

Keynote address: The United States experience

Dr Joan Kelly, Psychologist, California, United States of America

Transcribed address

Joan Kelly is a clinical psychologist, researcher, teacher and consultant. She received her PhD from Yale University. For thirty-five years, her research, practice and teaching focused on research in children's adjustment to divorce, custody and access issues, divorce mediation and applications of child development research to custody and access decision-making. She has published more than eighty articles and chapters, and her 1980 book, *Surviving the breakup: How children and parents cope with divorce*, remains a classic resource. Dr Kelly was Executive Director of the Northern California Mediation Center for twenty years, and mediated divorce and family disputes. She developed and provided training programs in mediation and in parenting coordination. She was also a forensic expert, custody evaluator, therapist, consultant, and parenting coordinator in high-conflict custody cases. Now retired from the Mediation Center, Dr Kelly continues to speak and teach seminars in the US and elsewhere and publish articles. She was a member of the recent AFCC Taskforce on Parenting Coordination to develop standards of practice. Dr Kelly has been honoured with many awards, including Fellow of the American Psychological Association, the Distinguished Mediator Award from the Academy of Family Mediators, and the Stanley Cohen Distinguished Research and Meyer Elkin awards from the Association of Family and Conciliation Courts (AFCC). She is Past-President of the boards of the Academy of Family Mediators, the Northern California Mediation Association and the California Dispute Resolution Institute

Distinguished guests, gentleman and ladies, from both Australia and overseas, I deeply appreciate the invitation to provide this international forum with a perspective from the United States on our experiences with family law policy and programs designed to serve families going through transition. It is, in fact, a challenge to speak with any authority about the United States experience, because our patchwork of fifty states functions independently with respect to family legislation and policies, programs and practices. But thirty-five years of experience in this field do give me a certain vantage point, so I will plunge ahead.

Today I'm going to first highlight just several trends and concerns in the family law policy and program area, consider our problems in providing services that are effective to difficult populations and also describe several innovative and/or well-established programs that support family stability and child wellbeing.

Overview of trends

First, an overview of some trends and concerns. We see continual expansion across the United States of policies and programs promoting alternative ways to resolve family disputes that arise from separation and divorce. California started this trend in 1981 when it mandated custody mediation for parents disputing custody

or access issues following separation or divorce. There is certainly widespread acknowledgement across the United States now that family law adversarial processes are not only costly, but often damaging to co-parental relationships and parent-child relationships, both in the short term as well as in the long term. As a result, policies that mandate education programs for separating parents that promote early custody mediation and that implement judicial settlement conferences are being adopted in many states and in many local jurisdictions.

There's a growing urgency in the age of the shrinking dollar, crowded court calendars, and hurried justice to utilise more efficient and humane ways of processing family disputes so that we can reserve the resources of the court, which are more expensive, for those families whose disputes and problems properly require the services of both intensive and adversarial intervention and decisions by the court. I'm going to return to several of the interventions that I mentioned later on.

There's a second trend, and that has been the development and use of self-help guides and materials to enable separating couples to do their own divorce without using lawyers, or at least to file initial papers and settle some issues between themselves and only consult with lawyers as needed. In some jurisdictions, such as California, you actually do not even need to set foot in court, but instead can file all your papers and agreements and complete your entire divorce by mail. Comprehensive materials have been developed and are available online and in publications that contain all the legal forms needed, detailed information about how to file and fill out these forms, and a primer on separation and divorce law. California was one of the first to embrace these self-help procedures and the 'do-your-own' divorce movement is particularly successful now in states that have a well-developed and well-articulated body of family law. This makes prediction of outcomes more reliable which, as a policy matter, is beneficial because it reduces uncertainty and the need to litigate and therefore reduces costs to individuals and society.

So, as in Australia, we have no-fault divorce, equal division of community property, formulas for treating separate property that is not community property, and computerised child support guidelines available. All of these developments of statutes and case law support individuals who seek to do much, if not all, of the legal aspects of the divorce work themselves.

Lawyers have contributed to the do-your-own divorce movement by pricing themselves essentially out of the reach of lower- and middle-income families. Increasingly, we see that higher-income families who might afford lawyers are shunning expensive adversarial procedures, which they fear can exacerbate their conflict and/or consume their financial reserves.

