

The Society for Clinical Child and Adolescent Psychology (SCCAP): Initiative for Dissemination of Evidence-based Treatments for Childhood and Adolescent Mental Health Problems

With additional support from Florida International University and The Children's Trust.



Workshop

Child Custody Mediation: An Introduction to the Emotional Dynamics of Divorce, the Process of Mediation, and Developmentally Sensitive Parenting Plans

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Part 3 of 4

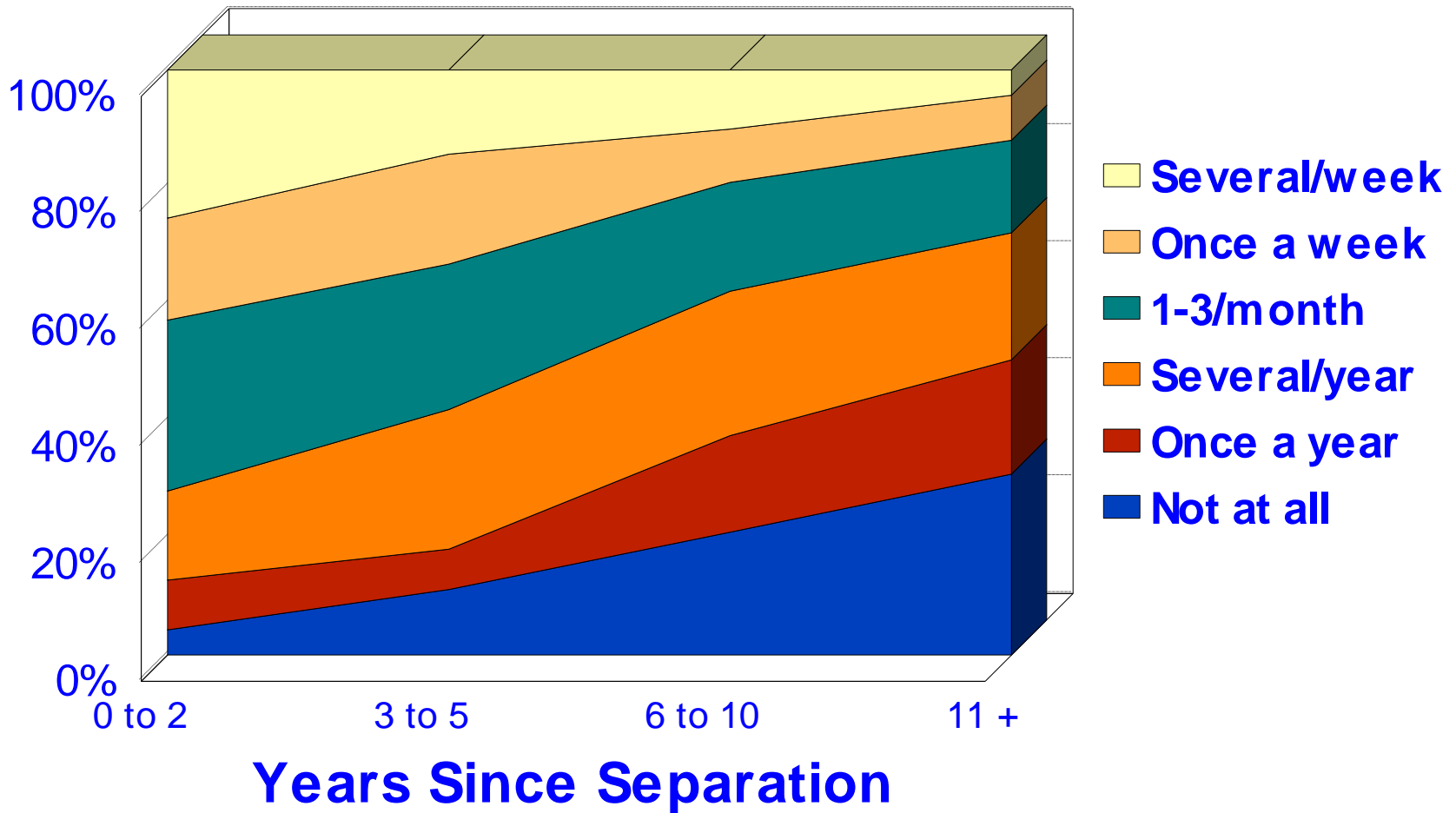
Negotiating Agreements and Renegotiating Relationships

“Never Cut What You Can Untie”

The Basics

- Relationships don't end with divorce, so they need to be renegotiated
 - True for parents and children, and also for former partners who remain parents
- How do people ordinarily handle the hurt, shame, guilt, tension, and complications of lost love?
 - Too many divorced parents do what everyone does...

Father-Child Contact After Separation: By Length of Time Since Separation



A Very Important Point

- We ask parents to do something emotionally *unnatural*
 - Natural way to end relationship is to be angry
- We ask parents to put own emotions aside
 - For the sake of their children
- Can you love your kids more than you may hate your ex?

The Emotions

- Real, powerful, and painful feelings
- If you can't be angry in middle of a divorce, when can you be?
- But much conflict and anger is emotional not rational – Example? Stubbing your toe
 - Hurt → anger
 - Love → anger
 - Fear → anger
 - Grief → anger
 - Guilt → anger

Emotions are the Hard Part

- When emotions are resolved, the practicalities (and legal issues) rarely are difficult to negotiate.

