
- Listening to his children when they talk
- Letting them know that they are important to him

*Tell class*
Let’s take some time now to do an exercise on the impact of a violent incident on your children, and what you can do to help them feel safe.

Think of one incident when you were physically abusive or threatening to your children’s Mom, and the children were at home. Use the form on page 5-5 of the student workbook to describe what your children saw and heard, and how it affected them. Then think about what your children need from you to feel safe, and what you can do to restore trust in your relationship with them.

Below are examples for this exercise from Jack’s story. Use these examples to demonstrate how to do this exercise. Have participants take time to do this exercise individually. Then ask for one or two volunteers to share.

**Impact of Jack’s Violent Behavior on His Children**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dad shouts at Mom to shut up</td>
<td>Scared, Angry</td>
<td>Starting fights with kids at school</td>
<td></td>
</tr>
<tr>
<td>Tells Mom to get the kids under control</td>
<td>Responsible for the violence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grabs Mom by the shoulders and shakes her</td>
<td>Helpless</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Threatens Mom if she calls the police</td>
<td>Scared</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disappears</td>
<td>Worried</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comes back and bangs on door after threatening</td>
<td>Scared</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breaks the window</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chokes Mom</td>
<td>Responsible for Mom’s safety, scared of Dad’s reaction</td>
<td>Chokes his sister</td>
<td></td>
</tr>
</tbody>
</table>
Physical Punishment in Families Who Have Experienced DV

Most children find spankings or whippings humiliating, and sometimes physically painful. But for children who have seen their Mom get physically hurt and threatened by their Dad, physical punishment can have a whole different meaning. Think of the effects of domestic violence on children that we talked about early on in this class.

Ask class:

If you are a child who has seen or heard your Dad hit your Mom, and your Mom got a black eye, bruises, or other injuries, how would you feel when your Dad whipped or spanked you?

What would you be afraid of?

Generate a list on the board:

- Afraid of your Dad
- Afraid you will get hurt
- Afraid that no one can protect you
- Afraid that your Mom will get hurt if she tries to stop your Dad
- Afraid that when you get spanked you will get hurt

If you were a child who saw your Dad get your Mom to “obey” him by hitting her, and then got you to “obey” him by hitting you, what lessons might you learn?

Examples:

- Dad hits Mom and me, so hitting is the best way to get people to do what you want.
- People who are bigger and stronger have the right to hit people who are smaller and weaker to make them obey.
- It’s OK to hit or to be hit by someone you love.

Tell class:

There is another very damaging lesson that children learn when they witness DV and are punished physically by their parents: *Whenever I hit someone, it is the other person’s fault.*

For example, a boy sees his Dad slap his Mom. Then he hears Dad tell Mom, “You shouldn’t provoke me like that. You really asked for it.” Later in the day, his Dad gets mad at him for jumping on the bed. Dad spans him and says, “If you didn’t jump on the bed like that, I wouldn’t have to hit you. You know you’re not supposed to do that.”

This boy is learning from one of the most important people in his life that people get hit because they deserve to be hit. The person who hits is *not* responsible for hitting.
What do you think this boy would do when his little sister takes his cookie and eats it?

- What reason would he give for hitting her?
- What do you think this boy would do when his friend at school calls him "Stupid?"
- Who would he blame?

Kids tend to think this way anyway, but the negative lesson that "I am not responsible for my bad behavior" is strongly reinforced when a child witnesses DV and experiences physical punishment. They are more likely than children who never experience violence to carry this thinking into their adult relationships.

In the next few sessions, we will be learning positive ways to set limits with our kids. These include:

- Establishing consequences
- Listening
- Problem-solving
- Conflict prevention

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**Accountability to Our Children**

*Tell Class:*

Let's talk about some ways we can lessen the impact of violence on our kids. The first step is to be accountable to our children, and all the people in our children's lives who may have been affected by our abusive behavior.

What is the definition of accountability?

- Being responsible for one's actions. Being able to answer for one's conduct and obligations.

*Tell class:*

DV in a family can effect many other people who are connected with that family.

*Have the class turn to page 5-6 in student workbook.*

Listen to Roland's story and think about all the people in his son, Tim's, life who have been affected.

*Roland's story*

Roland and Tonya have been together for nine years. They have one son, Tim, who is seven. In their time together, Roland has hit, punched and threatened to
kill Tonya. The last time Roland hit Tonya, seven-year-old Tim tried to stop him, and Roland pushed Tim out of his way. Tim fell and got bruises on his arms and legs and a scrape on his face. For Tonya, seeing Tim get hurt is too much. She leaves with Tim and goes to live with her sister in a different town. She files a No Contact Order (NCO) against Roland. Tim changes schools. He can’t talk to any of his old friends because Tonya doesn’t want Roland to find out where they live. She is afraid.

Roland is very upset, and doesn’t believe Tonya has the right to leave with their son. He calls Tim’s school and asks Tim’s favorite teacher where his son has gone. The teacher says he doesn’t know, and Roland gets upset and hangs up on this teacher. Then Roland goes to Tonya’s mother and pressures her to tell him where Tonya and Tim are living. Roland says, “Please tell me, I just want to see my son.” Tonya’s mother feels badly for him and tells him that Tonya is living with her sister.

Roland goes to Tonya’s sister’s house. When the sister answers the door, Roland demands to see his son. The sister says that Tim isn’t there, but Roland doesn’t believe her. They get into an argument and Roland threatens Tonya’s sister.

In the meantime, Roland’s parents want to see their grandson. Roland says that Tonya has been “acting crazy” and has disappeared with Tim.

Let’s think of all the people in Tim’s life who are affected by Roland’s use of violence:

- Tonya
- Tonya’s mother
- Tonya’s sister
- Tim’s friends at school
- Tim’s teacher
- Roland’s parents
Let's look at how each person in Roland's life was affected, and what he can do to be accountable. Go over the grid below and fill in using Rolands story.

### Accountability

<table>
<thead>
<tr>
<th>Who in my children's life was affected?</th>
<th>How were they affected?</th>
<th>How can I be accountable or safe in future interactions?</th>
<th>Obstacles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tonya</td>
<td>Physically hurt</td>
<td>Acknowledge violence was wrong, remains nonviolent in interactions with her</td>
<td>My belief that I have the right to use force to get my son back</td>
</tr>
<tr>
<td></td>
<td>Scared for herself</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tim's friends</td>
<td>Lost their friend</td>
<td>Be nonviolent towards Tim</td>
<td></td>
</tr>
<tr>
<td>Tonya's sister</td>
<td>Scared, angry</td>
<td>Admit I was wrong Respect Tonya's right to NCO</td>
<td>I want to see Tim</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>My parents</td>
<td>Sad, think it's Tonya's fault</td>
<td>Take responsibility for my violent behavior I tell them she was scared of me</td>
<td>Embarrassment, shame Afraid they will be angry at me</td>
</tr>
</tbody>
</table>

*Adapted from Accountability in the Wilder Curriculum*

**Tell class**

Let's take some time to think through all the people who interact with our children and who may have been affected by our use of violence/abuse.

This can be a very difficult exercise, but as part of helping our children recover, it is important to think about each person who was affected and how they were affected.

*Have each participant do this Accountability exercise in their workbook on page 5-7. Ask for volunteers to share.*
HOMEWORK:

*Have class turn to page 5-8 in workbook.*

Think of four steps you can take to be accountable to your children. You can look back at Session 4 to review some of the messages we discussed.

Examples:

- Think about what we need to say to be accountable.
- Find a peaceful time to talk to our children.
- Acknowledge the specific violent behavior without rationalizing, blaming, etc
- Tell our children that the behavior was wrong.
- Listen to our children’s reaction, but do not demand a response.
- Be nonviolent in all future interactions with our children’s Mom.
- Demonstrate to our children that we are safe to be around.
- Show them that we can be upset or angry without being scary.
- Speak positively to other family members about our children’s Mom.
- Pay child support regularly (if applicable).

Think of some ways that your accountability can help your children.
SESSION 6: Parenting When You've Been a Victim of DV

OBJECTIVES:
1. To help mothers understand the impact of domestic violence on themselves as parents
2. To help them to stop blaming themselves for the violence
3. To reestablish leadership with their children
4. To talk to their children about separation and visitation
5. To strengthen their support systems

LESSON PLAN:
- Homework review
- Impact of DV on Moms
- Establishing leadership with children
- Letting your child discuss their Dad at home
- Helping your child to feel comfortable with visitation
- Strengthening your support system

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Homework Review

Ask class:
Did you go through the safety plan with your child? How did it go? Ask for a few examples.

Tell class:
We talked earlier about how DV affects the abused person and the children. Now let’s think about how DV affects our parenting relationship with our kids.

Ask participants to think of ways DV affects their role as a Mom, both during and after the relationship with the batterer. Ask class to turn to page 6-3 in their workbooks. Generate a list on the board. Examples could include:
- Overly permissive
- Overprotective of children at times when they don’t need her protection
• Unable to pay enough attention to the children because she is overwhelmed by the violence
• Afraid of what will happen when children misbehave in front of Dad
• Rescues children from Dad’s discipline/abuse
• Has difficulty maintaining structure or routines because of the violence
• Unable to contain anger at the batterer, and turns it on the kids
• Stress and fatigue leaves little energy for the children
• Abusing drugs/alcohol as a way to cope with the violence
• Gives children whatever they want because she feels guilty
• Afraid to discipline because the batterer has threatened to report her to CPS or sue her for custody of the children

Ask class:
How does DV affect the way children act towards their Mom?

List responses on the board. Be sure to include:
• View their Mom the way the abuser labels her (stupid, crazy, etc.)
• View their Mom as weak because she “takes” Dad’s abuse
• Don’t respect Mom
• Don’t listen to her
• Put her down
• Use power and control tactics against Mom
• Use physical violence against Mom
• Demand that she do what they want
• Treat her exactly the way the batterer does
• Try to take care of her all the time

Tell class:
DV can affect a Mom in a lot of different ways. Lots of Moms who have been battered experience the following:
• Self-blame for the violence and its impact on their children
• Loss of respect from the children and loss of leadership with them
• Feelings towards the batterer that come out at the kids
- High levels of anxiety and stress in daily life
- Fear of leaving the batterer because of the impact on the children

Tell class:
Let’s talk some more about each of these issues, and how to get past them.

Self-Blame

Tell class:
Most men who batter blame their partners for the violence. When we are abused and isolated from our friends and family, we often start to believe the batterer, and think that he is right: It’s something we did or said (or something we didn’t do) that caused him to be violent. It’s also very difficult to look at the man you live with or are married to, and the man who is the father of your children, and acknowledge to yourself that this person yells at you and hits you for no reason.

Many battered women who are Moms not only blame themselves for the violence, but also for the problems their children might be experiencing as a result. When a parent feels badly about their child’s painful or difficult experiences, a normal reaction is to be easy on the children to make up for the hardship. In some situations, it is very appropriate to be easy on them; for example, when a child falls down and gets a cut and a bad bruise on her knee, most parents would not expect her to do her chores that afternoon. When a parent always feels badly or guilty about their child’s experiences, permissive behavior becomes a pattern.

Now, I’m going to read a story about a Mom who finds it difficult to set limits with her son because she blames herself for the violence he witnessed.

Yolanda’s Story

Yolanda and her husband Rafael have been together for 12 years. He has been physically and verbally abusive to her. Several times, he has pushed or slapped her in front of their son David, who is 10. She sees David getting into trouble in school and feels guilty about it. She feels that she is to blame for the problems in her family.

Yolanda is expecting a visit from her aunt and uncle in a half hour. David left several of his toys and some clothes on the living room floor. She asks him to pick up his things and put them in his room. He ignores her. She asks him again. He says, “You do it! That’s your job. I’m busy. Why are you bothering me?” She wants to tell him to cooperate with her, but she thinks about all the things he’s been through, and thinks she shouldn’t start a fight. He goes out the door to play with a friend. Yolanda shakes her head and picks up the toys. David is talking to her exactly the way his Dad does.
How did Yolanda's feeling of responsibility for the violence affect her ability to set limits with David about cleaning up his stuff?

Why do you think that David is acting that way?
Ask class:
What might David learn from the fact that Yolanda didn’t respond as a parent when he spoke disrespectfully, ignored her request to pick up his things, and walked out the door?
How would this interaction affect Yolanda’s feelings for David?

Getting Rid of Self-Blame

Tell class:
Like Yolanda, many Moms who have been battered accept their children’s abusive actions towards them, because they blame themselves for the violence. If we can get rid of this self-blame, we can do a better job of setting limits with our children, and have a better parenting relationship with them.
The first step is becoming aware of the self-blaming thoughts we have.

Have class turn to page 64 of their workbooks and fill in the blanks as you do this exercise.

Ask class:
What are some examples of self-blaming thoughts?

List examples on the board, including:
- I should have left him sooner
- I should have just kept my mouth shut
- I shouldn’t have upset him
- If I were a good Mom I would have stayed with him
- How could I have put my kids through that?
- My kids are hurt because of the violence and it’s my fault

Ask class:
What are the feelings you have when you blame yourself?

List examples on the board, including:
- Guilty
- Hopeless
- Inadequate
**Ask class:**

What are some more positive or realistic thoughts that you could say to yourself instead?

**List examples on the board, including:**

- I did the best I could at the time.
- The violence was never my fault.
- My husband/partner is responsible for his own behavior and there's nothing I can do or could have done to change it
- My kids are hurt because of the violence, but I did everything I could to protect them.

**Ask class for more examples.**
Self-Blame: How it Can Affect Parenting

Tell class that we will be doing this exercise for homework. Review it briefly, using Yolanda's story as an example.

Think of a situation where you were overly permissive with your child because you blamed yourself for the violence.

1. Briefly describe the situation.
   I was expecting my family to visit. My son David left a mess in the living room. I asked him to pick it up, and he told me not to bother him and went out the door.

2. What were the self-blaming or negative thoughts you had?
   If I'd left his Dad when I should have, he wouldn't be acting like this. I don't know what to do with that boy.

3. What were your feelings?
   Helpless, hopeless, powerless as a mom, guilty for the violence.

4. How did these thoughts and feelings affect your behavior with your child?
   I felt there was no point in arguing. I didn't want to be hard on him, so I just let him go.

5. What are some more positive or realistic thoughts you could say to yourself?
   About the violence: I left his Dad when I was able to.
   About your rights to set limits with your child: I have the right to expect him to cooperate, and to be responsible for picking up after himself.

6. What limits would you have wanted to set with your child?
   To speak to me respectfully, and to pick up after himself before he goes out.

Ask class to do the worksheet on page 6-5 with a situation of their own for homework.
Establishing Leadership with Your Children

Usually when we blame ourselves and act overly permissive with our kids, our intentions are good. We want to compensate for the fact that our kids have been through so much. But when we don’t set any limits with our kids, or we let them act disrespectfully, we are not helping them.

When we fail to set limits, we may get angry and resentful at our kids for the way they act. We find ourselves getting “fed-up” and we may become too punitive.

When we are inconsistent in limit-setting, kids become confused. They learn that they don’t have to respect limits or be responsible for their behavior. They may have learned from Dad that being abusive to family members is acceptable, and helps you get your way.

Many parents use physical punishment (spankings, whippings, slaps, etc.) to try to set limits with their children. For children who have witnessed DV, physical punishment can be damaging.

Physical Punishment in Families Who Have Experienced DV

Most children find spankings or whippings humiliating, and sometimes physically painful. But for children who have seen their Mom get physically hurt by their Dad, physical punishment can have a whole different meaning. Think of the effects of domestic violence on children that we talked about early on in this class.

Ask class:

If you are a child who has seen or heard your Dad hit your Mom, and your Mom got a black eye, or bruises, or other injuries, how would you feel when your Dad whipped or spanked you? What would you be afraid of?

Generate a list on the board, including:

- Afraid of your Dad
- Afraid you will get hurt
- Afraid that no one can protect you
- Afraid that your Mom will get hurt if she tries to stop your Dad
- Afraid that when you get spanked you will get hurt

If you were a child who saw your Dad get your Mom to “obey” him by hitting her, and then your Mom got you to “obey” her by hitting you, what lessons would you learn?

Examples:

- Dad hits Mom and me, and Mom hits me, so hitting is the best way to get people to do what you want.
- People who are bigger and stronger have the right to hit people who are smaller and weaker to make them obey.
- It’s OK to hit or to be hit by someone you love.

**Tell class:**

There is another very damaging lesson that children learn when they witness DV and are punished physically by their parents: Whenever I hit someone, it is the other person’s fault.

For example, a boy sees his Dad slap his Mom. Then he hears Dad tell Mom, “You shouldn’t provoke me like that. You really asked for it.” Later in the day, his Mom gets mad at him for jumping on the bed. She spanks him and says, “If you didn’t jump on the bed like that, I wouldn’t have to hit you. You know you’re not supposed to do that.”

This boy is learning from the two most important people in his life that people get hit because they deserve to be hit. He is learning that the person who hits is not responsible for hitting.

- What do you think this boy would do when his little sister takes his cookie and eats it?
- What reason would he give for hitting her?
- What do you think this boy would do when his friend at school calls him “Stupid?”
- Who would he blame?

Kids tend to think this way anyway, but the negative lesson that “I am not responsible for my bad behavior” is strongly reinforced when a child witnesses DV and experiences physical punishment. They are more likely than children who never experience violence to carry this thinking into their adult relationships.

In the next few sessions, we will be learning positive ways to set limits with our kids. These include

- Establishing consequences
- Listening
- Problem-solving
- Conflict prevention

In order to use these skills, it is important to commit to sticking to some basic rules with your kids. Everyone sets rules, but we need to respond to our kids every time they don’t follow them.
Tell the class to fill in the worksheet on page 6-7. Ask the class:
What are the most important rules in your home?

Examples:
- No yelling
- No hitting
- No name-calling or putdowns
- When a child is too upset to follow the rules, he or she needs to go to a different part of the house (separation)

Go back over each rule and ask the class to phrase the rule in a positive way by telling the child what he or she can do.

Examples:
- Use words instead of hitting.
- Use a low tone of voice.
- Tell the child what you are upset about instead of putting them down or name-calling.

Letting Your Children Discuss Their Dad at Home

Tell class:
Many of the women who are in this program are separated or divorced from their batterer, or are considering separation or divorce. While many of us don’t want to have anything more to do with the man who battered us, we are still in a parenting relationship with this person. Our kids have experienced the impact of DV, and need support and reassurance from us.

Have class fill in worksheet on page 6-8.
As difficult as it is, we can help our kids by:
- Not speaking negatively about their Dad as a person, although we can and should say that their abusive behavior was wrong
- Finding one or two positive things to say about him to our kids
- Making visitation as safe and predictable as possible for them

Ask class to think of other ways. Have them continue filling in their worksheet.
Children often define themselves as “like my Mom,” AND “like my Dad.” When parents separate or divorce, children may feel split in two. What are some of the other things kids experience when their parents separate or divorce?

**Ask class to generate a list.**

It helps to make some rules for ourselves about how we’re going to act around visitation. Sometimes we may not want our children to see their Dads, but if that is the arrangement, we need to find other supportive adults to talk to about our feelings.

Here are some guidelines:

**Issues you can discuss with your child about visitation**

- When and where their Dad will see them next
- Plans for the next visit
- Anything positive about their father as a parent (Example: Your Dad cares about you)
- Your child’s feelings about the separation or divorce
- Positive interest in other relatives or family friends that your child sees (for example, “How’s your grandma doing?”)
- Safety planning

**Issues you should not discuss with your child**

- Arrangements for child support
- Anger, resentment, frustration with their Dad
- Questions about who their Dad is seeing, where he is working, anything he is doing that is NOT related to your child’s regular activities
- Any feelings you have for their Dad outside the parenting relationship (except related to safety)
- Your feelings for his new partner
Strengthening Your Support System

_Tell class:_

Isolation is a tactic that many batterers use to control their partners. Many women who have been battered find themselves cut off from family and friends, from coworkers and neighbors. Think of ways you’ve been isolated.

We can do a better job of helping our kids when we feel strong and supported ourselves.

Support comes in many forms: people we can talk to; family members and friends who can help with our kids; counseling or women’s groups where we can share experiences of being battered, and share our struggles of coparenting with a man who has abused us; drug/alcohol programs where we can get help for chemical dependency.

There are many obstacles to asking for support from others.

_Ask class:_

What are some of the obstacles to asking for emotional support or practical help from other people?

_Generate a list and write it on the board:_

_Examples:_

- I’m embarrassed
- I don’t like to bother people
- I think I should be able to take care of things myself
- I don’t have anyone to ask
HOMEWORK:

2. Have them also complete “Self-Blame: How it Affects Your Parenting” on page 6-5 (as discussed earlier).

Strengthening Your Support System

What are some of the obstacles you have to asking for emotional support or practical help from other people?

What are some things you would like support with? (Examples: job training, funding for school, women’s support group, childcare)

Who are some people or organizations who could support you?
SESSION 6: Respectful Parenting With Your Children’s Mom

OBJECTIVES:
1. To help men who have been abusive to define and practice respectful behaviors with their children’s Mom
2. To understand and be accountable for the ways they have used their children to control their partners
3. To help them find ways to behave respectfully towards their children during visitation
4. To learn to handle parenting conflicts respectfully

LESSON PLAN:
- Homework review
- What is respectful parenting?
- Understanding the use of children as a tactic of control
- Guidelines for Dads who are separated or divorced
- Guidelines for safe visitation
- Handling parenting conflicts

Respectful Parenting

Refer to page 6-2 of student workbook, where students can write down ideas as they are discussed. Ask class:

What does it mean to have a respectful parenting relationship?
- Showing respect to the other as a parent
- Valuing and honoring the other parent’s needs
- Sharing decision-making about raising the children
- Supporting the other parent in front of the children, even if you disagree with her decision
- Discussing disagreements about parenting in a respectful way, and only when the children are not present
- Agreeing on shared goals for children
- Agreeing or compromising/negotiating about the care and discipline of children
- Resolving problems in a respectful, non-violent ways
What are some of the ways you show respect to your children’s Mom?

Understanding the Use of Children as a Tactic of Control

A person who uses violence as a way to control his partner often uses the children to try to control or manipulate the children’s mother. While many men who batter are good fathers in a lot of ways, they may use the children to gain or keep control over their kids’ Mom. Again, using your children as a way to control their Mom is not compatible with good parenting.

Refer to page 6-3 of student workbook, where they can write down ideas as they are discussed. Ask class:

What are some other ways that men use their children against their children’s mother?

Reassure class that you know that some women may use children against their children’s father, but we are addressing men in this session. Write a list on the board and include:

- Criticizing mother in front of the children
- Changing the rules for the children to make her look bad
- Getting children to take his side against her
- Questioning children about mother’s activities
- Yelling at the mother when the kids misbehave
- Blaming her for separation or divorce
- Telling them that she is crazy, or a drunk, or an addict, etc.
- Getting other family members to speak badly about her to the kids
- Intentionally withholding money for the children’s needs
- Using visitation as a way to control/harass her
- Making her responsible for discipline and then blaming her when the kids misbehave
- Teaching the children to put her down and call her names
- Making her responsible for taking care of all the children’s needs, and then blaming her when not all their needs are met

Tell class:

Let’s look at some specific examples of how men who are abusive use the children to control their partners. Charles talked about how he used his son, Mike, to humiliate his wife, Gloria. Charles broke down the door to their home because Gloria had changed the looks after Charles tried to choke her. Soon after that he moved back in.
Charles's Story

My wife, Gloria, never went past the eighth grade, and she can barely read or write. I would use that against her in different ways. Our son, Mike, is eleven, and has some trouble in school. When I got home from work at night, I would get a beer, put my feet up and watch TV. Whenever Mike would ask me for help with his homework, I'd tell him, "Leave me alone, I'm busy. Go ask your Mom." I would know how to help him, but then I'd make him go to his Mom and ask her for help with a math problem or something, and she'd tell him she couldn't help. Then he'd get all upset and come back to me for help. I would tell him that his Mom was stupid or that she didn't care how he did in school. If he complained to me about it, I would accuse him of being disrespectful and punish him in front of her.

Ask class:

- What did Charles do that was controlling?
- What did he want to have happen?
- What do you think was the impact of his actions on Gloria?
- On Mike?
- What do you think Mike learned from his Dad?

Tell class:

We are going to take some time to fill out a control log on ways you may have used your children against their Mom.

Go around the room and ask for examples. Then tell class to fill out the control log that is in their workbook on page 6-5. After everyone has finished, spend some time talking about the responses.
Control Log

Think of a situation where you used the children as a way to control your partner.

1. Briefly describe the situation, and what you did (what you said, gestures you used, physical action, tone of voice, and facial expressions).

2. What did you want to have happen in this situation?

3. What beliefs do you have that supported your actions and intentions?

4. What feelings were you having?

5. How did your children experience the situation?

6. What was the impact of your action?
   - On you:
   - On your partner:
   - On your children:

7. How did your behavior affect your relationship with your children?

8. What could you have done differently?

(Adapted from the DAIP Manual)
Guidelines for Dads Who Are Separated or Divorced

Many of the men who are in this program are separated or divorced from their children’s Mom, or are considering separation or divorce. While many of us don’t want to have anything more to do with our former partners, we are still in a parenting relationship with this person. Our kids have experienced the impact of DV, and need support and reassurance from us. As difficult as it is, we can help our kids by

- Not speaking badly about their Mom
- Finding one or two positive things to say about her to our kids
- Making visitation as safe and predictable as possible for them

Children often define themselves as “like my Mom,” AND “like my Dad.” When parents separate or divorce, children may feel split in two. What are some of the other things kids experience when their parents separate or divorce?

Ask class to generate a list. Include:

- Change of schools
- Change of home
- Loss of friends
- Confusion about what’s going on
- Feeling that they need to take sides
- Anxiety about what’s going to happen

Some Guidelines for Visitation

Tell class:

Visitation with our children can be very difficult and sometimes painful. For a lot of people, it brings up all kinds of feelings about their former marriage or relationship. These feelings can include anger, grief, loss, guilt, resentment, and many other bad feelings.

Unfortunately, many parents use visitation as an opportunity to try to work out these difficult feelings. But it is NOT the responsibility of young children to make their parents feel better about divorce or separation.

It helps to make some rules for ourselves about how we’re going to act around visitation.

Here are some guidelines.

Refer the class to page 6-6 in student workbook.
Planning for safe visitation

If you are very angry at your children’s Mom, or feel that you are at risk for being abusive to her, it is VERY IMPORTANT to plan ahead so that your children are not hurt or scared by your feelings or behavior.

- Arrange for supervised visitation, or ask a friend or family member who knows your children to pick the kids up and take them back to their Mom.
- Prepare for the visit by discussing your angry feelings with someone other than your children or their mother, for example, a counselor, a sponsor, or a close friend.
- Make a rule for yourself that you will NOT use your children as a way to hurt or control their Mom. Using them in this way will not help the children, or your relationship with them.

Use the following guidelines to keep your conversation with your children safe and appropriate.

Issues you can discuss with your child about visitation

- When and where you will see them next
- Plans for the next visit
- Anything positive about their mother as a parent (Example: Your Mom cares about you)
- Your child’s feelings about the separation or divorce
- Positive interest in other relatives or family friends that your child sees (Example, “How’s your grandma doing?”)

Issues you should not discuss with your child

- Arrangements for child support
- Anger, resentment, frustration with their Mom
- Questions about who their Mom is seeing, where she lives, where she works, her phone number or address, anything she is doing that is NOT related to your child’s regular activities
- Any feelings you have for their Mom outside the parenting relationship
- Your feelings for her new partner
Handling Parenting Conflicts

Tell class:

To create and maintain a healthy environment for kids, it’s important to be able to resolve conflicts with their Mom in a respectful way. Kids learn about how to solve problems from watching their parents.

We are going to discuss some steps for handling parenting conflict. These steps should only be used when there is a safe, trusting, non-violent, parenting relationship.

If your children’s Mom does NOT want to have contact with you, or does not want to discuss any parenting issues with you, it is important to respect her needs. If you have different rules for the children, and cannot discuss these, your children will adapt. It is better for them to deal with two different sets of rules in different households than to see their Mom fearful again, or to witness conflict between their parents.

Have class turn to page 6-8 of student workbook, “Handling Parenting Conflicts.” Tell the class they will be doing this exercise for homework. First, go through the exercise with some examples.

Let’s look at Ken’s description of a parenting conflict that he has with his wife, Rose. Included in this exercise are some ideas for solving conflict about parenting. We will discuss those in more detail after we go through the example.

Example: Our son Jason wants to stay up past his bedtime to watch TV. Rose lets him stay up, and I don’t think it’s right.

1. What is your experience of the conflict?
   Jason’s Mom spoils him

2. What is her experience of the conflict?
   She doesn’t think it’s a big deal. She thinks I’m too strict.

3. What is the actual conflict?
   We disagree on when Jason should go to bed

4. How do you think your children experience it?
   Confusing.

5. What usually happens when you argue about it?
   We yell at each other

6. What are some of the negative thoughts you have about her?
   If it were up to her, she would let Jason run wild.

7. What is a more respectful or positive thought you could have about her?
   She is a good mother. Some of her ideas about parenting are different from mine
8. What would be a good time and place to initiate a discussion about it with their Mom? 
*On Saturday afternoon, when Jason is at his friend's house and we are both relaxed.*

9. What agreement or compromise might work for both of you? 
*Jason could stay up late on Fridays and Saturdays, but needs to be in bed by 9:00 p.m. on school nights. In the summer, he could have an extra “late” night.*

10. Who is going to tell Jason about the new rule, and what will be said? 
*We will tell Jason about it together. We will let him know that we talked about it and decided together that it was important for him to get a good sleep on school nights, but fine if he wants to stay up later on other nights.*

11. What is your back-up plan if the new rule doesn’t work out? 
*We will find a good time to talk about it again, when Jason isn’t around.*

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*Have class turn to page 6-9 in student workbook and review “Guidelines for Handling Parenting Conflicts.”*

### Guidelines for Handling Parenting Conflicts

1. Be sure you feel calm and safe before you bring it up at all. Take a time-out or some time to think about the problem, before you discuss it with your partner.

2. Talk about it when the children are not present or are not able to hear the conversation. Talk about it when you are both calm enough to make a good decision together.

3. Speak respectfully about your own position. DO NOT criticize, put-down, blame, or try to coerce your partner.

4. Listen carefully and respectfully to her. Make sure to listen to what she’s saying, and acknowledge her position. Try to hear her perspective, and don’t think about who is “right” or “wrong.”

5. Work together to negotiate an agreement or compromise.

6. Agree on what you are going to say to your children. If you and your partner live together, it’s important that you both tell them the rule or agreement.

7. Work out a back-up plan: What are you going to do if your new rule or agreement doesn’t work out?

*If there is time, ask class for one or two examples of parenting conflicts. Write the conflict down on the board, and discuss possible compromises.*
Example:

Darrin is a vegetarian and does not want the children eating meat. Lisa eats everything, and thinks that meat is an important source of protein for the kids. Darrin and Lisa don't live together but have a friendly and supportive parenting relationship.

Possible compromises:

Remember, both people have to agree on the compromise.

1. When the children are at Darrin's they eat vegetarian food only. When they are at Lisa's they eat whatever she cooks for them.
2. Let the kids choose how they want to eat.
3. If both parents are willing, they can choose to agree to both provide the same kinds of food to the children and either feed the children vegetarian food only (and find other sources of protein), or feed the children meat and vegetables.

Example:

Greg thinks the kids should have some time to play when they get home from school. Marsha thinks they should get their homework done right away, and then play if they have time.

Possible compromises:

1. Let the kids play first on alternate days of the week. (Homework first on Monday and Wednesday, play first on Tuesday and Thursday).
2. Let them play first for a week to try it, and see if they get their homework done afterwards. Then decide.
3. Have them do their homework first on nights before a test, or if they have a special project due. Let them play first on other nights.

HOMEWORK:

Refer to page 6-10 of student workbook. Tell the class:

Think of a conflict you have now or have had in the past with your children's mother and answer the following questions.

1. What is your experience of the conflict?
2. What is your children's Mom's experience of the conflict?
3. How do you think your children experience it?
4. What is the actual conflict?
What usually happens when you argue about it?

What are some of the negative thoughts you have about her?

How might you change these to more positive thoughts?

What would be a good time and place to initiate a discussion about it with your child’s Mom?

What agreement or compromise might work for both of you?

Who is going to tell your child or children about the new rule, and what will be said?

What is your back-up plan if the new rule doesn’t work out?

As you go through the questions, review “Guidelines for Handling Parenting Conflicts” on page 6-9 of the student workbook.
SESSION 7: Respectful Parenting

OBJECTIVES:

1. To help parents to broaden their definition of “discipline” beyond punishment or reward
2. To introduce a model for respectful parenting

LESSON PLAN:

- Definition of “respect”
- Styles of parenting
- Practicing respectful communication

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What is Respect?

Tell class that we’re going to be talking about respectful parenting. Start with some discussion questions:

- How do you define respect?
  (Note: for this curriculum, we do not define respect as fear)
- Think of one person you respect. How did that person earn your respect? How do you act towards them?
- Think of one person who respects you. How does that person act towards you?
- What does respect from kids mean?
- How is respect different from fear?
- Do you think that parents should respect their children?
- How should parents show respect to their children?
- Is respect between parents and children different than respect between two adults? In what ways?

Please remember this as we define respectful parenting:

We understand that many people in the class were raised by parents who loved them, and also spanked, whipped, belted, and yelled at them. Many participants are raising their children the same way. Make it clear to the class that it is not our intention to condemn these parents in any way.

Our goal is to help parents learn new skills, and learn to have more choices in how to discipline their children.
Ask class:
How were you disciplined as a child?

Generate a list on the board. The list will probably include a lot of spanking, whipping, scolding, restriction, etc.

Have class turn to page 7-2 of their workbooks. Write titles for two columns on the board.

Punishment/Child’s Feeling | Encouragement/Child’s Feeling

Ask the class the following questions and write down their answers in the columns on the board:
- How were you punished as a child?
- How did that feel?
- How were you encouraged as a child?
- How did that feel?