Private sector mediation continues to be used across the country and we see now increasing use of private judging, in which high-income or high-profile couples or highly disputing couples hire retired judges to case manage, expedite and settle their conflicts and property and/or custody disputes. We see a very slow growth of collaborative law, which is a four-way negotiation process in which each of the clients is represented by his or her attorney, but where they have agreed in advance that they will not go to court to settle the matters between them.

On the psychological side, the widespread use of traditional visitation guidelines, in particular the visiting schedule that has been in effect either in writing or just, sort of, culturally as part of tradition (of every other weekend to the non-resident parent) is in decline. Empirical separation and divorce research has confirmed

the negative impact of such limited contact (that is, every other weekend type of contact) for the majority of children, as well as the fact that in various studies more than half of children have indicated that they want to have more time with their fathers than they were allowed to have. Instead of traditional guidelines, what we see now is more use of research-based models of parenting plans, which describe for parents multiple examples, multiple ways, in which they can allocate the time-share between mother and father, and which take into account the children's ages and developmental and psychological needs. These complex parenting plan models, which I'll give you some examples of tomorrow in a different panel, also appear to be encouraging settlement between parents because they provide so many options, so parents are more likely to be able to move towards agreement about how the time will be shared between them as parents. Accompanying the use of these model parenting plans has been the development of user-friendly workbooks and software to assist parents in identifying the custody and access issues that they must consider at separation/divorce, the different options for things like how to manage holidays and summer vacations, as well as the school year, and tools for reaching agreement on both legal decision-making and minimising conflict.

Overview of concerns

What are some of the major concerns in our country? One of the most troubling trends is the large and rapidly growing number of unrepresented or *pro se* litigants in family law in court. In the United States, there are no federal funds to provide legal aid to the poor, and both the very poor and the lower- and middle-income parents, who in any event wouldn't qualify for legal aid, are coming to court unrepresented. In California, approximately 75 per cent of separating or divorcing parents are appearing in court *pro se*. They are coming unrepresented for every legal aspect of the family's transition. This raises critical issues for the family law field. What policies, processes and services are needed to assist these men and women to receive fair and just outcomes? What should be the role of the judge? In my conversations with judges, they tell me about experimentation that they are introducing into their courtroom in aspects of informal judicial mediation—Should I do it from the bench? Should I come down to a table and take off my robe?—and also, more frequently, in their use of more formal settlement conferences. They struggle to find a fit between their traditional roles within the legal system and the client's needs for knowledge of the law and rules as process. Some judges seek out training to learn new skills to manage the parents or their client's conflict and to communicate clearly and effectively to these parents. They tell me they also learn how to listen.

Many unrepresented litigants have difficulty using the self-help materials that I just described, because of language barriers of limited reading and analytic skills. In one court, for example, in the San Francisco Bay area where I live, we have interpreters available for custody mediation and there are interpreters available in forty-seven different languages in this particular court. That, of course, raises all kinds of issues with respect to providing self-help materials and the accessibility of these materials for parents. In recognition, though, of the challenges of the unrepresented client, California passed legislation implementing the family law representative—a family lawyer who meets separately and for free with separating men and women, provides information about the law, helps them to fill out forms, helps with seeking protection orders, but does not give legal advice. Informational materials have been developed for distribution at all parenting clerk's offices, which is where you would go to file

a petition. In some states, they've implemented family law clinics that offer, for example, night-time hours, a library of pamphlets and information and other self-help materials in an informal atmosphere, and help with forms and procedures.

A second concern is the recognition that family law policy and current court services are failing to deal effectively with the most problematic of family law cases. Services for dealing with parents with continuous high conflict, substance abuse, allegations or a history of domestic violence, allegations of child abuse, and mental illness, are insufficient and frequently fragmented. Research tells us that these parents with serious issues are increasing in number, and research confirms that their children are at high risk. In response, we see the beginnings of specialised services that are specifically designed for parents whose urgent or chronic problems or chronic conflict affects their ability to provide adequate parenting to their children. For high-conflict parents who continue to re-litigate about child-related issues, parenting coordinator programs are being implemented in a number of states, though these are still few in number. More local jurisdictions, and some jurisdictions such as Los Angeles, provide specialised high-conflict group interventions. In Connecticut, a screening and triage model has been developed and implemented, which evaluates families as they first come in the door of the court and assigns them immediately to a service that is expected to be more tailored to their particular needs. I'm going to describe these programs in more detail in a few minutes.