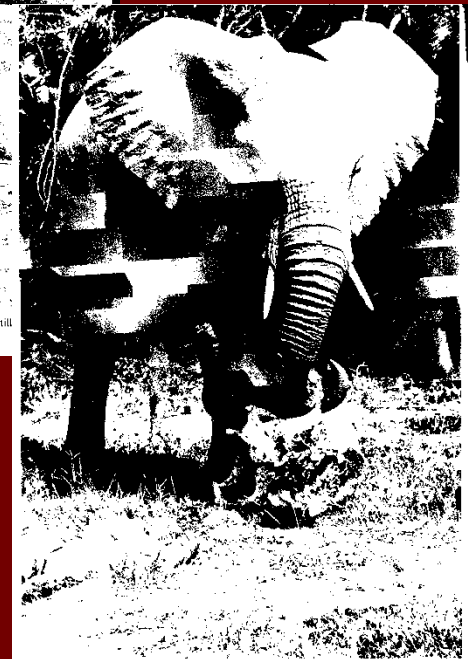
Why Bother?

Kids Caught in Conflict

- All kinds of research shows conflict harms children in divorced (and married) families
- Professionals are afraid to enter the conflict
- But this is where children live
- Nothing subtle about parent conflict in divorce:
A war zone

Grief: The Central Emotion

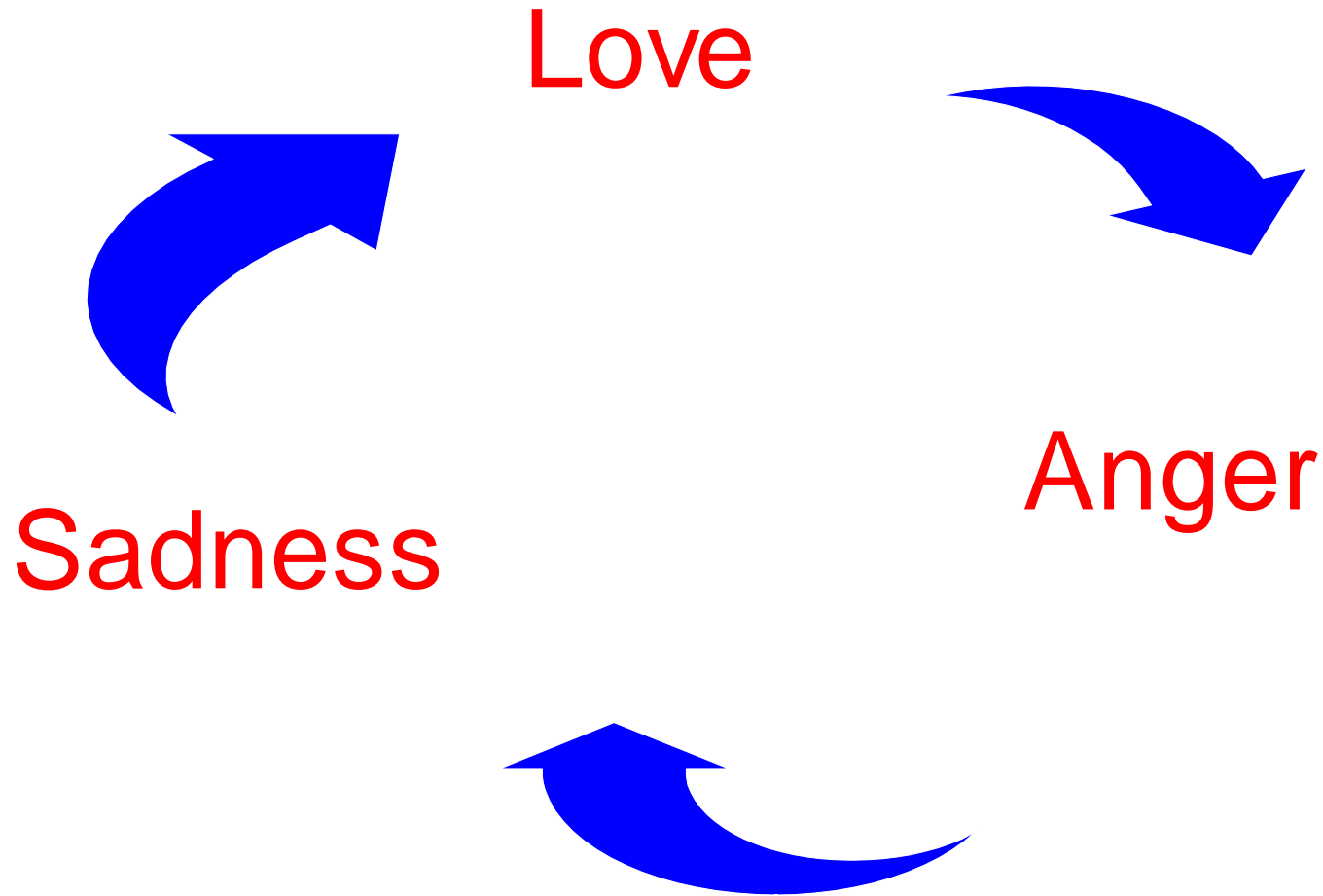
- Losses in divorce
 - Your marriage, maybe your children, your home, your savings, your friends, your roles, your hopes and dreams
- Grief is a normal and healthy reaction to loss
- Kubler-Ross, Bowlby: Grieve in *stages*
 - Denial, anger, bargaining, depression, acceptance



