

**REPORT OF THE  
SUPREME COURT OF VIRGINIA**

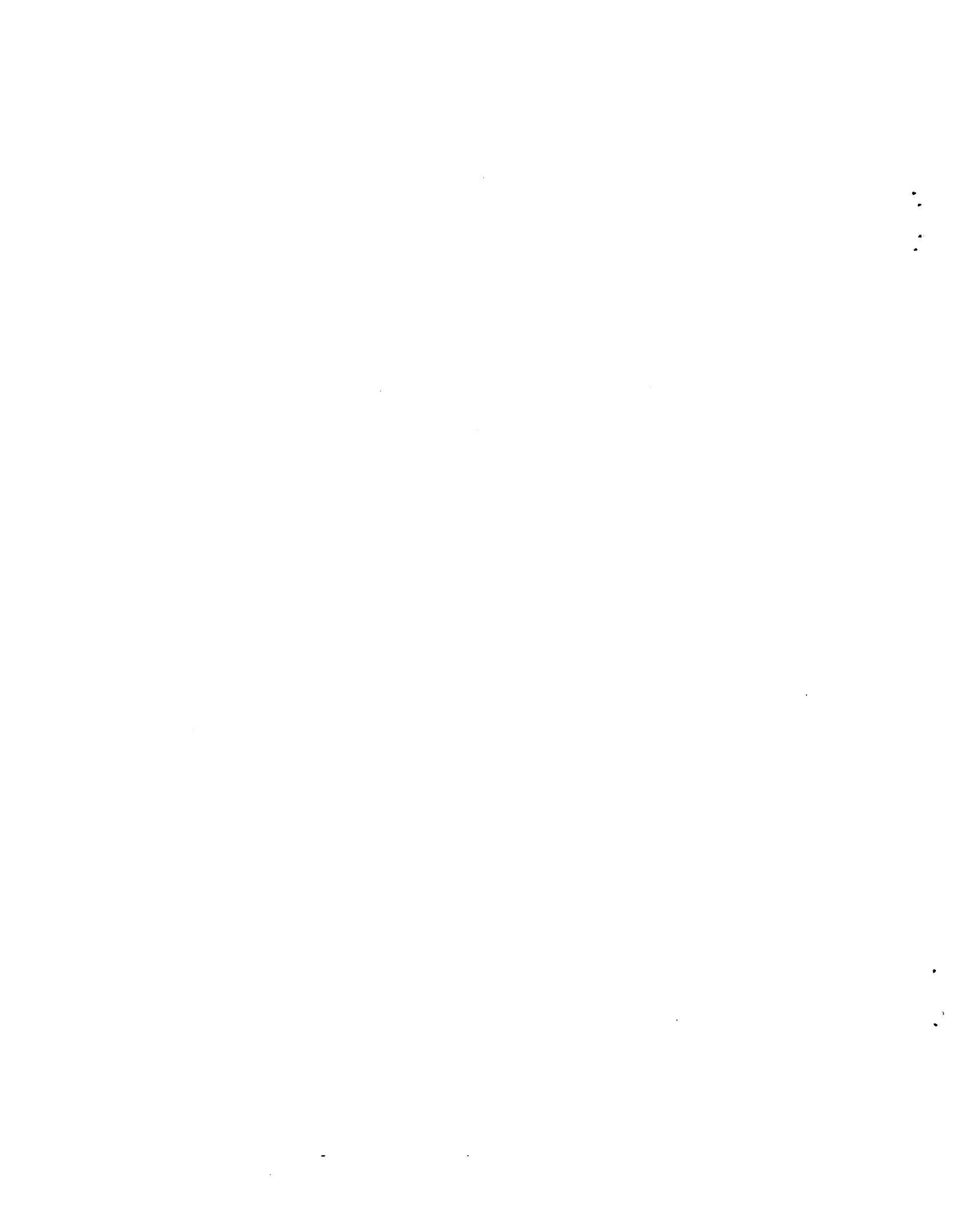
**MODEL PARENT EDUCATION  
CURRICULUM AND A STUDY  
OF RELATED CUSTODY AND  
VISITATION ISSUES**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 26**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2000**



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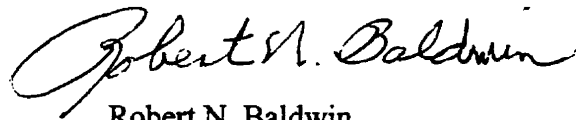
TO: The Honorable James Gilmore

and

The General Assembly of Virginia

The report contained herein is pursuant to House Joint Resolution 591, agreed to by the 1999 General Assembly. This report constitutes the response of the Office of the Executive Secretary, working in cooperation with an advisory committee comprised of individuals involved in custody proceedings, providers of parent education seminars, and experts on child development. This report includes a model parent education curriculum as well as information on (1) the goals and availability of parent education material; (2) the role of mediation in custody and visitation cases; and (3) the impact of denied visitation on children.