Education programs for separating parents

I want to return to what we call divorce education programs, as well as mediation programs. We call them divorce education programs, but obviously there are a lot of people coming through who have never married, and so they're really education programs for separating parents. Education programs for separating and divorcing parents in the United States have more than tripled between 1994 and 2002. They exist in either a mandatory or a voluntary format in more than half of the counties in the United States. We've known from research that voluntary participation in these education programs is quite low and it's likely to attract the most well-adjusted parents; therefore the trend has been to mandate these education programs for all parents who seek the assistance of the courts for disputes about their children, or at the very least to provide judges with the authority to order the classes from the bench. There are a few states, such as Utah, that mandate education programs for all separating parents, even those who do not approach the court with their disputes.

Programs are offered in court-connected and community settings. When the education programs are court-connected, these information sessions are most often delivered in one didactic session of one to three hours. Information is provided about the emotional and legal process of separation and divorce for the parent, what alternatives there are to litigation, and the impact of separation on children. At their best, the content of these programs is derived from empirical research focusing on the parents' behaviour and situations that place children at risk. We've learnt a great deal in the last twenty years about what kind of factors promote or increase risk in children and what kinds of factors promote resiliency, and these research findings are making their way into the content of the education programs—which is as it should be. Parents learn about the harmful effects of conflict that places children in the middle of their disputes, and they learn about the impact of violence and violent conflict. They learn about the fact that their needs as adults are actually quite distinct from the needs of their children, particularly in respect to children's love

and loyalty to both parents at a time, when one, if not both, parents want to put as much distance as possible between themselves and the other partner. They also learn about different ideas for parenting plans. We also know that there's an effect of these programs, even some of the grief programs. For example, one Canadian project found that parents who were randomly assigned two and a half family information sessions had fewer case conferences and the cases remained active fewer days compared to parents attending the non-family information sessions.

When divorce education or separation education programs are offered in the community, they are more often four to eight sessions, and they use various teaching techniques—videos, didactic talks, written materials, and discussion exercises. They often are offered on a sliding-scale fee basis. The goals are generally more ambitious with these more extended programs, including, for example, skills-based training and exercises to improve parent communication and negotiation about child-related disputes. I should also say that almost all of the programs that I know of have the parents attend separate sessions; that is, they typically don't come to the same session, which is, of course, also a resources issue. We have to be able to offer those classes to make that happen.

Evaluation of education programs for separating parents have generally found very high levels of satisfaction with the programs among parents, including those who were mandated to attend, and also some modestly encouraging outcomes. Parents tend to report, at follow-up, an overall decrease in their conflict with their ex-partner and being less likely to place their children in the middle of their disputes, compared to those who were assigned to non-intervention groups. Again, a large multi-site Canadian study found that parents reported, at follow-up, significant decreases in several types of parent conflict, including conflictual communication, conflict that puts children in the middle and conflict over time-sharing and financial issues, and increased parental cooperation. They found greater changes in parent anger and cooperation occurred in programs of six or more hours, compared to programs that were less than six hours. They also found that high-conflict parents appeared to benefit the most in terms of reduced parent conflict and increased satisfaction with their custody or access issue. Low- to moderate-conflict parents derived the most benefit in terms of the parenting relationship, that is, their improvements in cooperative parenting. They also reported that skills-based programs, as opposed to didactic lecture programs, were more effective in producing change. Clearly, our experience in both the United States and in Canada has been that divorce education programs should really be considered as one of the alternative dispute resolution (ADR) services, because it is clearly serving as an intervention that helps some people reach agreement and therefore they don't need to proceed any further with any kind of legal action.