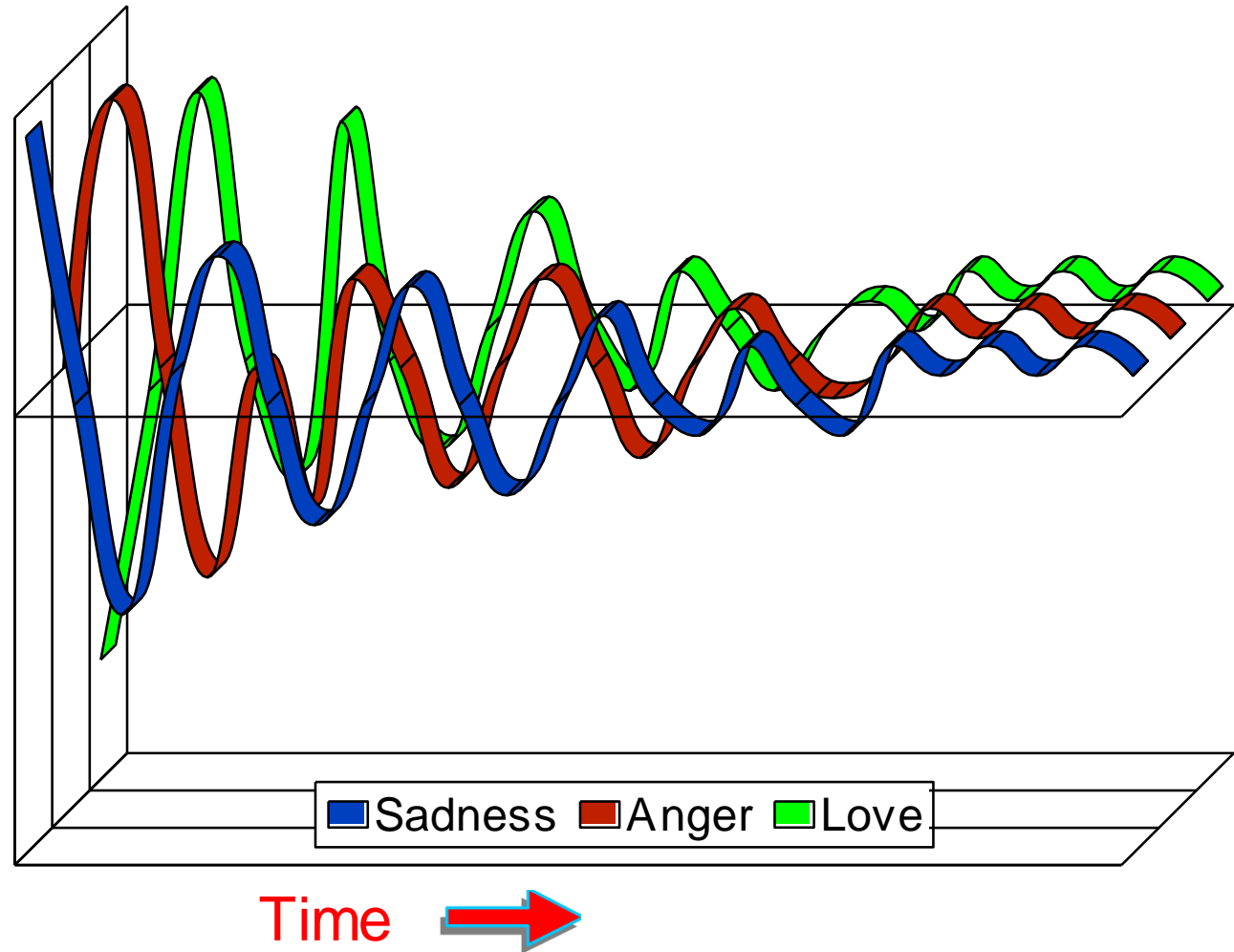
Problems with Grieving Divorce

- Unrecognized grief
- No one to grieve with
 - Your ex? (Ha, ha.)
 - Your children. (Hopefully not.)
- Lose support of friends and families
 - Gather support following a death
- And the big issue
 - An uncertain loss, a potentially revocable one
 - This makes grief different