Respectfully Submitted,



Robert N. Baldwin  
Executive Secretary



## PREFACE

The 1999 Session of the General Assembly of Virginia, pursuant to House Joint Resolution 591, requested the Office of the Executive Secretary to develop and disseminate information on certain custody and visitation issues to Virginia's circuit and district court judges and commissioners in chancery. Specifically, the information requested includes: (1) the goals and availability of parent education material; (2) the role of mediation in custody and visitation cases; and (3) the impact of denied visitation on children. The Resolution also authorized the Office of the Executive Secretary to convene an advisory committee to develop model curricula for parent education seminars.

A committee was created including a diverse representation of individuals involved in custody proceedings as well as providers of parent education seminars and experts in child development. The committee members included:

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Geetha Ravindra, Director of the Department of Dispute Resolution Services, served as chair of the committee. Lelia Hopper, Director of the Court Improvement Program, as well as Kristi Wright, staff attorney for the Commission on Family Violence Prevention assisted as staff to the committee. The full committee met five times over the

course of six months and considered, with tremendous dedication and interest, issues related to parent education programs. Special acknowledgement must be given to the parent education providers, Pat Davidson, Ann Warshauer, Mara Servaites, and Dr. Arnold Stolberg, for their insight and enormous contributions to the final course outline.

Information on custody and visitation issues was gathered through extensive literature review. The content of the model parent education curriculum was developed through committee discussion and review of existing parent education program materials. The first chapter of this report addresses the recommended program considerations and model parent education curriculum. The next chapters include information related to custody and visitation, which will be disseminated to all district and circuit court judges and commissioners in chancery. The appendices include a list of parent education resources as well as examples of course evaluation instruments.

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## **EXECUTIVE SUMMARY**

The Office of the Executive Secretary (OES) of the Supreme Court of Virginia was requested by the 1999 General Assembly, pursuant to House Joint Resolution 591, to develop and disseminate information regarding (1) the goals and availability of parent education material; (2) the role of mediation in custody and visitation cases; and (3) the impact of denied visitation on children to Virginia's circuit and district courts and commissioners in chancery. The General Assembly further requested OES in the same legislation to convene an advisory committee to develop model curricula for parent education seminars. A committee comprised of a diverse representation of individuals involved in custody and visitation proceedings, as well as providers of parent education seminars and experts on child development was created. In addition, a literature review was conducted to develop information related to the aforementioned custody and visitation issues.

### **Goals and Availability of Parent Education Material**

Our society has experienced fundamental changes in the institution of marriage over the past half-century, with over half of all marriages and nonmarital relationships ending in divorce or separation. A child's adjustment to the divorce or separation depends largely upon the parents' general parenting skills and ability to reduce conflicts. Parent education programs are organized, educational sessions that strive to assist families with the divorce, separation, and co-parenting transition. A national survey in 1998 found that about 48% of all U.S. counties offer parent education courses. Almost half of the parent education providers around the country make use of several proprietary programs that provide curricula, videos, and teachers' guides. A 1999 report of the Virginia Commission on Youth found at least twelve programs in Virginia that offer parent education courses. A list of these programs may be found in Appendix B, and an extensive list of resources for parent education programs is provided in Appendix C.

### **Role of Mediation in Custody and Visitation Cases**

With the rise in the divorce rate in recent years, the traditional adversarial approach to handling marital dissolution has become increasingly cumbersome and unsatisfactory. Mediation is a dispute resolution process in which a neutral facilitates communication between parties and assists them in reaching a mutually acceptable resolution to their dispute. This more collaborative process is more appropriate for custody and visitation matters for a number of reasons. First, in a divorce or separation involving children, the disputants' relationship does not end once a settlement is reached. As long as a child is a minor, some ongoing interactions between the parents is necessary. Mediation improves parents' communication, negotiation and problem solving skills. Regardless of their differences, both parents share a very important interest, their children. Mediation is often a more appropriate process for parents, as opposed to the public, often unpredictable, adversarial system, because it empowers parents to be the private decision-makers about what is best for the children and to tailor a parenting plan that meets the needs of their children. In addition, there are many issues that need to be

settled that go beyond questions that can be resolved by reference to legal standards, such as how to arrange for car-pooling or how to communicate regarding an unexpected change in the visitation schedule. These issues are best resolved through discussions between the parents themselves, with the assistance of the mediator, as opposed to traditional legal procedures.