Keep these up on the board for use later.

Ask class:
What does discipline mean?

Listen for different answers. Tell class:
A lot of people believe that discipline means that your child must experience some form of pain. But discipline doesn’t have to be about the child experiencing pain.

Discipline as Guidance

Tell class that the true definition of discipline is to teach or to guide. Ask them turn to page 7-3 of their workbooks. Ask class:
What are the qualities of a really good teacher?

Generate a list of responses. The list could include:
- Fair
- Good listener
- Pays attention to you
- Cares about you
• Has clear rules and expectations
• Inspires you to learn
• Encourages you
• Tells you when you are doing well
• Guides you to find answers for yourself
• Never puts you down or humiliates you
• Never labels anyone
• Solves problems with you
• Respects all students, even those who behave “badly”
• Has confidence in you
• Doesn’t compare you with others

How does this help you to learn?

**Ask class:**

Do you think that a good parent has the same qualities?

What are the qualities of a really bad teacher?

• Unfair
• Unpredictable
• Inconsistent
• Can’t control the class
• Has unclear expectations
• Easily manipulated by some students
• Doesn’t listen
• Blames you when you do poorly
• Labels you as “dumb,” etc.
• Has no confidence in your ability to learn
• Picks favorites
• Criticizes and humiliates you
• Never gives reasons for what he or she is telling you to do (Just do it because I said so)
• Uses threats to keep class in line
Think carefully about this list.

*Ask class:*

How does this keep you from learning?
Now go back to the list of feelings that was generated earlier. Tell class:

Let’s go back and look at how you feel when you’ve been punished. How does that affect your ability to learn or cooperate?

Now, let’s look at how you feel when you’ve been encouraged. How does that affect your ability to learn/cooperate?

What do you think is the main difference between a good teacher and a bad teacher?

Explain the following to the class:

As parents, we often act as though we are on a teeter-totter, being too permissive, and then teetering to the opposite extreme of being too punitive. When we are permissive, we don’t set clear limits with our children, and therefore, we may lose control of them. Then they “misbehave,” and we teeter to the other extreme of being too demanding, threatening, and punitive.

We may find ourselves in a cycle in which we feel guilty for being too hard on our children, and therefore, we may lose control of them. Then we may not follow through on limits we set, until we get “fed-up” and teeter back in the direction of being too punitive. In this way, the teeter-totter goes back and forth.

In many parenting relationships, one parent is more punitive, and the other is more permissive, and the other tries to compensate by being more permissive. When there is domestic violence in a family, parents may go to extremes. The abusive partner may be very punitive and controlling towards the children, and the abused parent may be very permissive with them to try to compensate for her partner’s punitive behavior.

In other situations, the abusive partner may not contribute to disciplining the children at all, but may set up situations that put his children’s Mom in the position of being the “bad guy.” He can then criticize her for being a bad mother, or being “too hard” on the kids.

All these situations can be confusing and destructive for children. That is why it is important for parents to learn and use respectful parenting techniques.

Every parent operates from the permissive or punitive extreme at different times. Some parents tend to have a style of parenting that is consistently more permissive or more punitive. Respectful parenting is a third style of parenting, which we can think of as a balance. A respectful parent balances:

- Structure and flexibility
- Teaching and learning
- The parent’s needs with the child’s needs
- Leadership with negotiation
- Talking and listening

Ask class to turn to “Three Ways of Parenting” on page 7-4 of their workbooks. Explain the three ways of parenting.
Three Ways of Parenting:
Three Styles of Parenting

Mutual Respect
Based on mutual cooperation:

- Both parent and child are respected.
- Parent communicates limits respectfully.
- Parent follows through consistently with limits set.
- Parent values child’s ideas and feelings.
- Child is involved in solving problems.
- Negotiation and fairness are part of discipline.
- Parent communicates assertively.

Punitive
Based on power over child:

- Child is not respected.
- Parent uses power over child.
- Parent uses threats and punishment to control.
- Parent does not consider child’s ideas and feelings.
- No negotiation or flexibility.
- Parent communicates aggressively.

Permissive
Based on parent’s desire to avoid conflict:

- Parent is not respected
- Limits not clear or consistent
- Parent doesn’t follow through on limits set
- Child not given responsibilities for self
- Parent “gives in”
- Child pampered
- Parent communicates passively
Styles of Parenting

The style of parenting that we use with our kids is demonstrated by the way we communicate with them, especially when we’re upset or trying to set limits with them.

In the examples above, we looked at punitive, permissive, and respectful communication. Most people use all three of these styles at times, with our partners, our friends, our coworkers, and our kids.

Tell class:

Now we’re going to look at a situation where a child has failed to do his chores. Let’s look at the different ways his Mom could respond.

Ask class to turn to page 7-6 of workbook. Read the following example to the class:

It’s Saturday morning. Twelve-year-old Ben has plans to play basketball with his friends after breakfast. His Saturday morning chores are to clean his room and wash the breakfast dishes. The family rule is that Ben has to do his chores before he can go out. When his Mom comes back from grocery shopping, she meets Ben going out the door to play basketball. She sees dirty dishes in the sink.

Punitive Style:

Mom says: “You get back in this house right now and do those dishes. Can’t I get any help around here? You are useless.”

Ask class:

• What style of parenting is the Mom using?
• How would Ben feel?

Permissive Style:

Mom says: “I was hoping you would do your chores first. But go on, I’ll do them so you won’t be late for your game.”

Ask class:

• What style of parenting is the Mom using?
• How would Ben feel?

Respectful Style:

Mom says: “I see dirty dishes in the sink. We had an agreement that you would do your chores before playing basketball. If you want to go play basketball, you’ll have to finish your chores first.”
Ask class:

- What style of parenting is the Mom using?
- How would Ben feel?

Ask class to turn to page 7-7 and then tell them:

Let's look at another example.

Katie and her Dad are out at the mall. It's almost dinner time, and they are planning to get chicken for dinner. Katie sees an ice cream stand and says, "I want ice cream!" Her Dad tells her, "No, you have to wait until after dinner." She starts whining loudly, and saying over and over again, "I WANT ICE CREAM! NOW!"

There are a few different ways that parents might respond to Katie. Let's look at them.

Punitive style:

Dad tells Katie again that she can't have ice cream until after dinner. She continues to demand it. Dad says, "You better quit whining or you won't get any ice cream EVER!" Katie says, "I want some ice cream NOW!" Dad raises his voice and says, "Did you hear what I said? If you don't quit whining you're going to get it!" Katie starts to cry.

Permissive style:

Dad sighs and says, "Oh, all right!" He takes Katie into the ice cream stand and buys her a cone.

Respectful style:

Dad says, "I know you really want some ice cream now. But we need to eat dinner first." Katie says, "WHY? I want ice cream NOW." Dad says, "Ice cream tastes really good, but we need to eat dinner first. We can get ice cream after dinner." Katie keeps whining. Dad takes her to get chicken for dinner.

Ask class, and take some time to discuss:

Which style of communicating do you tend to use most often?

Respectful Communication

Tell class:

Now we're going to spend some time talking about respectful communication.

Most of us don't think too much about how we communicate, unless we are required to for our work, etc. Let's look more closely at different ways of communicating. Learning respectful communication is helpful not only in our relationships with our kids, but in all
aspects of our lives. We are now going to talk about four different styles of communication. Most people tend to use each of these styles at times.

Refer the class to page 7-8 in their workbooks. Read each style of communication

Assertive Style

In assertive communication, the person stands up for their personal rights, and expresses their thoughts, feelings, and beliefs directly, honestly, and respectfully.

The assertive communicator does not dominate, humiliate, or degrade the other person.

Goal: To honestly state your feelings, and show respect for the other person's position.

Messages: Both of our feelings and needs are important. I am telling you what I need, and I'm also willing to listen to your needs.

Aggressive Style

In aggressive communication, the person expresses their feelings in a way that violates the rights of another person.

The aggressive communicator uses humiliation, sarcasm, insults, or threats to get their point across.

Goal: To dominate the situation and win at the other person's expense

Messages: I'm right and you're wrong. Your feelings are not important. I don't need to listen to what you have to say. My view is the only one that matters.

Passive-Aggressive Style

A person communicating in a passive-aggressive style uses more hidden forms of aggression to express their feelings. The strategy is to give the other person a message without actually coming out and saying it directly.

Goal: To dominate the situation and win at the other person's expense

Passive Style

A person communicating in a passive or non-assertive style does not say what they are feeling. The passive person gives in to other people's requests, demands, or feelings and does not acknowledge their own feelings or say what they want. When the person does express feelings, it is usually in an apologetic or timid way, so that it's easy for other people to ignore them.

Goal: To play it safe, not rock the boat, and avoid conflict at all costs
Messages: I don't count; what I need is not important; you don't have to take my feelings into account

Note: A person who has been abused by her husband or partner may have to be passive in her style of communication in order to try to stay safe.

Adapted from Arthur J. Lange and Patricia Kubowski

Tell class:

Assertive communication is the foundation of respectful parenting. The parenting skills you will be learning in the following sessions are most effective when assertive communication is used.

HOMEWORK:

Tell class to do the following for homework:

1. Describe a situation where you had a punitive or permissive style of parenting. Think about how you could have responded to your child in a respectful/assertive way. (See page 7-10 in student workbook.)
SESSION 8: Handling Anger as a Parent

OBJECTIVES:

1. To clarify the difference between anger and violence
2. To help parents handle their anger towards their children in non-violent ways

LESSON PLAN:

- Homework review
- The difference between anger and abuse/violence
- Separating anger at your kids’ father or mother from anger at your kids
- Beliefs and thoughts that support respectful parenting
- Time-Out for parents

HOMEWORK REVIEW:

*Have parents share situations where they used punitive or permissive parenting with their children.*

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**The Difference Between Anger and Abuse/Violence**

Refer to page 8-2 in the Student Workbook and discuss the following:

*Anger* is a normal emotion. It does not have to be expressed abusively.

*Abuse* is behavior or words that are hurtful or intentionally disrespectful to another person. In earlier classes we talked about different forms of abuse.

*Tell class:*

Children who grow up with domestic violence need to learn that a person can be angry without being abusive. Otherwise, when the child becomes angry he or she may respond one of two ways:

- Act violently or aggressively whenever he or she is angry
- Never express the anger at all because he or she is afraid of what will happen.

In order to help our kids express anger in healthy ways, we need to learn how to understand our own anger and express it nonviolently.
When we’re angry at our kids’ mom or dad we sometimes take it out on our kids

Tell class:
Sometimes, when a parent is angry at their child’s Mom or Dad, they take it out on the child. This happens a lot in families where there has been domestic violence. It’s important to understand how you may confuse anger at your child’s other parent with anger at your child.

Read the following stories to the class, and then discuss using the questions that follow each story:

Keith’s Story

Just after my wife and I had separated, my daughter Tina was visiting me. I was pretty depressed about our marriage ending, and I’d lost my job, too. Tina is 9. She came over and we got all her toys and started playing. Then she pulled out all my magazines and spread them out on the floor. She was trying on my shirts and piling them up on the floor. I asked her to clean up before we had lunch. She didn’t. Just before it was time to bring her back to her Grandma’s, I asked her again to help me clean up. She was watching TV, and she just wouldn’t get up. When I told her to hurry because it was time to go she said, “Leave me alone. I’m tired.” I went over to her and got in her face. I yelled at her and told her “You’re lazy, just like your mother.” She started crying. Afterwards, I felt really bad about it.

Discussion questions:

- How did Keith feel towards Tina?
- How do you think he felt towards Tina’s Mom?
- How did his feelings for Tina’s Mom affect the way he acted toward Tina?
- Was he abusive?
- Remember that Keith has hit Tina’s Mom in the past. How would Tina feel when Keith yelled at her?
- How could Keith have used respectful parenting skills to get Tina to clean up?

Denise’s Story

Saturday morning is the one day when my kids’ Dad, David, is usually around to help out. The rest of the week, he’s working. One Saturday, I was looking forward to having a little time to myself. And also I know the kids like to see him.

At breakfast, he said he was going to help his friend work on his car. It would probably take him most of the day. Well, I didn’t say anything to him, because
I was in no mood to start a fight. So he left. I poured a glass of juice for my son, Andre, who’s 3. I told him to be careful. He was taking it out to the living room and he spilled it all over my carpet. I yelled at him, smacked him, and put him in his room. I surprised myself that day. Usually, I don’t get that upset when one of my kids spills something.

**Discussion questions:**

- How did Denise feel toward Andre?
- How do you think she felt about David?
- How did her feelings for David affect the way she acted with Andre?
- Was she abusive?
- How could Denise have used respectful parenting skills to tell Andre she was upset?
- How would the fact that David has been abusive to her make it more difficult for her to separate her anger at Andre from her anger at David?

**Tell class:**

It’s important to recognize when you are confusing your anger at your child’s other parent with anger at your child.

**Separating Anger At Your Partner From Anger at Your Child**

**Review page 8-5 of the student workbook with the class.**

1. Ask yourself, “What am I really angry about?”
2. Decide who you need to talk to about your anger. When there has been violence in your relationship, it may not be possible or appropriate to talk to your partner or spouse about your anger towards them. However, it is very important not to take out your bad feelings on your child.
3. If you decide you are angry at your husband, wife, or partner, and NOT your child, try to find someone else to talk to, for example, a close friend or family member, or a counselor. Also, you can try to find something else to do to deal with your anger. In a few minutes we will talk about taking Time-Out.

Sometimes we are angry at our partners *and* our children. Before we talk to our children about it, we should carefully sort out what we need to tell them.
Optional Small Group Exercise

*Break the class into small groups and ask them to talk about a time that they were angry at their child's other parent and took their anger out on their child. Ask the class to turn to page 8-6 in their workbooks and answer the following questions:*

- What was the situation?
- What were you angry about?
- What did you say/do to your child?
- How do you think your child felt?
- How did you feel afterwards?
- Who else could you have talked to?
- What else could you have done?

*Come back to the large group. Ask for a couple of volunteers to share their stories. Focus on sorting out anger at others versus anger at children.*

Beliefs and thoughts that support respectful parenting All children misbehave sometimes. By learning to recognize the things inside of us that make us angry, we can better control our anger, and be more respectful in our discipline of our kids.

*Ask class to turn to page 8-7 in their workbooks and go over the following:*

In order to be more respectful to our kids, it helps to look at two things:

- The beliefs we have about how parents should act and how kids should act
- The way we describe our kids’ behavior to ourselves in our thoughts.

Beliefs that support disrespectful parenting

Some of the beliefs we have about parenting can influence us to be disrespectful to our children. Here are some examples:

- Parents should be able to control their kids
- Children should always obey their parents
- Children should never talk back.
- A parent whose child misbehaves in public is a bad parent.
- Good parents always keep their children neat and clean.
- When kids misbehave, they’re just trying to “get” their parents.
• Kids should know better than to misbehave.
• Children are responsible for their parents' feelings.
• Bad kids deserve what they get.
• Children should be quiet and just listen

**Ask class:**
Which if any of these beliefs do you have?

*Ask participants to write ideas in their workbooks on page 8-7, and then ask for volunteers to share their answers.*

**Negative Thoughts**
Negative thoughts make us feel bad about our kids, and bad about ourselves as parents. These feelings often turn into anger. Positive thoughts help us have a better/more realistic attitude and feel calmer.

*The class can follow along in their workbooks on page 8-8 as you discuss the following:*

Our own negative thoughts about our kids cause us to get angry, frustrated, indignant, and enraged, and give us justification to be punitive to our kids. Negative thoughts about our kids include thinking about how “bad” they are, how “ungrateful” they are, etc.

*Write the following examples of negative thoughts on the board and discuss. Ask class to add more examples of negative thoughts:*

• He’s doing this deliberately to make me mad.
• He’s spoiled.
• She’s so selfish.
• I should be able to control him.
• She is really asking for it.
• He’s not going to get away with this.

**Tell class:**
We can learn to control our feelings and behavior better by

1. Recognizing our negative thoughts
2. Deliberately stopping them
3. Replacing the negative thoughts with thoughts that help us to feel calmer. We call these self-calming thoughts.

Karen’s Story

Karen is at the check-out line at the grocery store with her 3-year-old daughter, Jessica. Karen and Jessica are both tired and hungry. Jessica picks up a candy bar and demands that Karen buy it for her. Karen says, “No, we’re not buying that.” Jessica asks for it a few more times. Then she starts crying and yelling, “I want it. I want CANDY. Get it for me, Mommy. I want CANDY!” Everyone else at the check-out lines is watching Karen and Jessica. Karen pays for her groceries, yanks Jessica by the arm, pulls her out to the car and swats her on the butt. She says, “You be quiet right now, or you’re really going to get a spanking.” She puts her roughly into the car seat. Jessica cries all the way home.

Ask class:

- What do you think are some of Karen’s beliefs about parenting might be?
- What are some of her negative thoughts?
- How is Karen feeling about Jessica and about herself as a Mom?
- How might she have acted differently if she had different beliefs about parenting?
- How could Karen change some of her negative thoughts to help herself calm down, and to talk to Jessica in a way that is more respectful?

Note to instructor: At this point, DO NOT get sidetracked in a discussion of how Karen should discipline her child. It is important to stay focused on how she is THINKING and FEELING.

Refer the class to page 8-9 of their workbooks. Write the following on the board and ask class to think of more examples.

Beliefs that support respectful parenting

- My child is able to make good decisions.
- I believe that in order for children to respect their parents, parents have to respect their children.
- I believe that both parents and children have rights.
- It’s OK for both parents and children to make mistakes.

Self-Calming Thoughts
Self-calming thoughts help us to cool down when we’re angry at our kids, or at others. They help us to be more respectful in how we communicate.

**Write these examples on the board and then ask the class for more.**

- I can be calm and talk quietly.
- He’s only three; it’s normal for 3-year-old kids to be selfish.
- She’s tired and hungry right now.
- He has a right to his own feelings.
- I don’t need to deal with this now, I can talk about it after we’ve all had some rest.
- She isn’t bothering me deliberately, she just really wants my attention.
- It’s normal for teenagers to forget things.

**Note:** When we have these thoughts, they **do not** mean that we ignore the rules we have set for our children, or give in to them. Self-calming thoughts help us to feel less angry at our children and allow us to handle the situation in a more positive way.

**Time-Out for Parents**

It is very difficult to be respectful with our kids when we are extremely angry, frustrated, overwhelmed, or irritated. Time-Out for yourself is a tool you can use to calm down and communicate respectfully with your kids.

**Refer to page 8-10 in the student workbook and go over the following:**

**Red Flags**

Your body, feelings and thoughts give you some warning that you are getting upset. To stay respectful toward your kids, and make good decisions, it helps to pay attention to your warning signs, and then take a Time Out. A Time Out is a short break taken from a difficult or dangerous situation. Time-Out gives you some time to think through the situation.

Everybody has their own set of red flags, but most people experience at least some of those listed below.

**Negative thoughts:** Examples: “She’s doing this deliberately. She’s not going to get away with this. She’s a spoiled brat. I’m not going to take this.”

**Difficult Feelings:** Feeling overwhelmed, powerless, frustrated, anxious, hurt, angry, outraged, destructive.

**Body cues:** Tight muscles in neck, back or jaw, “nervous” stomach, feeling hot, shaking, feeling short of breath, frowning, narrowing eyes.
When you recognize any of the red flags listed above, it's time to take a Time-Out. If you are using any of the behaviors listed below, you are already being abusive. Once you start with these things, it's essential to take a Time-Out.

**Abusive actions:** Pacing, pointing your finger in someone's face, shouting, name calling, putting the child down, using sarcasm, threatening, getting in their face.
Tell class:
In the homework for this session, you’ll find a place to list your Red Flags. You can do it now as we discuss it in class, or do it for homework later.

Time-Out

Refer to page 8-11 in student workbook and discuss the following:

Time Out is a simple technique for getting out of a situation that might otherwise result in abuse. It should be used anytime you are not calm enough to talk respectfully to the other person. If you use it regularly, it will prevent you from being abusive.

To use a Time Out, you need to be aware of yourself and be willing to walk away in the middle of a conflict.

The first step is for you to understand what a Time-Out is, and what it isn't.

Time-Out Is:

- The first step towards working out any problem with your children, your partner, or other people
- A way to develop safety and trust
- A chance for you to get away from a difficult situation so you can think it through, and so that you can better solve the problem when you come back
- A short break that you decide you need to take. This is a Time-Out for you; it is not a discipline technique to use with your child.

Time Out Is Not:

- A way to punish your child.
- A time to walk out angrily saying blaming things, like: “I’m leaving”, “I can’t take it” or anything that makes the child feel bad.
- Abandoning/isolating your child

Time Out will be used differently for different ages. If there is not another adult available for supervision, young children need to be in a safe area, withing hearing distance and only left for 3-5 minutes. If your child is safe and involved in an activity you can take longer. You can separate from older children for longer periods depending upon their age, personality, and ability to be alone.
Using Time-Out

Refer to page 8-12 in the workbook and discuss the following:

Time-Out is a simple tool, and if you use it right, it works. Here’s how to do it:

1. Pay attention to the situation. As soon as you feel upset, you need to take the Time-Out.
2. Tell your child that you’re taking a Time-Out. Tell them that you need a couple of minutes for yourself, and let them know exactly where you’ll be. (Example: I need a Time-Out. I’ll be in the kitchen for a few minutes.)
3. Ask yourself, “What am I really upset about? What would be the best way to handle it with my child?”
4. Think positive thoughts to remind yourself that you are the one who controls your thoughts, feelings, and actions. (Example: “Sometimes two-year-olds have tantrums. I need to calm down and handle this situation.”)
5. Decide how much time you need to cool down. You may need as little as five minutes for your minor irritations and frustrations, or as much as an hour when you feel very upset. Make sure your child feels safe and is safe being in a room alone.
6. Return to the situation when you feel calm and safe.

After a Time-Out

Refer to page 8-13 in workbook and discuss the following:

Before you come back into the situation, decide what you’re going to do. Here are some choices:

1. Let it go - While you are cooling down, you may realize that you can drop whatever you were frustrated, irritated or upset about. Maybe you misunderstood the situation, and now that you are calm, you see things more clearly and you realize that you are no longer irritated or frustrated. Then you can let it go.
2. Put it on hold - You may recognize that the issue is important for you and your child to discuss, but you can decide to do this at a later time. Taking some time to think about an issue can help you to see it more clearly. Putting it on hold also gives you more time to be calm so you can communicate to your child in a way that is respectful.
3. Discuss it - When you are feeling calm, you may decide you are ready to talk about the situation with your child. You must be ready to listen to the other person, and to communicate respectfully. Remember, you can always take another time-out.

Adapted from Dr. Anne Garley - Seattle, WA
Using the Time-Out/Cool Down Log

**Refer class to page 8-14 and 8-15 in the workbook and discuss the following:**

The Time-Out Log is a way for you to record how you are using Time-Out, what you are doing to cool down, and what decisions you make after you cool down.

1. **Description of situation:** Write down two or three sentences or phrases about how you became upset.

2. **Negative thoughts:** What thoughts were you having that caused you to feel upset?

3. **Upset level:** From 1-10, what was your Upset Level? An upset level of 1 might be how you feel in slow-moving traffic. An upset level of 7 or above might be how you feel when your child ignores a request you made or says something disrespectful to you.

4. **Difficult feelings:** What were the difficult feelings you were having, for example, irritated, frustrated, threatened, disrespected or scared.

5. **Left at what point:** What was going on when you left? What were your cues that you needed to leave the situation?

6. **Minutes for cool down:** How long did you take?

7. **Place:** Where did you go to cool down?

8. **Self-calming actions:** What did you do to cool down?

9. **Self-calming thoughts:** What self-calming thoughts did you use to replace the negative thoughts?

10. **Your decision after the cool-down:** Did you let it go, put it on hold, or talk with your child about it?

**Ask class to complete the Time-Out/Cool Down Log for homework.**
Insert Time-Out/Cool Down Log
HOMEWORK:

Refer class to page 8-16 in student workbook and ask them to complete for homework.

Identify Your Red Flags

List the red flags that come up when you get very upset. Remember, the focus of this is you and your behaviors (not your partner, children, boss, or neighbor, etc.) Look this list over at least once a week. When you see these red flags come up, it's time to take a Time Out.

Negative thoughts:

__________________________________________________________

__________________________________________________________

__________________________________________________________

Difficult feelings:

__________________________________________________________

__________________________________________________________

__________________________________________________________

Body cues:

__________________________________________________________

__________________________________________________________

__________________________________________________________
SESSION 9: Conflict Prevention

OBJECTIVES:

1. To teach parents new techniques for handling children's anger
2. To help them to communicate in ways that prevent conflict

LESSON PLAN:

- Homework review
- Responding to our kids when they're angry
- Preventing conflict
- Communication that leads to cooperation
- Practice giving information and describing a solution

Homework Review:

*Review the Time-Out/Cool-Down Log. Ask for 2 or 3 examples only.*

Responding to Our Kids When They Are Angry

*Note: Don't use this with your partner! Use it with your child.*

*Have class turn to page 9-2 in the student workbook and go over the following:*

Try taking these steps when your kids are angry:

1. Get control of your own emotions.
2. Acknowledge the child's feeling.
3. Let her know that it's not OK to be disrespectful to other people.
4. Teach your child how to talk respectfully when she's angry (being able to do this yourself is an important first step).
5. If she continues to act disrespectfully, separate from your child (one of you has to leave the area).
Tell class:

We are going to discuss several techniques for dealing with our children’s anger. Choose the technique that works best for you and your children. Be aware of your child’s needs. For example, if your child is terrified of being alone, then separation is not the best technique. If your child is only three years old, then don’t leave her alone for more than a few minutes.

Any time you aren’t able to help your child stop acting disrespectfully by talking to her, use one of these techniques:

Separation

If the conflict is between you and your child, send him to another room, or go to another room yourself. At this time, you should stop all interaction with your child until he calms down.

Let him know that you can’t be with him when he is being disrespectful, and that you are going to another room.

If the conflict is between your child and another child, then the children need to separate. The child who is acting disrespectfully needs to understand that the separation is a consequence of his behavior.

When using separation, it is important for the parent to be calm and respectful to the child, and to speak simply and clearly, without criticizing or blaming the child. For example, “When you are hitting and yelling at me, I can’t be with you. I’m going to go in the other room until I hear that you are calm.”

Diversion

Diversion is another technique that works well with young children. Try diverting the child’s attention away from the source of her anger giving her something else to focus on. For example, suppose that your child is angry because her brother got to go to the park and she didn’t. After you acknowledge her feeling, you could say, “Let’s go for a walk,” or “Let’s bake some cookies,” or “Let’s paint a picture.” Sometimes this works well to help your child calm down.
Tell class:

Let's look at a situation, and see how we can respond to our kids respectfully when they are angry.

Read this example to the class:

Alma has two daughters, Lisa, who is five, and Paige, who is seven. Lisa took Paige's new box of crayons without asking. She used them all, and broke several of them. Paige opens the box of crayons, sees that they are used and broken and starts screaming, slapping her sister, and grabbing her hair. Lisa starts screaming.

Alma goes over to the girls to separate them, and Paige starts screaming, "She ruined my crayons! I hate her!" Alma tries to calm her down.

Both of Alma's daughters are upset. She needs to acknowledge both their feelings, and set limits with both of them. Because Paige is hitting, Alma needs to talk to her first.

Here is an example of how she could approach her daughters respectfully.

Refer class to page 9-3 in the student workbook as you explain:

Talking to Paige:

- **Acknowledge Paige's feeling:**
  "I know you're really angry at Lisa for messing up your crayons."

- **Let her know it's not OK to be disrespectful to other people:**
  "It's not OK to hit her."

- **Teach your child how to talk respectfully when she's angry:**
  "You can tell Lisa, 'I'm really mad that you wrecked my crayons.'"

Talking to Lisa:

- **Acknowledge Lisa's feeling:**
  "It hurts when someone hits you."

- **Let her know it's not OK to be disrespectful to other people:**
  "You need to ask Paige's permission before you use her crayons."

- **Teach your child how to talk respectfully when she's angry:**
  "You can tell Paige, 'I don't like it when you hit me.'"

Sometimes, this approach works. Other times, children continue to act in a way that is disrespectful.

To continue with our example, after Alma talks to both of them, Lisa kicks Paige in the ankle. Paige shoves her. Both are calling each other names.
• If your kids continue to act disrespectfully, separate them.

Alma could again acknowledge their feelings:

"I can see that you two are still angry with each other. You are hurting each other and you need to be separate until you calm down. Paige, you need to go in the kitchen and Lisa, you need to go in the living room. When you can be respectful with each other you can be together again."

**Tell class:**

Let’s look at some situations when your kids were angry and see how you could use respectful skills for helping them to calm down.

Ask for three or four examples and discuss, following the guidelines in “Responding to Our Kids When They Are Angry.”

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**Preventing Conflict**

**Have class turn to page 9-5 in student workbook. Tell class:**

We’re going to talk about ways to prevent conflict with our kids. We’ll start with an example of how conflict escalates between parents and kids. As I read this story, pay attention to what’s happening between the mother and her son.

Trina just got home from work and is starting to get dinner ready. Her 6-year-old son, Jerome, wipes his feet outside the front door, but they are still covered in mud when he comes in. He walks into the living room, leaving muddy footprints all over the beige carpet. Trina is very upset. She recently cleaned the carpet.

Trina says, “Jerome! You got the carpet all muddy again. Look at the mess you made. How many times have I told you to wipe your feet before you come in. You NEVER listen to me!”

Jerome says, “Mom, I DID wipe my feet.”

Trina says, “Get outside and wipe your feet right now!”

He says, “NO! I wiped them.”

She says, “You did not. Just look at the mess you made. Now get out there.”

He says, “I told you, I already did it.” He starts walking away towards his room.

Trina says, “You wipe those feet right now, or I’m going to give you a spanking you won’t forget.”

Jerome goes outside rubs one foot over the doormat, and kicks the door.
Trina grabs Jerome, pulls him inside and yells, “You’re not going to get away with this!” She spanks him and puts him in his room. She says, “Now don’t come out until I say you can.” She closes his door. Jerome is kicking things, screaming loudly, and throwing his toys around the room.

Trina quickly goes to clean the carpet before her husband comes home. She knows he will be upset if Jerome is still screaming when he gets home.

Before you begin the discussion, tell the class to turn to page 9-6 in their workbooks, “Communication that Leads to Conflict.” Help the class to identify the negative ways Trina interacted with Jerome, including accusing, blaming, commanding, threatening and hitting.

Ask class:

- How did this situation escalate into such a big fight?
- How did Jerome feel after Trina accused him of not wiping his feet?
- How did he act?
- How did Trina feel?
- How did she act?
• INSERT COMMUNICATION THAT LEADS TO CONFLICT
Tell class:

The way we talk to our kids can make a big difference in how they hear us and how they react to what we say. Lots of times when we have conflict with our kids, we are just focusing on how they are talking and acting, and neglecting to look at our own behavior. Our kids may be acting “bad” in response to us. We get frustrated when they don’t listen, and we blame them for being disobedient, bad, or uncooperative.

As parents, we can help our children to be more cooperative by looking at how we talk when we have a conflict with them. We often tell our kids to do or not do things in ways that make them feel defensive or attacked. They react angrily, or ignore us, and then we respond angrily.

To prevent conflict with our kids, there are two things we can do:

1. Take responsibility for how we talk and act when we’re upset with our kids.
2. Help our kids to take responsibility for their behavior.

When children make mistakes and we immediately criticize and blame them, we take away the chance for them to feel responsible for the problem, and to think of ways they can solve it. Like adults, when children feel attacked or blamed, they get mad, and lose sight of the problem. They feel victimized, and not responsible for their actions.

For example, think of how we feel as adults when someone in a position of authority criticizes us unfairly:

- You have fallen behind in a project at work. You know you could have finished it, but you’ve been putting it off. You usually meet all your deadlines. You feel bad about this project, and you have made plans to stay late for the next couple of days to catch up. Your boss calls you into her office and says, “You’re not doing your job. Do I have to look over your shoulder every minute of the day? If you don’t finish this project in the next two days, I’m putting you on probation here. I can’t have my employees acting so irresponsible.”

Ask class:

- Do you still feel badly about being behind?
- Do you still feel like staying late to catch up?
- What would you feel like saying to your boss?
- What would happen if you said what you wanted to say?
- How could your boss have approached you more respectfully?

Tell class:

In many situations, kids have the same kinds of feelings as adults. Again, if we want to prevent conflict with our kids, we need to think about how we talk to them, and help them to find ways to feel responsible for solving problems.
Communication that Leads to Cooperation

Tell class:

When we don’t take responsibility for how we talk to our kids, we tend to do a lot of blaming, criticizing, threatening, and commanding. We’re going to look at ways we can communicate with our children so that they cooperate with us, and take an active role in solving problems.

When we have a problem situation with our kids, and we just give them information about the problem in a respectful and non-blaming way, they will often figure out how to solve the problem, and do it themselves.

Let’s look at what could happen when Jerome comes into the house with muddy shoes, and Trina communicates with him respectfully.

Refer the class to page 9-7 of student workbook, “Communication that Leads to Cooperation.” Go through the example as described on the following page.
INSERT COMMUNICATION THAT LEADS TO COOPERATION

DIAGRAM
**Ask class:**

- What prevented this situation from escalating?
- What did Irina do to guide Jerome to solve the problem himself?
- How was this situation different from the earlier example?

**Steps for Parents**

In order to get cooperation from our kids, we need to be ready to:

**Write steps on board.**

1. Describe the specific problem
2. Think of a practical solution that the child is capable of acting on.
3. Be willing to let the child solve the problem

If you are too angry or frustrated with your child, you won’t be able to go through this process. So before you try to do this, review the anger management skills for adults.

Let’s go back to the situation of a child coming in the house with mud on his shoes. In order to get him to take care of the problem, we have to ask ourselves:

**Write on board:**

- **What is the specific problem that needs to be solved?**
  It is NOT that he is disobedient, sloppy, lazy or doesn’t listen.
  It is that his shoes are muddy and he is getting mud on the carpet.