A Theory of Grieving in Cycles Not Stages

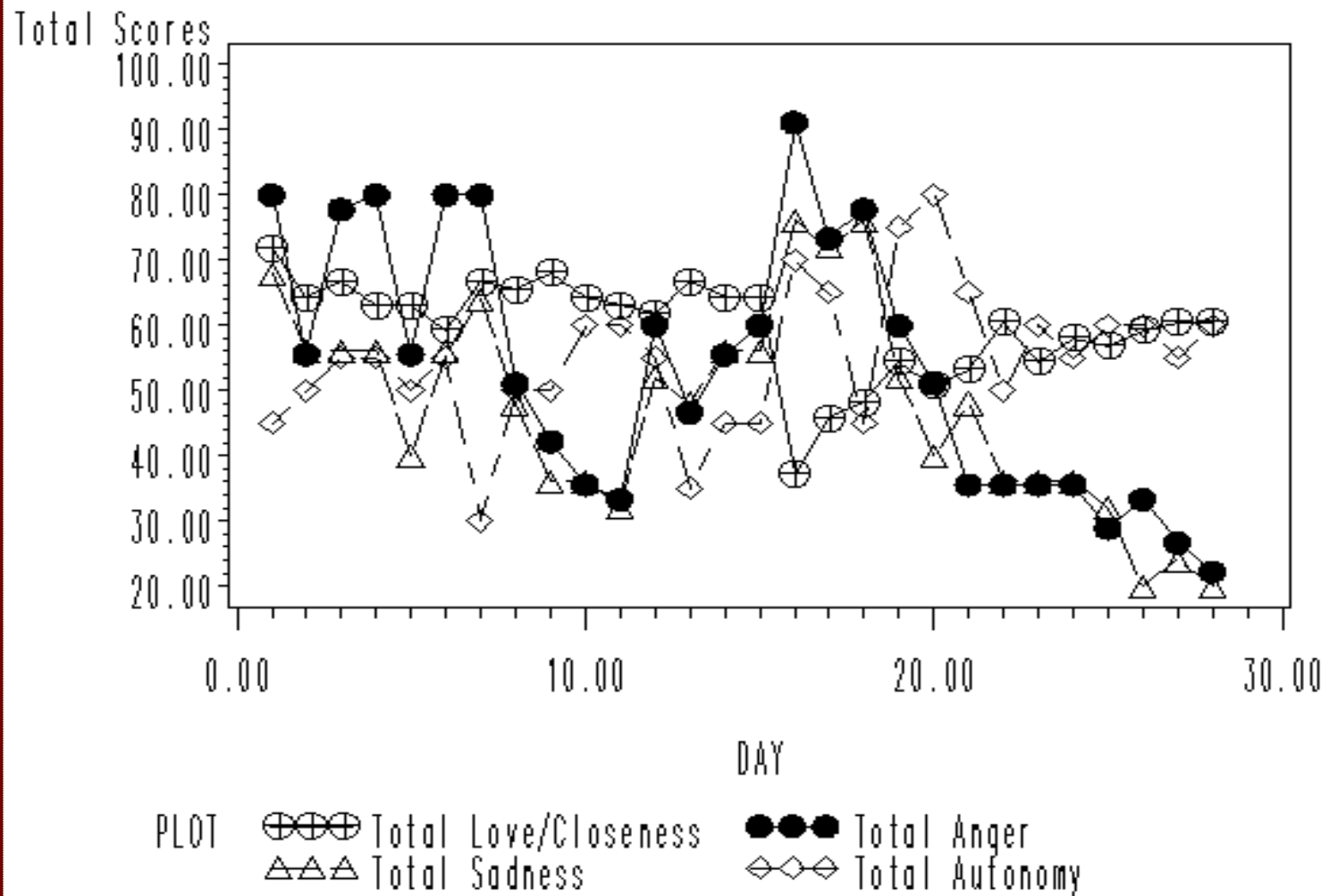


Cycles of Love, Anger, and Sadness Become Less Intense and Come Into Phase Over Time