Brief parent education programs have been designed for the average population of separating parents and, while they're modestly beneficial, they're a superficial treatment of what can be serious problems for many families. They don't, for example, focus intensively on the types of parenting behaviours and co-parental interactions that are strongly linked to positive child outcomes following separating and divorce. So we have seen the development of more ambitious research-based prevention programs that have been developed by psychologists in academic settings and subjected to rigorous methodological evaluation and randomised experimental controls. For example, programs may be based on research findings that three different elements of competent parenting following separation and divorce are the

best predictors of good social and psychological adjustment of children. The New Beginnings program in Arizona focuses on the improved parenting of residential parents as an agent of change. The Dads for Life program, also at Arizona State University, focuses on the quality of the father's contact with their children and also focuses on post-divorce co-parental relations. These two-parent programs for separated parents both demonstrated long-term positive effects on a wide range of mental health, substance use, sexual behaviour and academic outcomes for children and adolescents, and a current objective is to determine whether these programs can be shortened and transported into other settings and still maintain their effectiveness. We also have child programs in the United States, but I don't have enough time to talk about them.

Policy issues, it seems to me, to get raised around programs for separating parents are: firstly, should they be mandatory? That question was raised ten to fifteen years ago in our country and it's pretty much being answered 'yes', because it's effective and we want people who need these programs to be coming to them. It is an inexpensive and non-coercive opportunity for people to settle their disputes based on the information they receive and it is most effective early in the separation process. Secondly, it's really important for these programs to be linked into research-based content in order to talk to parents about what we know about what impact they have on children's adjustment, both positively and negatively. Another of the issues is whether they should be offered free or on a sliding scale. We have it both ways: when they're in court they're free, when they're out in the community there's typically a sliding-scale fee, although when it's court-ordered from the bench into a community program, there are provisions for the judge to forgive the fee for families that qualify.

Custody mediation

Custody mediation has been widely embraced in the United States, as it has in Australia over the past twenty years, and many professionals and many policy makers believe that mediation should be mandatory for parents who have custody or access disputes, because of its demonstrated effectiveness in achieving settlement, conflict reduction and more positive co-parental relationships. What is mandated is an attempt to mediate parental disputes, not settlement. Mandatory mediation statutes send a clear public policy message that the first level of intervention for family law disputes should be in non-adversarial processes, when possible, before proceeding to more conflict-escalating adversarial interventions. More than one-third of the states and many more local jurisdictions have mandatory mediation, all with opt-out provisions for domestic violence and/or provisions for separate sessions. A large body of empirical research indicates that mediation is efficient in time and expense. Settlement rates range from 55 to 80 per cent, depending on the setting and the nature of the clients. The data that have been gathered in the United States in a number of settings, have indicated that mandatory mediation does allow people to reach agreement and move out of the adversarial process and reduces the amount of time that they are in the system.

Compared to just having one mediation session, we have learned that when there are several sessions, that it's associated with a reduction in parent conflict and improved parent communication and support offered to the other parent. Also, one long-term longitudinal study found significantly higher levels of father involvement twelve

years later among those who were assigned to mediation, compared to those who were randomly assigned to go to trial.

Mediation is not just for those cases of low or moderate conflict. Obviously, mediation is a lot more effective for low- or moderate-conflict parents, but in fact it can be effective with angry and high-conflict parents and can successfully address major concerns and charges made about the parenting of the other parent. Research in the California court program, which by the way had a very well-funded evaluation component almost from the beginning, indicates a clear and accelerating trend over the past decade of more complex and difficult cases that involve parents with multiple and serious problems. Recent research indicates that, even in this difficult population, 44 per cent of parents reached agreement on all issues, 8 per cent reached partial agreement, and higher settlement rates were found among those coming to family court for the first time, compared to those who were returning from modifications or non-compliance. What was fascinating was that about two-thirds of the parenting plans that were mediated contained special provisions, such as alcohol or drug testing and treatment, supervised exchange or supervised visitation, parenting education classes, counselling for parents or children, or attendance at batterer intervention programs. The parents in mediation agreed to incorporate these things into their agreement.

In mandatory and private sector custody mediation, a large majority of parents express moderate to high levels of satisfaction. What they really like about the process is that they feel they are treated with respect, have their concerns listened to, keep the focus on the children, and try to find ways to work together as parents.

