

High-Conflict Divorce Solutions: Parenting Coordination as an Innovative Co-Parenting Intervention

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The purpose of this article is to discuss issues germane to high-conflict divorce and separation when children are involved. It explores the negative effects of divorce on children and the parental relationship as well as the impact of the adversarial nature of the family court system in the process of high-conflict divorce. Parenting coordination is presented as a new, multifaceted co-parenting intervention to help resolve pre- and postdivorce issues relative to the new family dynamics. Implications for mental health professionals as parenting coordinators are outlined, and suggestions for further research are provided.

Keywords: *divorce; high-conflict divorce; parenting coordination; co-parenting interventions*

Divorce and separation are becoming a normative event in today's society (Boyan & Termini, 1999) such that the National Center for Health Statistics (2002) predicts that 43% of current marriages will end in divorce. According to the U.S. Census (2005), 1 out of 5 adults have been divorced. Age-group data indicate that the highest rate of divorce occurs between the ages of 45 and 54. The probability of the demise of a first marriage within 5 years is 20%, increasing to nearly 33% after 10 years (National Center for Health Statistics, 2002). In addition, the length of a first marriage is short lived, averaging approximately 8 years (U.S. Census Bureau, 2003).

These data portend potential repercussions for the children of divorced parents. According to Wang and Amato (2000), children younger than 18 years of age account for slightly more than half of all children affected by divorce.

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According to Elrod (2001), about half of all divorces involve children.

Although divorce, especially high-conflict divorce, can be devastating for the couple involved, the process of their disengagement is only one element of the experience. In a typical divorce, children may experience family transition and adjustment issues. Most often, family and schools can present a stable force in helping children cope with issues of divorce. In fact, divorce may even be an amicable event between the parents. Conversely, high-conflict divorce, which is hostile in nature, causes substantial emotional risk and psychological harm for children, caused by parental fighting, custody evaluations, parental alienation, and ongoing family conflict (Kitzmann & Emery, 1994; Mason, 1999). In addition, high-conflict divorce is marked by parents' inability to communicate civilly, long-term parental battles, and entrenched conflict. High-conflict divorce is further characterized by hostility and nonresponsiveness to standard resolutions and/or interventions such as parent counseling, divorce education, parent education, and so on. High-conflict parents typically engage in dualistic thinking (e.g., black and white, good or bad, and all or nothing; Neff & Cooper, 2004). They simply tend to be unaware and have minimal understanding regarding the effects of their high-conflict behavior on the children. In essence, the extreme negative behaviors of the high-conflict divorcing parents are commonly characterized as personality disorders (Neff & Cooper, 2004).

Ultimately, the children and their welfare often lie in the hands of the family court judges, attorneys, and custody evaluators. In addition, the high cost of litigation and court-ordered family interventions contribute to the financial stress and strain of divorce. The purpose of this article is to discuss unique issues germane to high-conflict divorce and separation when children are involved. It also offers parenting coordination as an innovative co-parenting intervention for high-conflict divorced or never-married couples.

THE EFFECTS OF HIGH-CONFLICT DIVORCE ON CHILDREN

The impact of high-conflict divorce on children can be devastating, traumatic, and extremely stressful (Boyan & Termini, 1999; Mason, 1999; Ramsey, 2001). According to longitudinal studies performed by Wallerstein and Blakeslee (1989) at the Center for the Family in Transition, children *can* survive divorce. However, they cannot survive unharmed by the drawn-out, chronic, high-conflict fighting that occurs between parents in a difficult divorce. The level and intensity of conflict between parents during marriage is indicative of postdivorce hostility and distress, and it is also the most significant factor in the adjustment of children following divorce (Boyan & Termini, 1999; Ehrenberg, 1996). Furthermore, the chronic ongoing conflict erodes the relationship between children and between one or both parents (Elrod, 2001; Ramsey, 2001).

Children and adolescents are impacted by divorce in almost every aspect of their lives. A large body of empirical research has supported the long-held notion that high-conflict divorce and separation leads to an increase in social and emotional maladjustment as well as academic problems in the affected children (Hetherington, 1989; Ramsey, 2001). As compared to the 10% of children from continuously married families who have serious psychological and social problems, an alarming 20% to 25% of children affected by divorce will suffer similarly, according to Hetherington and Kelly (2002).

Factors present in divorced parent families that contribute to the risk of children developing problems with adjustment include sustained high conflict between parents, loss of financial and psychological resources, hectic and confusing visitation schedules, adjustment to parents' new relationships, abrupt life changes, separation from noncustodial parent by choice or location change, and a loss of steady parental support and contact (Kelly, 2002).