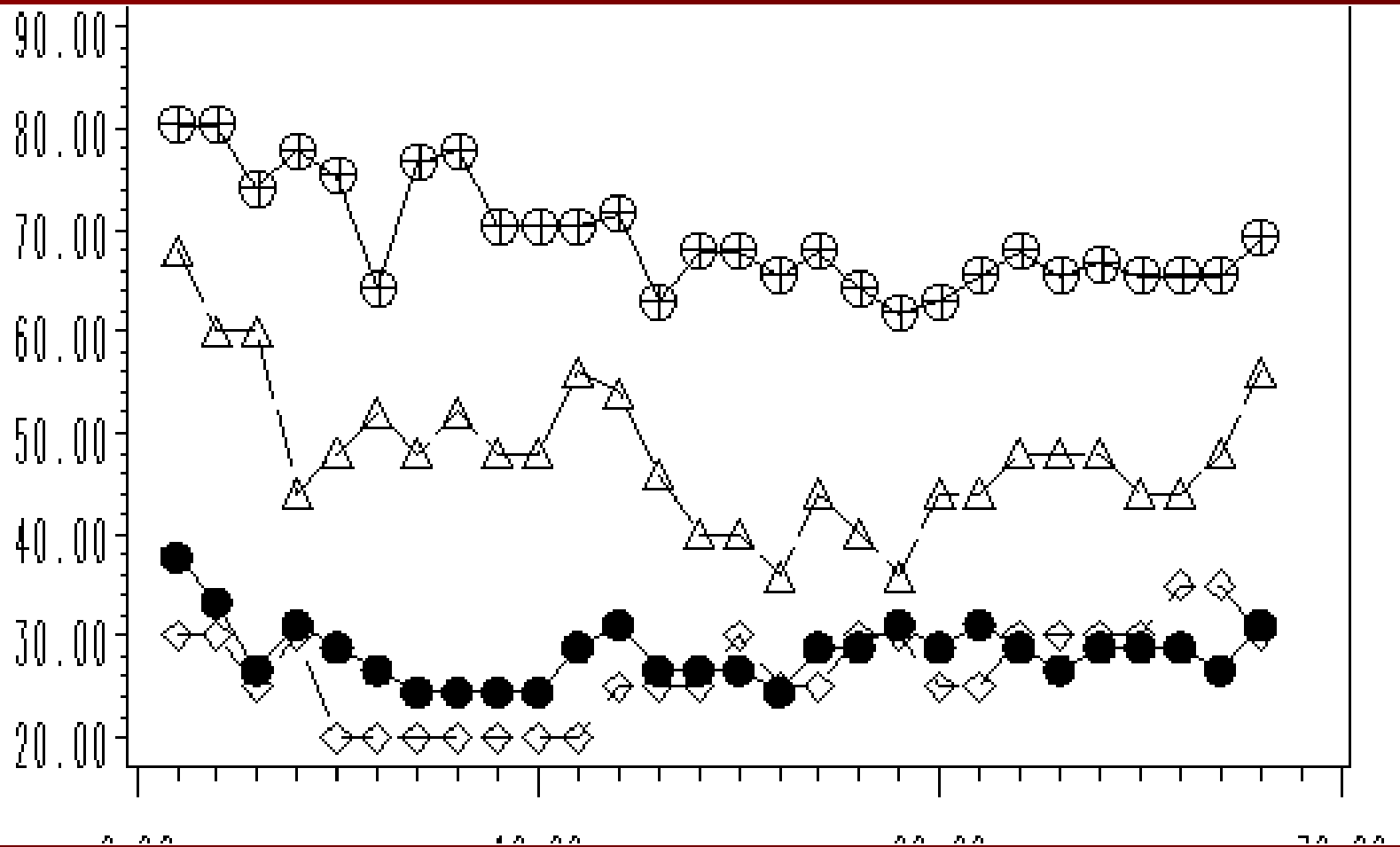


College Students' Grief Total Scores Over Time

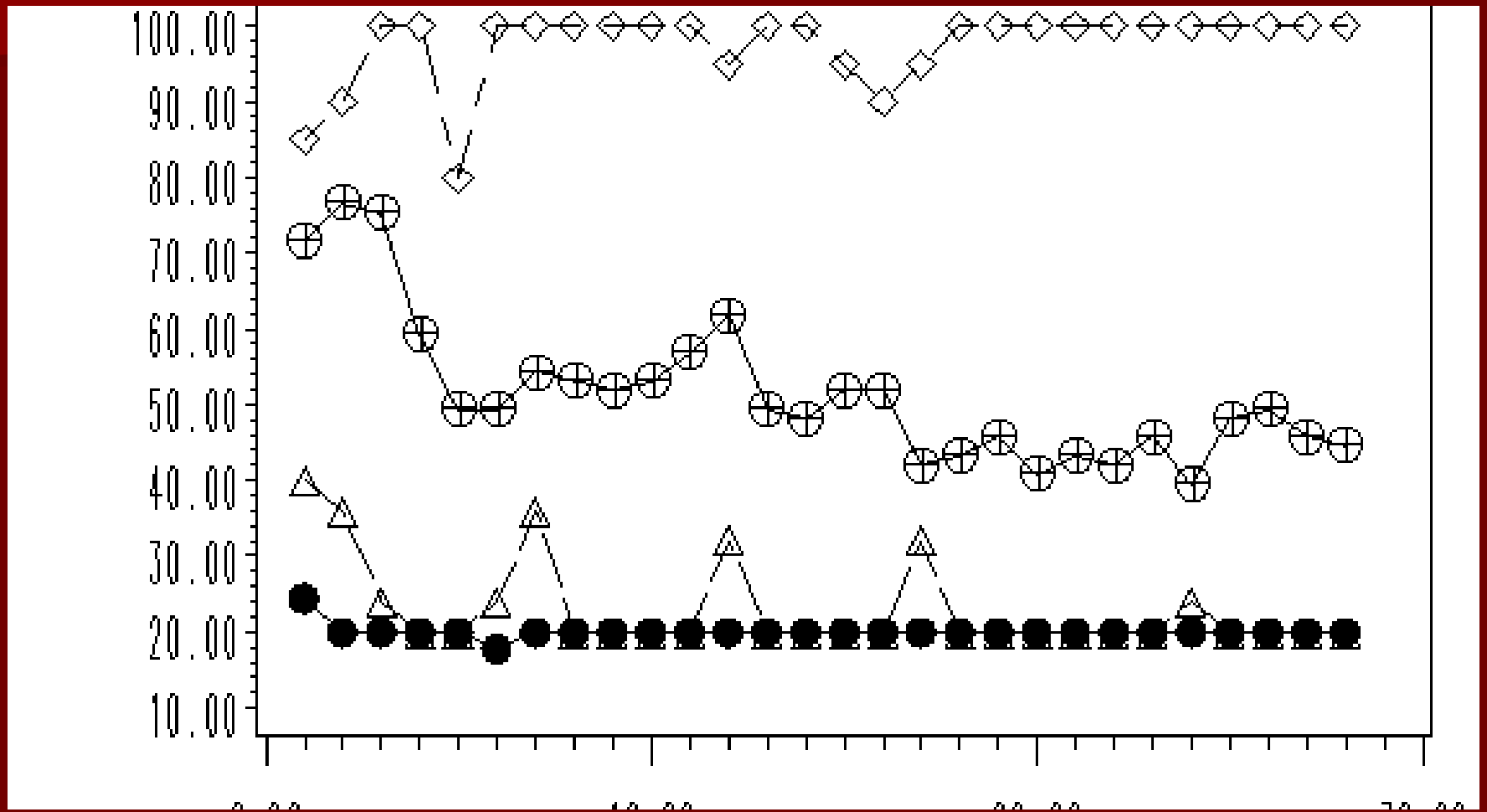
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Stuck on Love