- **What is a possible solution?**
  He can wipe his shoes off more thoroughly.
  He can take his shoes off and clean them later.
  He can help clean the mud off the carpet.
Refer to page 9-8 of student workbook and go over the following:

Communication that Leads to Cooperation

Give information

Describe the problem specifically

(Example: Your muddy shoes are getting the carpet dirty.)

DO:

- Be clear.
- State the facts of the problem.
- Use as few words as possible.
- Speak in a calm voice.

DON'T:

- Blame
- Judge.
- Criticize.
- Ask questions.
- Say anything about the child's personality.
- Talk about the past.
- Lecture.
- Command or threaten.
- Label your child as "bad," "disobedient," "lazy," etc.
- Use negative language like "You can't."
- Describe the problem clearly and confidently so your child knows what to do with the information. They can feel your confidence, and will act on it.
Refer to page 9-9 of student workbook and go over the following:

**Group Exercise**

Let’s look at some examples of how to invite cooperation from our children.

1. Your son leaves his coat on the floor:
   - Negative/critical response: “Why can’t you ever pick up after yourself?”
   - Giving information: “I see your coat on the floor.”
   - If the child doesn’t respond, describing a solution: “Your coat needs to go on the hook in the closet.”

2. Your daughter is throwing her ball in the house:
   - Negative/critical response: “I’ve told you a million times not to throw the ball in the house. What’s your problem?”
   - Giving information: “Throwing the ball in the house might break something.”
   - Describing a solution: “You can roll the ball on the floor, or throw it outside.”

*The following exercise could take place in small groups, or you can conduct a large group discussion. Tell class:*

Now we’re going to practice ways of giving information and describing a solution.

*Have class turn to page 9-10 & 9-11 of student workbook.*
Practice Giving Information and Describing a Solution

Below are descriptions of five different situations. For each situation, decide first what the problem is. Then fill in the information you would give, and the solution you would describe to your child.

1. Your six-year old interrupts you while you are on the phone.
   - What is the problem? (You can’t concentrate on the conversation)
   - What information can you give your child: (I can’t talk on the phone when you’re talking to me)
   - If your child doesn’t respond, what is a solution? (I need you to go play for five minutes while I finish talking on the phone)

2. Your nine-year old left homework papers all over the kitchen table.
   - What is the problem?
   - What information can you give?
   - If your child doesn’t respond, what is a solution?

3. Your 12-year old left his bike in the middle of the driveway.
   - What is the problem?
   - What information can you give?
   - If your child doesn’t respond, what is a solution?

4. Your 4-year old has ketchup all over her fingers and is walking towards the living room.
   - What is the problem?
   - What information can you give?
   - If your child doesn’t respond, what is a solution?

5. Your 14-year old has been on the phone for two hours and you need to make a call.
   - What is the problem?
   - What information can you give?
   - If your child doesn’t respond, what is a solution?

If your child isn’t used to you communicating this way, she might not respond at first, but continue trying. If your child doesn’t respond, you may need to use other problem-solving techniques.
HOMEWORK:

Refer to page 9-12 of student workbook.

Practice giving information.

- What was the problem?
- How did you give information?
- What was the solution you described?
- How did your child respond?
SESSION 10: Setting Limits Respectfully

OBJECTIVE:

- To give parents skills in using consequences and problem-solving and to set limits with children in a respectful way

LESSON PLAN:

- Homework review
- Introduction to limit-setting
- Logical consequences
- Practice using consequences
- Problem-solving
- Putting it all together

Homework Review

Introduction to Limit-Setting

Tell class:
In this section we will be learning respectful limit-setting skills with children. These can be very effective once we have a good relationship with our children. Sometimes developing a good relationship takes a lot of work.

If you use these skills respectfully with your child, and your child does not respond, you may need to work more on the relationship.

This could include: showing understanding to your child, listening, spending time together doing things he or she likes to do, encouragement, and support.

As we discussed earlier, domestic violence has a big impact on kids. Sometimes it takes some counseling to build healthy relationships with our kids.
Logical Consequences

Refer to page 10-2 of student workbook and discuss the following:

Logical consequences teach a child that there are many generally-accepted social rules that they will probably be expected to follow. When the child breaks such a rule, a specific consequence follows. That consequence should:

- Be directly related to the problem that the behavior has caused
- Involve the child in solving the problem

For example, if a child spills his milk, the consequence is that he needs to help clean it up.

Logical consequences are respectful forms of limit-setting. They help children learn:

- That their own behavior is their own responsibility,
- About making their own decisions about what to do
- About the consequences of their behavior, allowing them to make decisions based on the knowledge of these consequences, rather than fear of punishment

As children grow up, they are better able to make good choices when they understand consequences. Children who are forced to comply out of fear may be more likely to break the law when they are teens and adults because they have learned that the only reason to follow rules is that they will be punished if they don’t. Their thinking is, “I can break the rules as long as I don’t get caught.”

Tell class:

Teaching logical consequences is especially important to children who have witnessed domestic violence. Because men who batter often teach their children that they must obey or they will get yelled at, threatened or hit, these children get a very strong message that other people are responsible for their actions. When you first start using logical consequences, your kids may at first have difficulty understanding them. Be patient! You are teaching them lessons that can help them throughout their lives.
Have the class turn to page 10-3 of their workbooks and read over the following:

How Logical Consequences Differ from Punishment

Logical consequences are different from punishment in several ways.

- **Punishment uses the parent’s power over the child.** Logical consequences teach children the effect of their behavior on others, and let them take responsibility for changing their behavior.
  
  **Punishment:** “You turn that music down, or I’ll take your stereo away.”
  
  **Logical consequence:** “I know you are enjoying your music, but it’s so loud, it’s really bothering me and the neighbors. So you can either turn it down, or turn it off and do something else.”

- **Punishment is often arbitrary, and rarely related to the situation:**
  
  **Punishment:** “If you two don’t stop fighting, you won’t get any ice cream after dinner.”
  
  **Logical consequences:** “You two can play together without fighting, or separate and play in different rooms. You decide.”

- **Punishment is personal and critical of the child.** Logical consequences are not personal, they are not judgmental, and do not imply that the child is a bad person.
  
  **Punishment:** “Stop that whining! You’re acting like a baby.”
  
  **Logical consequence:** “I can’t answer you when you talk that way because I don’t understand you. When you talk in a normal voice I will be able to answer you.”

- **Punishment often threatens the child with disrespect or loss of love.** Logical consequences are said clearly and calmly, with good will.
  
  **Punishment:** “You’re not going with me to the store because you were so bad today. I’m not taking a spoiled brat with me.”
  
  **Logical consequences:** “You can come with me to the store if you stay with me and help me shop. Otherwise, you can stay at home with Aunt Dee. You decide.”

- **Punishment demands that the child obey.** Logical consequences permit the child to make a choice.
  
  **Punishment:** “You be quiet or you’ll spend the rest of the night in your room.”
  
  **Logical consequence:** “You can settle down and eat your dinner, or you can leave the table until you’re ready to join us.” (This will also have a natural consequence of hunger for the child if she decides to leave the table).
• Punishment is imposed by the parent. Logical consequences allow the child to be involved in problem-solving and in deciding on consequences.

  **Punishment:** “You dented the car? You’re not going to drive it again. And you’re grounded for two months.”

  **Logical Consequence:** “You need to work out a plan with me for helping to get that dent fixed. Think about it, and let me know your ideas.”

*Adapted from* *STEP Systematic Training for Effective Parenting, Don Dinkmeyer & Gary McKay*

*Have class turn to page 10-5 of student workbook and read the following:*

**How to Be Sure You Are Using Consequences, NOT Punishment**

• **Communicate calmly and directly.** Take a Time-Out if you need to so that you can be sure to speak calmly. A loud voice, warnings, threats, blaming, or a hostile attitude will turn a consequence into punishment.

• **Encourage the child to make responsible decisions.** The purpose of consequences is to help the child to learn, not to force her to submit to you.

• **Be both firm and kind when communicating consequences.** Firmness means establishing a consequence and staying with it. Kindness means talking to your children respectfully and calmly without putting them down.

• **Give information and describe a solution.** The skills we learned in Session 9 can be the first steps of communicating consequences.
Practice Using Logical Consequences

Read the following to the class and ask them to think of consequences. Use the answers in parentheses if the class is unable to come up with a good answer. Tell class:

The following are some situations that happen with kids. Let’s think of some logical consequences. Then state how you could say them to your children.

1. Your three-year-old child draws all over the wall with crayons.
   What would you say?
   (Example: “It’s not OK to draw on the wall. Let’s get a rag and wash it”)

2. Your four- and five-year-old keep fighting over a toy after you have tried to get them to share it
   (Example: “You can share the toy, or we will need to put it away. You can decide.”)

3. Your eight-year-old is yelling at you and calling you names.
   (Example: “You can talk respectfully to me, or I’ll leave the room and we can talk when you’re calm.”)

4. Your 11-year-old throws a ball through the kitchen window, breaking it.
   (Example: You need to help me clean up the glass. Then we should work on a plan for you to help pay for a new window)

5. Your seven-year-old hits his four-year-old brother.
   (Example: “You need to separate from your brother, and then we need to talk about how you can use words instead of hitting.”)

Discuss briefly the following:

When your children are used to punishment they may not respond or will escalate their behavior with this new method of discipline. Be patient and continue using it. If you can stay calm and be consistent in following through with the consequence, over time you will find that this method is more effective and that you have a more positive relationship with your children.
Problem-Solving

Refer class to page 10-7 of student workbook. Tell class:

Problem-solving with your child is a way to deal with a recurring problem situation you and your child are having. Problem-solving with children helps them in a number of ways because they learn:

- The process of how to solve problems with another person
- How to negotiate with another person
- That their opinions and feelings are important
- That they can think of ideas to solve problems
- That they can take responsibility for finding solutions and following through with them

When children help to figure out a solution to a problem, they are much more likely to want to cooperate because they helped create the solution. They have a sense of pride and accomplishment when they are able to think of solutions and then act on them.

Problem-solving works best with school-aged children and teens, but even a pre-schooler can be involved with problem-solving if you keep it simple and short.

The process of problem-solving is a skill your kids will benefit from throughout their lives. The more you do it, the easier it will become.

Some important tips:

1. Don’t try to problem-solve when you or your child is still angry or upset.
2. If you or your child becomes upset or angry during problem-solving, take a time out and try it again when everyone is calm.
3. Listen to each other without interrupting.
4. In a family where there is domestic violence, problem solving between the children and both parents together is not likely to succeed and may not be safe. When one person has used violence, the other person may not have an equal voice in the problem-solving process. Each parent should problem-solve individually with the child.

Ask class to turn to page 10-8 of the student workbook and read over “Problem Solving with your Child, Ten Steps.”
**Problem Solving with your Child: Ten Steps**

First, plan a meeting with your child to problem solve a conflict. Make it a time that is quiet, without interruptions and when you are both calm. Do not do it in the middle of the conflict.

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Describe the problem</strong></td>
<td>Parent: “I feel frustrated in the morning when it’s time to go and shoes aren’t on and backpacks aren’t ready by 8:30. We need to be able to leave by 8:30 or we’re late for school and work. I feel pressured.”</td>
</tr>
<tr>
<td>Use “I” messages telling your feelings and needs. Don’t accuse, blame, or criticize. Stick to the situation and how it affects you. Be specific</td>
<td></td>
</tr>
</tbody>
</table>

| Step 2 | |
| Ask child for his/her feelings or thoughts about it. | Parent: “Can you tell me how it is for you?” |

| Step 3 | |
| Listen | Child: “I hate it when you rush me. And I don’t like it when you turn off the TV during my favorite show. We always have to leave just before it’s over and I miss the end.” |
| Listen quietly without interrupting, asking questions, commenting, or advising. Keep it to “Oh, mmm, I see.” | |

| Step 4 | |
| Reflect back what you hear from your child | Parent: “You really like that show.” |
| Summarize his/her feelings, wishes, wants etc. without advising, criticizing, or judging. | Child: “Yeah, Shining Time Station is my favorite.” |
| Parent: “You feel frustrated when you have to miss the end of it.” | Parent: “You feel frustrated when you have to miss the end of it.” |
| Child: “Yeah, I never get to see the end.” | |

| Step 5 | |
| Summarize the problem including both people’s needs/wishes | Parent: “It sounds like the problem is that you would like to be able to watch all of your favorite show, which ends at 8:30, and I need us to be ready to go out the door by 8:30.” |
| Again, avoid judging, criticizing, blaming. | |

When we show respect for a child’s feelings and wishes, they feel more willing to cooperate.
**STEP 6**

| Invite your child to problem-solve | Parent: "Let's see if we can think of any ideas for how to work this out. Let's just brainstorm ideas and I'll write them down." |

**STEP 7**

| Write down all ideas on paper |
| Don't discount any or make comments at this time. |
| Child: "You could drive J. to daycare after I go to school so we could leave a little later." |
| Parent: "Okay, I'll write that down. We could videotape your show and you could watch it after school." |
| Child: "I could get all ready with shoes on and backpack by the door before the show starts. Then I can be ready to go right out the door when the show ends." |

**Step 8**

| Read each idea and take turns commenting on them. |
| Parent: "I can't take J. to daycare last because then I'll be late for work. And that's not okay." |
| Child: "I don't want to videotape it. I want to watch it in the morning." |
| Parent: "I like your idea of being ready before the show." |
| Child: "Okay" |

**Step 9**

| Make a plan together for how the solution will work. |
| Include details and what each person needs to do. |
| Parent: "Let's talk about how that would work. What do you need to do to be ready before the show?" |

**STEP 10**

| Write the Plan on paper and put it on a wall or someplace visible each day. |
| Child makes a "morning map" with all of the things he/she needs to do each morning before TV goes on. |

*If the "Plan" starts to fail, meet again to problem-solve. You may want to include consequences for not following through on your part of the plan. Example: no TV until completely ready for school.*
Go over problem-solving steps with the class. Break into groups of 2 or 3 and ask parents to think of a problem situation they have with one of their kids. Have each small group pick one problem to role-play the problem-solving steps. One person plays parent and one plays child. If there is a third person, that person is the observer.

*Bring the class together and share how it went. Ask:*
  
  - Was it comfortable?
  - What was difficult about it?
  - Did it seem realistic?
  - Do you think it would work with your children? Why? Why not?

*Explain to class:*

Sometimes problem-solving works and sometimes it really doesn’t. If it doesn’t, you can try again later with another situation.

**HOMEWORK:**

Practice problem-solving with one of your children this week.
SESSION 11: Understanding Children’s Development

OBJECTIVES:

To help parents:

1. Understand children’s development
2. Have age-appropriate expectations for their children
3. Apply parenting skills that fit their children’s developmental level

LESSON PLAN:

- Homework review
- How children develop their sense of self
- Helping children develop self-esteem and self-competence
- Developmental norms and expectations

Homework Review:

*Ask for two or three volunteers to share their homework on problem-solving.*

How Children Develop Their Sense of Self

*Tell class:*

Psychologists, sociologists and others who study human behavior have proposed many different theories of how children develop their sense of self. All parents know about child development from raising kids; however, often we are too busy just getting through our lives to take the time to think about it.

As we try to help our children recover from the effects of domestic violence, it’s important to think about how kids develop their idea of who they are.

*Ask class:*

What are some of the factors that influence a child’s sense of who he or she is?

*Have class turn to page 11-2 in their workbooks.*
Generate a list on the board, including:

- Heredity: What they inherit from their family
- Environment: What they experience, what they learn, how people treat them

We can't control what our children inherit from us, but we can control some of the things they experience.

Most people who study child development agree that children develop their sense of themselves from:

- What they see and hear from the important people around them
- What they learn from their parents, families, teachers, friends and community
- What they learn from other sources, including TV, movies, advertising, etc.

Tell class:

I am going to talk very briefly about what some researchers who have studied child development have found:

Secure Attachment Relationships

A child's early relationship with his parents (attachment) establishes his ability to form relationships with other people throughout his life, including friends, family members, spouses, and his own children.

A child's relationship with her parents begins at birth. This needs to happen for practical reasons. An infant needs to engage their parent for their own survival, for their protection, and their ability to explore their environment.

A child who has a secure, reliable relationship with her parent is comfortable in exploring her environment, and responding flexibly to changes in the environment. This child can be relatively easily comforted by her parent.

"Secure" attachment develops from

- Trust
- Consistency in responding to the child
- Encouragement
- Nurturing
- Activities that your child can enjoy and succeed at
- Opportunity to have a relationship with the same adult(s)

Ask class:

What are some ways we can help our children to develop trust?
Have class turn to page 11-3 in the student workbook and fill in the list as you discuss it.

Examples:

- Provide a predictable, safe environment
- Be consistent
- Respond to the child’s signals of need; for example, determine what they need when they cry or fuss, and respond by feeding them, changing them or comforting them
- Develop regular routines that the child can participate in
- Encourage them
- Give children freedom to explore
- Nurture them
- Show affection by hugging, cuddling
- Show your child positive attention, by talking, playing, exploring with them
- Comfort your child when he or she is fussy
- Provide activities that your child can enjoy and succeed at

Learning from Important Role Models

As most parents probably notice, children imitate the behaviors of their parents, and of other people who are important to them. Children are more likely to imitate the behaviors of people they view as like them. For example, boys are more likely to imitate their fathers, and girls are more likely to imitate their mothers.

Children learn the behaviors they observe, and are more likely to imitate these behaviors when they are rewarded for it. Imitation starts at an early age. Researchers (and parents) found that children can imitate behaviors beginning at age 12 to 21 days (for example, sticking out their tongues). Infants can imitate adults sounds by 12 weeks old.

What behaviors do we want our children to learn and imitate?

Ask class to turn to page 11-4 in workbook.

Examples:

- Skills for self-sufficiency
- Constructive, nonviolent problem-solving
- A healthy way of living
- The ability to make sound decisions
- The ability to tell others what they need in a respectful way
• The ability to respect other peoples’ needs
Ask class:

How can we teach our children these behaviors?
- Model positive behavior for them
- Let them spend time with others who can model these behaviors

What behaviors do we NOT want our children to learn and imitate?
- Violence towards others
- Other criminal behavior
- Self-destructive behavior, such as alcoholism, drug abuse
- Disrespect for other people
- Disrespect for themselves

Developing Self-Esteem/Self-Competence

Self-esteem is our sense of self-worth. It is our perception of how capable and valuable we are.

Children who feel that they are able to have some control over their feelings and experiences tend to develop more self-esteem than children who feel that their whole lives are controlled by factors outside of themselves.

The way that parents teach and instruct their children is closely related to how children develop their sense of control of their lives.

A child develops the sense that she can control her feelings and experiences when she is able to make decisions and solve problems for herself with support from her parents.

A child develops the sense that his feelings and experiences are controlled by factors outside of himself when his parents do not allow him to solve problems for himself.

Ask class to turn to page 11-5 in workbook.
Ask class:
Where do we get our sense of self-esteem?

Examples:
- Our parents
- Family members
- Friends
- Teachers
- Performance in school
- Spouses
- Coworkers
- Performance at work
- Neighbors, etc.

Ask class:
How does violence in a family affect the self-esteem of family members?
- Of the person who is violent?
- Of the person who is battered?
- Of the children?

Ask class:
What are some ways that we can help our kids develop self-esteem?

Examples:
- Encourage them
- Set up activities for them where they can feel successful
- Give them opportunities to solve problems independently
- Show affection to them
- Listen to them

Self-competence is a product of how we make judgments about our own abilities. It affects how we think, how we perform a task, what we choose to do, and how successful we will be at a particular task.
Children develop a strong sense of self-competence when

- They are able to experience repeated success at tasks
- They get approval from other people who are important to them
- They are able to watch other people perform tasks successfully.
- They are encouraged to perform tasks independently.
Children develop a poor sense of self-competence when

- They don’t get encouragement or praise for mastering tasks
- They lack positive role models
- They don’t have the opportunity to master tasks (e.g. the parent takes over the task from the child instead of letting the child work it through)

Children internalize the way their parents and teachers talk to them and make those messages part of the way they talk to themselves.

For example, a boy is trying to put together a puzzle and his father says,

“That’s it! Keep going. That puzzle is pretty hard, but I know you can do it.” If his father encourages him to work through difficult tasks on a regular basis, that boy may learn to talk himself through difficult tasks in the same way.

A girl is trying to braid her own hair and her mother says, “I’ve shown you a hundred times. You just can’t do things right. Get out of the way, let me do it!” If her mother interrupts her efforts with a put-down, and takes over the task, that girl may talk to herself the same way, and become easily discouraged when performing a difficult task.

Let’s look at some ways that we can help our children develop self-esteem.

*Refer class to page 11-7 in workbook: “Ways to Help Children Develop Self-Esteem.”*
Ways to Help Children Develop Self-Esteem

1. **Encourage your children:** Notice your children’s positive qualities and let them know that you appreciate these.

2. **Set clear limits:** Set limits that are reasonable and appropriate to your children’s ages, to help them feel valued and secure.

3. **Listen carefully:** Pay attention to what your children say, and let them know you hear what they are saying.

4. **Be affectionate:** Hug, kiss, pat, and smile at your children. Tell them you care for them.

5. **Allow them to solve problems:** Encourage your children to solve problems and make some decisions for themselves.

6. **Communicate respectfully:** Share your feelings, expectations and needs with your children in a way that is respectful.

7. **Promote independence:** Allow your children to play independently in a safe environment.

8. **Spend time with your kids:** Reading together, talking and listening, or playing together helps children feel cared for.

9. **Arrange for new activities in which your child can succeed:** Set up new activities for your children that they enjoy, like playing sports on a team, taking music lessons, etc., so that your children learn new skills and gain confidence in themselves.

10. **Be a positive, non-violent role model for your children:** Maintaining safe, reliable interaction with your children and their other parent can help them develop self-esteem.

11. **Let your children know they are capable:** Allow your children to have responsibilities and let them know you have confidence in them.

12. **Let your children know they are worthy of love just for who they are, not related to their behavior:** Tell them you like them, enjoy them, appreciate them, etc., without relating it to their behavior.

Tell class that we will be talking more about ways to encourage our children next week.
Developmental Norms and Expectations for Kids

As we learn and apply respectful parenting skills, it helps to understand developmental norms for kids. Developmental norms are standards that are regarded as typical for a particular age group. Researchers have observed that children develop in a very clear and predictable pattern. We can think of this pattern in terms of physical, social/emotional, and thinking ability.

While every child develops a little differently, there are some general guidelines for what we can expect our kids to be able to do at different ages. If these are already familiar to you, start thinking about how your child’s developmental level will determine which parenting skills will work best.

Sometimes we expect our kids to do something, like sit still for three hours, or take care of a little brother or sister, or remember to do their chores, and our kids just can’t do it. Then we may get frustrated and punish them. But a normal two-year-old is incapable of sitting still for three hours. A five-year-old can’t take care of her baby brother. And an eight-year-old may have trouble remembering to do chores if we don’t remind him. If we understand that children don’t have the capacity to do certain things, it helps us to be more respectful parents.

There is a great deal of information available about child development, and we are just going to review a little bit of it. If you are interested in learning more, your instructor can suggest some books to read.

Understanding what is “normal” for children of different ages is very important in terms of deciding what kind of parenting skills to apply. Sometimes our children “misbehave” simply because they aren’t developmentally ready to do what we expect them to do. Other times, they misbehave because they aren’t paying attention to us, or they are distracted or upset, or they want to get our attention, etc.

When our children don’t do what we ask them or expect them to do, it is helpful to ask ourselves, “Is a child of this age ready/able to do the task I’m asking my child to do?”

Tell class:

When children experience any kind of major stress, anxiety or trauma, they often regress; that is, they begin to act much younger than they are. For example, a six-year-old who is normally very good at expressing himself may suddenly have a tantrum and start screaming “NO” like a two-year-old when he is very distressed.

For children who have witnessed domestic violence, regression is very common. Keep this in mind when you are trying to understand why your child is not acting the way you expect him to act.

Now, let’s look at some problem behaviors that many parents encounter with their kids.
To instructor: Have class turn to page 11-8 in student workbook. Go over the examples listed below. Then ask the class for a couple of examples. The purpose of this exercise is to help parents develop age-appropriate expectations for their children.

<table>
<thead>
<tr>
<th>Child's Age</th>
<th>Behavior</th>
<th>Child's Ability</th>
<th>Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 years</td>
<td>Spilling milk while drinking it</td>
<td>Limited physical coordination and awareness</td>
<td>Serve milk in a cup with a cover</td>
</tr>
<tr>
<td>5 years</td>
<td>Begins to clean room and doesn't finish</td>
<td>Limited ability to stay on task without adult supervision</td>
<td>(1) Simplify chore to a few tasks, or (2) stay in room and to guide child</td>
</tr>
<tr>
<td>14 years</td>
<td>Coming home later than agreed on</td>
<td>Priority is to spend time with friends, develop independence</td>
<td>Talk with child to clarify rules and problem-solve together</td>
</tr>
</tbody>
</table>
When to get counseling for your child

In Session 2 we discussed the effects of domestic violence on children. If you notice any of these reactions over a long period of time, or if they are extreme, it may be necessary to seek counseling.

Behaviors that indicate counseling:

- Withdraws
- Bullies, threatens or intimidates others
- Initiates physical fights
- Has used a weapon
- Has been physically cruel to people
- Has been physically cruel to animals
- Has stolen while confronting a victim
- Has forced someone into sexual activity
- Has set fires
- Has deliberately destroyed others’ property
- Has broken into someone else’s house
- Has run away from home at least twice
- Intentionally hurts her/himself
- Has frequent nightmares for prolonged period
- Shows sudden change in behavior/personality
- Changes eating/sleeping patterns
- Shows lack of interest in friends/school/etc.
- Grades change at school

HOMEWORK:

*Have class continue the exercise on page 11-8 of the student workbook at home, adding situations with their own children.*
SESSION 12: Strengthening Relationships With Our Children

OBJECTIVES:

1. To help parents support their children’s sense of competence and self-worth through encouragement
2. To help parents strengthen their relationships with their children
3. To summarize and review class materials

LESSON PLAN:

- Homework review
- Ways to encourage our children
- Building a positive relationship with our children
- Summary
- Plan for the future

HOMEWORK REVIEW:

Review situations where parents describe problem behaviors in the context of age-appropriate expectations.

Ways to Encourage Our Children

Tell Class:

Last week we talked about ways to help our children develop self-esteem and to strengthen their feelings of competence and self-worth. Encouragement was one of the ways we discussed to help children develop self-esteem.

Today, we are going to talk in more detail about ways to encourage our kids. Many of you are probably already doing this, but it’s nice for kids to be encouraged in many different ways. Let’s start by talking about what encouragement is.

Write on board:

Encouragement: Recognizing our children’s positive behavior and special qualities, and letting them know we appreciate these.

There are two kinds of encouragement:

- Encouragement for behavior
- Encouragement of the person.
Encouragement for behavior:
Here are some ways to encourage your child's behavior. You can do one or several of these at a time.

- **Notice your child's effort**
  Talk about your child's effort, the time she spent, the energy she put into doing something, or her ability to stay focused on the activity. For example, "You played quietly with your Legos for quite a while!" or "It looks like you put a lot of effort into organizing your toys!

  When you are encouraging behavior, you are not judging whether your child built a stable structure with his Legos, or organized her toys in a way that looks good to you. You are simply encouraging your child's effort.

- **Describe what you see without making a judgment**
  Avoid words like "Good, the best, excellent."

  Describe what you see: "I see that you made your bed!" or "I see that you're sharing with your brother."

- **Help your children to recognize and express their own feelings of accomplishment.**
  When you think your child really feels pleased or proud of an activity, you can acknowledge that feeling. For example, "You must feel great about getting on the swim team!" or "I bet you're really proud of that report card!"

  This helps children to feel good about themselves, and make positive evaluations of their achievements. Don't assume that your child will always feel proud of the same things you're proud of.

- **Talk about the specific behavior you are encouraging in your child.**
  Avoid global expressions like, "You were so good in the store." Instead say, "I really like the way you walked next to me in the store, and helped me pick out groceries!" or rather than saying, "You were nice to your brother today," be specific: "You shared your Playdough with your brother. I think he really liked that."

- **Recognize your child's efforts and improvements in behavior.**
  Examples: "You tried hard on that math problem before you asked for my help." or "I notice you tried to pick up all the clothes from under your bed this time."

- **Separate the children's worth from their work.**
  Example: Your five-year-old picks up all her toys. Instead of saying "You're such a good girl," talk about the specific behavior: "You picked up all your toys!"

- **Avoid comparing one child to another.**

- **Offer encouragement with honest feelings. Don't say it if you don't mean it.**
Encouragement of the Person

This kind of encouragement is given spontaneously. It is not based on whether our children are behaving well, or doing what we want. It is just pure appreciation for who they are. We should try to do this at least one time every day.

Ask class:

What are examples of encouraging or appreciating your children for who they are rather than what they do?

Examples:

- I like you.
- You’re fun to be with.
- I’d like to spend some time with you.
- I enjoy being with you.
- I missed you today.
- It’s good to see you.
- I like your smile.

You can also express appreciation for your children non-verbally by hugging them, smiling at them, touching them gently, and holding hands with them.

Ask class:

What gets in the way of encouraging our children?

Some examples:

- Expecting too much from them
- Promoting competition between siblings
- Focusing on their failures rather than their successes
- Feeling tired, stressed-out
- Worrying about our own and our children’s safety
Building a Positive Relationship with Our Children

Tell Class:

In our busy lives it is hard to find time to do special things with our kids. We often get caught up in just taking care of their needs and focusing on problem behaviors, and don’t find time to really appreciate them as people.

Relationship building means spending time with your child when there is no “need” to. This time is for enjoying each other’s company. Some parents find that their child’s problem behaviors decrease when they spend more “fun” time with the child. A lot of children misbehave simply because they want positive attention from their parents, and they want to know that they are important.

Here are some suggestions for relationship building:

- Schedule one-on-one time, or “special time”, alone with each of your children. This is a time for you and the child to do something you enjoy together, without the other parent, or brothers or sisters, or any other family members. It may be just talking, or playing together, or going for a walk, etc.

- Special time should not be used for a reward, or withdrawn to discipline the child. If your child acts out during your special time together, you can use the separation technique discussed earlier, for example, “I can’t be with you when you’re yelling. We’ll have our time together later.”

- Arrange special time even if you have visitation with your child and only see him once or twice a week. Put some time aside from your normal activities together, and really talk to and listen to your child.

- Be consistent and follow through with special time. Children really look forward to it, and will be disappointed if you cancel.
Summary

We have talked about lots of different things during this class. Before we finish, we hope that each participant will be able to identify a few things he or she can take with them, and use with their children.

Ask class to turn to page 12-6 in their workbook.

To start our review, let’s look at the emotional needs of children who have experienced DV. Not every child will have all of these needs. So as we go through, think about each of your children, and which of these needs you think applies to them. Then we’ll make a plan for addressing their needs.

Go over the list of emotional needs of children who have DV in their families, and ask class to think of ways they can help their children with these needs. Write ideas on board, including the examples provided. Have participants write ideas in their workbooks that are appropriate for their children.
Emotional Needs of Children Who Have DV in Their Families

1. Dealing with fear

Feeling fear of those they love, in their home, where they should feel most safe

Child needs to:

- Be able to talk to someone they trust about their feelings
- Learn ways to keep themselves safe and to know they have a plan for what to do when there is violence
- Have a feeling of control in the situation ("I will go over to my neighbors when it happens")

Plan:

- To talk to my child about the violence
- To listen to her feelings
- To let her know that it’s OK to talk about the violence, and to ask questions
- To develop a safety plan with her or to work on being nonviolent

2. Dealing with anger

Feeling angry at the abusive person, or at the survivor for not leaving the situation

Child needs to:

- Know that it is normal and okay to feel angry about this
- Be able to talk about the feelings with someone they trust
- Express their anger in non-destructive ways

Plan:

- To acknowledge my child’s anger and her right to feel angry
- To use my parenting skills to teach her to express anger by talking about it, not by hitting, kicking, yelling, etc
- To model appropriate expression of anger by using respectful communication, and by avoiding any kind of violent, threatening, or abusive behavior
3. Dealing with mixture of anger and love
   - Feeling torn between feelings of anger and love toward the abusive person. Feeling guilty for both feelings.

Child needs to:
   - Learn that it's okay to feel both anger and love toward someone.
   - Know it is okay to love their parent even when they hate the behavior they see.
   - Know they are not bad if they love the abusive parent.

Plan:
   - To help your child understand that it is normal to have both positive and negative feelings for someone they love.

4. Confusion about being able to love both parents
   - Feeling they need to choose one parent over the other, or the need to take sides. Thinking, “If I love Mom, I can’t love Dad” and vice versa.

Child needs to:
   - To know that it is okay to love both parents at the same time.

Plan:
   - To accept that your child loves the other parent, even if you no longer do.
   - To let your child know that it’s OK with you that he loves his other parent.
   - To support your child when he interacts with his other parent, so that he doesn’t feel caught in the middle.
   - To encourage your child to talk freely about his feelings for and activities with the other parent, if he wants to.

5. Dealing with loss
   - Loss of a healthy, safe family; loss of one parent if they leave, or the constant threat of this; loss of comfort in the home.

Child needs to:
   - Talk about feelings with someone they trust.
   - Develop a support system of extended family or friends outside the home.
Plan:

- To help your child to identify another person; for example, a grandparent, aunt or uncle, teacher, counselor, etc., who they can talk to about their feelings
- To encourage/arrange for your child spend time with supportive family members and friends
- To speak honestly and thoughtfully about changes in your life that might effect them (i.e. moves, separation, etc.)

6. Feelings of Guilt and Responsibility

Fears of having caused the violence, or not stopping it in some way. Feeling that they have to prevent the violence, take care of Mom, and take care of the family.

Child needs to:

- Understand that the violence is not their fault, and that it is an adult problem for the adults to work out

Plan:

- To talk honestly to your child about the violence, and to reassure her that she is not to blame
- To make sure she doesn’t take responsibility for housework, chores, child care, etc., that are her parents’ responsibility
- To take whatever steps possible to ensure that violence does not take place again

7. Feeling life is unpredictable and never knowing when a crisis will erupt

Feeling vulnerable on a daily basis, with no power or control about what will happen.