In high-conflict divorce situations, the behavior of the parents may lead to feelings of alienation in the parents within the relationship between the parents and child. In such cases, one parent seeks control over the other by placing the child in the middle and attempting to sway his or her opinion regarding the other parent, commonly referred to as the target parent. Children often exhibit behaviors such as an intense dislike or hatred freely expressed toward the target parent, open denigration of one parent and exceptional praise of the other, or refusal to visit or contact the target parent with trivial justifications (Boyan & Termini, 1999).

THE EFFECTS OF DIVORCE ON THE PARENTAL RELATIONSHIP

Children are not the only ones who suffer the effects of high-conflict divorce. The breakdown of a marriage, and

ultimately the process of separation and divorce, has damaging effects on the parents as well. Often, couples who were once in loving, committed relationships find themselves in a downward spiral of fighting, hostility, and blame. Furthermore, high-conflict co-parents may experience similar stages of grief and loss experienced after the death of a loved one, such as anger, grief, guilt, revenge, vulnerability, jealousy, and hurt.

Parental Alienation Syndrome

In highly conflicted divorced or separated couples with children, some researchers have referred to one parent's extreme alienation of the child or children from the other parent as parent alienation syndrome (PAS). PAS is characterized by one parent villainizing the other, or target, parent with unwarranted claims of abuse, neglect, or wrongdoing (Gardner, 1998; Kelly, 2002). This is often seen during the predivorce stage when negative emotions are apparent. The actions by the parents in PAS cases may be devastating to the children but also damaging to the normal functioning and reasoning abilities of the adult perpetrator. According to Stahl (1999) and Boyan and Termini (1999), such actions may include portraying the target parent as dangerous, unnecessary, or neglectful; allowing the child to make decisions about visitations; denigrating the target parent to the child; exaggerating and discussing flaws of the target parent; disrupting or terminating the other parent's visits with the child; probing the child after visits to detect "negative" behaviors or occurrences; creating barriers for phone contacts or scheduled visits; and making allegations of sexual or physical abuse.

Impact of the Adversarial Nature of Family Court

According to Kelly (2002), although less than 5% of custody disputes reach the courtroom, the damage to children during the ongoing legal process can be detrimental (Firestone & Weinstein, 2004) and may entangle them into a state of perpetual turmoil within the family (Mason, 1999; Ramsey, 2001; Wallerstein & Lewis, 2004). Often parents, in an effort to build a winning case, will participate in exaggeration and distortion of memories and hurtful slandering and provide false allegations against the opposing parent (Kelly, 2002; Ramsey, 2001; Weinstein, 1997). Children are unwittingly caught in the middle of this drawn-out adversarial process, during which the best interests of the children fall to the wayside as lawyers advocate zealously for their client's rights and ultimately may cause more harm (Firestone & Weinstein, 2004). Boyan and Termini (1999) found that this conflict between parents, when witnessed by children, may lead to a diminished role of the parent as a legitimate protector, may complicate the child's role identity, may teach ineffective conflict-resolution skills, and may place the child in a loyalty bind between opposing parents. The level and intensity of predivorce conflict is an indicator of postdivorce communication between the parents and

adjustment and development issues of the children (Garrity & Baris, 1994). Family functioning in divorced households is dependant on many factors, including the level of pre- and postseparation conflict levels between parents (Ehrenberg, 1996; Wallerstein & Blakeslee, 1989).

Litigation within the court setting has long been the typical resolution method in high-conflict divorce cases. Family courts and related professionals are spending some 90% of their time on the 10% of the population deemed "high-conflict" (Neff & Cooper, 2004). These parents use the courts as a way to control, punish, and publicly condemn their ex-spouse for their wrongdoings and drag out the legal process to inhibit closure and allow the other parent to move on from the marriage (Coates, Deutsch, Starnes, Sullivan, & Sydlik, 2004). Unfortunately, the litigation process creates lasting consequences of hostility and resentment for the parents and their children (Kelly, 2005).

According to current evidence, as many as four postdivorce motions may be filed for each divorce (Thompson, 2003). In addition, couples with children tend to use litigation more often than those without children (Tibbits-Kleber, Howell, & Kleber, 1987). The Family Law Supreme Court Steering Committee (2003) stated that family law cases account for more than 40% of court filings and almost 70% of reopenings. A cycle of perpetual conflict is created by 8% to 12% of high-conflict couples who use the court system as a means to continue their disputes, often up to 2 to 3 years postdivorce. This vicious cycle tends to deplete financial resources, use an inordinate amount of the court's time and resources, and alienate the ex-spouse as an enemy, eroding positive communication. Most important, this cycle places the children in the middle of a painful clash between parents (Kelly, 2002; Kirkland, 2004; Ramsey, 2001; Weinstein, 1997).