Gone

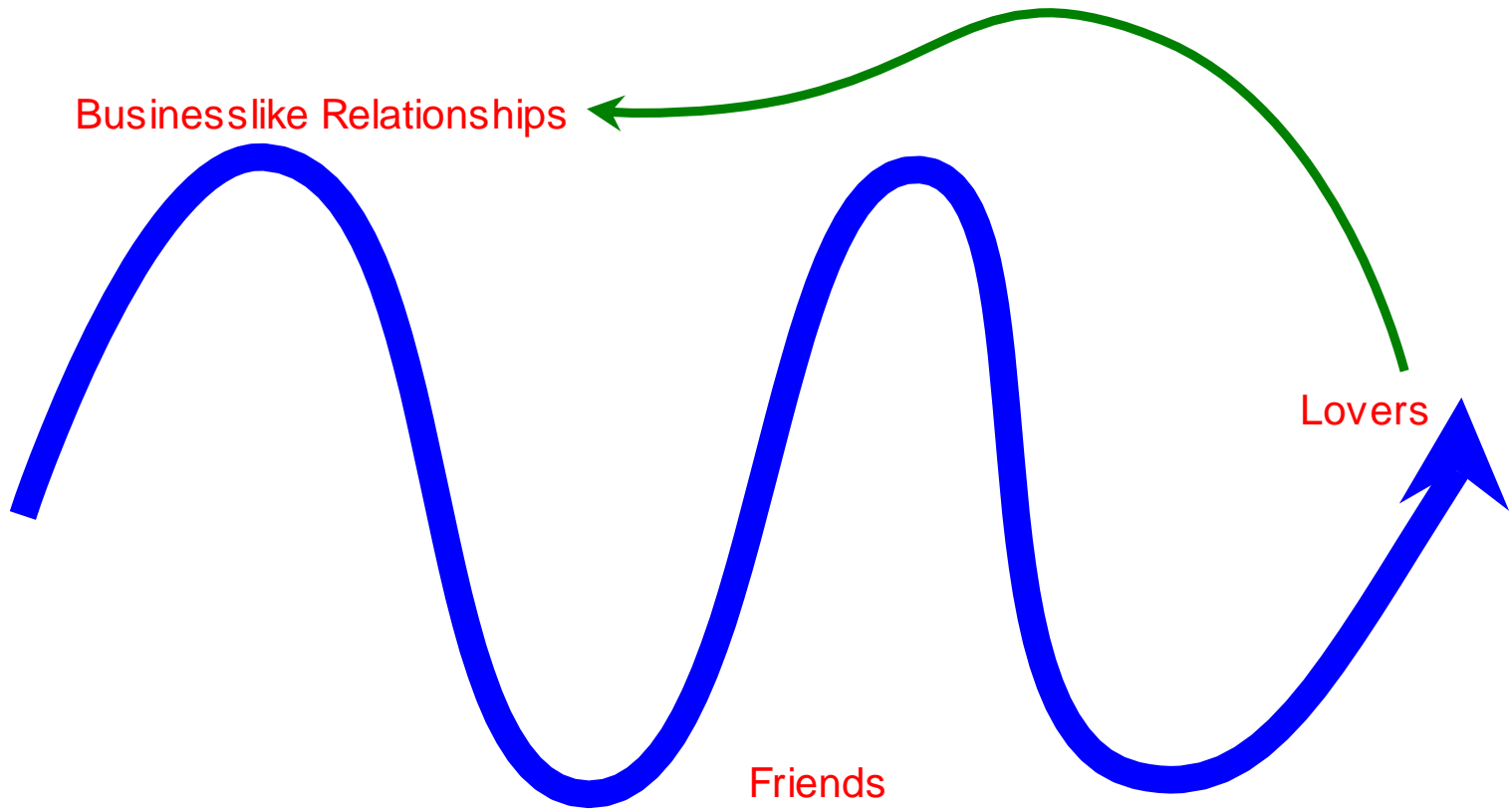


Grieving Alone

- Why doesn't he/she understand?
- How can she be so irrational?
- How can he be so cold?
- Different losses.
 - His marriage died after a long, chronic illness.
 - Her marriage was in a train wreck – and is still alive in the ER.

Co-Parenting Relationship

- Ironically, the most important relationship to a successful divorce is the one that just ended
 - But it hasn't ended
- Leaver and left.
 - A mutual divorce is easy to mediate – emotions are cool not hot.
- Different places in grief and want different things.
 - Leaver: Why can't we just be... ?
 - Left: Lovers or enemies.
 - The opposite of love is...?



Businesslike Relationships

Friends

Lovers

Partners in Parenting

- Can't be lovers, can't be friends.
 - What kind of relationship can former spouses have?
 - Partners in the business of parenting
- A job to do, not a relationship to resolve.
- Maybe will become friends, maybe not, but will avoid much conflict and pain.
- Space for relationship also gives opportunity to grieve alone

New Boundaries for a New Relationship

- Clear parenting plans set clear boundaries
- A regular means of communication
 - Which means no need for “irregular” communication
- BRIEF emails/phone messages for unexpected
- Pleasant (not friendly) exchanges of children
- Do not put kids in middle
 - Or put down other parent
 - Which is criticizing a child's DNA