Child needs to:

- Find areas in their lives where they can have control and make plans and decisions
- Create a safety plan with someone they trust
- Create some structure and stability wherever possible (creating daily routines that provide a sense of control)

Plan:

- To help your child plan a predictable daily routine to help him have a sense of control
- To maintain some consistency in his meals, bed-time, clothing, or a favorite toy, even when you are in transition
• Whenever possible, to let them know when there is a change in plan, and the reason for that change

• To encourage your child to make his own decisions whenever it's appropriate, and to give him positive feedback for decision-making
Helping Kids Who Witness DV: Review

1. How do you think your kids have been affected by domestic violence?

2. What are some ways you are helping or will help them to recover from these effects?

3a. What are some of your strengths as a parent?

3b. What are some ways you can build on these strengths (for example: get counseling, find ways to speak respectfully about your child’s other parent, work on relationship-building with my child, etc.)

4. List one problem behavior for each of your children. Next to it, list one parenting skill you can use to deal with that behavior

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<tr>
<th>Behavior</th>
<th>Skill</th>
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5. What are the three most helpful things you learned in this class?

1. 

2. 

3. 
SVN Standards and Guidelines
For Supervised Visitation Practice

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Adopted April 9, 1993 - Edited May, 2000

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MISSION STATEMENT
of the
SUPERVISED VISITATION NETWORK
As Adopted by the Membership April 14, 2000

The mission of the Supervised Visitation Network is to facilitate opportunities for children to have safe and conflict-free access to both parents through a continuum of child access services delivered by competent providers.

PURPOSES
As Adopted by the Membership April 14, 2000

1. To provide forums for networking and sharing of information between supervised child access providers and other professionals involved in providing support to children and parents who are not living together.
2. Maintain a clearing center that will collect and make available to service providers and the general public information and research relevant to safe child access.
3. Gather and disseminate training and program materials for child access service providers.
4. Develop and disseminate standards for practice of child access services.
5. Provide public education regarding the importance of children having safe, conflict-free contact with both parents and other family members and the role of child access programs in the continuum of services for divorced and separated families and for children in out-of-home placement.
6. Maintain a directory of supervised child access providers that is available to SVN members, other professionals, families, and the general public.
7. Educate public and private decision-makers regarding the importance of funding for child access services and provide assistance to local courts and/or service providers in accessing funds to provide affordable services to children and their families.
8. Provide any other services and information as may be appropriate.

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STANDARDS AND GUIDELINES FOR SUPERVISED VISITATION PRACTICE

1 INTRODUCTION
1.1 The Supervised Visitation Network
1.2 Purpose of the Guidelines
1.3 Development of the Guidelines
1.4 Guiding Principles
1.5 Applicability

1. The Supervised Visitation Network (SVN) formed in May 1992 is a non-profit corporation designed to serve the public good by:

- establishing a network for those committed to supervised visitation services;
- acting as a clearinghouse for information in relation to supervised visitation services;
- developing and maintaining guidelines for supervised visitation practice;
- advising on funding criteria;
- urging funding for the establishment of supervised visitation services;
- providing training and other resources that will improve the quality of services for children and families;
- encouraging the development of new programs to serve more families in more areas

1.2 The Purpose of the Guidelines
SVN resolved at the annual conference in Chicago in 1994 to dedicate time and effort
to the task of standard formulation. The Guidelines focus on quality assurance. The primary intent was to establish basic Guidelines for SVN members. However, the Guidelines may also serve as a resource for the development of future programs as well as for the establishment of accreditation, licensing and funding standards

1.3 Development of the Guidelines
The development of the original draft was undertaken by the co-chairs of the SVN Standards and Guidelines Committee: Glynne Gervais and Heidi Levenback with the assistance of Rob Strauss, past President of SVN. Committee members submitted policy guidelines used in their programs. Their responses provided both the content and a preliminary organizational schema of the Guidelines.

The "Draft Standards for Children's Access Services", Australian and New Zealand Association of Children's Access Services (September 1994) were reviewed and elements have been integrated.

The current Standards and Guidelines contain feedback from the general membership. They were then reviewed and revised by the Standards and Guidelines Committee, chaired by Nadine Blaschak-Brown. The general membership voted on them in May 1996 at the annual conference in Austin, Texas.

This edition has been revised to contain changes in SVN by-laws and other policies and procedures, although the basic Guidelines have not been changed. The current Standards and Guidelines will be considering changes that will probably be made during the next year. SVN members are invited to submit to the Committee their suggestions.

1.4 Guiding Principles

a Quality and Flexibility
The Guidelines are intended to promote good practice without stifling the development of new service models. Therefore, the Guidelines allow for innovations and it is anticipated that the Guidelines will be revised in response.

b Safety and Welfare
The position taken in these Guidelines is that the safety of children, adults and Visit Supervisors is a precondition of providing services. Once safety is assured, the welfare of the child is the paramount consideration at all stages and particularly in deciding the manner in which supervision is provided.

1.5 Applicability
These Guidelines apply to individuals and organizations who are SVN members. Any SVN member should agree to accept and follow these Guidelines in providing supervised visitation services.

The Guidelines are also intended as an advisory resource to providers of supervised visitation services who are not SVN members.

In the event of conflict between these Guidelines and any federal, state, or local requirements, the Provider may apply to the Board or designated committees of the Board for consultation and/or waiver of applicability.

(Ed. Note: It is recognized that since the development of these Guidelines there has been an increase in other services provided in conjunction with supervised visitation such as parent education, mediation, etc. Many of these things are being addressed by the Committee in making revisions. However, these Guidelines still provide good basic rules for the operation of supervised visitation and exchange services regardless of whatever other services are added.)

2 TERMINOLOGY
2.1 Authorized Person
2.2 Child
2.3 Custodial Parent
2.4 Exchange Monitoring (also known as Supervision of Transfers)

2.5 Family Violence, Partner Abuse
2.6 Intern (also known as Trainee)
2.7 Non-custodial Parent (also known as Visiting Parent)
2.8 On-site Supervision
2.9 Off-site Supervision
2.10 Provider
2.11 Supervised Visitation (also known as Monitored Visitation, Child Access, Supervised Access)
2.12 Visit Supervisor (also known as Child Access Monitor, Observer)
2.13 Therapeutic Supervision

2.1 Authorized Person is a person who has been authorized to be present in addition to the visiting parent during supervised contacts

2.2 Child means a minor, age birth to majority. More than one child may be involved in Supervised Visitation

2.3 Custodial Parent may refer to a biological parent, adoptive parent, legal guardian, state agency and its representatives who has temporary or permanent legal custody of a child

2.4 Exchange Monitoring (Supervision of Transfers) is supervision of movement of the child from the Custodial to the Non-custodial parent at the start of the Non-custodial parent/child contact and from the Non-custodial parent back to the Custodial parent at the end of the contact. Exchange monitoring may be limited to those exchanges with the remainder of the Non-custodial parent/child contact occurring unsupervised. Exchanges may be monitored On or Off-site

2.5 Family violence is any form of physical, sexual, or other abuse inflicted on any person in a household by a family or household member. Family violence includes abuse of both adults and children

2.6 Partner Abuse is the particular form of family violence involving abuse by one adult of another with whom he/she has a relationship. 2.6 "Intern" or "Trainee" refers to a person training to become a Visit Supervisor working under the supervision of a staff member responsible for his/her work

2.7 Non-custodial Parent or Visiting Parent may refer to a biological parent or other adult, who is authorized to have contact with child

2.8 On-site Supervision refers to supervision of a Non-custodial parent and child (ren), on a site under control of the Provider and Supervisor. On-site Supervision may include a range of closeness of supervision from continuous, close monitoring to periods of time during which the Non-custodial parent and child are intermittently monitored by video or audio and/or are accompanied away from the site. On-site supervision may occur in a group setting or on an individual basis

2.9 Off-site Supervision is supervision of contact between the "Non-custodial parent" and child(ren) which occurs away from a site which is under the control of the Provider and Visit Supervisor. Off-site supervision may occur in a group setting or on an individual basis

2.10 Provider is an independent individual or organization providing supervised visitation services

2.11 Supervised Visitation; means contact between a Non-custodial parent and one or more children in the presence of a third person responsible for observing and ensuring the safety of those involved. Monitored Visitation and/or Supervised Child Access are other terms with the same meaning
2.12 **Visit Supervisor** (Child Access Monitor, Observer) is the person responsible for observing the contact and ensuring the safety of the child(ren) during the visit and the transition between the parents.

2.13 **Therapeutic Supervision** is the provision of supervision of contacts between the child and parent, as well as therapeutic intervention and modeling to help improve the parent-child interactions. This service may be offered only by a certified or licensed mental health professional as required by individual states or jurisdictions. Because this service is provided by trained, therapeutic professionals, evaluations and recommendations for further parent-child contact can be made.

3 **STRUCTURE OF SERVICES**
3.1 Providers
3.2 Advisory Board
3.3 Conflict of Interest
3.4 Insurance

3.1 Providers
Supervised Visitation services can be provided by a qualified (refer to sections 10 and 11) independent, by a free-standing agency, or by a sub-division or program of a larger agency. An independent Provider is responsible for compliance with these Guidelines. In an agency, the governing board (or the partners in the case of a partnership) is responsible for compliance with the Guidelines.

3.2 Advisory Board
Regardless of whether supervised visitation services are provided by an independent individual or an agency, the Provider should establish and report to an Advisory Board. In the case of an agency, this may be the governing board or a separate body composed of individuals with knowledge of supervised visitation issues. It is likely that a Provider of supervised visitation services will benefit from input and support from such a group. In addition, it is crucial that Providers remain focused on their role and critical of quality of service.

3.3 Conflict of Interest
Supervised visitation services may be provided by or may be operated by agencies which have other functions. However, the mission of such agencies should be compatible with supervised visitation. When supervised visitation services are provided by an agency, whose primary mission is not Supervised Visitation, the agency should be responsible for ensuring that staff or persons providing supervised visitation are trained and qualified according to these Guidelines and should encourage the provision of services in conformity with these Guidelines.

3.4 Insurance
All Providers of Supervised Visitation services must provide adequate general and liability insurance for staff and families utilizing the services.

4 **ADMINISTRATIVE FUNCTIONS**
4.1 Financial Records
4.2 Files
4.3 Statistics

4.1 Financial Records
A Provider should maintain appropriate financial records. Agency providers should follow generally accepted accounting principles.

4.2 Files
A provider should keep records including client identifying information and a record of each contact.

4.3 Statistics

Statistics should be kept, for evaluation monitoring and to account to funders as per the statistical requirements of the individual funders. Statistical reports must not compromise client confidentiality.

5. OPERATIONS - Preliminary Issues, Structure Of Services

5.1. Resources and Functions

The Provider's budget, the competence, and the training and experience of the program staff, will largely determine the type of Supervised Visitation the Provider can offer and the number of clients who can be assisted. Providers should not over extend themselves, but should ensure that the service they provide is of high quality. Providers should identify the type of assistance which is most urgently needed in order to target available resources to the area of greatest need.

5.2. Services

Providers should offer only those services for which their staff is adequately trained (Refer to section 10). Services provided by a Supervised Visitation Program may include:

- On-site supervision
- Off-site supervision
- Exchange monitoring
- Therapeutic supervision
- Telephone monitoring
- Transportation to and from visits
- Recording observations of visits
- Reports (factual)
- Referrals to other services

5.3. Evaluations

Under these Guidelines, Providers should not perform evaluations or make recommendations. The rationale is that in order to preserve the objectivity of the visitation setting, the function of supervising parent-child contacts and the function of evaluating those contacts should be performed by different people. This is particularly so where Supervised Visitation continues over an extended period. If a Provider does perform evaluations, the Provider should make statements of opinion about a family member or the contact between a child and adult ONLY IF:

- the referring court or other referring agency or person has specifically requested that the Provider conduct an evaluation AND;
- the Provider is specially trained to provide an evaluation of the type requested AND;
- the Provider informs both parents that the evaluation is occurring; AND
- the Provider follows procedures generally accepted as adequate for an evaluation

This should not prevent a Provider from declining to provide service to a family or from terminating service to a family based on an assessment of risk or a determination that the conditions of service required by the referring agency are inappropriate.

(Ed. Note: There has been some confusion about the above. The second paragraph should not be construed to negate the first. The intent is that supervision and evaluation be kept as two separate functions. If an agency is requested to perform both functions, then the evaluation should not be performed)
5.4 Case load size for staff should take into account time required for intake, supervision of visits, report writing, testifying, training, and staff supervision.

5.5 Premises

a. For on-site supervised visitation, services shall be provided in a building accessible by public transportation and to the handicapped.
b. Premises should be suitable for the age of the children, the degree of supervision required.
c. Waiting areas should be located so that a waiting parent cannot be seen by a parent entering the facility and so that a waiting parent cannot hear or see a visit in progress.
d. Premises must be safe and secure.

5.6 Hours of operation

a. Hours of operation will depend on the resources of the service, the age range of the children, and the type of cases the service accepts.
b. Providers should also be accessible to the public in terms of hours of operation.
   Hours for providing supervised visitation services should, if possible, include
   evening and weekend hours.
c. Even though services may be provided evenings and weekends, a Provider
   should be available by telephone at other times.

6 SECURITY

6.1 General Policy
6.2 Declining Unsafe Cases
6.3 Reasonable Security
6.4 Security Arrangements
6.5 Additional Administrative Security Procedures
6.6 Clinical Assessment and Client Relationship
6.7 Security for Individual Providers
6.8 Security in Off-site Supervision
6.9 Identity of Volunteers and Interns
6.10 Emergency Procedures

6.1 General Policy
A Provider must have security arrangements set down in writing, which seek to
provide protection of all participants in a program. Security procedures shall be applied
equally for all clients, staff and volunteers.

6.2 Declining unsafe cases
Resources and security needs affect decisions about the type of cases a Provider
accepts. A Provider should refuse to accept any case if the Provider cannot reasonably
ensure the safety of the children and adults. Specifically, where there is risk of
parental abduction or violence, a Provider should not provide services if a family
appears too volatile, if the staff is not adequately trained to manage the situation, or if
the facilities are not adequately secure. Providers should provide the court with a clear
set of criteria regarding appropriate referrals.

6.3 Reasonable security
A Provider’s responsibility extends to taking reasonable precautions and providing the
security measures outlined in these Guidelines. A Provider cannot, however,
absolutely guarantee the safety for all clients, and the adults involved remain
responsible for their own actions.
6.4 Security Arrangements may include, but not be limited to:
   a Layout of premises which permits Custodial and Visiting parents and other adults to be kept physically and visually separated;
   b Procedures for arrival and departure of clients so that contact between them does not occur without the explicit agreement of the parties and the Provider [See Appendix A]
   c Presence of security personnel; and/or
   d Use of a metal detector, if available to the individual Provider;
   e Relationship with Local Police Department

Provider should inform the local Police Department of the existence of its service to facilitate rapid response in case assistance is needed. If applicable to the community, a Provider should seek to establish a written protocol with the Police which describes what assistance and response the provider can expect from the Police, including the priority Police will accord to requests for assistance from the supervised visitation program while the service is operating.

6.5 Additional Administrative Security Procedures.
   a Periodic review and evaluation of security arrangements, policies and procedures
   b Staff orientation and ongoing in-service training
   c Intake and case review process

6.6 Clinical Screening and Client Relationship
The specific security procedures and equipment should not be a substitute for careful clinical screening of the security risk in each family or for maintaining a relationship with clients which will reduce risk. Providers must maintain policy/procedures to assess risk.

6.7 Security for Independent Providers
Independent Providers of supervised visitation services shall either provide security measures described in Sections 6.1 to 6.6 or should not accept referrals of cases where there is a high risk of violence, specifically including situations where there is a risk of parental abduction or a risk of violence between the parents.

6.8 Security in Off-site Supervision
Since metal detectors, security personnel, and the protection of a secure facility are not available in off-site supervision, Providers must be very careful about the risks involved in providing services.

6.9 Identity of Volunteers and Interns
A provider may decide not to reveal to clients the full name of volunteers and student interns providing supervision services. Clients will be introduced to volunteers and interns on a first name basis. This security measure shall not prevent a Provider from complying with an order of a court to name a volunteer or student intern or to have that person appear as a witness in a court proceeding.

6.10 Emergency Procedures
A program should have written protocols for how to handle emergency situations including, but not limited to:
   a Critical incidents such as violent or dangerous behavior on the part of an adult or child.
   b Evacuation procedures in the case of a fire or other emergency
   c Medical emergencies

7 SUPERVISOR TO CHILD RATIO
Supervision can be of one visiting parent and his/her child(ren) or of several families at
a time in a group setting. The ratio of supervisors to children will depend on:

- the nature of the supervision required in each case;
- the number of children and/or families being supervised;
- the duration and location of the visit;
- the expertise and experience of the supervisor

The ratio of supervisors to children should be tailored to each case. In cases requiring intensive supervision of more than one child, it may be appropriate to consider more than one supervisor.

8 RESPONSIBILITY FOR THE CHILD
8.1 Parental Responsibility
8.2 Provider Responsibility

8.1 Parental Responsibility
a Responsibility for the care of the child and the child’s belongings, subject to any contrary order of the Court, rests with the parents.
b Prior to the beginning of supervised visitation, agreement should be reached about which parent has responsibility for ensuring the essentials for the visit are available (e.g., food, medication, clothing, car restraints, etc.) Where the Provider is involved in finalizing such arrangements, or is aware of the arrangements, these should be noted in the client file.

8.2 Provider Responsibility
The Provider will temporarily be responsible for the care of the child where the child is collected from the Custodial Parent and taken to the Visiting Parent, possibly at a different location, or where the Visiting Parent terminates the visit and leaves before the Custodial Parent has arrived to collect the child, or where the Custodial Parent drops off the child and leaves prior to the arrival of the Visiting Parent.

9 FEES
9.1 General Policy
9.2 Allocation of Fees
9.3 Fees in Cases of Family Violence

9.1 General Policy
Supervised visitation should be available to all who need it. Within the limits of available funding, the Provider shall make services available to all families regardless of ability to pay. If costs of the service are not otherwise covered, a Provider may charge fees-for-service.

9.2 Allocation of Fees
If fees are charged, the Provider should
a Charge each family fees for the services provided on a sliding scale basis according to ability to pay, unless the Provider charges a nominal fee;
b Apportion fees among the users of the service, unless otherwise agreed to by the users of the service, determined by the referring agency, or ordered by the Court;
c Have policies and procedures regarding consequences for clients who refuse to pay fees.

9.3 Fees in Cases of Family Violence
a When there has been a determination that partner abuse or child abuse has occurred, but the family has been referred without an order that establishes who shall pay the fee, a Provider should have written guidelines indicating how fees will be allocated. These should be shown to parents and attorneys as soon as the referral has been made. Providers may select among the following alternatives, as relevant to their service:
   1 Require the abuser to pay all fees;
2. Charge each parent according to ability to pay regardless of who committed the abuse.

b. When there are contested allegations of abuse and there is neither an order setting forth how the fee shall be apportioned, nor a determination of whether abuse has occurred, Providers may select among the following alternatives as relevant to their service:

1. Require the alleged abuser to pay the entire fee;
2. Reject the case until a determination about family violence has been made and/or there is a Court order or agency determination which includes the allocation of fees;
3. Send the family back to the Court or referring agency for a determination about the allegation of abuse or an order on the fee, but begin supervision pending the response, with each party paying a fee which is held in escrow until a determination has been made. The alleged abuser should pay the full fee in escrow; the abused parent (or the non-abusive parent in the case of child abuse) should pay that portion of the fee that would be allocated if the fee were split according to ability to pay;
4. Send the party back to Court as in 3) above, but leave it to the parents to allocate the fee. If the abused (or non-abusive) parent refuses to pay, then the alleged abuser has the choice of waiting for a Court or agency determination or paying the full fee and beginning the service.

(Cd. Note: There is some need concern that in making a determination regarding who pays based on the criteria above we are putting ourselves in the role of judging and compromising our neutrality. There are many who feel that in absence of a court order the fee should be split evenly with each paying according to his or her ability if the program has a sliding scale.)

10 STAFF
10.1 General Policy

The type of cases which a service decides to take will determine the functions that staff should be required to perform and consequently the competencies and training that staff should be required to have. Providers may use volunteers, providing they meet relevant Staff Qualifications and Training Guidelines.

10.2 General Staff Qualifications

All staff members, volunteers or interns providing Supervised Visitation

1. shall be at least 18 years of age;
2. shall have successfully completed a thorough background check, including screening for prior criminal record; and
3. shall be in compliance with local staff health requirements for indirect contact with children under the age of six.

10.3 Criteria for Staff Selection

The following qualities and experience are desirable for staff, volunteers or interns who will supervise visits:

- experience in a caregiving role in relation to children;
- ability and willingness to relate to all cultural, ethnic and socio-economic groups and different life styles;
- understanding of child development needs and issues;
- supportive and positive attitude;
- maturity, diplomacy, non-judgmental and common sense;
- ability to express authority and consideration;
- ability to maintain an independent role and draw boundaries.
• ability to assist parents, where necessary, with parenting skills;
• capacity to be observant;
• good communication and writing skills;
• capacity to be insightful and reflective concerning personal issues relevant to Supervised Visitation;
• understanding of the dynamics of separation and divorce including the impact on children and their parents; and
• basic understanding of the laws governing separation, divorce and child welfare

10.4 Specific Staff Qualifications

a Coordinator (Program Director)
Training and experience in relevant areas of specialization equivalent to a certified mental health professional

b Case Managers
Training and experience in supervised visitation services or related services, knowledge of emotional and practical ramifications of separation, divorce and abuse

c Visit Supervisors
Substantial experience working with children and demonstrated writing proficiency

d Drivers
All persons who transport client for a supervised visitation program shall:
  1 be at least 18 years of age;
  2 hold a valid operator's license for the state/country in which s/he will drive and appropriate for the vehicle being used;
  3 consent to a check of his/her driving record; not have a record of impaired driving;
  4 have or be the employee of a person who has liability insurance for the vehicle
  5 Vehicles must be equipped with seat belts in good repair
  6 Children under four years of age or under 40 pounds shall not be transported without age-appropriate individual restraints that meet the local standards
  7 Security Personnel
    Training in a security related area, (e.g., security guard, investigator) preferably with experience in a social agency

10.5 Staff Responsibilities - Some programs will require one person to assume several title responsibilities

a The Coordinator (or Program Director).
While the role of the Coordinator (or Director) will differ between Providers, the key role is to ensure the overall quality of the supervised visitation program. The Coordinator/Director is responsible for public relations, securing funding, managing all administrative aspects of the program, and ensuring that the community is aware of service

b The Case Manager will:
  • link the clients to services;
  • problem solve with clients;
  • address concerns;
  • follow progress of cases; and
  • if appropriate, report to court

c The Visit Supervisor will:
  • supervise visits according to Court orders or other relevant agreements;
  • relay information between the child(ren)'s parents relevant to the child's welfare at the commencement and conclusion of the supervised visit; (e.g., medication, diet, etc.) in written and verbal form;
  • intervene when appropriate to ensure the safety and welfare of the child;
  • terminate the supervised visit when necessary;
  • provide feedback or correction to the relevant party; and
  • document supervised visits as required by the Provider
10.6 Consultants
A Supervised Visitation Program or Individual Provider should have on its staff, and/or advisory board, available as consultants:

a. a person trained in mental health and licensed to provide clinical mental health services, including clinical social work, clinical psychology, or psychiatry;
b. a person trained in child mental health;
c. a person trained in issues of domestic violence;
d. a person trained in issues of child abuse (including child sexual abuse and maltreatment);
e. a person trained in substance abuse;
f. a person trained in issues of foster care; and

g. a lawyer with experience in domestic relations

One person or separate individuals may provide these areas of expertise.

Providers will utilize the above to provide program support, assistance and problem solving with program policies and procedures. Consultants may also be utilized to assist with staff and volunteer education and training.

10.7 Affiliations
Providers are encouraged to establish affiliations with agencies such as, but not limited to: child mental health clinics, child protective services, legal services, substance abuse, counseling and treatment, batterer’s treatment and battered victim’s services which provide services and expertise complementing Supervised Visitation.

10.8 Therapeutic Supervision
Therapeutic supervision, combining the functions of observing contacts between adult(s) and child (ren) and providing safety with the function of therapeutic intervention, shall be provided only by a licensed or certified mental health professional, as required by individual states. Providers who offer internship programs to individuals enrolled in a certified training program, leading toward a mental health professional license or certificate, and are under the direct supervision of a licensed or certified mental health professional shall also be approved to provide therapeutic supervision.

11 TRAINING
11.1 General Training Principles
11.2 Training for Visit Supervisor
11.3 Training of Current Providers
11.4 Training by Correspondence
11.5 Interim Use of Guidelines for Training

11.1 Training Principles

a. The training of a Provider should correspond with the services offered by that Provider. If the training of a Provider is limited to a specialized population, that Provider should serve only that population.
b. Training should ensure:
   • knowledge of ethical principles involved in supervision of visits;
   • cultural sensitivity;
   • awareness of one’s own values;
   • familiarity with the reasons for Supervised Visitation;
   • familiarity with issues about visits related to family violence, partner abuse, child...
abuse, and substance abuse;

- familiarity with issues related to psychiatric/psychological disorders;
- familiarity with relevant legal, welfare and governmental processes and terminology;
- awareness of common issues and problems which may arise during visits and techniques for dealing with difficult situations;
- awareness of the need to maintain role integrity;
- ability to assist parents, where appropriate, with parenting and child care skills;
- working knowledge of child development;
- visitation issues that may be related to separation;
- familiarity with the dynamics of separation and divorce and the impact on children and their parents;
- knowledge of the Provider's policies and procedures;
- familiarity with other relevant services in the community

11.2 Training for Visit Supervisors

a Basic Principles and Practice of Supervised Visitation

1 A Visit Supervisor shall complete a minimum of 10 (ten) and preferably at least 15 (fifteen) hours of training covering at least the following topics:

- General ethical principles for supervising visits, including: confidentiality, avoiding dual roles with client systems, objectivity, and focusing on the child's best interest;
- Supervised Visitation Program Policies and Procedures;
- Family violence: differing forms and dynamics of partner and child abuse, including child sexual abuse;
- The emotional and economic effects of divorce;
- Stages of child development;
- Separation issues in Supervised Visitation;
- Intervention to prevent physical or emotional harm;
- Observation of child/adult contacts;
- Recording observations;
- Reflective listening; giving feedback;
- Maintenance of physical safety for children and adults;
- Substance abuse education and detection

2 A Visit Supervisor should also complete at least 3 and preferably 10 hours of training covering at least 5 of the following topics, as recommended by individual providers:

- Preparation of children and adults for contacts;
- Keeping boundaries;
- Legal context, court procedures, and relevant local/state/country agencies and procedures in the jurisdiction;
- Court testimony;
- Structuring the visits;
- Reporting to referring agencies;
- Assertiveness training;
- Psychiatric/psychological disabilities

b Training for Independent Providers and management roles

Independent Providers and those in a management role in a Supervised Visitation Program shall complete a minimum of an additional 10 (ten) hours of training covering at least the following topics:

- Receiving referrals and Intake processes;
- Establishing a visitation contract;
- Setting fees;
- Explaining Conditions (rules) for Participation in the Supervised Visitation Program to clients;

http://www.svnetwork.net/StandardsAndGuidelinesPRINTER.html

11/28/2006
11.3 Training of Current Providers
For those already engaged in Supervised Visitation practices who have not had the opportunity for pre- or in-service training, training should be provided in relevant areas.

11.4 Training by Correspondence
Where no training in supervised visitation is available in a locality, an individual wishing to become a Provider or to begin a new program may get trained by correspondence, using training materials that conform with these Guidelines.

11.5 Interim Use of Guidelines for Training
Until training standards are adopted, it is strongly recommended that the provisions of this section be used by currently operating programs as the basis for training.

12. REFERRALS
12.1 Requesting Referral Information
a. A Provider should obtain all relevant information about the person(s) being referred, including specifically:
   - the reasons for supervision of visits;
   - the type of service requested (e.g., one-on-one supervision, exchange monitoring, off-site supervision);
   - the requested frequency of visits;
   - the arrangements for payment of fees, if any, including apportionment among the person(s) referred;
   - special needs of the child(ren); and
   - any information concerning family violence.

b. A Provider may send a family that is referred with inadequate information back to the referring agency or may continue to gather the necessary information during the Intake process. Inadequate information concerning fees in cases of family violence is addressed in Section 9.3 above.

12.2 Declining Referrals
A Provider should review the services requested by the referring agency and determine if the Provider can provide those services. If a referring agency requests services (such as evaluation) which the Provider cannot or is not trained to provide, or if there are security risks which the Provider cannot appropriately manage, then the Provider should notify the referring agency and decline the referral, stating the reason(s).

13. INTAKE
13.1 Face-to-Face Interviews
13.2 Children not present at Interviews
13.3 Parent interviewed separately
13.4 Assessment for Family Violence (see also Appendix B)
13.5 Checklist of Suggested Intake Questions - Appendix B
13.6 Checklist for Information to Provide - Appendix C

13.1 Face-to-Face Interviews
A Provider should conduct a face-to-face interview with each of the parents and the children before Supervised Visitation begins. This requirement should not include representatives of...
State agencies or foster parents when a child has been removed from the home. In this latter situation, intake information may be collected by written correspondence or telephone. The visiting parent(s) and child(ren) should still be interviewed in person. In reunification cases, the face-to-face interviews and/or orientations may take place at the time of the first visit.

13.2 Generally, children should not be present during the intake interviews with the parents.

13.3 Parents should be interviewed separately and at different times, so that they do not come into contact with each other.

13.4 Whether or not family violence has been identified as an issue in the referral, a Provider shall routinely assess during the intake process whether there has been a history of family violence, including specifically child abuse or partner abuse (See Appendix B).

13.5 Checklist of Suggested Information to be Gathered During Intake - Appendix B

13.6 Checklist of Information to Provide During Intake - Appendix C

14. CONDITIONS FOR PARTICIPATION IN THE SUPERVISED VISITATION PROGRAM (RULES)

Rules should be in written form which is given to each parent and reviewed and explained. Each parent should indicate his/her understanding and acceptance of the rules by signing them in the presence of the staff person conducting the intake.

a) The Conditions for Participation in the Supervised Visitation Program (Rules) should include, but not be limited to the following:

1. Parties shall arrive punctually at the arranged times for the start and end of the visits.

2. Except in an unavoidable emergency such as sudden illness, the relevant parent will inform the service as soon as possible, and at least 24 hours in advance, if the Custodial or Non-Custodial parent is canceling a visit (Repealed incidents of sudden illness may have to be verified by a licensed health provider).

3. Custodial and Non-Custodial parents agree that they (and if applicable, Authorized Persons approved for inclusion in supervised visits) will remain separate, physically and visually, so that contact between them does not occur, unless there has been specific agreement between the parties and the Provider that contact may occur.

4. Arrivals of the Non-custodial and custodial parent will be at different times.

5. At the end of the visit, the non-custodial and custodial parent will have different departure times so that they may avoid contact with one another.

6. Parties will obtain appropriate authorization before bringing an additional visitor (See section 16.4).

7. No participant in the Supervised Visitation Program may follow or harass another party before or after a scheduled supervised visit.

8. Weapons or dangerous implements of any kind may not be brought to the supervised visitation program at any time. Participants in the supervised visitation program should be aware that security staff has a right to search them for weapons.

9. Participants in the Supervised Visitation Program will not use illegal substances or alcohol before or during supervised visits.

10. No client may make any threat of violence or threat to break any Court order during a supervised visit, including the transitions before and after the visit.

11. No client may commit any violent act or break any Court order during a supervised visit, including the transition before and after the visit.

12. No adult may physically discipline, or threaten to physically discipline a child during Supervised Visitation whether the locale of the visit is On- or Off-site.

13. A Custodial parent may not make negative comments to a visiting child about the Non-custodial parent, his/her partners or family members.

14. A Non-Custodial parent may not make negative comments to a child about the custodial parent, his/her partners or family members.

15. Neither Custodial nor Non-custodial parent shall ask a child or staff member to deliver support payments or legal documents to the other parent.
16 Neither Custodial nor Non-custodial parents may take any photograph or make any audio or visual recording On- or Off-site during Supervised Visitation without prior approval of the child and the other parent.

17 Written records of observations during supervised visits will be maintained and reports according to Provider practice submitted to the Court.

b Details of Visit Schedule; Additional Special Conditions
A record should be made either as part of the Conditions for Participation or in a separate document, for each family of:
- the frequency, duration, and number of supervised visits (if known);
- any special conditions applying to the visits;
- Custodial and non-custodial parents should make available to the Provider all protective orders including, but not limited to, protective orders pertaining to domestic violence and child abuse.

The above should be described in writing. These details and special conditions should be reviewed with each parent. Each parent should indicate his/her understanding and acceptance of the rules by signing them in the presence of the staff person conducting the intake.

15 INITIAL FAMILIARIZATION OF THE CHILD(REN)
15.1 Explaining Purpose of Supervision of Visits to Child(ren)
15.2 Special Preparation in Cases of Family Violence

15.1 Explaining Purpose of Supervision of Visits to Child(ren).
The child(ren) may be informed, according to age and stage of development about the purpose of the supervised visits and the safety arrangements. When supervised visits or Exchange Monitoring are On-site, the child(ren) may have the opportunity to visit the Supervised Visitation Program before the first visit. When supervised visits or Exchange supervision will occur Off-site, the child(ren) may have the opportunity to meet the Visit Supervisor before the first visit. Children shall be oriented to the setting, introduced to the staff and reassured that the staff will be available to him/her during the visit. In an age-appropriate way the child(ren) should be told the arrangements (e.g. frequency, duration, and procedures) for the visits.