So it seems to me the policy questions with respect to custody mediations are: firstly, should it be mandatory and, secondly, when should it be available? All of the evidence that we have suggests that early mediation is so much more effective than later mediation. In California, once you have filed a petition for a separation/divorce, you must call for an appointment for mediation within three to four weeks, so it's a very early intervention. These are things important to pay attention to when you do research in all of these dimensions.

Okay, limitations on sessions. If I were advocating policy, I would for sure avoid only allowing mediators to mediate for one session. With a decrease in funding, we have been seeing in California that mediators are being more and more squeezed into working with these most difficult families for maybe just one session in some jurisdictions, maybe two in another, and it's very clear that when they have two to three sessions, the possibilities of reaching agreement in more complex ways are enhanced.

High-conflict families who re-litigate

The frustration with the failure of our present legal system to deal effectively with cases that remain highly conflicted and/or with a high degree of difficulty, has resulted in the development of new services, either court-based or offered in the community or the private sector. As good as divorce education and custody mediation are, they are not sufficient for these parents, who consume so much of the court's time. So we have some programs that are very specialised for chronically litigating parents who demonstrate non-compliance along different dimensions. For example, in Los Angeles there is a 16-hour program which judges order parents to attend if they have a history of repeated chronic litigation. It offers education and skill-building in

a sequence of large- and small-group sessions, followed near the end by one-on-one exercises and negotiations of actual disputes between the parents under the leader's supervision and observation.

The Parent Conflict Resolution program in Arizona merges therapeutic principles into interventions for very high-conflict personality, disordered parents and uses a very highly scripted program that is based on cognitive therapy principles.

Case management for disputing parents

I want to talk about the Connecticut Family Court Case Management Service, which I think is a very exciting and new development. They have implemented a case management service for parents that uses an assessment and triage program to assign parents to the appropriate level of service for their particular problems. The program first evaluated their case load and their services, and they found, among other things, an increase in intractable disputes over a ten-year period, more *pro se* litigants, one half of their case load was post-judgement, and that the services that they had to offer for repeat litigants were very limited. They set about to develop an effective triage system that required developing a reliable family intake screening tool. This tool has been piloted and revised and is now being used to provide early in-depth identification of parenting issues and conflicts when parents first come to the court. Areas of assessment in this screening tool include level and chronicity of conflict; ability to communicate and cooperate; complexity of issues; levels of danger, including allegations of child abuse; substance abuse; poor parenting; mental health and domestic violence; and the extent of disparity of facts between the parents. They then summate their ratings and, based on criteria they have developed, they assign parents to a particular intervention. The resulting program has an intake assessment with the confidential mediation services they previously offered. The conflict resolution conference is a new service which I'll describe briefly. Then there is evaluation, where now they send people either to issue-focused evaluation, which is a new service, or to comprehensive evaluation, which is one they have already.

The conflict resolution conference is a confidential six- to eight-week process. It's a blend of mediation and negotiation that's intended to be more directive than the mediation that they offer (which is more of a facilitative model). Family Relations counsellors can obtain limited collateral information and make recommendations to the parents within the process. The Family Relations Counsellor writes a report at the conclusion of the CRC outlining agreements reached or indicating no agreement and is sent back to court.

The issue-focused evaluation, as you might imagine, is a new service to deal effectively and immediately with the common range of parent allegations and high levels of conflict, and was intended to bypass mediation and the CRC because of the severity and difficulty of the cases. It is a maximum of 14 hours and can be less than that.

Actually, what we find from the statistics is that the settlement rates are significantly higher across the board, which seems to indicate that the targeting of services to particular populations is, in fact, more effective.

Parenting coordination for high-conflict parents

The last thing that I want to say before I have to stop is that the parenting coordinator model has emerged to address the needs of chronically high-conflict