Addressing Grief in Mediation

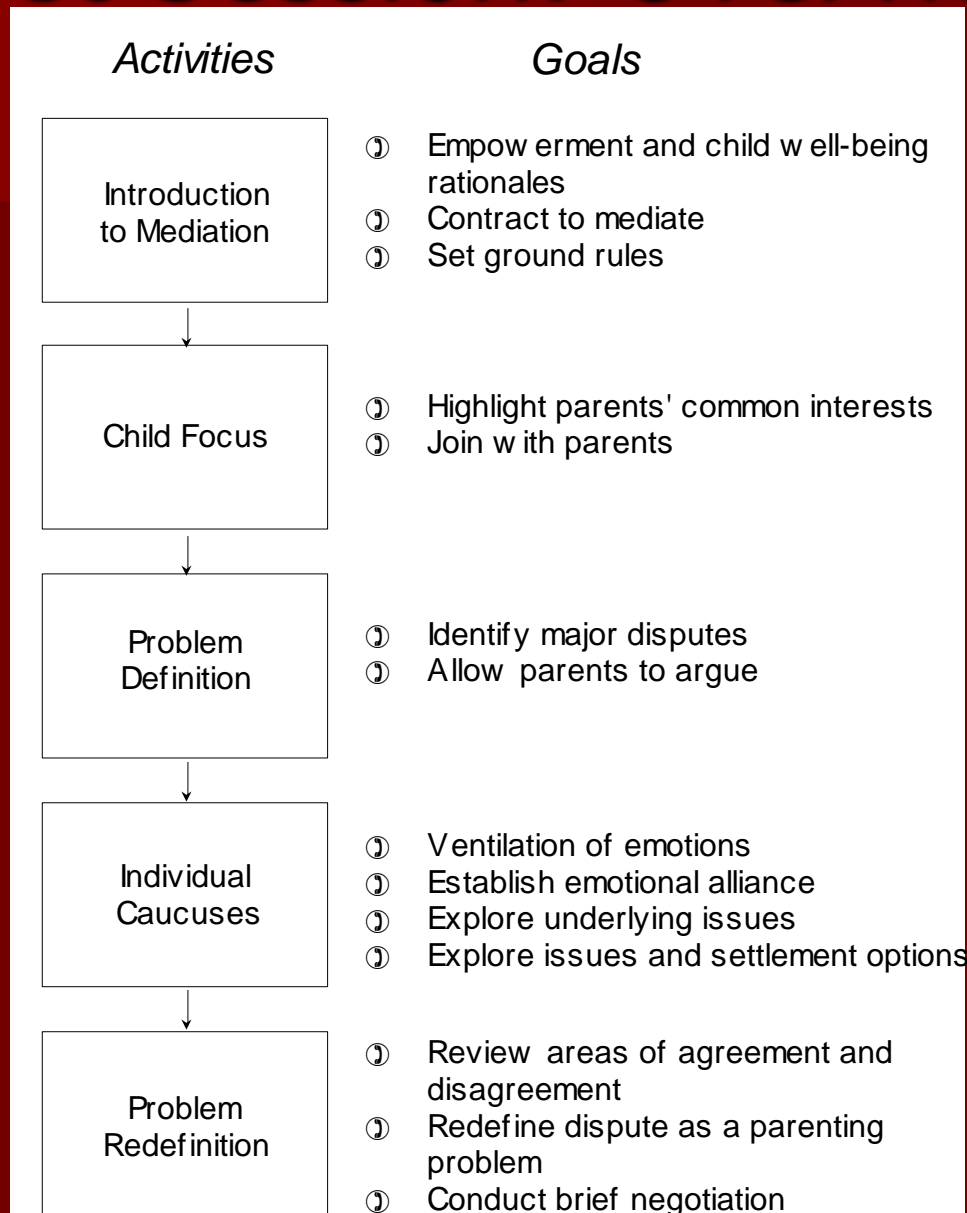
- Resolving grief is not the goal
- Recognize grief
 - And other emotions underneath anger
- Use education, empathy, emotional alliance, caucusing, referral, and interpretation to prevent grief from disrupting mediation
 - Normalize feelings
 - Cut against the grain of emotions
- Process grief in therapy (make referrals)
 - Need to mentally (and perhaps artificially “kill” the marriage)
- When is grief resolved?
 - Time (usually) helps healing
 - Love, anger, and sadness (at the same time)
 - Never want to completely “get over it”

Other Emotions Under Anger

- Hurt (same as physical pain)
 - Anger hurts less, less vulnerable (but less real)
 - Primitive desire to hurt back
- Fear (freeze, flight, fight, fright)
 - Change is frightening; anger hides fear
 - Often explains minor, last minute disputes (as in real estate closings)
- Guilt (not 50/50; but 100/0??)
 - Easier to blame someone other than yourself
 - But taking responsibility works far better in long run
- Love
 - Reunion behavior
 - Conflict is very involving; and it's a test → Did I get a reaction?
 - Adults may have more reconciliation fantasies than children
 - Need to let go, heal on your own

Structuring Mediation to Address Anger and Unclear and Changing Boundaries

First Session: Overview



First Session: Details

- **Introduction to mediation**
 - **Child/empowerment rationales**
 - **Mediation contract (see sample)**
 - **Voluntary**
 - **Confidential**
 - **Encouraged to consult independent lawyers**
 - **Ground rules**
 - **Present and future focus**
 - **Focus on issues rather than emotions**