15.2 Special Preparation in Cases of Family Violence
a) If abuse of either child(ren) or a parent has been confirmed, the staff person should explain to the child in the presence of the custodial parent the safety aspects of the service provided.

b) If there are allegations of abuse which have been denied by the visiting parent and there has been NO DETERMINATION of whether abuse has occurred, then without going into the allegations or taking sides, the staff member should explain the safety aspects of the service provided.

c) If there is evidence that a child has been abused or is afraid of the visiting parent the Visit Supervisor should arrange a sign with the child(ren) if he/she wants the visit to end. In this prearranged way the child(ren) can signal discomfort with less risk of angering a parent perceived as powerful and/or scary.

d) If there is any question of physical or sexual abuse of a child, both parents and the child(ren) should be informed before the first supervised visit that physical contact is to be initiated only by the child(ren).

e) When abuse of a child or parent has been confirmed, there should be a clearly stated acknowledgment to the child in the presence of the Custodial parent that the visits will be supervised because of what the visiting parent has done and in order to protect the child and/or the custodial parent.

f) When sexual abuse has been alleged and is still being evaluated, Supervised Visitation should not begin without consultation with the evaluator, if available, to make sure that contact between the child(ren) and the alleged abuser will not interfere with the evaluation or traumatize the child(ren).

g) In situations involving sexual abuse of the child, whether confirmed or alleged, the non-custodial parent must not accompany the child to the bathroom, or be responsible for changing diapers.

16 STAFF PREPARATION FOR VISITS
16.1 Staff Briefing
A Visit Supervisor should be fully briefed about each family s/he will supervise before each visit, including details about any recent developments in the case.

16.2 Alcohol and Drugs
Alcohol and drugs are not permitted.
See Sections: 14 a) (9) Conditions for Participation
19 1 c) Termination of Services

16.3 Activities during Supervised Visits
1. Any activities proposed or contemplated during supervised visits should be consistent with the type of supervision which is required in the particular case.
2. Requests for non-standard activities during a supervised visit should be approved by the custodial parent prior to the activities through appropriate counsel, whether attorneys or court mediators.

16.4 Inviting Others to the Visit
During the intake, the parties should cover who will be included in the Supervised Visits. Unless previously agreed, the Non-custodial parent should be the only person to visit the child during the supervised visits. The Non-custodial Parent should ensure that authorized visitors understand the Conditions for Participation in the Supervised Visitation Program (Rules) and are prepared to abide by them. This process aims to ensure that contact which is prohibited by the agreement between the parties or by a Court order does not occur and there is time to determine whether the Provider is able to respond appropriately to any additional supervision requirements which may result, (e.g., adjusting the number of visitors and briefing the additional Visit Supervisors).

16.5 Conversations with the Child(ren)
See Conditions for Participation in the Supervised Visitation Program (Rules) Section 14

16.6 Medication, Diet and Discipline
See Conditions for Participation in the Supervised Visitation Program (Rules) Section 14

17 INTERVENTIONS DURING SUPERVISED VISITS, TERMINATING A SUPERVISED VISIT

In addition to interventions specified elsewhere in these Guidelines, a Visit Supervisor shall stop any visit during which:

a. a child becomes acutely distressed;
b. where it is deemed by the visit supervisor that the child is in a situation of possible risk either emotionally or physically; or
c. if a non-custodial parent acts in an inappropriate manner towards the child, staff or others present.

Depending on the child's reaction and the Visit Supervisor's assessment, stopping the visit may be a temporary interruption with the visiting resuming when the child has calmed, or the visit may be ended entirely. Terminating an individual visit shall not necessarily mean that supervised visitation services for the family shall be stopped permanently. See Section 19 Termination of Services.

18 STAFF FUNCTIONS FOLLOWING VISITS
18.1 Feedback to Parents
18.2 Staff Debriefing
18.3 Routine Case Review
18.4 Post Incident Follow-up
18.1 Feedback to Parents
If requested or required, staff should provide factual feedback about the supervised visit to
the custodial parent.

In certain situations, the Visit Supervisor may also provide feedback to the Non-custodial
parent about his/her behavior and/or the child's reactions to the visit.

18.2 Staff Debriefing
There should be time made available for the Visit Supervisor to be debriefed, for issues
relating to the visit, with staff, and for the client file to be updated.

18.3 Routine Case Review
There should be a periodic review of each family as part of the ongoing evaluation of the
Supervised Visitation Program. The review should take place by court mediators, clients and
their attorneys.

18.4 Post Incident Follow-up
If there is a significant problematic incident involving the Supervised Visitation Program, the
Provider should document the incident and the relevant authorities/agencies (e.g., court,
police, child protective agencies) should be notified.

19 TERMINATION OF SERVICES
19.1 Reasons for Termination
19.2 Procedure for Termination

19.1 A provider may decide to terminate services to a family for the following
reasons:
   a. Safety or other issues involved in the case that cannot effectively be addressed by the
      Provider;
   b. The case is placing an undue demand on the Provider's resources;
   c. One or both parties have failed to comply with the Conditions for Participation in the
      Program (Rules);
   d. Non-Custodial parent continuously refuses to pay fees for services; and/or
   e. The parties agree that they can manage visits without assistance. Both parties may
      notify the appropriate referral source.

19.2 Procedure for Termination
When termination of Supervised Visitation services is being considered by a Provider, it will
be appropriate for the Provider to advise the Custodial and Non-Custodial Parents separately
about the issues. Once a decision has been made, both parties should be advised of the
reason(s) for termination. These reasons should be confirmed in writing to both parties and
the referral source. At times, it is appropriate for the Provider to document a warning of
termination in written form to both parents, with explanations for why services may be
terminated.

20 SPECIAL CONSIDERATIONS IN SITUATIONS INVOLVING
   FAMILY VIOLENCE
20.1 Child Sexual Abuse
20.2 Partner Abuse

20.1 Child Sexual Abuse
   a. Any person supervising contacts between a parent and child when sexual abuse has
      been alleged or proven shall have specific training in child sexual abuse, and shall
      either be a licensed or certified mental health professional, under supervision of a
      licensed or certified mental health professional, prior experience with supervision of
      alleged or proven child sexual abuse, and/or co-supervision with a trained staff person
   b. The contact between the visiting adult and child(ren) shall be monitored continually
      and in a manner that allows all verbal communication between the adult and child(ren)
      to be heard and any physical contact to be observed.
   c. Physical contact shall be initiated only by the child and shall continue only as long as
      the child wants.
   d. The Visit Supervisor shall intervene to stop any physical contact that appears
inappropriate or sexualized, even if the child does not appear distressed.

The visiting adult shall not deny any statement by the child about the alleged or confirmed abuse.

Because Supervised Visitation is not psychotherapy and because contact with an alleged or confirmed abusive adult can stir powerful emotions for a child, except where the supervision is therapeutic supervision by a licensed mental health professional, it is recommended that the child be in concurrent psychotherapy, unless or until a determination has been made by the child's therapist with the agreement of the custodial adult or by a court of competent jurisdiction, that such psychotherapy is not necessary.

20.2 Partner Abuse
Where contact is to be supervised between a child and an adult in a family in which a court of competent jurisdiction or a social service agency has determined that there has been partner abuse of any form, OR where there have been allegations by either parent of such abuse, OR where the intake process has revealed concerns about such abuse, the following additional guidelines shall be followed:

a. Before any contacts begin, the non-custodial parent should be told that if a child makes any statement or reference to any abuse, she is not to deny the child's statement, but to listen to what the child says.

b. During visits with the child, if the non-custodial parent does deny any statement by the child about alleged or confirmed abuse, then the Visit Supervisor shall intervene to stop the denial and, if necessary, to terminate the visit.

21. RECORDS
21.1 Client Files
Relevant information should be recorded during intake and a file should be created for each family, including at a minimum identifying information on each client:

- name;
- date of birth;
- address;
- telephone number;
- referral date;
- source of referral;
- reason for referral;
- arrangements for supervised contact;
- lawyer's name, address and phone numbers;
- other agencies involved; and
- if applicable, authorized persons

21.2 Records of Visits
A Provider should also maintain a record of each contact (Observation Note) which includes at a minimum:

- identifying client information;
- a means of identifying who provided visit supervision;
- the date, time and duration of contact;
- who attended (e.g., authorized persons);
- account of critical incidents;
- summary of activities during visit;
- comments, requests made by children and/or parents;
- interventions made during the contact including early termination of the visit with the reason for the intervention.

21.3 Protection of information about clients because of concerns about safety:
Identifying information, including addresses, telephone numbers, schools, and places of
work, should be kept confidential to prevent unintentionally revealing where an abused
partner or child lives, works or goes to school.

21.4 Protection of Supervisor’s identity.
Some Providers will choose to protect the identity of staff or volunteer Visit Supervisors. In
this case, there should be procedures which allow a Provider to determine on records of
visits, who provided the supervision of each visit.

21.5 Completeness of Records
All contacts in person, by telephone or correspondence, concerning each family, including
contacts with the parties and child(ren), the court, attorneys, health providers, and referring
agencies, should be documented in the client file. Entries should be dated and signed by the
person recording the entry.

22 REPORTS TO COURTS AND/OR REFERRING AGENCIES

22.1 Factual Reports
Providers can best serve their clients and the public by providing clear factual reports. A
Provider shall not provide a Report which expresses opinions, including specifically an
opinion about the appropriate future course of action between a child and a parent(s) who
have been supervised by the Provider. In cases of reunification, Providers may be required
by the court to make future visitation recommendations.

22.2 Cautionary Note on All Reports or Observation Notes
When submitting any reports or copies of Observation Notes, a Provider should include a
direct narrative note stating the context in which the observations occurred and the need
for caution in making decisions about future adult-child access based solely on these reports
or notes. A cautionary note need not be repeated when the referral source makes regular
referrals to the Provider. Sample language is included in Appendix D.

23 CONFIDENTIALITY

23.1 No Privilege of Confidentiality, Subpoenas

23.2 Confidentiality That Can Be Offered, Exceptions

23.4 Copies of Records for Attorneys in Preparation for Litigation

23.5 Requests to Observe a Supervised Visit

23.1 No Privilege of Confidentiality, Subpoenas,
a Unlike clients of lawyers, clients of Supervised Visitation Programs do not have a
privilege of confidentiality which protects from having client records requested by the
Court or by another party as part of a Court proceeding. By requesting the Court to
issue a “subpoena,” any client may require a Provider to grant the client all records
or require that a Provider come to a Court proceeding and bring the records.
Providers should explain this fact to clients.

b Subpoenas follow different rules in different jurisdictions. It is recommended that
Providers have access to a legal consultant in cases where they are subpoenaed and
required to become involved in a Court proceeding.

23.2 Confidentiality that Can Be Offered, Exceptions
Even though a Provider cannot stop a legal demand to produce records as part of a Court
proceeding, a Provider can and should commit to keep its records confidential in all other
situations. Whenever possible, Providers of Supervised Visitation shall maintain
confidentiality and refuse to release information without the permission of the client, with the
following exceptions:
a Providers should respond to requests from referring agencies for factual information
about the participation of clients in Supervised Visitation, including the number and
duration of contacts, what occurred during contacts, and the need, if any for
interventions and/or termination of visits.
b Providers should respond to requests for information from court-appointed evaluators.
and/or a psychotherapist treating a child whose contacts with a parent are supervised

23.3 Parents' Rights to Review Records
Providers should offer parents the opportunity to see a copy of their client file, provided that in appropriate cases information about where a parent or child lives, works or goes to school shall be kept confidential! However, because of the risk that the information in the record will be misused, copies of records should not be given to clients to keep, unless mandated by the local court system.

23.4 Copies of Records for Attorneys In Preparation for Litigation.
Providers should allow an attorney to examine a copy of his/her client’s records in preparation for a court proceeding. They may also be required to release a copy of the record to a client’s attorney.

23.5 Requests to Observe a Supervised Visit
A Provider may be asked to permit observation of a parent and child(ren) during a supervised visit, e.g., by a mental health professional appointed by the Court to evaluate a family. Providers should not become assessment facilitators. Assessors will only be permitted to observe if they are unable to make other arrangements to view the child and the non-Custodial parent interacting. A Provider may permit such observation if:

a. The observation is requested/ordered by the Court; or both parents agree to allow the observation;

b. if the observation will not unduly interfere with the operation of the supervised visitation service; and

c. if the observation will not jeopardize the confidentiality of other clients; and

d. If the observation does not prove upsetting to the child observer should bring some form of identification to the visit.

APPENDIX A

8.4 b) PROCEDURES FOR ARRIVAL AND DEPARTURE OF CLIENTS
So that contact between parents does not occur without the explicit agreement of the parties and the Provider, specifically, the following arrangement or some appropriate variation should be used:

a. The Visiting parent should arrive at least 15 minutes before the visit and be taken to a space visually separate from where the Custodial parent will arrive.

b. The Custodial parent should arrive with the child at the time of the visit;

c. The Custodial parent should leave first with the child, and the Visiting Parent should remain at the site for at least 15 minutes.

In the case of Exchange Supervision, depending on the degree of risk, it may be appropriate, after the child(ren) has/have arrived for the visit, according to the above procedure, to have the Visiting Parent and child(ren) remain at the exchange location for a further 15 minutes while the Custodial parent leaves.

At the end of the visit, it may be appropriate to have the Visiting parent and child(ren) return to the site 15 minutes before the end of the visit, so the Custodial parent can arrive with a lowered risk of contact with the Visiting Parent.

-OR-

a. The custodial parent and child should arrive at least 15 minutes before the visit. The custodial parent should then go to a designated area or leave the premises. This allows the child to have a 15 minute transitional, tension-free period between parents, giving him/her the opportunity to play and talk with staff.

http://www.svnetwork.net/StandardsAndGuidelinesPRINTER.html

11/28/2006
b. The visiting parent should arrive promptly at the designated visiting time.

In the case of exchange supervision, depending on the degree of risk, it may be appropriate, after the child(ren) has/have arrived that the custodial parent remain in a designated area, separate from the exchange area until 15 minutes after the visiting parent has picked up the child(ren).

Visiting parents must leave the premises upon completion of supervision or return exchange.

APPENDIX B

13.5 CHECKLIST OF SUGGESTED INFORMATION TO BE GATHERED DURING INTAKE:

At least the following information should be requested during intake with each of the parties:

- Name, address and telephone number of parties; (this information must be kept confidential);
- Names and ages of child(ren);
- Copies of current relevant Court orders (including Orders of Protection or signed agreements by both parties);
- Court proceedings in progress; upcoming court dates; criminal actions pending against either parent; prior Orders of Protection;
- Information regarding any previous supervised visitation arrangements;
- Details of the reasons for the request for Supervised Visitation;
- Risk factors, including risk of abduction and any history of family violence;
- History of parental dysfunction, including mental illness, developmental delay, or substance abuse (specify substance of choice);
- Concerns about issues that may arise during visits with the child(ren);
- Requests for special restrictions during visits (e.g., no photographs, close attention to negative statements);
- Information on practical arrangements for visits: diet, medication, toileting, clothing, food;
- Details for scheduling visits: where, when, who can visit, duration of visit;
- Information on prior or current evaluations relevant to visitation and current psychotherapists, if any;
- Releases of information for contact with referring agency, relevant therapists, court-appointed evaluators, attorneys, and others; and
- Information adequate to set and/or apportion fee, if not already determined by Court or referring agency.

APPENDIX C

13.6 CHECKLIST OF INFORMATION TO PROVIDE DURING INTAKE

The following information should be provided to parties during intake:

a. Explain that the Provider maintains a stance of neutrality between the Custodial and Non-custodial parents.

Maintaining neutrality does not, however, mean that the Provider shall accept or condone prior or current behavior of any family member that has been abusive or harmful. INSTEAD, THE PRINCIPLE OF NEUTRALITY is intended to convey respect for the potential importance of each parent to his/her child(ren) and to make the Provider a safe person in a safe place for the child(ren) where contact with the Non-custodial parent involves as little conflict of loyalty between the parents as possible.

b. Describe records kept by the Provider, reports which may be provided to referring agency or others, confidentiality and the limits of confidentiality.

c. Describe communication the Provider will have about the family with others including therapists and the referring agency.

d. Explain the steps the Provider can and will take to promote the safety and welfare of
the child.

e. Explain that the use of the service is not a right and that the service can decline to continue providing Supervised Visitation and the reasons, including the Provider's judgment that continued contacts present unacceptable risk; that a parent has failed to comply with the Conditions for Participation, or a child appears significantly distressed by the contacts.

f. Review the Conditions for Participation detailed in Section 14.

g. Provide information on fees that will be charged, including fees for canceled sessions and any special fees, e.g., for preparation of reports or appearance of staff at Court proceedings.

h. Explain how to prepare a child for the supervised visits.

i. Provide information regarding office hours and availability of staff outside of visiting hours.

j. Provide and review a written Intake Form addressing rules and regulations. Copies of these forms are kept by each parent. Signed agreement stays in case file.

APPENDIX D

22.2 CAUTIONARY NOTE ON ALL REPORTS OR OBSERVATION NOTES - RECOMMENDED WORDING:

This report is based on observation notes that have been prepared by volunteer observers in training as well as by paraprofessional and professional staff.

Observers are instructed to record what happens during parent-child contacts and are required to not include opinions and judgments.

(Name of Provider) does not provide evaluations of the families who use the program's services or make recommendations about future arrangements for parent-child access.

The observations are of parent-child contacts which have occurred in a structured and protected setting. No prediction is intended about how contacts between the same parent(s) and child(ren) might occur in a less protected setting and without supervision. Care should be exercised by the users of these observations making such predictions.

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Appendix B9 – Safe Havens – A Case Example of A Supervised Visitation Program in Allegheny County.
A case example of a supervised visitation program in Allegheny County

Over a period of several years, the Allegheny County Court of Common Pleas, Family Division identified a crucial need for a supervised visitation and exchange program for parents in high-conflict custody cases or for victims of domestic violence and/or child abuse. In order to ensure that these families' security concerns were alleviated, that children could safely visit with parents, and that children were not subjected to repeated confrontation between their parents at exchange times, the Safe Visits Safe Families (SVSF) program was launched in late 2005.

This program was developed in partnership with the Allegheny County Department of Human Services, the Allegheny County Court of Common Pleas, Family Division, and the Parental Stress Center (PSC). The Parental Stress Center is a facility located just east of the city of Pittsburgh, whose mission is to prevent child abuse and neglect by providing parenting education, counseling, and intensive support services to families and caregivers. This unique program has been grant-funded through the Allegheny County Department of Human Services since its inception in 2005 as a dependency and delinquency prevention initiative to divert children from outcomes which may further fragment their family. The SVSF program offers secure, supervised exchange and visitation services and charges minimal or no fees for clients. A sliding fee scale is used based on the parties' ability to pay.

The center boasts a child-focused environment with an outdoor learning center, gym, and computer center. The program prevents child abuse and neglect by ensuring the safety of all children in supervised visits, provides links to other resources within the center or the community to address counseling and parent education, and facilitates the
relationship between parents and their children in a safe setting with trained personnel. Referrals into the program are provided by Allegheny County judges, hearing officers, custody court professionals, and domestic violence department staff members. PSC then contacts the parties within forty-eight hours and schedules and conducts an extensive intake interview. PSC and the Court meet several times throughout the year to discuss refinements to the program and a contact person is located in each agency to communicate more frequently about case-specific issues.

The yearly grant allocation for the program is $140,000 funded entirely by Allegheny County. Court and county administrators strongly believe that this is money well spent, as violence within the family often lies at the intersection between private custody litigation and entrance into the child welfare system. Children caught between two angry parents in the midst of custody litigation are in desperate need of a safe place to protect them emotionally and physically. To keep this program running and for expansion purposes, a Safe Havens grant proposal was submitted to the Department of Justice, Office of Violence Against Women in February of 2007 and local congressional leaders have been approached to discuss additional funding sources. The current grant provides indigent families with the opportunity to access these services. Approximately 60% of the parents who have used this program had incomes below the poverty level.

To date, this program has provided services to over 100 families. More than half of the families referred into the SVSF program had issues of domestic violence (all of these cases included one of the following: a final Protection from Abuse order, a temporary Protection from Abuse order, or a consent order for no-contact). Over a quarter of the families were also identified as being high-conflict. However, due to the
limited amount of funding presently available, the program is only operational

Wednesday and Friday from 4:30pm to 8:00pm and Sunday from 12:00pm to 5:00pm

Funding from additional sources would provide the opportunity for the program to increase staff. It would also allow PSC to initiate training, programs and services for families and court staff, and to increase available time slots and number of families served. Most importantly, it will allow the partners to explore ancillary sites in the community to increase the use of safe exchange to prevent violence in families. These satellite centers, if funded, could be placed through the county in faith-based organizations or community centers to decrease the distance between the child's home and the exchange center.
Guidelines for Parenting Coordination

Developed by

The AFCC Task Force on Parenting Coordination

May 2005
Foreword

The Guidelines for Parenting Coordination ("Guidelines") are the product of the interdisciplinary AFCC Task Force on Parenting Coordination ("Task Force"). First appointed in 2001 by Denise McColley, AFCC President 2001-02, the Task Force originally discussed creating model standards of practice. At that time, however, the Task Force agreed that the role was too new for a comprehensive set of standards. The Task Force instead investigated the issues inherent in the new role and described the manner in which jurisdictions in the United States that have used parenting coordination resolved those issues. The report of the Task Force's (2001-2003) two-year study was published in April of 2003 as "Parenting Coordination: Implementation Issues."4

The Task Force was reconstituted in 2003 by Hon. George Czutrin, AFCC President 2003-04. President Czutrin charged the Task Force with developing model standards of practice for parenting coordination for North America and named two Canadian members to the twelve-member task force. The Task Force continued investigating the use of the role in the United States and in Canada and drafted Model Standards for Parenting Coordination after much study, discussion and review of best practices in both the United States and Canada.

AFCC posted the Model Standards on its website, afccnet.org, and the TaskForce members also widely distributed them for comments. The Task Force received many thoughtful and articulate comments which were carefully considered in making substantive and editorial changes based upon the feedback that was received. Even the name of this document was changed to “Guidelines for Parenting Coordination” to indicate the newness of the field of parenting coordination and the difficulty of coming to consensus in the United States and Canada on "standards" at this stage in the use of parenting coordination. The AFCC Board of Directors approved the Guidelines on May 21, 2005.

The members of the AFCC Task Force on Parenting Coordination (2003 -- 2005) were: Christine A. Coates, M.Ed., J.D., Chairperson and Reporter; Linda Fieldstone, M.Ed., Secretary; Barbara Ann Bartlett, J.D., Robin M. Deutsch, Ph.D., Billie Lee Dunford-Jackson, J.D, Philip M. Epstein, Q.C. LSM, Barbara Fidler, Ph.D., C.Psych, Acc.FM. Jonathan Gould, Ph.D., Hon. William G. Jones, Joan Kelly, Ph.D., Matthew J. Sullivan, Ph.D., Robert N. Wistner, J.D.

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GUIDELINES FOR
PARENTING COORDINATION

Overview and Definitions

Parenting coordination is a child-focused alternative dispute resolution process in which a mental health or legal professional with mediation training and experience assists high conflict parents to implement their parenting plan by facilitating the resolution of their disputes in a timely manner, educating parents about children's needs, and with prior approval of the parties and/or the court, making decisions within the scope of the court order or appointment contract.

The overall objective of parenting coordination is to assist high conflict parents to implement their parenting plan, to monitor compliance with the details of the plan, to resolve conflicts regarding their children and the parenting plan in a timely manner, and to protect and sustain safe, healthy and meaningful parent-child relationships. Parenting coordination is a quasi-legal, mental health, alternative dispute resolution (ADR) process that combines assessment, education, case management, conflict management and sometimes decision-making functions.

The Parenting Coordinator (hereinafter referred to as "PC") role is most frequently reserved for those high conflict parents who have demonstrated their longer-term inability or unwillingness to make parenting decisions on their own, to comply with parenting agreements and orders, to reduce their child-related conflicts, and to protect their children from the impact of that conflict. Because the PC makes recommendations and/or decisions for the parties and possibly reports to the court, the PC should be appointed by and be responsible to the court. This delegation of judicial authority is a serious issue and courts should only appoint qualified professionals. The power and authority inherent in the role of the PC are substantial whether stipulated by the parties or assigned by the court. Therefore, it is important that any jurisdiction implementing a parenting coordination program adopt and adhere to guidelines for PC practice and programs.

As the parenting coordination model has been implemented in various jurisdictions, there has been variation in the manner in which the PC practices, the authority of the PC, the stage of the legal process when the PC is appointed and functions, the various roles of the PC, the qualifications and training of the PC, and the best practices for the role.

The alternative dispute resolution process described above as central to the parenting coordinator's role may be inappropriate and potentially exploited by
perpetrators of domestic violence who have exhibited patterns of violence, threat, intimidation and coercive control over their co-parent. In those cases of domestic violence where one parent seeks to obtain and maintain power and control over the other, the role of the PC changes to an almost purely enforcement function. Here, the PC is likely to be dealing with a court order, the more detailed the better, rather than a mutually agreed upon parenting plan; the role is to ensure compliance with the details of the order and to test each request for variance from its terms with an eye to protecting the custodial parent’s autonomy to make decisions based on the children’s best interests and guarding against manipulation by the abusing parent. ADR techniques in such cases may have the effect of maintaining or increasing the imbalance of power and the victim’s risk of harm. Accordingly, each jurisdiction should have in place a process to screen out and/or develop specialized PC protocols and procedures in this type of DV case. Likewise, PCs should routinely screen prospective cases for DV and decline to accept such cases if they do not have specialized expertise and procedures to effectively manage DV cases involving an imbalance of power, control and coercion.

The purpose of these Guidelines for Parenting Coordination (“Guidelines”) is to provide:

1. detailed guidelines of practice for PCs;
2. guidelines for PCs regarding their ethical obligations and conduct;
3. qualifications for PCs, including relevant education, training and experience;
4. assistance to jurisdictions that are implementing parenting coordination programs by providing guidelines of practice that they can adopt; and
5. assistance to jurisdictions, professional organizations, educational institutions and professionals in the development and implementation of parenting coordination programs.

These Guidelines are aspirational in nature and offer guidance in best practices, qualifications, training and ethical obligations for PCs. Although they are not intended to create legal rules or standards of liability, they do provide very specific and detailed recommendations for training and best practices because of the expressed need for guidelines for program development and training. It is understood that each jurisdiction may vary in its practices; however, for parenting coordination to be accepted as a credible professional role, certain minimum guidelines of conduct and best practices must be articulated and followed.

The Guidelines for Parenting Coordination include different levels of guidance.
• Use of the term "may" in a Guideline is the lowest strength of guidance and indicates a practice that the PC should consider adopting, but, from which the PC can deviate in the exercise of good professional judgment.

• Most of the Guidelines use the term "should" which indicates that the practice described in the Guideline is highly desirable and should be departed from only with very strong reason.

• The rarer use of the term "shall" in a Guideline is a higher level of guidance to the PC, indicating that the PC should not have discretion to depart from the practice described.

Guideline I

A PC shall be qualified by education and training to undertake parenting coordination and shall continue to develop professionally in the role.

A. The PC shall be required to have training and experience in family mediation. The PC should become a certified/qualified mediator under the rules or laws of the jurisdiction in which he or she practices, if such certification is available.

B. The PC shall be a licensed mental health or legal professional in an area relating to families, or a certified family mediator under the rules or laws of the jurisdiction with a master's degree in a mental health field.

C. The PC should have extensive practical experience in the profession with high conflict or litigating parents.

D. The PC shall have training in the parenting coordination process, family dynamics in separation and divorce, parenting coordination techniques, domestic violence and child maltreatment, and court specific parenting coordination procedures. A model training curriculum incorporating four modules is included in these Guidelines as Appendix A.

E. A PC shall acquire and maintain professional competence in the parenting coordination process. A PC shall regularly participate in educational activities promoting professional growth. It is recommended that a PC participate in peer consultation or mentoring to receive feedback and support on cases. PC orders and/or private agreements should specify that such professional consultation is permitted.
F. A PC shall decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond the PC's skill or expertise.

G. A jurisdiction should consider “grandfathering” existing professionals with appropriate experience.

Guideline II

A PC shall maintain impartiality in the process of parenting coordination, although a PC is not neutral regarding the outcome of particular decisions. Impartiality means freedom from favoritism or bias in word, action, or appearance, and includes a commitment to assist all parties, as opposed to any one individual.

A. A PC shall withdraw if the PC determines he or she cannot act in an impartial or objective manner.

B. A PC shall neither give nor accept a gift, favor, loan or other item of value from any party having an interest in the parenting coordination process. During the parenting coordination process, a PC shall not solicit or otherwise attempt to procure future professional services or positions from which the PC may profit.

C. A PC shall not coerce or improperly influence any party to make a decision.

D. A PC shall not intentionally or knowingly misrepresent or omit any material fact, law, or circumstance in the parenting coordination process.

E. A PC shall not accept any engagement, provide any service or perform any act outside the role of PC that would compromise the PC's integrity or impartiality in the parenting coordination process.

Guideline III

A PC shall not serve in a matter that presents a clear conflict of interest.

A. A conflict of interest arises when any relationship between the PC and the participants or the subject matter of the dispute compromises or appears to compromise a PC's impartiality.

B. A PC shall disclose potential conflicts of interest as soon as practical after a PC becomes aware of the interest or relationship giving rise to the potential conflict.
C. After appropriate disclosure, the PC may serve with the written agreement of all parties. However, if a conflict of interest clearly impairs a PC's impartiality, the PC shall withdraw regardless of the express agreement of the parties.

D. During the parenting coordination process, a PC shall not create a conflict of interest by providing any services to interested parties that are not directly related to the parenting coordination process.

E. A PC may make referrals to other professionals to work with the family, but shall avoid actual or apparent conflicts of interest by referrals. No commissions, rebates, or similar remuneration shall be given or received by a PC for parenting coordination or other professional referrals.

**Guideline IV**

*A PC shall not serve in dual sequential roles.*

A. A PC shall not serve in multiple roles in a case that create a professional conflict.

1. A child's attorney or child advocate shall not become a PC in the same case.

2. A mediator or custody evaluator shall be cautious about becoming a PC in the same case, even with the consent of the parties, because of the differences in the role and potential impact of the role change.

3. A PC shall not become a custody evaluator either during or after the term of a PC's involvement with the family.

4. A PC shall not be appointed after serving as a therapist, consultant, or coach, or serve in another mental health role to any family member.

5. A PC shall not become a therapist, consultant, or coach, or serve in any other mental health role to any family member, either during or after the term of the PC's involvement.

6. A PC shall not become one client's lawyer, either during or after the term of the PC's involvement, nor shall one client's lawyer become the PC in that client's case.

B. A PC should attempt to facilitate resolution of issues by agreement of the parties; however, the PC is not acting in a formal mediation role. An effort towards resolving an
issue (which may include therapeutic, mediation, educational, and negotiation skills) does not disqualify a PC from deciding an issue that remains unresolved after efforts of facilitation.

**Guideline V**

A PC shall inform the parties of the limitations on confidentiality in the parenting coordination process. Information shall not be shared outside of the parenting coordination process except for legitimate and allowed professional purposes. A PC shall maintain confidentiality regarding the sharing of information outside of the scope of the parenting coordination process, which is obtained during the parenting coordination process, except as provided by court order or by written agreement of the parties.

A. Parenting coordination is not a confidential process, either for communications between the parties and their children and the PC, or for communications between the PC and other relevant parties to the parenting coordination process, or for communications with the court.²

B. A PC shall inform the parties of the following limitations of confidentiality:

1. The PC shall report suspected child abuse or neglect to child protective services whether or not a mandatory or voluntary reporter under state, provincial or federal law; and

² Parenting coordination is an unusual type of intervention that does not fit within the existing framework of rules and laws dealing with the subjects of "statutory privileges," "rules of evidence," and "professional codes of ethics" related to the subject of "confidentiality" and statements made by parents or people involved in any disputed parenting case. In cases not involving a PC, the statements of parties may be protected from use as evidence in the dispute resolution process, for any of those reasons. However, the essence of the PC concept is that all such confidentiality protections need to be stripped away, so the PC is free to make quick decisions based upon all knowledge the PC has obtained from the parties and other sources. Consequently, in order for the PC to be empowered to operate freely and effectively in the role of expeditious dispute resolver, appropriate provisions need to be included in the written agreement and/or court order of appointment for the effective waiver of all privileges and rules of evidence or professional conduct regarding confidentiality which may be waived. In addition, a clear statement should be included to provide that the PC will not provide either party with legal advice or representation or psychotherapy, and the parents are advised to seek any such advice from independent providers of their own choice. The parents are entitled to a very clear and unambiguous description of the privileges and rules they are being asked to waive in order to empower the PC to perform the rather unique services contemplated in the parenting coordination process. Likewise, the PC has a significant concern with establishing a barrier from complaints of unprofessional conduct from disgruntled parents who are not happy about PC decisions.
2. The PC shall report to law enforcement or other authorities if the PC has reason to believe that any family member appears to be at serious risk to harm himself or herself, another family member or a third party.

**Guideline VI**

*A PC shall assist the parties in reducing harmful conflict and in promoting the best interests of the children consistent with the roles and functions of a PC.*

A. A PC serves an assessment function. The PC should review the custody evaluation, other relevant records, interim or final court orders, information from interviews with parents and children and other collateral sources, domestic violence protection orders, and any other applicable cases involving criminal assault, domestic violence or child abuse, educational records, and analyze the impasses and issues as brought forth by the parties.

B. A PC serves an educational function. The PC should educate the parties about child development, divorce research, the impact of their behavior on the children, parenting skills, and communication and conflict resolution skills. The PC may coach the parties about these issues.

C. A PC serves a coordination/case management function. The PC should work with the professionals and systems involved with the family (e.g. mental health, health care, social services, education, legal) as well as with extended family, stepparents, and significant others.

D. A PC serves a conflict management function. The PC's primary role is to assist the parties to work out disagreements regarding the children to minimize conflict. The PC may utilize dispute resolution skills from principles and practices of negotiation, mediation, and arbitration. To assist the parents in reducing conflict, the PC may monitor the faxed, emailed, or written exchanges of parent communications and suggest more productive forms of communication that limit conflict between the parents. In order to protect the parties and children in domestic violence cases involving power, control and coercion, a PC should tailor the techniques used so as to avoid offering the opportunity for further coercion.