Elrod (2001) cited numerous reasons for high conflict relative to the litigation process. Among them were the win-lose nature of the adversarial legal system, the increasing frequency of joint custody arrangements (whereby parents are required to have frequent interaction), the vague "best interest of the child" standard, and the underfunded and understaffed court system.

The past two decades have seen the progressive development of alternative dispute resolution (ADR) programs implemented by the family court system (Johnston & Roseby, 1997). Typical interventions include litigation, counseling, family mediation, and divorce education programs for parents. Each approach has benefits and detriments; however, it is becoming increasingly apparent to not only the court system but also to the divorcing parents that these traditional methods are not fully meeting the needs of high-conflict families in terms of creating long-lasting positive change (Austin, 2000; Baris, 2001).

Because of multifaceted and complex issues with the adversarial nature of the family court system, compounded with the

negative effects of divorce on children and co-parents, a more effective intervention to address these issues is warranted.

PARENTING COORDINATION AS AN INNOVATIVE CO-PARENTING INTERVENTION

Even parents who were never married (i.e., common law arrangements) need guidance that takes into account more than just the individual's needs but also the needs of the entire family unit. A need exists for a new method of intervention (Johnston, 2000) that blends the role of the court (issuing parenting plans and visitation requirements) with the role of the counselor (a background in counseling/psychology) and the family mediator (encouraging co-parenting of the shared children and settling disagreements). This multifaceted intervention strategy should place the focus on communication regarding the children rather than parent-to-parent issues. Divorcing spouses need help with communication skills, conflict-resolution strategies, and overall parenting skills with regard to the new family dynamic. Parents need to learn how to disengage each other (Garrity & Baris, 1994) as they are no longer a couple, but they must learn how to relate with each other in a different role that is positive for the children.

The rapidly growing popularity of the parenting coordinator (PC) (Neff & Cooper, 2004) has arisen from the recognized need for a new, specialized form of intervention for high-conflict families (Elrod, 2001; Johnston, 2000). The task of the PC is to facilitate communication between high-conflict divorcing couples with regard to the needs of their children (Stahl, 1999) and to break the cycle of court motions by difficult families by solving disputes expeditiously (Elrod, 2001). Basically, the PC's role is to help the parties implement their parenting plan by facilitating the resolution of disputes between co-parents, making recommendations in cases of standstill, providing educational guidance, and working within the scope defined by the court, making decisions for the parties regarding legal issues (Garrity & Baris, 1994; Stacer & Stemen, 2000).

The PC's job includes translating and modifying the shared parenting plan with minimal conflict, monitoring and facilitating the effective execution of the plan, teaching conflict resolution and effective communication skills, teaching effective strategies for minimizing parental conflict, helping parents promote and encourage positive relationships between the child and the other parent, and making referrals for outside psychological help if one or both parents exhibit need (Coates et al., 2004; Garrity & Baris, 1994).

Parenting coordination differs from counseling or therapy in several important ways, although some aspects are similar. PC is (a) nonconfidential; (b) mandated or stipulated by the court; (c) focused on the child's needs; (d) led by the

coordinator, not the participant; (e) directive/confrontational; (f) goal-oriented; (g) limited in length; (h) responsible to report to the court; and (i) highly structured (Boyan & Termini, 1999; Garrity & Baris, 1994). Unlike counseling, PC requires the helping professional to take on nontraditional roles including mediator, arbitrator, and coach (Elrod, 2001). In contrast to litigation, whereby parents can become disempowered to make decisions (Firestone & Weinstein, 2004), PC helps put the parents back in a decision-making role with the primary focus being the best interests of the kids.

Professionals who practice parenting coordination should possess certain characteristics to be effective. They must be creative, competent, child-focused, ethical, directive, committed, compassionate, realistic, assertive, diplomatic, law-savvy, confident testifying in court, and effective case managers (Kelly, 2002).

During the past few years, parenting coordination has become increasingly popular and is rapidly growing in use as a successful intervention to help resolve pre- and postdivorce parenting disputes (Coates et al., 2004; Johnston, 2000; Neff & Cooper, 2004). Some family court judges value parenting coordination as another venue to resolve conflicts, consequently saving the court time and decreasing the litigation rates among divorced couples (Coates et al., 2004; Johnston, 2000). Furthermore, even divorcing couples themselves are seeking the services of a PC (Coates et al., 2004) to reach workable agreements involving the children, to improve the co-parenting relationship, and to avoid high legal fees. In addition, the increasing and widespread use of PCs is evidence of a growing belief that these mental health professionals can be most beneficial in cases of high-conflict divorce when there is a significant chance of repeated litigation (Coates et al., 2004).