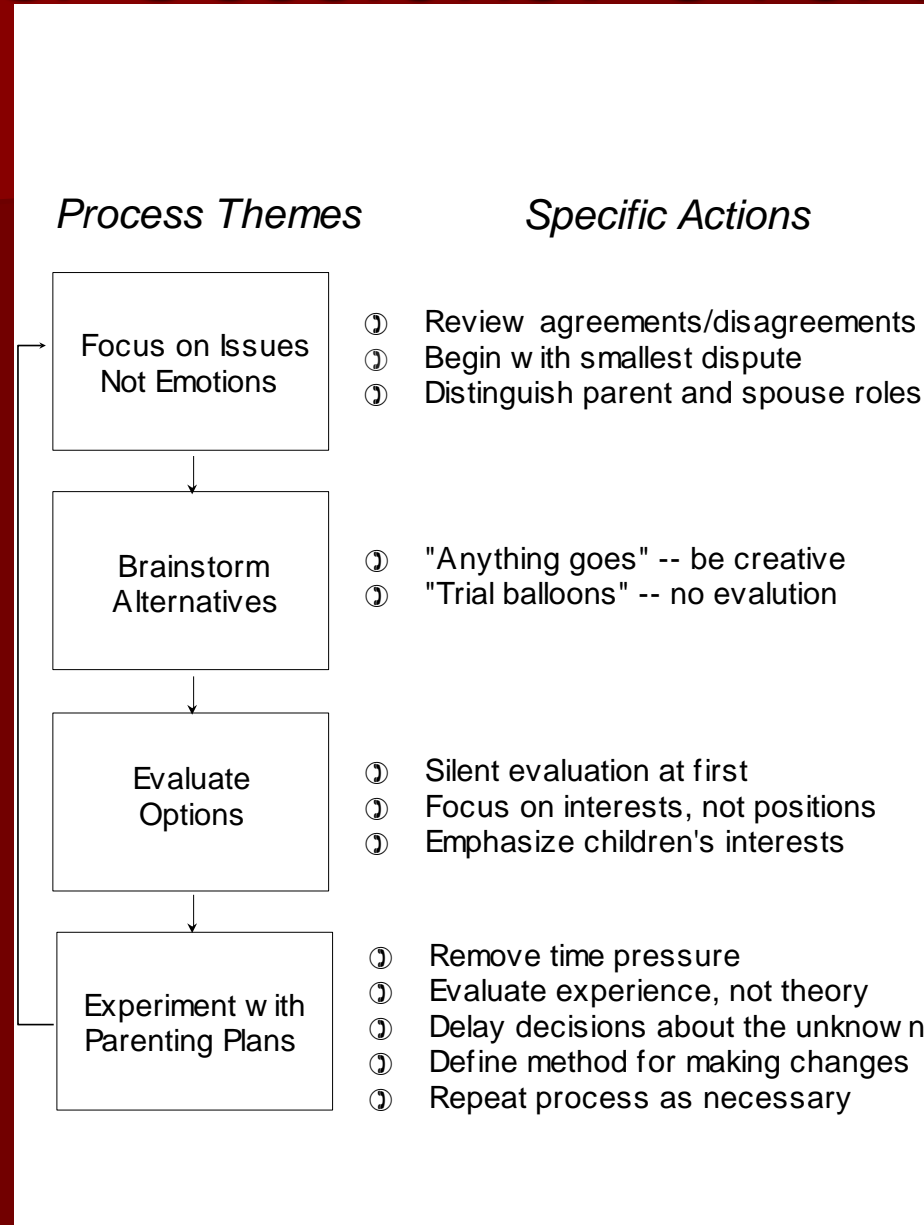
First Session (cont)

- **Child focus**
 - **Pictures**
 - **Join with parents**
 - **Highlight common interests**
- **Problem definition**
 - **Each talk without interrupting**
 - **Identify major disputes to be mediated**
 - **Allow expression of anger**
 - **Instead of trying to completely control it**
- **Caucus**
 - **Leaver and left**
 - **Hidden agendas**

First Session (cont)

- **Problem redefinition**
 - **Relationship, not legal, issue; parenting problem**
 - **Highlight agreements as well as disagreements**
 - **Solve small problem now**
 - **Get feedback and commitment to mediate**

Later Sessions: Overview



Later Sessions: Process Themes

- **Dealing with underlying emotions**
 - **Case**

- **Exploring creative options**
 - **Case**

Later Sessions: Brainstorming

- **Come up with many creative options**
 - Anything goes, even silly or impossible options
 - Maybe “prime the pump” with suggestions
- **Do not evaluate until many options suggested**
 - Give time (days, weeks) to ponder, revise

Later Sessions: Memorandum of Understanding

Weekly Schedule:

- (1) Katie and Andrew will be with their mother every week Monday through Thursday.
- (2) Katie and Andrew will be with their father on alternate weekends from Thursday at 5 p.m. through Sunday at 7 p.m.
- (3) Katie and Andrew will be with their father every “off” Thursday from 5 p.m. until the beginning of school on Friday (or 5 p.m. on Friday when there is no school).

Schedule:

- (1) schedules replace the weekly schedules
- (2) Beginning with Thanksgiving 2011, Katie and Andrew will be with their mother from 5 p.m. the Wednesday immediately before Thanksgiving Day through Sunday at 7 p.m.
- (1) Beginning with Christmas 2011, Katie and Andrew will be with their father from 5 p.m. on their last day of school before Christmas vacation through 2 p.m. on December 25. The children will be with their mother from 2 p.m. on Christmas Day until 7 p.m. on the Sunday before school resumes.
- (2) The schedule for Thanksgiving and Christmas will alternate yearly between the two parents.
- (3) Every year, Katie and Andrew will be with their father for the entire 10 day spring break and Easter weekend from 5 p.m. on Friday through 7 p.m. on the second following Sunday.
- (4) The parents agree to arrange to allow each parent to spend at least 3 hours with Katie and Andrew on the children’s respective birthdays.
- (5) Katie and Andrew will spend Mother’s Day and mother’s birthday (February 27) with their mother, and Father’s Day and father’s birthday (November 13) with their father.
- (6) During the summer school vacation, Katie and Andrew will spend a 2 week vacation with their father and a 2 week vacation with their mother. Specific dates will be determined by April 1 of each year.

Parenting and Decision Making:

- (1) The parents will share joint legal custody of Katie and Andrew. They will jointly make decisions about the children’s religious training, education, and elective medical, dental, and psychological care.
- (2) The parents will work to establish similar rules in their households, to encourage the children’s relationships with both parents, and to avoid making negative comments about one another to the children.
- (3) The parents agree to speak on the telephone for 5-10 minutes each Wednesday evening at 9 p.m. in order to exchange information about the children.

Amending this Agreement:

- (1) If either parent plans to move more than 25 miles from their present address, they will notify the other parent at least 6 months prior to the move to allow time to renegotiate this agreement if necessary.
- (2) If the parents are unable to resolve any differences about the details of this agreement or about rearing Katie and Andrew, they agree to attempt to reach an agreement with a therapist or mediator before initiating any legal action.