E. A PC serves a decision-making function. When parents are not able to decide or resolve disputes on their own, the PC shall be empowered to make decisions to the extent described in the court order, or to make reports or recommendations to the
court for further consideration. PCs should communicate their decisions in a timely manner in person or by fax, e-mail or telephone. In the event decisions are provided orally, a written version shall follow in a timely manner.

F. A PC shall not offer legal advice.

**Guideline VII**

A PC shall serve by parent stipulation and/or formal order of the court, which shall clearly and specifically define the PC's scope of authority and responsibilities.

A. A court order is necessary to provide the PC authority to work with the parents outside of the adversarial process, to obtain information, and to make recommendations and decisions as specified in the order.³

B. In addition to the court order for the PC, a written agreement between the parties and the PC may be used to detail specific issues not contained in the court order, such as fee payments, billing practices and retainers.

C. The court order or consent order should specify a term of service for the PC, including starting and ending dates.⁴ Parents can request that a PC continue for additional terms of service following the expiration of each term or can decline to renew the PC's services. Similarly the PC can give notice prior to the end of the term of service that the PC will not continue to serve as PC.

D. A PC should not initiate providing services until the PC has received the fully executed and filed court order appointing the PC, or the parents, their counsel (if any) and the PC have signed a consent agreement, if any.

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³ In some jurisdictions, a stipulation or consent decree is required for the appointment of a PC. A few jurisdictions allow the court to appoint the PC on its own authority. In Canada, the authority of the PC to make decisions is derived from arbitration statutes and a PC may function with the parents' consent only.

⁴ Many experienced PCs have found a period of 18 months to 2 years to be optimal in terms of becoming familiar with the family and developing a working relationship with the parents.


**Guideline VIII**

A PC shall facilitate the participants’ understanding of the parenting coordination process so that they can give informed consent to the process.

A. The position of the PC is one of considerable authority and power. It is important that parents fully understand the extent of the parental rights and power they are assigning to the PC in the form of decision-making, the limited nature of the confidentiality of the process, the professional persons with whom the PC will be authorized to consult or obtain information, and what the parents’ rights are in seeking redress with the court.

B. In the first session, a PC should carefully review the nature of the PC’s role with the parents, to ensure that they understand what the parenting coordination process involves.

**Guideline IX**

A PC shall fully disclose and explain the basis of any fees and charges to the participants.

A. All charges for parenting coordination services shall be based upon the actual time expended by the PC or as directed by the local jurisdiction’s parenting coordination program. All fees and costs shall be appropriately divided between the parties as directed by the court order of appointment or as agreed upon in the PC’s written fee agreement with the parties with the approval of the court.\(^5\)

B. Prior to beginning the parenting coordination process, and in writing, a PC shall explain to the parties and counsel the basis of fees and costs and the method of payment and any fees associated with postponement, cancellation and/or nonappearance, as well as any other items and the parties’ pro rata share of the fees and costs as determined by the court order or agreed to by the parties with approval of the court. In cases of domestic violence involving power, control and coercion, the PC shall hold individual sessions with the parties to convey this information.

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\(^5\) Typically the fees are split equally between the parties, although if their assets and income differ substantially, fees may be apportioned accordingly. In states that have the Income Shares child support guidelines, courts sometimes apportion responsibility for PC costs in the same percentages as child support is apportioned. The court, rather than the PC, should make a determination of the appropriate ratio of payment based on the available financial data. The order may also include a provision for the parent coordinator to alter the usual ratio of payment if one parent abuses the process. In the event that a party requests judicial review of a parenting coordinator decision and does not prevail, the court may order full payment of fees by that party.
C. Activities for which a PC may charge typically include time spent interviewing parents, children and collateral sources of information; preparation of agreements; correspondence, decisions and reports; review of records and correspondence; telephone and electronic conversation; travel; court preparation; and appearances at hearings, depositions and meetings.

D. The PC should comply with any local statute, constitutional rulings, or practice rules regarding fees. A PC may request a retainer or advance deposit prior to starting a case. The parties should be billed on a regular basis and notified when the retainer or advance deposit, if any, is to be replenished.

E. A PC shall maintain records necessary to support charges for services and expenses and should make a detailed accounting of those charges to the parties, their counsel or the court on a regular basis, if requested to do so.

Guideline X

A PC will communicate with all parties, counsel, children, and the court in a manner which preserves the integrity of the parenting coordination process and considers the safety of the parents and children. The PC will have access to persons involved with family members and to documentary information necessary to fulfill the responsibilities of the PC.

A. Because parenting coordination is a non-adversarial process designed to reduce acrimony and settle disputes efficiently, a PC may engage in ex parte (individual) communications with each of the parties and/or their attorneys, if specified in writing in the order of appointment, PC agreement or stipulation. The PC may initiate or receive ex parte oral or written communications with the parties and their attorneys, legal representatives of the children, and other parties relevant to understanding the issues. The PC should do so in an objective, balanced manner that takes into consideration the possibility or perception of bias. The PC should communicate agreements, recommendations, or decisions to all parties and counsel at the same time.

B. If reports are written, the PC should follow the court’s rules or Instructions regarding whether the court should receive a copy. The PC shall not communicate ex parte with the judge.

C. The PC typically should have access to any persons involved with family members including, but not limited to, the custody evaluator, lawyers, school officials, and

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6 In some jurisdictions, the PC also requires a refundable deposit from each party for any fees and expenses incurred but not paid prior to ending the case.
physical and mental health care providers. The PC shall have the authority to meet with the children, any stepparent or person acting in that role, or anyone else the PC determines to have a significant role in contributing to or resolving the conflict. The PC should notify any such collateral sources that information obtained from them is not confidential and that it may be used in making decisions or writing reports or recommendations to or testifying in court.

D. The PC should have access to all orders and pleadings filed in the case, as well as the custody evaluation report, school and medical records of the children, and reports of psychological testings that were generated prior to, during or after the pendency of the case. The court order should require that the parties execute releases and consents to permit access to such data and other relevant information.

E. The PC should have initial individual and/or joint interviews with the parties, and may want to interview the children if the PC has the appropriate training and skills. PCs may interview any individuals who provide services to the children as needed to assess the children's needs and wishes. The communication between the parties may be in joint face-to-face meetings, telephone conference calls, individual face-to-face or telephone meetings, e-mail, or fax. The PC should determine whether separate or joint sessions are most appropriate at any particular time. In cases of domestic violence involving power, control and coercion, the PC shall conduct interviews and sessions with the parties individually.

F. The PC shall be alert to the reasonable suspicion of any acts of domestic violence directed at the other parent, a current partner, or the children. The PC should adhere to any protection orders, and take whatever measures may be necessary to ensure the safety of the parties, their children and the PC.

G. The PC should be alert to the reasonable suspicion of any substance abuse by either parent or child, as well as any psychological or psychiatric impairment of any parent or child.

H. The PC should keep notes regarding all communications with the parties, the children and other persons with whom the PC speaks about the case.

I. A PC shall document in writing all resolutions agreed upon by the parties or determined by arbitration, noting the process by which the agreement or decision was made.

J. The PC shall maintain records in a manner that is professional, comprehensive and inclusive of information and documents that relate to the parenting coordination process and that support decisions and recommendations by the PC.
**Guideline XI**

A PC should attempt to facilitate agreement between the parties in a timely manner on all disputes regarding their children as they arise. When parents are unable to reach agreement, and if it has been ordered by the court, or authorized by consent, the PC shall decide the disputed issues.

A. A PC may be granted the authority to make decisions for the parties when they cannot agree, or the PC may be allowed only to make recommendations to the parties or the court. The scope of the PC's decision-making authority may be limited in some jurisdictions by constitutional law or statute. A PC should be knowledgeable about governing law and procedure in the PC's jurisdiction regarding decision-making or arbitration by the PC.

B. A PC shall have only the authority that is delegated in the court order or the consent provided by the parties. If so written in the order or consent agreement, a PC may have authority to resolve the following type of issues:

1. Minor changes or clarification of parenting time/access schedules or conditions including vacation, holidays, and temporary variation from the existing parenting plan;

2. Transitions/exchanges of the children including date, time, place, means of transportation and transporter;

3. Health care management including medical, dental, orthodontic, and vision care;

4. Child-rearing issues;

5. Psychotherapy or other mental health care including substance abuse assessment or counseling for the children;

6. Psychological testing or other assessment of the children and parents;

7. Education or daycare including school choice, tutoring, summer school, participation in special education testing and programs or other major educational decisions;

8. Enrichment and extracurricular activities including camps and jobs;

9. Religious observances and education;
10. Children's travel and passport arrangements;

11. Clothing, equipment, and personal possessions of the children;

12. Communication between the parents about the children including telephone, fax, e-mail, notes in backpacks, etc.;

13. Communication by a parent with the children including telephone, cell phone, pager, fax, and e-mail when they are not in that parent's care;

14. Alteration of appearance of the children including haircuts, tattoos, ear and body piercing;

15. Role of and contact with significant others and extended families;

16. Substance abuse assessment or testing for either or both parents or a child, including access to results; and

17. Parenting classes for either or both parents.

C. The PC should use or gather written or verbal statements of the dispute from each party, as well as other relevant sources of information. The methodology used by the PC shall be fair to both parties, and be transparent to both the court and the parties. Each party shall be given an opportunity to be heard in the process. Notice shall be given as to what is expected from the participation of the parties and the consequences of nonparticipation. If one party refuses to cooperate after notice, then the PC may continue to resolve the dispute.  

D. The PC shall issue a written resolution of the dispute or a verbal decision in time sensitive matters to be followed by a written decision.  

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7 In some jurisdictions, the PC must notify the parties of the intent to proceed to an arbitration phase if the parties do not reach agreement on their own or with the assistance of the PC.

8 There is variation in the destination of the PC’s recommendations and decisions. In most but not all jurisdictions in which PCs are appointed by court order, the PC is expected to send all recommendations, reports, and decisions to the court, as well as to each parent and their attorneys. Where the PC has not been appointed by the court, PCs should prepare recommendations, reports and decisions in such a manner that the court can access the information if requested. In most jurisdictions, that determination becomes an order and is considered binding. Standards for appeal and judicial review vary from jurisdiction to jurisdiction.
E. A PC shall refrain from making decisions that would change legal custody and physical custody from one parent to the other or substantially change the parenting plan. Such major decisions are more properly within the scope of judicial authority. PCs may need to make temporary changes in the parenting plan if a parent is impaired in his or her functioning and incapable of fulfilling his or her court-ordered parenting functions until further information and assessment is obtained and the court has assumed decision-making responsibility.

**Guideline XII**

A PC shall not engage in marketing practices that contain false or misleading information. A PC shall ensure that any advertisements regarding qualifications, services to be rendered, or the parenting coordination process are accurate and honest. A PC shall not make claims of achieving specific outcomes or promises implying favoritism for the purpose of obtaining business.
APPENDIX A:

RECOMMENDATIONS FOR COMPREHENSIVE TRAINING OF PARENTING COORDINATORS

A Parenting Coordinator ("PC") should have training in each of the following subject areas as reflected in the modules below. It is anticipated that mental health and legal professionals will have acquired some of the knowledge and experience in the competency areas listed, particularly in Section II, and in mediation training. Training programs may want to accommodate different levels of prior training and experience by offering training in these four modules and developing a process for exempting certain professionals from any of the modules where competency is established. Individual jurisdictions should set guidelines, approve trainings, and assign trainers to ensure that candidates can demonstrate minimum competencies in order to begin practice, and should require the completion of scheduled follow up trainings to achieve mastery within a reasonable amount of time. Individual jurisdictions and provinces might consider developing mentoring programs to provide consultation and support for beginning "PCs" to reinforce and develop the skills that are covered in the recommended subject areas.

Module 1: The Parenting Coordination Process

A. The various functions of the PC

B. Limitations of the parenting coordination process, including the difference between parenting coordination and parent education, therapy, custody evaluation and dispute resolution processes

C. Professional guidelines of practice for PCs

1. The interplay between other professional guidelines and professional practice guidelines and local/state guidelines for court-appointed PCs

2. The potential for conflict of interest of the PC and the people to whom parenting coordination services are offered

D. Issues that are appropriate and not appropriate for parenting coordination

E. Characteristics of individuals who are appropriate and not appropriate to participate in the parenting coordination process

1. Appropriate courses of action when confronted with substance abuse during the parenting coordination process

2. Screening for domestic violence and appropriate courses of action when confronted with domestic violence during the parenting coordination process
3. The effect of domestic violence on parents involved in the parenting coordination process

4. Situations in which the PC should suggest that the parties contact the supervising judicial officer, independent legal counsel, postpone or cancel the parenting coordination session, suspend the parenting coordination process, or refer the parties to other resources

F. When to refer parties to services for child protection or elder abuse, and the issue of confidentiality as it applies to each

G. Special needs of the *pro se* or *pro per* party

**Module 2: Family Dynamics in Separation and Divorce**

A. Psychological Issues In Separation and Divorce and Family Dynamics

1. The impact divorce has on individuals and on family dynamics and the implications for the parenting coordination process

2. Useful psychological research and theories applicable to the intervention for high conflict families

3. How emotions impact on divorce issues and on a party’s ability to participate effectively in the parenting coordination process.

4. Sources of divorce/separation impasses, including parental behaviors associated with personality disorders, and the related implications

5. How to promote awareness by the parties of the interests of persons affected by actual or potential agreements, who are not represented during the parenting coordination process

   a. The impact of grandparents, step-parents and significant others on family systems and the parenting coordination process

   b. Situations in which participation of non-parties (e.g., grandparents, children, new spouses) may be necessary in the parenting coordination process

B. Issues concerning the needs of children in the context of divorce

1. The needs and adjustment of children and the effect of divorce on their relationships with their mother, father, step-families, siblings and others in the family relationship

2. Child(ren)’s developmental stages and how they relate to divorce and parenting arrangements
3. The impact the parenting coordination process can have on the children's well-being and behavior
4. When and how to involve children in the parenting coordination process
5. Indicators of child abuse and/or neglect and the process and duty to report allegations of child abuse and/or neglect

C. Dealing with high conflict parents
   1. The impact of parental conflict and appropriate parenting on children's well-being
   2. The dynamics of child alignments, estrangements and alienation
   3. Various parenting arrangements that consider the needs of the child(ren) and each parent's capacity to parent, including modifications for high conflict situations

D. Dealing with domestic violence issues
   1. The different research-based types of domestic violence, including conflict-instigated violence, violence involving power, control, and coercion (often referred to as male battering), female violence, and separation-engendered violence
   2. The unique problems and inherent dangers presented by domestic violence of all types in terms of parental contacts, and the need for safe PC procedures and child exchanges
   3. The importance of monitoring compliance with the parenting plan and reporting to a judicial officer any infractions of the court order, including the parenting plan
   4. The psychological impact of domestic violence on child and adolescent development

E. The different co-parenting relationships of cooperative, parallel, and conflicted parenting

Module 3: Parenting Coordination Techniques and Issues

A. Structuring the parenting coordination process
   1. The initial session and preparing the parties for the process
   2. Scheduling the time and location, and establishing the format of each conference and focusing discussion
   3. Structuring and managing the discussion, maintaining control of the sessions, and utilizing appropriate case management skills
4. Managing separate sessions, telephonic and e-mail communication
5. Maintaining appropriate records and documentation as a PC
B. The PC’s informed consent, including limits on confidentiality
C. The PC’s service contract and fee allocation
D. The role of the parenting plan in the parenting coordination process, including how to develop, monitor and modify a parenting plan
E. The characteristics that enhance or undermine the effectiveness of the PC including, but not limited to: demonstrating empathy, building rapport, establishing trust, setting a cooperative tone, sympathetic listening and questioning, empowering the parties, remaining non-judgmental, language use, and non-verbal communication skills
F. Awareness of personal biases, prejudices and styles that are the product of one’s background and personal experiences that may affect the parenting coordination process
G. Socio-economic, cultural, racial, ethnic, language, age, gender, religious, sexual orientation and disability issues, which may arise and/or affect the parties’ negotiation styles, ability or willingness to engage in the parenting coordination process
H. Building on partial agreements including when and how to switch between dispute resolution processes
I. Arbitration procedures, appropriate arbitration decisions, and writing and filing arbitration decisions/awards
J. Appropriate techniques for handling difficult situations
K. Appropriate boundaries of a PC
   1. Safety procedures for those participating in the parenting coordination process
   2. Office safety policies and working with clients having current restraining and protective orders
   3. Establishing appropriate limits for client demands
L. When and how to use outside experts effectively
   1. How to assist the parties in deciding on appropriate community resources
   2. Developing a list of social service resources, including those for domestic violence situations
M. The impact of high conflict client behavior on the parenting coordination process and the PC and avoiding professional burn-out
N. Reasons for a PC to decline an appointment, withdraw or request
appropriate assistance including, but not limited to, when the facts and circumstances of the case are beyond the PC's skill or experience

O. The Americans with Disabilities Act (ADA) requirements and strategies for handling situations when faced with disability issues or special needs

Module 4: Court Specific Parenting Coordination Procedures

A. The PC's responsibility to the court

B. Knowledge of and adherence to jurisdiction-specific qualifications for a PC

C. Mentorship and certification requirements, if applicable

D. Local/state/province family law as it may pertain to the parenting coordination process
   1. The state statute and/or rule governing family parenting coordination
   2. The difference between neutrality and impartiality as it applies to parenting coordination and the ability to demonstrate each appropriately
   3. Legal concepts as they relate to the parenting coordination process including, but not limited to: geographic relocation, equitable distribution, child support, law of modification, parenting time adjustment, law of relocation, law of due process law of ex parte communication and law of privilege
   4. The statutory constraints of parenting coordination where domestic violence exists and/or protective orders are in place

E. How and when the PC should interface with the court system
   1. The appointment and discharge processes of the PC
   2. The importance of a court designation to the parenting coordination process
   3. The ethical constraints on confidentiality and both in relation to the entire parenting coordination process and separate sessions within the process

F. Forms utilized in local courts pertaining to parenting coordination and local court procedures

G. How to work with legal, mental health and other professional disciplines, and promote cooperation among those dealing with the family

H. When and how to utilize a qualified expert and/or a team approach to best serve the parties in the parenting coordination process
H. The grievance procedure contained in the local/state rules for PCs, if any
I. Possible ethical dilemmas that may confront a PC and how to avoid them

**Domestic Violence Training:** The need for additional and/or separate training on domestic violence should continue be considered in setting up a PC training program.
APPENDIX B:

BEST JUDICIAL AND PROGRAM PRACTICES

A parenting coordination program operates most efficiently and effectively when judges understand, support and are involved in the formation of the program. Judicial monitoring of the program, the PCs and their work is essential to protect parents, children and PCs. The process is most effective at weaning the parties from litigation when judges encourage them to rely on the PC to resolve their disagreements and discourage ongoing court proceedings. To these ends, the following best practices for the judiciary and for program development are recommended.

1. Scope of Authority:

   In some jurisdictions, the role or scope of authority of the PC may be limited by the provisions of state constitutions, statutes, court rules or case law on public policy considerations regarding the delegation of a court’s authority to protect the best interests of children in contested custody and parenting time cases. Some jurisdictions permit those disputes to be resolved in private arbitration, while other jurisdictions prohibit arbitration as against public policy (parns patriae doctrine). Consequently, local law should be researched carefully before a new parenting coordination program is designed.

2. Qualifications of PCs:

   In jurisdictions establishing or revising a parenting coordination program, it is recommended that judges appoint qualified professionals to undertake this difficult work as the best means for achieving the goals of the court. Judges in each jurisdiction are encouraged to establish a means for confirming the qualifications and training of mental health and legal professionals seeking to be appointed as PCs. This information should be available for review by parents and lawyers considering a PC.

3. Standard Order:

   It is recommended that each jurisdiction initiate an interdisciplinary effort, appointed by the judiciary, to develop and adopt a standard order describing the legal authority, duties, and responsibilities of the PC, issues to be decided, fees, grievance process, and term of service. This will minimize confusing variations in practice for professionals and parents. The order should be signed by the lawyers, parents, and a judge prior to the PC’s beginning service.
4. Submission and Objection to PC Recommendations and Reports to Court:

There is variation in the destination of the PC's recommendations and decisions. In most, but not all jurisdictions, where PCs are appointed by court order, the PC is expected to send all recommendations, reports, and orders of decision to the court, as well as to each parent and any attorney. Where there is no court-appointed authority, PCs should prepare recommendations, reports, and decisions in such a manner that the court can access the information if requested.

5. Parent Grievances Regarding the PC and Objections to Recommendations and Decisions:

When PCs are appointed by the court or by consent agreement, it is important that the order contain clear language and procedures to handle parent grievances regarding the PC and to handle parent objections to the PC's recommendations and decisions, including wishes that the PC be removed. Some orders include language that indicates that the PC can be removed or disqualified on any of the grounds applicable to the removal of a judge, referee or arbitrator. It has been found to be helpful to articulate a series of steps for managing such grievances, which may stem from PC's acting in an unprofessional manner or may arise from anger about the PC's recommendations or decisions which were not favorable to the complaining party. These procedures have been developed to protect PCs from unfounded complaints to the professionals' licensing boards and also to provide parents with sanctioned avenues for seeking redress.

One grievance model requires that the complaining parent first set up and attend an appointment with the PC to discuss the grievance, prior to initiating any court proceedings for removal or complaining to the licensing board, in an attempt to resolve the grievance. If no resolution is reached, both parents and the PC then attend a judicially supervised settlement conference prior to any action being taken. The court reserves jurisdiction to determine if the PC's time and expenses should be reimbursed in part or totally, including any attorney's fees incurred by the PC. If either the complaining party or the PC believes that the complaint cannot be resolved, either party can file a motion to the court to terminate the PC's services. The judge is the final gatekeeper on the grievance process unless there is a PC certification body.

As an arm of the court with judicially delegated authority, PCs should be afforded quasi-judicial authority and immunity to protect them from lawsuits.

6. Standard Procedures and Literature:

Parenting coordination programs may consider developing and adopting a standard parenting coordination information pamphlet that describes in clear and simple
language what the parenting coordination model is, what the objectives of the parenting coordination process are, how the PC functions, the limitations on confidentiality, and what type of decisions the PC is typically authorized to make in the event of unresolved disputes. This educational sheet can routinely be made available to parents and lawyers who are considering the appointment of a PC.

Jurisdictions should consider establishing an appointment conference with the judge soon after the decision to use a PC. At the conference which the parties, their attorneys, any children's advocates and the proposed PC must attend; the order or consent agreement is signed and distributed, the PC's role and authority are explained, fees are determined, initial appointments are scheduled, releases and contracts are signed, and responsibility for providing documents and other information is assigned, all with the goal of commencing the PC process without delay.

Each local jurisdiction should consider creating a committee to facilitate the establishment of local rules (if any), standardized procedures and orders, and needed training, and to provide PCs with peer feedback.
APPENDIX C:

PARENTING COORDINATORS AND THE CANADIAN EXPERIENCE

It is to be noted that the Canadian experience with respect to PCs may differ substantially from the process as utilized in the United States.

First and foremost, the Canadian constitutional framework does not permit judges to delegate to third parties any judicial or quasi-judicial functions. In essence, this means that it is not possible for a judge to order the parties to attend and work with a PC under any circumstances and, accordingly, it is also not possible for a judge to order parties to attend with a PC who has arbitrator powers or any decision-making powers. That would be considered an improper delegation.

Nevertheless, there is a significant increase in the number of families that are utilizing the services of a PC in order to help them resolve parenting issues. This process in Canada is always on consent. In Canada, the parties, if desirous of using a PC, enter into a Parenting Coordinator Agreement. This Agreement usually gives the PC both mediation and decision-making powers, and the limitation of the PC’s powers is set out in the Agreement. Usually this means that the PC can attempt to mediate any parenting issues that do not fundamentally change the structure of the Parenting Agreement and, failing mediation, the PC can arbitrate and, thereby, resolve the parenting dispute.

It is common for the parties to incorporate the Parenting Coordinator Agreement into a court order. This does not constitute improper delegation by a court but is a recognition that the parties are thereby agreeing to arbitrate their parenting issues and this forms a submission to arbitration under the various provincial arbitration Acts that exist in each province. That is, the courts are no longer supervising the parenting issues that are covered in the Parenting Coordinator Agreement and the parties are bound by the Parenting Coordinator Agreement to arbitrate the issues for the terms set out in the Parenting Coordinator Agreement.

In Canada, therefore, it is very common that PCs are both mediators and arbitrators in the same case. That also means that the PC, when arbitrating, may utilize information learned in the mediation process to inform the PC as to how the decision on the disputed issue will be resolved.

There are virtually no PCs in Canada that would confine their role to just arbitration, and most lawyers have found that to confine a PC’s role to strictly mediation is not effective. Accordingly, a hybrid model has developed in Canada that allows the PC to both mediate and arbitrate.
APPENDIX D:

Members of the AFCC PC Taskforce 2003-2005

Chairperson and reporter: Christine A. Coates, M.Ed., J.D. is an experienced Colorado family law attorney who now emphasizes alternative dispute resolution (ADR) in domestic relations and has been an innovator in interventions for high conflict parents. She also is an adjunct professor at the University of Colorado School of Law and the author of articles on parenting coordination, high conflict families and ADR. A former president of AFCC and the chair of the first AFCC Parenting Coordination Task Force, she is the President of the Institute for Advanced Dispute Resolution and is a popular national speaker and trainer in conflict resolution, parenting coordination and family law. She co-authored Working with High Conflict Families of Divorce (Jason Aronson, 2001) and Learning From Divorce (Jossey-Bass, 2003).

Secretary: Linda Fieldstone, M.Ed. is supervisor of Family Court Services of the 11th Judicial Circuit of Florida, a parenting coordinator and trainer, and Certified Family Mediator, assisting the circuit in the development of its current PC program, policies and procedures. She is on the Board of Directors of AFCC, currently the President of the Florida Chapter of AFCC, and serving as Coordinator for the FLAFCC PC Interest Group and FLAFCC PC Taskforce. Ms. Fieldstone was appointed to the Florida Supreme Court Parenting Coordination Workgroup which has developed a PC Administrative Order/Order of Referral/Training Program which could be utilized uniformly statewide.

Barbara Ann Bartlett, J.D. has been an attorney for 20 years in Tulsa, Oklahoma and has been on the ground floor of the family law court reforms for Tulsa since they began in the early nineties. She was a co-author of the first Parenting Coordinator legislation in the nation that passed the Oklahoma legislature in 2001 and wrote the amicus curiae brief in support of it in the first constitutional challenge of a PC statute. She is on the Bar Register of Preeminent Lawyers.

Robin M. Deutsch, Ph.D. is a psychologist at the Massachusetts General Hospital where she is the Co-Director of the Children and the Law Program of the Law and Psychiatry Service. She is an Assistant Clinical Professor of Psychology at Harvard Medical School. Her work has focused on the application of child development research to children's adjustment to divorce, the evaluation of families involved in family change, parenting issues, and management of high conflict divorce. She is the co-author of 7 Things Your Teenager Can't Tell You (and How to Talk About Them Anyway) (Ballantine, 2005). Dr. Deutsch is a member of the Board of Directors of the AFCC and the Massachusetts chapter of AFCC (of which she is a former president). She is frequently invited to provide educational and scientific presentations to judges, lawyers, and mental health professionals.
Billie Lee Dunford-Jackson, J.D. is the Co-Director of the Family Violence Department of the National Council of Juvenile and Family Court Judges. She works on law and policy issues pertaining to child custody and child protection in the context of domestic violence and provides training and technical assistance to practitioners seeking new approaches to working with families where both mothers and children are abused. She was instrumental in developing and launching the National Judicial Institute on Domestic Violence and continues to play an active role in the Department's expanding educational programs for judges and court personnel handling domestic violence caseloads. Ms. Dunford-Jackson received her Masters and Juris Doctor degrees from the University of Virginia and practiced law for sixteen years, much of her caseload devoted to representing victims of domestic violence, before joining the Department in 1997.

Philip M. Epstein, Q.C., LSM is a lawyer in Toronto, Ontario, Canada.

Barbara Fidler, Ph.D., C.Psych., Acc.FM, is a registered psychologist and accredited mediator practicing in Ontario, Canada. She has been working with high conflict and custody/access disputes involving families since 1982, providing various interventions including: treatment, education, assessment, mediation, parenting coordination, supervision, training and consultation. Dr. Fidler is a frequent presenter on high conflict families and related topics. Her practice includes marital/couple, individual (child, adolescent, and adult) and family therapy. In addition to maintaining an independent practice, Dr. Fidler is a member of Family Solutions, which provides a team intervention with high conflict families.

Jonathan Gould, Ph.D. is a psychologist in Charlotte, North Carolina.

Hon. William G. Jones is a retired Chief District Court Judge from Charlotte, North Carolina. He was instrumental in establishing a parenting coordination program there and in implementing other initiatives to facilitate the resolution of child custody disputes. He is also active in the National Council of Juvenile and Family Court Judges.

Joan Kelly, Ph.D. is a psychologist, researcher, and mediator, who was Director of the Northern California Mediation Center for 20 years. Her research, clinical, and teaching career of three decades has focused on child and family adjustment to divorce, custody and access issues, child development, divorce and custody mediation, and parenting coordination. She has published 75 articles and chapters in these areas of interest, and is co-author of Surviving the Breakup: How Children and Parents Cope with Divorce. Dr. Kelly has been honored for her work with many awards, including the Distinguished Mediator Award from the Academy of Family Mediators, Fellow of the American Psychological Association, and the Stanley Cohen Distinguished Research and Meyer Elkin Awards from AFCC. Joan presents seminars and keynote addresses throughout the
United States, Canada, and abroad.

Matthew J. Sullivan, Ph.D., is a clinical psychologist in private practice in Palo Alto, California, specializing in forensic child and family psychology. He has written articles, presented and done training at numerous national and international venues on topics such as high-conflict divorce, parenting coordination and child alienation. He is currently on the editorial board of the Journal of Child Custody.

Robert N. Wistner, J.D., is a Board Certified Specialist in Family Relations Law in Columbus, Ohio. After 30 years as a family law litigator, he limits his practice to non-adversarial family dispute resolution processes. In addition to service as a member on the first AFCC Task Force on Parenting Coordination, he has served as Vice-Chair of the Ohio Task Force on Family Law and Children and is currently a member of the Ohio Supreme Court Advisory Committee on Children, Families and the Courts.
Appendix B11 - NCJFCJ Recommended Safety Procedures for Custody Pre-trial Process.
National Council of Juvenile and Family Court Judges

Recommended Safety Procedures for Custody Pretrial Processes

- Conduct separate sessions with each party with the same conference officer on separate days or at very different times within one day, so that the parties are not in the waiting room together.

- For the physical safety of everyone, use a site with metal detectors or silent alarm systems and have a bailiff in the waiting room and available to escort the abused party to a car or bus stop.

- Allow a support person to accompany the abused party to conferences and to participate, unless the conference officer concludes that participation disrupts the process.

- Review agreements to ensure that they contain provisions designed to protect children and the abused party from further violence (i.e., minimal contact between parents, third-party supervision if risk of child-snatching, child abuse, or children witnessing abuse).

- Require that agreements be reviewed by attorneys before being signed. (If a party is unrepresented, encourage him/her to consult with a family law attorney for one session; encourage members of the bar to donate short, one-time consultation sessions.)

- When mediation is rejected, ensure that a viable alternative is available to prevent delays in determining custody.

- Stipulate as to facts and circumstances upon which the parties relied to reach an accord (e.g., economics, living arrangements, employment status).

- Put all agreements in writing and make them part of the court record. This facilitates full understanding by all parties and leads to better enforcement.

- Question parties who appear to have reached agreement to ensure they understand and have agreed to its terms.
- Specify the length of time during which the conference officer will be working with the parties. If resolution is not occurring in a timely fashion, either party should be allowed to request a hearing before the court.
Appendix B12 – Lackawanna County Revised Parenting Guidelines: Child Custody Time-Sharing.
LACKAWANNA COUNTY REVISED PARENTING GUIDELINES:
Child Custody Time-Sharing

Court of Common Pleas of Lackawanna County
Honorable Chet Har hut, P.J.
Honorable Carmen D. Minora
Honorable Trish Corbett
Honorable Michael J. Barrassse
Honorable Terrance R. Nealon
Honorable Vito Geroulo
Honorable Robert A. Mazzoni
Honorable Thomas J. Munley
Honorable Carlon O'Malley, S.J.
DECISION-MAKING GUIDELINES:
Child Custody Time-Sharing

These proposed guidelines are presented with the intention of helping judges, masters and attorneys make child custody time-sharing decisions that meet the needs of children in the context of available parental resources and family relationships.

Time sharing alternatives exist on a continuum of options ranging from optimal access of shared physical custody, at one end, to restricted access or supervised visitation, on the other end.

These time sharing guidelines are drawn from three underlying principles or assumptions:

1. **Time sharing decisions should be influenced by characteristics of the children.** These include a child’s age, temperament, emotional attachment to each parent, relationship with siblings and friends, and involvement in activities in school and the community.

2. **Time sharing decisions should be influenced by the availability of parental resources.** These include a parent’s availability, willingness, ability to provide adequate childcare, and the absence or presence of serious parental dysfunction (i.e., substance abuse or addiction, domestic violence, serious mental health problems, criminal activity, or history of child abuse).

3. **Parent and family relationships should influence time sharing schedules.** These include the degree of cooperation and/or conflict among parents and other family members.

The guidelines are presented in five age groupings and one for multiple children:

1. Infants and Toddlers
2. Pre-School Children
3. Early Elementary Age Children
4. Late Elementary Age Children
5. Adolescents
6. Considerations for Multiple Children
Infants & Toddlers
(Birth to 2 ½ Years)

1. Consider optimal access for parents who are available, willing and able to provide adequate childcare

2. Consider limited or supervised access for parents with serious dysfunctions*

3. Primary household recommended for this age group

4. Parental cooperation required for consideration of shared physical custody (See 10 and 11 below).

5. With primary physical custody, the partial custody parent has 2-3 contacts a week with the children. Amount of time could vary from several hours to overnights (depending on 1 and 2 above).