Although empirical research on parenting coordination is limited, Kelly (2002) referenced one study conducted in a California county that seemed to point to the efficacy of PCs in reducing the number of relitigation cases. In the year prior to the appointment of "special masters" (California's term for PCs), 166 divorcing couples had 993 court appearances. The year following the introduction of PCs to the couples, the same 166 cases had 37 reappearances in court. In addition, the parents reported a decrease in conflict with the ex-partner as well as satisfaction with the PC.

Mental health professionals, judges, and lawyers are the principal professionals with the greatest power to influence positive outcomes in high-conflict custody cases according to Elrod (2001). Also, these parties are just in the beginning stages of experimentation with new programs that effectively deal with high-conflict families by placing the focus on the children's welfare (Ramsey, 2001; Stacer & Stemen, 2000). New collaborative methods, such as parenting coordination, should be a focus for these professionals. In essence, parenting coordination is recognized by several entities as a highly valued referral resource (Firestone &

Weinstein, 2004) to help divorcing couples in conflict re-align themselves as co-parents, learn conflict-resolution strategies, communication skills, and, ultimately, how to parent with the best interest of their children in mind.

IMPLICATIONS FOR MENTAL HEALTH PROFESSIONALS

The training of mental health professionals uniquely equip them with many of the transferable skills that are necessary for functioning as a PC. The parent-coordination role requires the helping professional to be not only a counselor but also an arbitrator, coach, and mediator (Elrod, 2001).

More important, the mental health professional will have to become knowledgeable on family law issues, on how to consult with attorneys, and about courtroom expectations (e.g., how to give expert testimony). Mental health professionals will have to be trained in the parent coordination process, parent coordination techniques, and court-specific parenting coordination procedures.

The Association of Family and Conciliation Courts (AFCC) Task Force on Parenting Coordination (2006) outlined a four-part module for training parent coordinators. Module 1 addresses the actual parent-coordination process: various functions of the PC, professional guidelines of practice, and issues that are appropriate or not appropriate in the PC process. Module 2 focuses on family dynamics in separation and divorce: psychological issues, issues concerning the needs of children in the divorce context, dealing with high-conflict parents, and domestic violence issues. This module also briefly noted different co-parenting relationships such as cooperative, parallel, and conflicted parenting.

In Module 3, focus was placed on parent coordination techniques and issues: structure of the process, informed consent/confidentiality limits, characteristics that enhance or undermine the effectiveness of the PC, and cultural competence. Module 3 also highlights arbitration procedures and decisions and writing and filing arbitration decisions and awards. Module 4 addresses court-specific parenting coordination procedures. The Task Force highlighted knowledge of and adherence to jurisdiction-specific qualifications of a PC, local/state/province family law in the parenting coordination process, when and how the PC should interface with the court, and forms used by the courts.

Of all the recommendations made by the AFCC Task Force (2006), Module 4 may be the most crucial in the transition to parent coordination, as it focuses on the legal aspects involved in the parent coordination role. This suggests that mental health professionals will have to become well-versed on legal and family law issues.

High-conflict parents are an increasing population that warrants specialized attention, beyond the traditional methods of counseling. As such, family counselors and other mental health professionals need to increase their

awareness and understanding of what training is needed to meet the needs of high-conflict parents in crisis. With this said, for mental health professionals to increase their self-efficacy in treating this population, then training in family mediation, conflict resolution, chronically conflicted divorce, effects of high-conflict parents on children, and parenting coordination is warranted.

IMPLICATIONS FOR RESEARCH

The incidence of divorce and the potential negative effects on children has warranted empirical and theoretical attention for several decades (Johnston, 2000; Kelly, 2002; Mason, 1999). As divorce rates and separation increase, invariably the need for mental health professionals increases. Mental health professionals are trained to deliver specific interventions to respond to the needs of families experiencing divorce. However, minimal research has been conducted on the effective approaches to address high-conflict co-parents when children are involved. Research on nontraditional, innovative approaches such as parenting coordination and their effectiveness to address the unique issues of high-conflict co-parents is minimal. There remains a lack of empirical research on the efficacy of PC as an alternative to traditional counseling. For example, research is needed to examine specific counseling techniques and strategies as appropriate interventions for high-conflict couples. In addition, research is needed to examine strategies and techniques that are effective for working with high-conflict co-parents diagnosed with personality disorders. Solution-focused brief therapy merits attention as an effective technique for practicing PC because the future-oriented goals of PC mirror many of those of solution-focused brief therapy. More research is needed to explore the protocols of a multiculturally competent PC and to examine the effectiveness of PC for assisting culturally diverse populations. In addition, more research is needed to determine the most effective ways to apply multicultural competencies to the practice of PC. Finally, research is warranted regarding effective strategies to assist high-conflict parents to reestablish their career, education, and personal goals.

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