parents that frequently re-litigate issues around their children. It's most often used as a post-divorce intervention or for never-married parents who continue to come back to the court. And you can see where it fits typically. If you think of this as a spectrum of services going from the least interventionist to the most (including trial), parenting coordinators, we believe, should be reserved for those who have really special problems—that 10 to 15 per cent of parents who continue very high levels of conflict and frequently have serious personality disorders and/or problems. The goals of the model can be seen in the slide (see PowerPoint). The processes are by stipulation of the parties and a court order, and the parenting coordinator functions outside of the court process in private practice offices. At this point in our country, it is a fee-for-service program but, nevertheless, the people who are using the program are saving enormous amounts of money compared to when they were litigating all their issues. The problem is, they do stagger into our offices financially depleted and exhausted, and it's not intended to be therapy, but to be a process which really focuses on providing a very quick resolution of parenting disputes, reducing the conflict to which children are exposed, and providing education. It is a blend of mediation, arbitration and divorce education, and many jurisdictions now have developed or are developing specific orders that should be used in providing training for those who want to be educators: these are the kinds of disputes we settle and you need to have a court order to do this.

Lastly, I just wanted to say that I believe very strongly that we should promote interdisciplinary efforts to formulate policy and promote program development. We all come from a different perspective and each of our perspectives contributes, I think, to very sound program development. I would encourage you to develop interdisciplinary forums such as those we have in the United States Association of Family and Conciliation Courts (AFCC), where people come together on an annual basis and discuss a lot of the kinds of things that we're discussing here today. Thank you very much.

PowerPoint presentation—Dr Joan Kelly

Family relationships in transition: The United States experience

Joan B. Kelly, PhD

1 December 2005

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Overview of trends: More use of ADR

- Expansion of alternative dispute resolution programs
 - Education programs for separating parents
 - Custody mediation
 - Child protection mediation

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Overview of trends: Self-help

- Self-help guides and materials
 - Do your own divorce
 - Limited contact with court
- Less reliance on lawyers
- Use of private judging

3

Overview of trends: Parenting plans

- Rejection of traditional visitation guidelines
- Parenting plan models based on empirical and clinical research
- Multiple options for sharing time
- Workbooks, pamphlets for parents

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Overview of concerns: Unrepresented litigants

- Unrepresented (*pro se*) litigants
- Challenges to traditional judicial role
- New services
 - Family law representatives
 - Family law clinics

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Overview of concerns: High-conflict parents who continue to litigate

- Parents with multiple problems
- Chronically high-conflict parents
- New programs
 - Specialised group programs
 - Assessment and triage to appropriate services
 - Parenting coordinator programs

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Education programs for separating parents

- More mandatory divorce education policies
- Offered at beginning of separation process
- Objectives of education programs
- Court-connected and community-based
- Evaluation of effectiveness
- Prevention programs for separation parents

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Divorce education: Policy issues

- Mandatory for all separating parents or only those who indicate child disputes
- Non-coercive option for resolving disputes
- Early in separation or divorce process
- Least expensive intervention

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Divorce education: Policy issues

- Research-based program content that address known factors that impact child wellbeing
- Brief or more extended program (or both)
- Court-based or community-based (FRCs?)
- Free or sliding-scale fees

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Custody mediation

- Policies mandating custody mediation
- Effectiveness of custody mediation
 - Settlement rates
 - Parent conflict and communication
 - More father involvement
 - Reduces court time and litigation

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Custody mediation

- Higher degree of difficulty and complexity in cases today
- More multi-problem families
- Agreements reached in over half of cases
- Special provisions included in agreements re: drug use, testing, supervised exchanges, etc.

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Custody mediation: Policy questions

- Should custody mediation be mandatory?
- When in the process should it be available?
- Who pays for services?
- What type of mediation? Need for clarity in labels (counselling, conciliation, mediation)
- Limitations on number of sessions?
- Confidential or non-confidential?

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High-conflict parents who re-litigate: Group programs

- Los Angeles Family Court
- Parental conflict resolution—Arizona
- Expedited visitation services—Arizona
- Therapeutic group mediation

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Case management for disputing parents

- Connecticut Family Court
- Targeting the services for the problems
- Objectives:
 - Timely
 - Potentially cost-effective
 - Improved settlement outcomes
 - More beneficial for parents

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Case management for disputing parents

- Assessment and triage to appropriate services
- Development of family intake screening tool
- Development of new services to meet needs