6. With primary physical custody, the partial custody parent has the children for one or two nonconsecutive overnights (depending on 1 and 2 above).

7. Limit duration of separation of a parent from an emotionally attached child to 2-3 days

8. Establish structured and predictable time sharing schedules (See 10 and 11 below)

9. Employ graduated reunification strategy where long separations from a parent have occurred (See 10 and 11 below).

10. Consider court ordered therapeutic interventions where there is high conflict between parents (i.e., counseling for parents and/or children, family therapy, parent coordination, assignment of a guardian ad litem). (See Collaborative Model of Court Services, attached).

11. Parenting plans with a high degree of specificity should be required for high conflict parents (See Sample Parenting Plan, attached).

12. Allow the time sharing schedule to evolve with the age of the children.

* Substance abuse or addiction, domestic violence, serious mental health problems, criminal activity, or history of child abuse
Pre-School Age Children
(3 to 5 Years)

1. Consider optimal access for parents who are available, willing and able to provide adequate childcare

2. Consider limited or supervised access for parents with serious dysfunctions*

3. Primary household recommended for this age group

4. Parental cooperation required for consideration of shared physical custody (See 10 and 11 below)

5. With primary physical custody, the partial custody parent has 2-3 contacts a week with the children. Amount of time could vary from several hours to overnights (depending on 1 and 2 above).

6. With primary physical custody, the partial custody parent has the children for two consecutive overnights (depending on 1 and 2 above).

7. Limit duration of separation of a parent from an emotionally attached child to 3-5 days.

8. Maintain a structured and predictable time sharing schedules (See 10 and 11 below).

9. Employ graduated reunification strategy where long separations from a parent have occurred (See 10 and 11 below).

10. Consider court ordered therapeutic interventions where there is high conflict between parents (i.e., counseling for parents and/or children, family therapy, parent coordination, assignment of a guardian ad litem).

11. Parenting plans with a high degree of specificity should be required for high conflict parents

12. Allow the time sharing schedule to evolve with the age of the children.

* Substance abuse or addiction, domestic violence, serious mental health problems, criminal activity, or history of child abuse
Early Elementary School Age Children
(6 to 8 Years)

1. Consider optimal access for parents who are available, willing and able to provide adequate childcare.

2. Consider limited or supervised access for parents with serious dysfunctions.*

3. Children this age should be able to adapt to shared physical custody.

4. Parental cooperation required for consideration of shared physical custody (See 11 and 12 below).

5. Proximity of each parent's residence to children's school may rule out shared physical custody.

6. Children should be able to accommodate to 2 to 4 consecutive overnights with either parent (depending on 1 and 2 above).

7. Limit duration of separation of a parent from an emotionally attached child to 5-7 days.

8. Both parents should cooperate to support children's schooling (See 11 and 12 below).

9. Both parents should support children's involvement in a reasonable number of activities (See 11 and 12 below).

10. Employ graduated reunification strategy where long separations from a parent have occurred (See 11 and 12 below).

11. Consider court ordered therapeutic interventions where there is high conflict between parents (i.e., counseling for parents and/or children, family therapy, parent coordination, assignment of a guardian ad litem).

12. Parenting plans with a high degree of specificity should be required for high conflict parents.

* Substance abuse or addiction, domestic violence, serious mental health problems, criminal activity, or history of child abuse.
Late Elementary School Age Children
(9 to 12 Years)

1. Consider optimal access for parents who are available, willing and able to provide adequate childcare

2. Consider limited or supervised access for parents with serious dysfunctions*

3. Children this age should be able to adapt to shared physical custody. However, children this age may prefer to live in a primary residence close to their network of school and community friends.

4. Parental cooperation required for consideration of shared physical custody (See 11 and 12 below).

5. Proximity of each parent’s residence to children’s school may rule out shared physical custody.

6. Children should be able to accommodate to 5 to 7 consecutive overnights with either parent (depending on 1 and 2 above).

7. Limit duration of separation of a parent from an emotionally attached child to 7 days.

8. Both parents should cooperate to support children’s schooling (See 11 and 12 below).

9. Both parents should support children’s involvement in a reasonable number of activities (See 11 and 12 below).

10. Employ graduated reunification strategy where long separations from a parent have occurred (See 11 and 12 below).

11. Consider court ordered therapeutic interventions where there is high conflict between parents (i.e., counseling for parents and/or children, family therapy, parent coordination, assignment of a guardian ad litem).

12. Parenting plans with a high degree of specificity should be required for high conflict parents.

* Substance abuse or addiction, domestic violence, serious mental health problems, criminal activity, or history of child abuse
1. Consider optimal access for parents who are available, willing and able to provide adequate childcare

2. Consider limited or supervised access for parents with serious dysfunctions*

3. Children this age should be able to adapt to shared physical custody. However, children this age may prefer to live in a primary residence close to their network of school and community friends.

4. Parental cooperation required for consideration of shared physical custody (See 11 and 12 below)

5. Proximity of each parent’s residence to children’s school may rule out shared physical custody

6. Children should be able to accommodate to 7 or more consecutive overnights with either parent (depending on 1 and 2 above).

7. Limit duration of separation of a parent from an emotionally attached child to 7-14 days

8. Both parents should cooperate to support children’s schooling (See 11 and 12 below)

9. Both parents should support children’s involvement in a reasonable number of activities (See 11 and 12 below)

10. Employ graduated reunification strategy where long separations from a parent have occurred (See 11 and 12 below)

11. Consider court ordered therapeutic interventions where there is high conflict between parents (i.e., counseling for parents and/or children, family therapy, parent coordination, assignment of a guardian ad litem)

12. Parenting plans with a high degree of specificity should be required for high conflict parents

* Substance abuse or addiction, domestic violence, serious mental health problems, criminal activity, or history of child abuse
Considerations for Multiple Children

1. If all children will be joined in one custody time sharing schedule, the time sharing schedule should be organized to avoid long separations for the infants, toddlers, and pre-school age children from the primary custody parent.

2. If all children will be joined in one custody time sharing schedule and it is organized around the attachment needs of younger children, older children should be given some flexibility to participate in age appropriate activities and spend time with their friends.

3. Toddlers and pre-school age children may be able to tolerate somewhat longer separations from an emotionally attached parent if they have a strong attachment to older siblings with whom they will be joining in custody time.

4. Consider plans for a special time (hours or overnight) with individual children, with the boys and girls, or with younger and older children.

The guidelines are generally adapted from Kids First: Children Coping with Divorce and Family Conflict by Chet Mulewicz, Ed D.
COLLABORATIVE MODEL OF COURT SERVICES

HEARING

COLLABORATIVE INTERVENTIONS
- CLIP Case Management
- Anger Management
- Custody Evaluation
- D & A Eval/Treatment
- MH Eval/Treatment
- Parent Coordination
- Co-Parent Education
- Supervised Visitation
- Guardian Ad Litem
- Dad’s Support Group
- Welfare to Work
- Parent Education
- Mediation

CUSTODY CONCILIATION CONFERENCE

KIDS FIRST CLASS
Sensitize Parents to the Effects of Conflict on Children

ENTRY POINT:
Custody Action, Divorce w/Child Under 18, Special Relief, Act 53,
Truancy, Protection Orders, Domestic Relations with Indications of Co-Parent Conflict
APPENDIX A:
SAMPLE PARENTING PLAN

Jane Doe, Petitioner : In the Court of Common Pleas
 and : of Any County
John Doe, Respondent : In Custody-Parenting Plan

Docket Number: 99-cv-876

PARENTING PLAN

This parenting plan is made by Jane Doe, the Petitioner, a resident of the state of Any State, and John Doe, a resident of the state of Any State. The minor children covered by this plan are:

1. Rebecca Doe, Age 5, Born August 9, 1993
2. James Doe, Age 4, Born September 5, 1994

1.1. A Petition for Dissolution of Marriage has been filed in the Court of Common Pleas of Any County in the State of Any State. The parties agree that they can no longer live together.

1.2. The parents believe this parenting plan is in the best interests of their children and agree to submit it to the Court for approval. Upon approval of the Court, the parents agree to abide by the terms of this parenting plan.

2.0 LEGAL CUSTODY

2.1 Legal Custody

2.1.1. Shared or Joint Legal Custody: The parents agree that both parents will share in the right, duty, and responsibility for making important child-rearing decisions.

2.2 Education

2.2.1. Information Sharing: Both parents will have access to all educational records of the children. Parents will both obtain and share information about their children’s progress in school, such as grades, report cards, parent-teacher meetings, and school activities.

2.2.2. Education Decisions: Parents will jointly make important educational decisions for their children.
2.3 Health Care

2.3.1. Emergency Treatment: Each parent will have the right to take the children for emergency medical treatment while the children are in their care. If emergency treatment is required, the parent in charge will notify the other parent of the treatment as soon as possible.

2.3.2. Information Sharing: Both parents will have access to all health care records of the children. Parents will both obtain and share information about their children's health care, including medical treatment, counseling, and dental care.

2.3.3. Health Care Decisions: Parents will jointly make important health care decisions for their children, including medical treatment, counseling, and dental care.

2.4 Activities

2.4.1. Information Sharing: Both parents will have access to information regarding activities of their children. Parents will both obtain and share information about their children's participation in various activities, such as summer camps, sports activities, music lessons, dance lessons, field trips, etc.

2.4.2. Activities Decisions: Parents will jointly make important activity decisions for their children.

2.5 Religion

2.5.1. Information Sharing: Both parents will have access to information about the religious orientation and activities of their children. Parents will both obtain and share information about their children's participation in religious activities, such as religious education and religious ceremonies.

2.5.2. Religion Decisions: Parents will jointly make important religious decisions for their children.

3.0 PHYSICAL CUSTODY

3.1. Primary Physical Custody: The mother will have primary physical custody of their children and the father will have periods of partial physical custody.

3.2. The mother will have primary physical custody of the children subject to the father having periods of partial physical custody every other weekend from Friday at 8PM until Sunday at 5PM and Mondays preceding his weekend from 4PM until 8PM and Thursdays following his weekend from 4PM until 8PM.

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*Overnight Stay  PU=Pick Up  DO=Drop Off
4.0 SPECIAL DAYS & HOLIDAYS

4.1 Special Days

4.1.1. **Mother's Day**: If the normal schedule provides that the children are with their mother on Mother's Day, then no special plan will be necessary. However, if the children should be with their father on the Mother's Day weekend, their mother will assume care of the children from 7PM on the Saturday preceding Mother's Day until 7PM Sunday evening on Mother's Day.

4.1.2. **Mother's Birthday**: The mother will be given three hours on her actual birthday to celebrate with the children. No special plan will be necessary if the normal schedule provides that the children are with her on her birthday.

4.1.3. **Father's Day**: If the normal schedule provides that the children are with their father on Father's Day, then no special plan will be necessary. However, if the children should be with their mother on the Father's Day weekend, their father will assume care of the children from 7PM on the Saturday preceding Father's Day until 7PM Sunday evening on Father's Day.

4.1.4. **Father's Birthday**: The father will be given three hours on his actual birthday to celebrate with the children. No special plan will be necessary if the normal schedule provides that the children are with him on his birthday.

4.1.5. **Children's Birthday**: Each parent will have a reasonable opportunity to host a birthday party for the children in a time period from one week before to one week after their actual birthdays. The parents will make arrangements at their mutual convenience. The parent who does not have the children on their actual birthdays will be given two hours on each child's birthday to celebrate together.

4.2 Holidays

4.2.1. **Easter**: The parents agree to alternate the Easter Holiday. The father will have the children for even numbered years (2000, 2002 and so on). The mother will have the children on the odd numbered years (1999, 2001, and so on). It is understood that this holiday will begin at 4PM on the Saturday preceding Easter until 4PM on Easter Monday.

4.2.2. **Thanksgiving**: The parties agree to alternate the Thanksgiving Holiday. The father will have the children in the even numbered years (2000, 2002, and so on). The father will have the children in the odd numbered years (1999, 2001, and so on). The holiday begins at 5PM on Wednesday preceding Thanksgiving Day until 12Noon on Friday, following Thanksgiving Day.

4.2.3. **Christmas Eve**: The mother will have the children on Christmas Eve for the odd numbered years (1999, 2001, and so on) from 12Noon on Christmas Eve until 12Noon on Christmas Day. The father will have the children on Christmas Eve for the even numbered years (2000, 2002, and so on) from 12Noon on Christmas Eve until 12Noon on Christmas Day.

4.2.4. **Christmas Day**: The father will have the children on Christmas Day for the odd numbered years (1999, 2001, and so on) from 12Noon on Christmas Day until 8:00AM on December the 26th. The mother will have the children on Christmas Day for the even numbered years (2000, 2002, and so on) from 12Noon on Christmas Day until 8:00AM on December the 26th.
4.2.5. **New Year's Day:** The parties agree to alternate the care of the children on New Year's Day. The mother will have the children in the odd numbered years (1999, 2001, and so on). The father will have the children on the even numbered years (2000, 2002, and so on). This holiday will begin at 10AM and end at 7PM on New Year's Day.

4.2.6. **Plans for special days and holidays:** will have priority and replace the regular schedule. At the conclusion of the special day or holiday, the children will return to the regularly planned schedule.

5.0 **VACATIONS**

5.1 **Parent-Children Vacations**

5.1.1 **Number of Weeks:** The parents agree that each will have two weeks of vacation time with the children each year. Vacations will be limited to ten consecutive days. Each parent will provide four weeks advanced notice to the other parent indicating the location and dates (itinerary) they plan to take the children on vacation.

5.1.2. **Vacations Out-of-State or Country:** The parents agree that they each may take the children on vacation out-of-state or out-of-country as long as they provide four weeks prior notice and a brief itinerary.

5.1.3. **Communication:** Each parent agrees that while they are on vacation with their children they will allow the non-vacationing parent to have reasonable communication with the children by telephone.

5.1.4. **Vacation Itinerary:** The vacationing parent will provide the non-vacationing parent with a brief itinerary including the telephone number of where the children can be reached.

5.1.5. The vacation schedule will have priority and replace the regular schedule, special days, and holidays.

5.2 **Parent Vacations without Children**

5.2.1 **Number of Weeks:** The parents agree that they may each take a vacation without the children for a total of two weeks each year. Each will limit the duration of any one vacation to one week.

5.2.2. **Communication:** Each parent agrees that while they are on vacation without their children they will maintain reasonable communication with the children by telephone.

6.0 **COOPERATIVE CO-PARENTING**

6.1 **Method of Co-Parenting Contact**

6.1.1. **Casual:** The parents will casually and spontaneously share important child information and collaborate on decisions in person or by telephone as the situations arise.

6.1.2. **Structured:** The parents will exchange important child information and collaborate on decisions at regularly scheduled contacts by telephone. They will occur weekly on Sundays at 9PM.
6.2 Transfers and Transportation of the Children

6.2.1. Child Transfers: The parents agree that the children shall be available and prepared to make transfers between homes at designated times.

6.2.2. Transportation: The parents agree to provide transportation to school, appointments, and activities while the children are in their individual care.

6.2.3. Use of Seatbelts: The parents both agree that when they are transporting the children they will use seatbelts or other age-appropriate safety restraints as prescribed by state laws.

6.2.4. Transfer Transportation: The parent who will be receiving the children will provide transfer transportation for the children.

6.3 Parent-Child Relationships

6.3.1. Avoid Placing Children in the Middle: The parents agree to refrain from asking the children to carry messages to the other parent, to choose one parent over the other, or to quiz them about the other parent.

6.3.2. Esteem of Parents: The parents agree not to do or say anything to diminish their children's respect and affection for either parent. They will prevent others among their families and acquaintances from doing so, as well.

6.3.3. Parent-Children Communications: The parents agree that while the children are in their individual care, they will allow the other parent reasonable and private telephone contact with the children. Frequency of calls will be once daily.

6.3.4. Extended Families: The parents agree that the children should maintain a relationship with grandparents and extended family members. Each parent will ensure that their respective families do not diminish the respect and affection the children have for the other parent.

6.4 Relocation

6.4.1. Relocation from State or Country: The parents agree not to relocate the children out of the state or country without the written agreement of the other parent or an order of the court.

6.4.2. Regional Relocation: The parents agree to provide two months prior notice if they plan to relocate the children more than 25 miles from their city, their state.

6.5 General Co-Parenting

6.5.1. Information Notification: The parents agree to keep each other informed of important childcare information, such as parent-teacher meetings, activity sign-ups, games, recitals, etc.
6.5.2. **Location of Households:** The parents agree to keep each other informed as to the location of their residences and their phone numbers.

6.5.3. **Support of Activities:** The parents agree to support agreed-upon activities of the children by allowing them to attend and provide transportation, if necessary.

6.5.4. **First Option in Childcare:** The parents agree that when one parent needs childcare for more than two days the other parent will be given the first option to care for the children.

6.5.5. **Paying for Childcare:** The parents agree that they will individually assume the responsibility for paying for childcare when the children are in their care.

6.5.6. **Children of Divorce Education:** The parents both agree to attend an educational program on how children are affected by divorce and family conflict.

7.0 **COURT-CONNECTED INTERVENTIONS**

7.1. **Family Therapy:** Both parents and the children will participate in family therapy with the purpose of enhancing co-parenting and/or improving parent-children relationships. Therapist: Dr. Thomas Smith

7.2. **Payment for Court-Connected Interventions:** The mother will pay fifty percent and the father will pay fifty percent for family therapy costs that are not covered by insurance.

8.0 **PLAN REVIEWS & DISPUTES**

8.1. **Reviewing This Parenting Plan:** The parents agree to review this plan in three years.

8.2. **Mediate Before Litigating:** The parents agree to first attempt to resolve any parenting or childcare dispute through formal mediation before litigating the matter in court.

Jane Doe
Jane Doe, Petitioner

October 4, 1999

John Doe
John Doe, Respondent

October 4, 1999
Appendix B13 – *From"Custody" to "Parenting"* by Andrew Schepard.
From "Custody" to "Parenting"

By

Andrew Schepard*

"Courts and legislatures should replace the terms "custody" and "visitation" with terms that more accurately describe parenting responsibilities and are less likely to foster conflict, such as 'parental decision-making,' 'parenting time,' and residential arrangements' for children."¹

Why are we in New York holding on to the term "custody", which causes much confusion and animosity and does not accurately reflect the roles of parents after divorce?² Our basic statute on post-divorce parent-child relationships uses the language of criminal law and possession. Other states, in contrast, are following the recommendations of national commissions and the American Law Institute by amending their statutes to encourage a positive vision of the role twenty-first century parents should play in the lives of their children after divorce.

Parents of thousands of New York children divorce each year. Many of these families include two fit parents that want nothing more than to be a meaningful part of their children's lives after divorce. When parents are unable to reach a private agreement, however, so long as our courts are driven by the word "custody" in making awards, in most cases, only one parent will emerge from the adversarial contest with the judicially decreed status of a custodial parent. The court will relegate the other parent to a visitor in the child's life. The child custody proceeding becomes a zero-sum proceeding with a winner-takes-all result. Winning a custody

*Professor of Law, Hofstra University School of Law. James Bozzomo, Hofstra University School of Law Class of 2003, ably assisted with the drafting and research for this article.

¹ Parenting Our Children: In the Best Interest of the Nation, A Report to the President and Congress, U.S. Commission on Child and Family Welfare (September 1996)

proceeding becomes a contest for a brass ring, sought by some parents to degrade the other parent.

Children don’t need winners or losers; they need parents who understand precisely what each parent’s role will be in raising and protecting their child. Divorce is not the death of the family, nor is it the end of either parent’s role as a caregiver and nurturer. Divorce is rather a time of family reorganization. While parent child relationships are changed because of the transitions that divorce requires, they do not end. Both parents will continue to exercise some degree of childcare, control, and decision-making authority over the children in the reorganized family.

The Need to Involve Both Parents in the Child’s Life After Divorce

Social science research establishes that children are more likely to cope with the emotional, economic and educational transitions that divorce imposes on them if they have robust relationships with both parents after divorce, particularly if those relationships are relatively low conflict. Divorce is the single biggest reason that children live in single parent families. Children in single parent families score lower on virtually every indicator of childhood stability and quality of life than do their counterparts living with two parents. Overall, they tend to be pessimistic about their capacities to master life's opportunities and problems and to develop lasting relationships with others, a pessimism that reduces their aspirations for achievement and the state of their physical and mental health. Children in single parent families are, in general, far more likely to be in poor physical health, have a higher rate of suicide and mental illness, and

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suffer more accidents and injuries. Family disruption significantly increases the risk of adolescent drug use, particularly among boys.

Educational problems for divorcing children begin during the period preceding the parent's separation and continue thereafter. A recent study measured the effects of divorce on children's emotional well-being and educational achievement in 10,000 adolescents at four points in time - three years and one year before the divorce and one-year and three years after it. Compared with peers in intact families, children of divorce fared less well on all measures at all points in time. By three years after the divorce their emotional well being improved, but their success in school continued to decline. The researchers speculate that this permanent drop in academic achievement results from the children of divorce falling behind in their educational progress and not catching up or loosing motivation even after their emotional life stabilizes.

Essentially, the more that social policies encourages the involvement of both parents in the life of the child after divorce (consistent with safety), the more likely that the child will be able to cope with the transitions that threaten such negative outcomes for some of their futures. Children of single parent families do less well in school because there are fewer adults to invest in their development. Findings from a recent study indicate that "when fathers talk to their children on a consistent basis about school activities and events, they may be playing a critical role in helping them to handle the separation and divorce of their parents."

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role in lessening the negative impact that factors such as parental illiteracy, English as a second language and cultural discontinuity between home and school settings have on student achievement.

Confirmation of the importance of the involvement of both parents in the post divorce life of the child comes from another direction – studies of children in some form of joint custody arrangement. This column does not advocate that New York should enact a statutory joint custody presumption. As often discussed here, empirical research on children of divorce is limited in its scope, and cannot precisely answer questions that legal decision makers need answered in both setting policy and deciding individual cases. Reference is made here to the positive findings of the joint custody studies because they reinforce the importance of creating an atmosphere in the legal system that encourages both parents to be involved in the life of their child after divorce.

The research to date establishes that, in the aggregate, children in joint custody arrangements cope with the transitions that divorce requires better than children in sole custody arrangements. For example, a recent meta analysis of 33 studies concludes “children in joint custody are better adjusted, across multiple types of measures, than children in sole (primarily maternal) custody. This difference is found with both joint legal and joint physical custody and appears robust …” Non-custodial parents are also far more likely to pay child support if they have joint custody or visitation arrangements that allow parents to spend substantial time with

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their children than if they do not. Over three quarters of parents who had such arrangements received at least some support payments, compared to less than half of the parents who did not.  

**Parenting Plans**

A parenting plan is a detailed written description of how a child will be parented after divorce. It replaces terms like "physical custody" and "legal custody" with neutral language like "custodial responsibility," "parenting time," "residence," and "decision-making responsibility." A parenting plan includes provisions describing how major decisions for the child will be made, provisions for resolving disputes if they arise and where a child lives over an extended period of time (e.g. one-year) on a day-by-day basis.

A court is very likely to approve a parenting plan that parents jointly submit. If they do not agree, each submits their own. The parents then attempt to reconcile any differences in their plans after education and through mediation. If parents still submit competing plans, the court chooses between them, or creates its own, based on the factors that have traditionally been part of the "best interests" analysis. The court need not declare one parent the "sole custodian" and the other parent the "visitor"; rather it can order a parenting plan that divides decision-making and residence between the parents into components, and creates mechanisms through mediation and education that can help resolve any future disputes.

**The National Trend Towards Parenting Plans**

Many states are moving to authorize parenting plans to replace custody in statutes such as DRL § 240. The opening quote to this column is a recommendation that comes from a report

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prepared by the U.S. Commission on Child and Family Welfare, which was submitted to the President and Congress in 1996. The Commission recognized that the terms, custody and visitation, were not consistent with actual parental responsibility after divorce. Moreover, the Commission recognized that eliminating the use of such terminology would have a positive impact on parental cooperation. The Commission’s recommendation went on to urge all the states to adopt the neutral terminology of parenting plans, and to abandon the labels of custody and visitation.

Professor Linda Elrod recently noted that many states “require parents to draft parenting plans, either filing a joint plan or for each to submit a plan when seeking custody” and cites ten states whose statutes require submission of parenting plans.\(^\text{10}\) The state of Washington requires, by statute, that parents submit parenting plans for all divorce cases involving children.\(^\text{11}\) The Washington statute does not use the term “custody”, substituting instead “decision-making” and “residential time”. In order to help parents settle disputes and avoid litigation, the Washington legislature has provided courts with the discretion to order mandatory mediation of parental disputes. Mediation is considered an essential mechanism for courts to employ in order to help parents facilitate agreement and “reduce acrimony which may exist between the parties and to develop an agreement assuring the child’s close and continuing contact with both parents after the marriage is dissolved.”\(^\text{12}\)

Colorado has also taken steps to move beyond custody to parenting plans. In Colorado, the legislature has chosen to refer to the traditional child custody proceeding as, “A proceeding


for the allocation of parental responsibilities." Since 1999, the term “custody” and references such as “custodial” or “custodian,” have been changed to “parental responsibilities.” References to old term “visitation” have previously been changed to “parenting time.”

Recently, in 2000, the Futures Subcommittee of Oregon’s Statewide Family Law Advisory Committee, commissioned by the Oregon Legislature, presented its report as to what the family unit might look like in 2020, and how the family court should develop to meet the future needs of families in 2020. As a starting point, the Subcommittee recommended that specific language change to more accurately reflect the goals of the state’s family law policy. The Task Force “endorsed the need to change the language when the labels get in the way as [they] have done by substituting ‘parenting plan’ for ‘award’ and ‘parenting time’ for ‘visitation.’” The Task Force goes a step further and questions whether the term “custody” should be used at all in the future; the term custody symbolizes ownership and fails to acknowledge that children “live with” parents when they are with each parent.

The American Law Institute’s (“ALI”) most recent proposal for the child custody decision-making process builds on all of these developments and recognizes that the traditional terms, custody and visitation, represent and perpetuate the winner takes all mindset. The central focus of the ALI proposal is to encourage parents to devise their own parenting plans while allowing their child to have a meaningful relationship with both of them safely. The ALI recommends that parents file a proposed parenting plan, either mutually or individually, with the

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16 Id.
court upon a request for judicial allocation of custodial responsibility\textsuperscript{17}. The ALI proposal also recommends that courts develop a screening process to identify credible evidence of domestic violence in order to ensure that joint proposals are entered into voluntarily before they are ordered.

New York should take counsel from these other states and the national trend towards parenting plans. We collectively waste valuable emotional, judicial and financial resources when families endure protracted litigation to resolve the threshold matter of which parent will be labeled the custodial parent – and a court then determines what "visitation" schedule is in the best interests of the child. The first step is generally unnecessary when both parents are fit, and can be combined in the second step when the court starts off with the premise that its goal is not declare which parent wins or which loses, but rather to detail appropriate parental roles and responsibilities.

Many matrimonial lawyers already follow the parenting plan concept in drafting settlement agreements. The legislature can help by eliminating labels and requiring courts to focus on function in contested cases. Doing so will not eliminate the bitterness and acrimony surrounding divorce, but it will point parents and courts in the right direction. The change in terminology from custody to parenting plan will signify that the state recognizes that after divorce, the family lives on in a reorganized structure, and that it proactively encourages both parents to play a meaningful role in the child's post-divorce life.

\textsuperscript{17} AMERICAN LAW INSTITUTE, PRINCIPLES OF THE LAW OF FAMILY DISSOLUTION: ANALYSIS AND RECOMMENDATIONS § 2.05(1) (2002).
Appendix B14 – Connecticut Training Module for Family Relations Counselors - Summary.
Pre-Service Curriculum:

FRC 100 Family Services Overview (8 hours)
FRC 101 Policies, Ethical Issues and Code of Conduct (8 hours)
FRC 102 CMIS Training (Criminal and Civil) (12 hours)
FRC 103 Computer Training; CR-39, Protective Order Registry, EDISON (4 hours)
FRC 200 Understanding Victim’s Issues (8 hours)
FRC 201 Family Violence Offenders (8 hours)
FRC 202 The Family Relations Counselor Role in Criminal Court (8 hours)
FRC 203 Family Violence Risk Assessment (4 hours)
FRC 300 Court Process (2 hours)
FRC 301 Legal Issues (4 hours)
FRC 302 Connecticut Statutes and Practice Book (2 hours)
FRC 303 Confidentiality/Mandated Reporting (2 hours)
FRC 400 Child Development (16 hours)
FRC 401 Impact of Divorce on Adults and Children (8 hours)
FRC 402 Civil Services Overview/Civil Intake Screen (8 hours)
FRC 403 Custody Evaluation Overview/Initial Joint Conference/Individual Interview (8 hours)
FRC 404 Interviewing Children (8 hours)
FRC 405 Home Visits and Final Joint Conference (8 hours)
FRC 406 Custody Evaluation Report Writing (8 hours)
FRC 407 Testifying and Depositions (4 hours)
FRC 500 Issue Focused Evaluations (4 hours)
FRC 600 Mediation (24 hours)
FRC 700 Conflict Resolution Conference (4 hours)
FRC 800 Child Support Guidelines (8 hours)
FRC 801 Fin Plan (4 hours)
FRC 802 Short Calendar Negotiation (8 hours)
FRC 803 Final Settlement Negotiation (8 hours)
FRC 804 Civil Unions (4 hours)

Total Training hours: 202
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts

Department of Policy & Research

Adams

Child Custody Procedures Survey

Conciliation

This survey covers conciliation procedures. Conciliation typically refers to a mandatory informal conference attended by both parties and attorneys resulting in an agreement or a recommendation by the conciliator.

PLEASE RETURN COMPLETED SURVEY TO
MR. MARK D. GRIM, JR.
BY OCTOBER ____ 2005

Direct any questions to:
AOPC Research Department
215.560.6300, or by e-mail at statistics@pacourts.us

Person Completing Survey:

Name/Title: ________________________________

Phone Number: ____________________________ Date: __________

E-Mail Address: ____________________________

10/18/2005
1. Participation in conciliation is: [ ] mandatory [ ] voluntary

2. Certain cases are excepted from conciliation because: Check all that apply.
   [ ] none, there are no exceptions
   [ ] there is an active PFA order
   [ ] history of substance abuse
   [ ] waiver by agreement
   [ ] history of domestic violence
   [ ] other: ________________________
   [ ] relocation raised in complaint/petition

3. What is the process (how and by whom) by which parties are scheduled for conciliation?

   ________________________________________________________________

4. What required steps must be completed before a conciliation session can occur? Check all that apply.
   [ ] no required steps
   [ ] completion of expert evaluations
   [ ] mediation orientation
   [ ] participation in mediation
   [ ] parent education class
   [ ] other: ________________________

5. Who may participate in the conciliation session? Check all that apply.
   [ ] parties
   [ ] children, minimum age: ________________________
   [ ] attorneys for the parties
   [ ] guardian ad litem/attorney for the child(ren)
   [ ] family/friend supporters
   [ ] other: ________________________

6. Does the conciliator meet with the child(ren) separately (without parties or attorneys present)?
   [ ] always
   [ ] often
   [ ] sometimes
   [ ] rarely
   [ ] never
7. What occurs if the **moving party** does not attend conciliation? **Check all that apply.**
   - [ ] case cannot move forward until moving party complies
   - [ ] case is scheduled for: ____________________________
   - [ ] sanctions (e.g. bench warrant, fines) are imposed on moving party
   - [ ] other: ____________________________

8. What occurs if **non-moving party** does not attend conciliation? **Check all that apply.**
   - [ ] case cannot move forward until non-moving party complies
   - [ ] case is scheduled for: ____________________________
   - [ ] sanctions (e.g. bench warrant, fines) are imposed on non-moving party
   - [ ] other: ____________________________

9. Attorney attendance at the conciliation session is:
   - [ ] encouraged
   - [ ] discouraged
   - [ ] neither encouraged or discouraged

10. Does the conciliator ever recommend to the court that a guardian ad litem/attorney for the child(ren) be appointed? [ ] Yes [ ] No
   
   **If No, please skip to question 11.**

10a. How frequently has this occurred in the past 12 months?
   - [ ] often
   - [ ] sometimes
   - [ ] rarely
   - [ ] never

10b. Does the guardian ad litem/attorney for the child(ren) make recommendations to the court? [ ] Yes [ ] No

11. How much is the fee for conciliation?
   - [ ] no fee
   - [ ] fee is $__________ per party
   - [ ] flat fee is $__________
   - [ ] other: ____________________________
   - [ ] included in filing fee

   **If No fee, please skip to question 12 on page 3.**
11a. Who sets the fees for conciliation?

☐ court ☐ conciliator ☐ other: ______________________

11b. Who pays the fees for conciliation?

☐ filing party ☐ both parties ☐ other: ______________________

11c. Who collects the fees for conciliation?

☐ prothonotary ☐ conciliator ☐ other: ______________________

11d. To whom are the fees for conciliation disbursed?

☐ prothonotary ☐ conciliator ☐ other: ______________________

11e. How many sessions are included in the fee? ______________________

11f. How long is the initial session (in minutes)? ______________________

11g. Does it cost more money for additional sessions? ☐ Yes ☐ No

11h. Does it cost less money for fewer sessions? ☐ Yes ☐ No

11i. What occurs if one or more of the parties is unable to pay the fee?

☐ case proceeds without participation in conciliation

☐ party applies to proceed In Forma Pauperis (IFP)

☐ county covers payment

☐ court will seek pro bono services

☐ fee is waived

☐ other: ______________________

12. To avoid delays, is there a time limit for scheduling the conciliation session? ☐ Yes ☐ No

If No, please skip to question 13.

12a. What is the time limit? ______________________

12b. How, and by whom, is the time limit monitored?