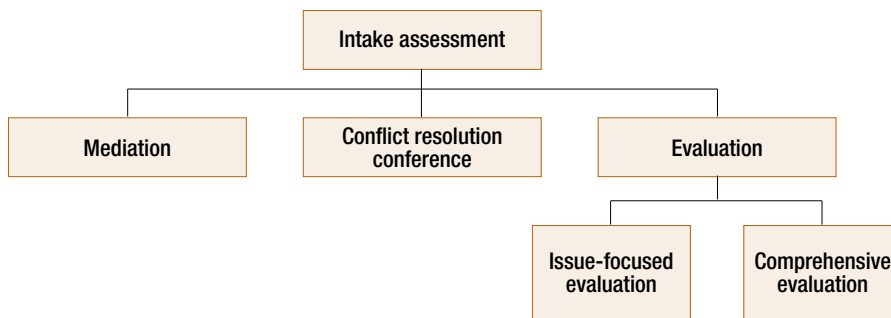
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Conflict resolution conference (CRC)

- Confidential 6–8 week process
- Blend of mediation and negotiation
- Make recommendations to parents
- Children not included
- Family relations counsellor writes report specifying agreements reached or no agreement
- Report sent to court

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Family service dispute resolution process



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Outcome overview (10 months)

	Mediation	Conflict resolution conference	Issue-focused evaluation	Custody evaluation
Referred	480	153	102	365
Closed	381	104	58	261
Agreement	278 (73%)	83 (81%)	47 (80%)	194 (74%)
No agreement	103	21	11	67
Statewide total (2003–2004)	Standard 65% Average 61%			Standard 65% Average 58%

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Issue-focused evaluation (IFE)

- Request for court order includes specific focus
- Process of up to 14 hours includes:
 - conjoint meeting
 - optional individual sessions
 - optional child interviews and/or parent–child observations
 - contact with 1–4 collateral contacts
 - preparation of report
 - presentation to parents and attorneys

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Parenting coordination for high-conflict parents

- An intervention for parents who have:
 - a demonstrated history of chronic, high-conflict and repeated litigation
 - limited/no capacity to resolve their disputes
- Non-adversarial forum outside of court
- Focused on children's needs
- Non-confidential model

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Custody and access disputes



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The parenting coordinator...

- is a professional with expertise in divorce, families, children, and custody disputes
- serves by stipulation of the parents and court order
- combines mediation, arbitration, parent education
- does not provide family or individual therapy
- serves for a specified period of time

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Objectives of parenting coordination program

- Quick resolution of post-divorce disputes
- Reduce conflict between parents
- Re-focus parents on children's needs
- Improve inter-parental communication and problem-solving skills
- Provide education to parents about developmental and psychological needs of child

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Objectives of parenting coordination program

- Provide stabilising presence for families and children
- Provide a channel of communication for children
- Provide buffer for child's therapy
- Reduce reliance upon courts—interrupt conflict spiral

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Range of disputes settled by parenting coordinator

- Scheduling of visits, holidays, summer vacations
- Child's recreational and enrichment activities
- Education—need for tutoring, summer school
- Medical/dental/psychotherapy decisions, including choice of professionals

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Range of disputes settled by parenting coordinator

- Childrearing disputes
- Forms of communication between parents
- Parental behaviours
- Changes in parenting plan consistent with child's developmental changes
- Role of significant others, extended family

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The court order for parenting coordinator should include...

- authority for decisions or recommendations
- range of disputes to be decided
- who shall be included and talked to
- ex parte meetings and communication
- PC ability to report back to court for failure to comply
- grievance process for parents
- fees and collection process
- start and termination dates

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Interdisciplinary efforts to promote policies and effective services

- The issues we address are lodged in law and psychology
- Our diverse and overlapping experiences with families in transition enrich the dialogue and lead to better policies and programs
- Regular interdisciplinary conferences provide the catalyst for major review and reform

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Relevant Kelly publications

- Kelly, J. B. (2004). Family mediation research: Is there empirical support for the field? *Conflict Resolution Quarterly*, 22(1–2), 3–35
- Kelly, J. B. & Emery, R. (2003). Children's adjustment following divorce: Risk and resilience perspectives. *Family Relations*, 52, 352–362.
- Kelly, J. B. (2002). Psychological and legal interventions for parents and children in custody and access disputes: Current research and practice. *Virginia Journal of Social Policy and Law*, 10(1), 129–163.

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