__________________________
12c. What are the consequences if the time limit is exceeded?

13. The possible outcomes for conciliation are: **Check all that apply.**

- [ ] written agreement between parties at the close of the session
- [ ] temporary/interim order issued
- [ ] prepared order for court signature
- [ ] request for expert evaluations
- [ ] referral to education program
- [ ] a trial is scheduled before judge
- [ ] parties may attend additional conciliation
- [ ] parties referred to initiate or return to mediation
- [ ] a hearing is scheduled before a hearing officer or master
- [ ] other: __________________________

14. Does the conciliator make a written report or recommendation to the court?
   - [ ] always
   - [ ] sometimes
   - [ ] never

   *If never, please skip to question 15.*

14a. Do the parties or their attorneys have access to the written report or recommendation?
   - [ ] always
   - [ ] sometimes
   - [ ] never

14b. How can parties or attorneys acquire a copy?
   - [ ] they cannot, report is confidential
   - [ ] automatically sent to parties or attorneys
   - [ ] by request
   - [ ] other: __________________________

15. Is the conciliator authorized to make a **recommendation** in opposition to an agreement of the parties?
   - [ ] Yes
   - [ ] No

16. Is the conciliator authorized to enter a **temporary order** in opposition to an agreement of the parties?
   - [ ] Yes
   - [ ] No
17. Does the conciliator testify at later court proceedings?

☐ always   ☐ often   ☐ sometimes   ☐ rarely   ☐ never

18. Is the performance of conciliators evaluated by the court?  ☐ Yes  ☐ No

If No, please skip to question 19.

18a. Please describe how evaluation is conducted and by whom:

________________________________________________________________________

________________________________________________________________________

19. Conciliators are: Check all that apply.

☐ volunteers. How many? ______________________

☐ full-time county employees, custody conciliation only. How many? ______________________

☐ full-time county employees, custody conciliation with other duties. How many? ______

☐ part-time county employees, custody conciliation only. How many? ______________________

☐ part-time county employees, custody conciliation with other duties. How many? ______

☐ staff of another agency that conduct conciliation. How many? ______________________

☐ independent contractors. How many? ______________________

☐ other: ______________________

If NOT an independent contractor skip to question 20.

19a. If an independent contractor, how does a conciliator become eligible for court referrals?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
20. A conciliator is required to have: **Check all that apply**

- [ ] no specified requirements
- [ ] a Bachelor's degree
- [ ] a Master's degree
- [ ] a law degree
- [ ] admission to the bar
- [ ] completed a specialized training program. **Describe:**

21. A conciliator is required to: **Check all that apply.**

- [ ] pass a criminal background check
- [ ] pass a Child Abuse History Clearance
- [ ] maintain liability insurance
- [ ] obtain continuing education credits in custody related topics. **Describe:**

22. If a member of the bar, is the conciliator permitted to practice family law in your county court?

- [ ] Yes
- [ ] Yes, with the exception of custody
- [ ] No

23. We welcome your additional observations, comments, and suggestions for child custody procedures in Pennsylvania.
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts

Department of Policy & Research

Adams

Child Custody Procedures Survey

Expert Evaluations

This survey covers expert evaluations. An expert evaluation may include a mental health exam, home study, drug and alcohol assessment, custody evaluation or any other type of evaluation completed by an independent third party.

PLEASE RETURN COMPLETED SURVEY TO
MR. MARK D. GRIM, JR.
BY OCTOBER ____, 2005

Direct any questions to:
AOPC Research Department
215.560.6300, or by e-mail at statistics@pacourts.us

Person Completing Survey:

Name/Title: ________________________________________________________________
Phone Number: ______________________ Date: ______________
E-Mail Address: ____________________________________________________________

10/18/2005
1. Who can recommend to the court, or order, expert evaluations? **Check all that apply.**

   mediator? \[\rightarrow\] \(\square\) recommends \(\square\) orders \(\square\) neither recommends nor orders

   conciliator? \[\rightarrow\] \(\square\) recommends \(\square\) orders \(\square\) neither recommends nor orders

   guardian ad litem/attorney for child? \[\rightarrow\] \(\square\) recommends \(\square\) orders \(\square\) neither recommends nor orders

   hearing officer? \[\rightarrow\] \(\square\) recommends \(\square\) orders \(\square\) neither recommends nor orders

   other? \[\rightarrow\] **Describe:**

2. Can parties request expert evaluations? \(\square\) Yes \(\square\) No

3. When the court orders an evaluation, is an approved list of evaluators provided to the parties? \(\square\) Yes \(\square\) No
   
   **If No, skip to question 4.**

   3a. How do evaluation experts become eligible for court referral?

      

      

   3b. Are there minimum qualifications (e.g., education, licensing) that court approved evaluators must meet? \(\square\) Yes \(\square\) No

   3c. What are the minimum qualifications?

      

      

4. When the court orders an evaluation, does the order **specify the issues** to be evaluated? \(\square\) always \(\square\) sometimes \(\square\) never

5. When the court orders an evaluation, does the order **indicate to whom the evaluation report** is to be released? \(\square\) always \(\square\) sometimes \(\square\) never

6. To whom does the expert submit the evaluation? **Check all that apply.**

   \(\square\) judge \(\square\) parties \(\square\) attorneys

   \(\square\) other:

   *If the expert DOES NOT submit the evaluation to parties or attorneys, please answer 6a, otherwise skip to question 7.*
6a. How can parties or attorneys acquire a copy of the evaluation?
☐ they cannot, evaluation is confidential
☐ by request, specify to whom request is made: ___________________________
☐ other: ___________________________

7. Does the court maintain a contract with a service provider for evaluation services? ☐ Yes ☐ No
   
   *If No, skip to question 8.*

7a. What types of services are contracted?
   ___________________________
   ___________________________
   ___________________________

8. To avoid delay, is there a time limit for scheduling the expert evaluations? ☐ Yes ☐ No
   
   *If No, skip to question 9.*

8a. What is the time limit?
   ___________________________

8b. How, and by whom, is the time limit monitored?
   ___________________________
   ___________________________

8c. What are the consequences if the time limit is exceeded?
   ___________________________
   ___________________________

9. To avoid delay, is there a time limit for completing the expert evaluations? ☐ Yes ☐ No
   
   *If No, skip to question 10.*

9a. What is the time limit?
   ___________________________

9b. How, and by whom, is the time limit monitored?
   ___________________________
   ___________________________

9c. What are the consequences if the time limit is exceeded?
   ___________________________
   ___________________________
10. When the court orders an evaluation, does the order specify the amount of the fees to be charged? □ always □ sometimes □ never

11. Does the court have a fee schedule for the different types of evaluations? □ Yes □ No

*If yes, please attach a copy of the fee schedule to the completed survey.*

12. Who sets the fees for evaluations?

□ court sets the upper limit □ provider sets fee □ other: ____________________________

13. Who pays the fees for the evaluation?

□ filing party □ both parties □ other: ____________________________

14. For court ordered evaluations, is there a sliding scale fee based on ability to pay? □ Yes □ No

15. What occurs if one or more of the parties is unable to pay? **Check all that apply.**

□ case proceeds without evaluation □ county covers payment □ evaluation will not be released until payment received

□ party applies for In Forma Pauperis (IFP) □ court would seek pro bono services □ other: ____________________________

16. Who collects the fees for the expert evaluation?

□ court □ provider □ other: ____________________________

17. To whom are the evaluation fees disbursed?

□ to the court □ to the provider □ other: ____________________________
18. We welcome any additional comments, observations, or suggestions for child custody procedures in Pennsylvania.
Adams
Child Custody Procedures Survey

*Selected Court Fees and Educational Programs*

This survey covers selected court fees associated with filing a custody complaint/petition. It also covers educational programs such as Children Cope with Divorce, Adult Education Seminar, and other types of educational programs offered to parents and children.

**PLEASE RETURN COMPLETED SURVEY TO**
**MR. MARK D. GRIM, JR.**
**BY OCTOBER ____ 2005**

Direct any questions to:
AOPC Research Department
215.560.6300, or by e-mail at statistics@pacourts.us

*Person Completing Survey:*

Name/Title: __________________________________________

Phone Number: __________________________ Date: __________

E-Mail Address: __________________________________________
Court Related Fees

1. The fee for filing a divorce complaint is: $________________________

2. The fee for filing a custody complaint is: $________________________

3. The fee for filing a petition to modify is: $________________________

4. Is there an additional fee for a child custody action or count in the divorce complaint?  
   □ Yes  □ No

   If No, skip to question 5.

   4a. The additional fee for the child custody action or count is: $________________________

5. The fee for filing a petition for special/emergency relief is: $________________________

6. Is there a fee for filing a confirmation of custody? □ Yes □ No

   If No, skip to question 7.

   6a. The amount for filing a confirmation of custody is: $________________________

7. How much is the fee for a guardian ad litem/attorney for the child(ren)?
   □ no fee  □ fee is $___________ per party

   □ flat fee is $________________________  □ hourly rate: $___________

   □ sliding scale fee based on ability to pay  □ other: ______________________________

   If No fee, skip to question 8.

7a. Who pays the fees for the guardian ad litem/attorney for the child(ren)?
   □ filing party  □ both parties

   □ court  □ other: ______________________________

7b. If the parties are responsible for the fee, what occurs if the they are unable to pay?
   □ case proceeds without guardian ad litem/attorney for child(ren)

   □ party applies for In Forma Pauperis (IFP)  □ county would cover cost

   □ fee is waived  □ other: ______________________________
8. Are there any other fees, costs or surcharges due upon filing a custody complaint or a petition to modify? □ Yes □ No

If No, skip to question 9.

8a. type of additional fee: ____________________ amount: $________________

8b. type of additional fee: ____________________ amount: $________________

8c. type of additional fee: ____________________ amount: $________________

8d. type of additional fee: ____________________ amount: $________________

9. Are there special resources or materials provided to pro se litigants? Check all that apply.

□ no special resources provided □ filing directions □ assistance in completing forms

□ prepared packet of forms □ family court rules □ classes on completing forms

□ instructional videos □ other: ____________________

If there are special resources or materials, please enclose them when submitting your completed survey.

Educational Program

10. Is there an educational program for parents filing for divorce (e.g. Children Cope with Divorce, Adult Education Seminar)? □ Yes □ No

If No, skip to question 11.

10a. Name of educational program: ________________________________________

10b. The program is provided by: □ court □ contract with provider agency

10c. Participation in the educational program is:

□ mandatory □ only mandatory if there are children listed on the complaint □ voluntary

10d. Is the program available in any language other than English? □ Yes □ No

If No, skip to question 10f.

10e. Please specify the languages in which the program is available: ____________________

10f. Who may participate in the educational program?

□ parties □ attorneys for parties

□ children, minimum age: _______ □ other: ____________________
10g. What occurs if the **moving party** does not attend the educational program?

☐ case cannot move forward until the moving party complies

☐ case is scheduled for: __________________________

☐ sanctions (e.g., bench warrant, fines) are imposed on the moving party

☐ other: __________________________

10h. What occurs if **non-moving party** does not attend the educational program?

☐ case cannot move forward until non-moving party complies

☐ case is scheduled for: __________________________

☐ sanctions (e.g., bench warrant, fines) are imposed on non-moving party

☐ other: __________________________

10i. How much is the fee for the educational program?

☐ no fee

☐ fee is $________ per party

☐ flat fee is $___________

☐ other: __________________________

*If there is No fee, skip to question 10j.*

10j. Who pays the fees for the educational program?

☐ filing party

☐ both parties

☐ other: __________________________

10k. What occurs if one or more of the parties is unable to pay?

☐ case proceeds without parties attending education program

☐ county covers payment

☐ case cannot proceed

☐ party applies for In Forma Pauperis (IFP)

☐ fee is waived

10l. How long is the educational program (in minutes)?__________________________

10m. What day(s) and time(s) is the program offered?__________________________
10n. Is there a time limit for completing the educational program? □ Yes □ No

*If No, please skip to question 11.*

10o. What is the time limit?

____________________________________________________

10p. How, and by whom, is the time limit monitored?

____________________________________________________

10q. What are the consequences if this time limit is exceeded?

____________________________________________________

Please enclose any literature or materials you may have on the educational program with your completed survey.

11. We welcome your additional observations, comments, and suggestions for child custody procedures in Pennsylvania.

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts

Department of Policy & Research

Adams

Child Custody Procedures Survey

Hearing Officers

This survey covers procedures before hearing officers. Hearing officers are sometimes referred to as masters.

PLEASE RETURN COMPLETED SURVEY TO
MR. MARK D. GRIM, JR.
BY OCTOBER ___, 2005

Direct any questions to:
AOPC Research Department
215.560.6300, or by e-mail at statistics@pacourts.us.

Person Completing Survey:

Name>Title: ________________________________
Phone Number: __________________________ Date: ______________
E-Mail Address: ____________________________

10/18/2005
1. Hearing officers are used for: Check all that apply.
   - [ ] primary custody
   - [ ] partial custody
   - [ ] shared custody
   - [ ] visitation

2. Prior to scheduling a trial before a judge, a hearing before a hearing officer is:
   - [ ] mandatory
   - [ ] voluntary

3. Certain cases are excepted from bringing a matter before a hearing officer because:
   - [ ] none, there are no exceptions
   - [ ] there is an active PFA order
   - [ ] question of standing
   - [ ] history of substance abuse
   - [ ] waiver by agreement
   - [ ] venue
   - [ ] history of domestic violence
   - [ ] relocation raised in complaint/petition
   - [ ] other: __________________________

4. How much is the fee for a hearing before a hearing officer?
   - [ ] no fee
   - [ ] per party fee is $ _____
   - [ ] flat fee is $ _____
   - [ ] other: __________________________

   **If No fee, skip to question 5.**

4a. Who sets the fees for a hearing?
   - [ ] court
   - [ ] hearing officer
   - [ ] other: __________________________

4b. Who pays the fees for a hearing?
   - [ ] filing party
   - [ ] both parties
   - [ ] other: __________________________

4c. What occurs if one or more of the parties is unable to pay the fee?
   - [ ] party applies to proceed In Forma Pauperis (IFP)
   - [ ] county covers payment
   - [ ] court waives payment
   - [ ] other: __________________________

4d. Who collects the fees for the hearing?
   - [ ] prothonotary
   - [ ] hearing officer
   - [ ] other: __________________________

4e. To whom are the fees disbursed?
   - [ ] court
   - [ ] hearing officer
   - [ ] other: __________________________

5. What is the process (how and by whom) by which hearings are scheduled?
   ______________________________________
   ______________________________________

8. Upon scheduling, how much time is allotted for the initial hearing? (in minutes) __________________
7. Are there specific blocks of time (days or weeks) set aside in the hearing officer's calendar for custody matters?  
   □ always  □ sometimes  □ rarely  □ never  
   
   **If No, skip to question 8.**  
   7a. Please specify: ________________________________  

8. Are hearings that need more than one day scheduled for consecutive days?  □ Yes  □ No  

9. If the scheduled time is exceeded:  □ hearing will go on until its conclusion  
   □ hearing will be continued and scheduled for a later date  
   □ other: ________________________________  

10. What required steps (e.g., conciliation, mediation) must be completed before a hearing occurs?  
    **Check all that apply.**  
    □ there are no required steps  
    □ mediation orientation  
    □ parent education class  
    □ participation in mediation  
    □ participation in conciliation  
    
   **If there are NO required steps, skip to question 11**  
   10a. If any of the required steps listed above are not completed by the parties, the case:  
   □ is automatically scheduled, regardless  
   □ will not proceed until required steps are completed  
   □ sanctions (e.g., fine, bench warrant) are imposed on non-cooperating party  
   □ other: ________________________________  
   ________________________________  
   ________________________________
11. Does the hearing officer ever request that a guardian ad litem/attorney for the child(ren) be appointed?  
   If No, skip to question 12.  
   ☐ Yes ☐ No

   11a. How frequently has this occurred in the past 12 months?  
   ☐ often ☐ sometimes ☐ rarely ☐ never

12. What occurs if one or more of the participants do not attend the hearing?

13. To avoid delays, is there a time limit for scheduling the hearing?  ☐ Yes ☐ No

   If No, skip to question 14.
   13a. What is the time limit?

13b. How, and by whom, is the time limit monitored?

13c. What are the consequences if the time limit is exceeded?

14. What documents or records are available to the hearing officer at the time of the hearing?  
   Check all that apply.
   ☐ no documents or records available ☐ expert evaluations
   ☐ conciliator’s report and/or recommendation ☐ other: __________________________
   ☐ mediator’s notes

15. At the hearing:
   A. evidence is presented  ☐ Yes ☐ No
   B. sworn testimony is taken  ☐ Yes ☐ No
   C. proceedings are re-  ☐ Yes ☐ No
16. A hearing officer may issue a: **Check all that apply.**
   □ order □ temporary order □ recommendation □ other: __________________________

   *If a hearing officer may issue an ORDER, TEMPORARY ORDER or RECOMMENDATION, please answer 16a and 16b below. If not, skip to question 17.*

16a. Is there a time frame upon which an order, temporary order or recommendation becomes permanent if no further action is taken? □ Yes □ No

16b. The time frame is: __________________________________________

17. If one or more of the parties is not satisfied with the outcome of the hearing, what further action is available? **Check all that apply.**
   □ judge hears exceptions □ refer to conciliation, if available
   □ de novo hearing before a judge □ other: __________________________
   □ refer to mediation, if available

18. The hearing officer is:
   □ a full time county employee, hearing only custody. **How many?** __________
   □ a full time county employee, hearing custody with other duties. **How many?** __________
   □ a part time county employee, hearing only custody. **How many?** __________
   □ a part time county employee, hearing custody with other duties. **How many?** __________
   □ other: __________________________________________

19. The hearing officer is required to: **Check all that apply.**
   □ complete a specialized course, relating to custody
   □ obtain continuing education credits, relating to custody **Describe:** _______________________
   □ have a law degree
   □ other: __________________________________________

20. If a member of the bar, is the hearing officer permitted to practice family law in your county court?
   □ Yes □ Yes, with the exception of custody practice □ No
21. We welcome your additional observations, comments, and suggestions for child custody procedures in Pennsylvania.
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts
Department of Policy & Research

Adams

Child Custody Procedures Survey

Trial Before a Judge

This survey covers custody hearings before a judge; specifically, exceptions from the findings of a hearing officer/master or a trial de novo.

PLEASE RETURN COMPLETED SURVEY TO
MR. MARK D. GRIM, JR.
BY OCTOBER ____ , 2005

Direct any questions to:
AOPC Research Department
215.560.6300, or by e-mail at statistics@pacourts.us.

Person Completing Survey:

Name/Title: __________________________________________

Phone Number: ___________________________ Date: ______________

E-Mail Address: __________________________________________

10/18/2005
1. How many judges in your Court of Common Pleas presently hear child custody cases?

2. Of these, how many are exclusively assigned to Family Court matters?
   number of regular judges: __________
   number of senior judges: __________

3. How are cases assigned? **Check all that apply.**
   - [ ] individual calendar
   - [ ] master calendar
   - [ ] "one judge, one family"
   - [ ] other: ___________________________________________

4. Judges hear custody cases: **Check all that apply.**
   - [ ] on exceptions
   - [ ] de novo
   - [ ] other: ____________________________

5. What required steps must be completed before a custody trial is conducted before a judge? **Check all that apply.**
   - [ ] no required steps
   - [ ] mediation orientation
   - [ ] parent education class
   - [ ] participation in mediation
   - [ ] participation in conciliation
   - [ ] decision of a hearing officer
   - [ ] completion of expert evaluations
   - [ ] pretrial statements
   - [ ] other: ___________________________________________

*If there are NO required steps, skip to question 6.*

5a. If any of the required steps listed above are not completed by the parties, the case:
   - [ ] is automatically scheduled, regardless
   - [ ] will not proceed until required steps are completed
   - [ ] sanctions (e.g., fine, bench warrant) are imposed on non-cooperating party
   - [ ] other: ___________________________________________

10/18/2005
6. Is a pre-trial conference held? □ always □ sometimes □ rarely □ never
   
   If never, please skip to question 7.

6a. The pre-trial conference is: □ mandatory □ voluntary
   
   If mandatory, please skip to question 6c.

6b. If a pre-trial conference is optional, how is it requested? □ by motion
   □ other: ____________________________

6c. What is the process (how and by whom) by which pre-trial conferences are scheduled?
   ____________________________________________

6d. Is the pre-trial conference scheduled for the same day as trial?
   □ always □ sometimes □ rarely □ never

6e. If the pre-trial conference is scheduled before the trial, how many days before trial is the conference held?
   ____________________________________________

6f. The pre-trial conference is conducted by: □ the same judge assigned to trial
   □ a different judge than that assigned to trial

6g. A pre-trial memorandum is: □ mandatory □ voluntary

6h. If a pre-trial memorandum is mandatory, is there a format set out by local rule?
   □ Yes □ No

6i. A pre-trial memorandum is due: □ at the time of the conference
   □ before the conference, specify the number of days before

6j. What are the consequences for failure to timely file a pre-trial memorandum?
   □ there are no consequences
   □ case will not proceed until pre-trial memorandum is filed
   □ sanctions (e.g., fine, bench warrant) are imposed on non-cooperating party
   □ other: ____________________________

6k. Following the pretrial conference, does the Court issue a pre-trial order subsequent to the conference?
   □ always □ sometimes □ rarely □ never
7. Is there a local rule governing pre-trial conferences for custody trials? □ Yes □ No

If yes, please attach a copy of the rule.

8. What is the process (how and by whom) by which custody trials are scheduled?


9. To avoid delays, is there a time limit for scheduling a custody trial? □ Yes □ No

If No, please skip to question 10.

9a. What is the time limit?

9b. How, and by whom, is the time limit monitored?

9c. What are the consequences if the time limit is exceeded?


10. Upon scheduling, how much time is allotted for the trial? (in minutes)


11. Are there specific blocks of time (days or weeks) set aside in the judge’s calendar for domestic relations matters? □ Yes □ No

If No, please skip to question 12.

11a. Please specify:


12. Are custody trials that need more than one day scheduled for consecutive days? □ Yes □ No
13. If the scheduled time is exceeded: □ trial will go on until its conclusion
   □ trial will be continued and scheduled for a later date
   □ other: __________________________________________

14. Does the judge ever appoint a guardian ad litem/attorney for the child(ren)? □ Yes □ No

   *If No, skip to question 15.*

14a. How frequently has this occurred in the past 12 months?
   □ often □ sometimes □ rarely □ never

15. What occurs if one or more of the parties do not attend the trial?
   ____________________________________________________________

16. What documents or records are available to the judge at the time of the trial? Check all that apply.

   □ no documents or records available
   □ expert evaluation(s)
   □ pre-trial statements
   □ other: _______________________________________________
   □ conciliator’s report and/or recommendation
   □ master’s report and/or recommendation
   □ mediator’s notes

17. We welcome your additional observations, comments, and suggestions for child custody procedures in Pennsylvania.

   _________________________________________________________
   _________________________________________________________
   _________________________________________________________
   _________________________________________________________
   _________________________________________________________
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts

Department of Policy & Research

Adams

Child Custody Procedures Survey

Court Connected Mediation

This survey covers court connected mediation. “Mediation” is the confidential process by which a neutral mediator assists the parties in attempting to reach a mutually acceptable agreement on issues arising in a custody action.

“Court connected” refers to mediators to whom parties are referred by the court. Court connected mediation DOES NOT INCLUDE private mediators retained by parties or attorneys before filing, or mediation services retained independent of any specific referral by the court.

PLEASE RETURN COMPLETED SURVEY TO
MR. MARK D. GRIM, JR.
BY OCTOBER ______, 2005

Direct any questions to:
AOPC Research Department
215.560.6300, or by e-mail at statistics@pacourts.us.

Person Completing Survey:

Name/Title: __________________________

Phone Number: _______________________ Date: ________________

E-Mail Address: _________________________

10/18/2005
1. In what year was your court connected mediation program established? ____________

2. The mediation program was established in accordance with:
   □ Pa.R.C.P. 1940 et seq.
   □ local rule (cite: ________________________________)
   □ other: ________________________________

   *If your mediation program was established in accordance with local rule, please enclose a copy of the local rule with the completed survey.*

3. Certain cases are excepted from mediation because: Check all that apply.
   □ none, there are no exceptions
   □ there is an active PFA order
   □ history of substance abuse
   □ waiver by agreement
   □ history of domestic violence
   □ other: ________________________________
   □ relocation raised in complaint/petition

4. Is there an orientation program that precedes the mediation session?
   □ Yes, program name: ________________________________
   □ No

   *If No, please skip to question 5 on page 3.*

4a. Participation in the orientation program is: □ mandatory □ voluntary

4b. Who may participate in the orientation program?
   □ parties
   □ attorneys for parties
   □ children, minimum age: ________ □ other: ________________________________

4c. What occurs if the **moving party** does not attend the orientation program? Check all that apply.
   □ case cannot move forward until moving party complies
   □ case is scheduled for: ________________________________
   □ sanctions (e.g. bench warrant, fines) are imposed on moving party
   □ other: ________________________________

4d. What occurs if **non-moving party** does not attend the orientation program? Check all that apply.
   □ case cannot move forward until non-moving party complies
   □ case is scheduled for: ________________________________
   □ sanctions (e.g. bench warrant, fines) are imposed on non-moving party
   □ other: ________________________________
4a. How much is the fee for the orientation program?
- [ ] no fee
- [ ] flat fee is $________________ per party
- [ ] fee is $________________ per party
- [ ] other: ____________________________
- [ ] orientation costs are included in general filing fee

*If no fee or costs are included in filing fee, please skip to question 4k.*

4f. Who sets the fees for the orientation program?
- [ ] court
- [ ] mediator
- [ ] other: ____________________________

4g. Who pays the fees for the orientation program?
- [ ] filing party
- [ ] both parties
- [ ] other: ____________________________

4h. Who collects the fees for the orientation program?
- [ ] prothonotary
- [ ] mediator
- [ ] other: ____________________________

4i. To whom are the fees for orientation disbursed?
- [ ] prothonotary
- [ ] mediator
- [ ] other: ____________________________

4j. What occurs if one or more of the parties is unable to pay the fee? *Check all that apply.*
- [ ] case proceeds without participation in orientation
- [ ] party applies to proceed in forma pauperis
- [ ] county covers payment
- [ ] court will seek pro bono services
- [ ] fee is waived
- [ ] other: ____________________________

4k. How long is the orientation program (in minutes)? ____________________________

4l. What day(s) and time(s) is the program offered? ____________________________

4m. Is there a time limit for completing the orientation program? [ ] Yes [ ] No

*If no, please skip to question 5 on page 3.*

4n. What is the time limit? ____________________________

4o. How, and by whom, is the time limit monitored? ____________________________

4p. What occurs if this time limit is exceeded? ____________________________
5. What required steps must be completed before a mediation session can occur? Check all that apply.

- [ ] no required steps
- [ ] completion of expert evaluations
- [ ] mediation orientation
- [ ] other:
- [ ] parent education class
- [ ] participation in conciliation

6. Participation in a custody mediation session is: [ ] mandatory [ ] voluntary

If mandatory, please skip to question 7.

6a. If voluntary, how, and by whom, are parties referred to mediation?


7. What is the process (how and by whom) by which parties are scheduled for court connected mediation?

(Note: please provide the name and title of the person responsible for scheduling the court connected mediation.)


8. Do the parties choose the mediator? [ ] Yes [ ] No

8a. If yes, how is a mediator chosen? If no, how is a mediator assigned?


9. How much is the fee for mediation?

- [ ] no fee
- [ ] fee is $___________ per party
- [ ] flat fee is $___________
- [ ] other:
- [ ] first mediation session is included in fees collected at filing or included in orientation fee


10/18/2005
If No fee, please skip to question 10.

9a. Who sets the fees for mediation?
   □ court   □ mediator   □ other: _______________________

9b. Who pays the fees for mediation?
   □ filing party   □ both parties   □ other: _______________________

9c. Who collects the fees for mediation?
   □ prothonotary   □ mediator   □ other: _______________________

9d. To whom are the fees for mediation disbursed?
   □ prothonotary   □ mediator   □ other: _______________________

9e. How many sessions are included in the fee? _______________________

9f. How long is the initial session? _______________________

9g. Does it cost more money for additional sessions? □ Yes □ No

9h. Does it cost less money for fewer sessions? □ Yes □ No

9i. What occurs if one or more of the parties is unable to pay the fee?
   □ case proceeds without participation in mediation
   □ party applies to proceed In Forma Pauperis (IFP)
   □ county covers payment
   □ court will seek pro bono services
   □ fee is waived
   □ other: _______________________

10. Who may participate in the mediation session? Check all that apply.
   □ parties
   □ attorneys for the parties
   □ family/friend supporters
   □ children, minimum age: _______________________
   □ guardian ad litem/attorney for the child(ren)

If mediator meets with children, please answer 10a below. If the mediator DOES NOT meet with the children, skip to question 11.

10a. Does the mediator meet with the child(ren) separately (without parties or attorneys present)?
   □ always   □ often   □ sometimes   □ rarely   □ never
11. What occurs if the **moving party** does not attend mediation? **Check all that apply.**

- [ ] case cannot move forward until moving party complies
- [ ] case is scheduled for: ________________________________
- [ ] sanctions (e.g. bench warrant, fines) are imposed on moving party
- [ ] other: ___________________________________________

12. What occurs if **non-moving party** does not attend mediation? **Check all that apply.**

- [ ] case cannot move forward until non-moving party complies
- [ ] case is scheduled for: ________________________________
- [ ] sanctions (e.g. bench warrant, fines) are imposed on non-moving party
- [ ] other: ___________________________________________

13. Attorney attendance at the mediation session is:

- [ ] encouraged
- [ ] discouraged
- [ ] neither encouraged or discouraged

14. Does the mediator ever recommend to the court that a guardian ad litem/attorney for the child(ren) be appointed?  

- [ ] Yes
- [ ] No

*If No, please skip to question 15.*

14a. How frequently has this occurred in the past 12 months?

- [ ] often
- [ ] sometimes
- [ ] rarely
- [ ] never

14b. Does the guardian ad litem/attorney for the child(ren) make recommendations to the court?  

- [ ] Yes
- [ ] No

15. To avoid delays, is there a time limit for scheduling the mediation  

*If No, please skip to question 16.*

15a. What is the time limit? ________________________________

15b. How, and by whom, is the time limit monitored?  

____________________________________________________

____________________________________________________

15c. What are the consequences if the time limit is exceeded?  

____________________________________________________

____________________________________________________
16. The possible outcomes for mediation are: **Check all that apply.**

- [ ] written agreement between parties at the close of the session
- [ ] temporary/interim order issued
- [ ] prepared order for court signature
- [ ] request for expert evaluations
- [ ] parties may attend additional mediation
- [ ] parties are scheduled for conciliation
- [ ] a trial is scheduled before a judge
- [ ] a hearing is scheduled before a hearing officer or master
- [ ] other: _______________________

17. Does the mediator make a written report or recommendation to the court?  
   - [ ] always  
   - [ ] sometimes  
   - [ ] never

   *If never, please skip to question 18.*

17a. Do the parties or their attorneys have access to the written report or recommendation?  
   - [ ] always  
   - [ ] sometimes  
   - [ ] never

17b. How can parties or attorneys acquire a copy?  
   - [ ] they cannot, report is confidential  
   - [ ] automatically sent to parties or attorneys  
   - [ ] by request  
   - [ ] other: _______________________

18. Does the mediator testify at later court proceedings?  
   - [ ] always  
   - [ ] often  
   - [ ] sometimes  
   - [ ] rarely  
   - [ ] never

19. Is the performance of mediators evaluated by the court?  
   - [ ] Yes  
   - [ ] No

   *If No, please skip to question 20.*

19a. Please describe how performance is evaluated and by whom:

______________________________________________________________________
______________________________________________________________________
______________________________________________________________________
20. Mediators are: **Check all that apply.**

- [ ] volunteers. **How many?**
- [ ] full-time county employees, custody mediation only. **How many?**
- [ ] full-time county employees, custody mediation with other duties. **How many?**
- [ ] part-time county employees, custody mediation only. **How many?**
- [ ] part-time county employees, custody mediation with other duties. **How many?**
- [ ] staff of another agency that conduct mediation. **How many?**
- [ ] independent contractors. **How many?**
- [ ] other: ______________________

*If NOT an independent contractor, please skip to question 21.*

20a. If an independent contractor, please describe how a mediator becomes eligible for court referrals.

________________________________________________________________________________

________________________________________________________________________________

21. A mediator is required to have: **Check all that apply.**

- [ ] no specified requirements
- [ ] a Bachelor's degree
- [ ] a Master’s degree
- [ ] a law degree
- [ ] completed a specialized training program. **Describe:** ______________________

22. A mediator is required to: **Check all that apply.**

- [ ] pass a criminal background check
- [ ] pass a Child Abuse History Clearance
- [ ] maintain liability insurance
- [ ] certify adherence to a professional code of ethics. **Specify:** (e.g., Association of Conflict Resolution) ______________________
- [ ] obtain continuing education credits in custody related topics. **Describe:** ______________________
- [ ] other: ______________________
23. Is there supervision or oversight of mediators? [ ] Yes [ ] No

If No, please skip to question 24.

23a. Who provides the oversight or supervision of mediators? (Include the name and title of the person or organization responsible for supervising mediators.)

23b. Is the person listed above employed by the court/county? [ ] Yes [ ] No

23c. What types of oversight or supervision is provided? Check all that apply.

[ ] scheduling of sessions
[ ] assignment of cases
[ ] monitoring of certification, qualifications and/or continuing education
[ ] number of cases resolved monitored
[ ] client satisfaction measured
[ ] setting of fees
[ ] clinical supervision
[ ] co-mediation requirements provided
[ ] other: ______________________________

24. If a member of the bar, is the mediator permitted to practice family law in your court?

[ ] Yes [ ] Yes, with the exception of custody [ ] No

25. We welcome your additional observations, comments, and suggestions for child custody procedures in Pennsylvania.

__________________________________________________________________________

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__________________________________________________________________________

10/18/2005