### **Impact of Denied Visitation on Children**

Existing research on denied visitation and its impact on child adjustment and development is scant and wrought with methodological problems. Denied visitation is more accurately divided into two categories: appropriate denial of visitation due to safety, parents' mental health, and children's developmental concerns; and inappropriate denial of visitation due to inter-parent hostility and unsubstantiated allegations of safety concerns. Inappropriate denial of visitation is often an expression of inter-parent conflict, is usually a process engaged in by both parents, and is better considered a joint expression of hostility. Children, in general, have a better adjustment to their parents' divorce when contact with the nonresidential parent is continued on a regular and frequent basis. There is evidence, however, that frequent contact with the non-custodial parent is beneficial only when inter-parent conflict is low and when the non-custodial parent engages in appropriate and constructive parent-child activities.

### **Model Parent Education Curriculum**

In an effort to develop a model parent education curriculum, the specific issues the Parent Education Curriculum Advisory Committee took under consideration included: the purpose, goals, and objectives of parent education courses; the content of parent education programs; the level of detail of the model curriculum; the appropriate length of parent education programs; methods of presentation of parent education programs; parent education trainer qualifications; and various other logistics related to presenting parent education programs. A complete list of parent education course goals, objectives and content areas can be found in chapter four.

The primary purpose of parent education programs is to assist families with the divorce or separation transition as it affects the children. This is accomplished by educating parents on the importance of keeping children out of the middle of parental conflict and fostering a positive, nurturing relationship between both parents and children. Course content areas are generally parent-focused, child-focused, or court-focused. The Committee agreed that the primary approach of a model curriculum ought to be child-focused and include topics such as children's reactions to divorce/separation, responding to children's reactions, essentials of co-parenting, and keeping children out of the middle of conflict. This information should be interwoven with parent and court-related issues. The ultimate positive effects of this information is to reduce parental conflict and children's resulting emotional distress; reduce relitigation of custody and visitation issues; and reduce costs to the legal system.

## **Recommendations**

1. The model curriculum should apply to all parent education courses that are presented to parents who are divorcing or separating and those who were never married and never lived together. It also applies to those who are now in the role of parents.
2. The model curriculum is an outline for parent education providers to use as a point of reference in designing parent education courses. The various sections of the outline are interrelated and should not be treated as separate and distinct subjects. The emphasis of the course should be on the effects of divorce, separation, and co-parenting on children.
3. A pre-class intake process should be conducted to determine the background and needs of the participants. This is helpful in making group assignments, in identifying participants who may pose a security risk, recognizing those who need child care, and in determining if there should be any special adaptations for language, cultural or disability needs.
4. As adults have various learning styles, literacy levels, languages, and cultures, teaching techniques should include a combination of lecture, discussion, videos, role-play, and visual and auditory teaching tools. Programs should consider a male-female co-trainer model and should provide participants with a comprehensive manual, which covers the information presented in the course.
5. Trainers should be able to demonstrate the following: knowledge of child development, background in divorce/separation issues, knowledge of family abuse issues and appropriate resources, experience in teaching adult audiences, and group facilitation skills. An undergraduate degree is preferable, but can be waived for equivalent life experience.
6. Courts should refer to parent education programs that are offered under the auspices of a community services board, accredited family-service agency, educational institution, or by a psychologist, certified mediators, licensed clinical social worker, or licensed professional counselor.
7. Programs should be a minimum of four hours and offered in one or two session formats. Two session formats of two hours each may pose more logistical and scheduling problems than one session of four hours.
8. Consideration should be given to the childcare needs of the participants, particularly if a court mandates the course.
9. Limiting the class size to 20 allows for a better learning experience. Use of a conference table or circle of chairs encourages group interaction.

10. The program location should be easily accessible through public transportation.
11. Programs should provide participants with an evaluation form at the conclusion of the course.

### **Barriers**

1. Childcare issues may pose problems for some parents. If programs choose to provide on-site childcare, they need to consider issues related to space, insurance, and licensure. The number of parents requiring childcare may affect the size of the class.
2. Transportation to the parent education program may be an issue for some parents, particularly if the course is more than one session or if the location is not accessible through public transportation.
3. The ability of parent education providers to meet the special needs of participants requiring a foreign language interpreter, sign language interpreter, or wheelchair accessibility must be considered when attendance at the course is court-ordered. In addition, the issue of who will pay for these services needs to be resolved.

### **Program Goals**

1. Assist parents in understanding how to reduce parental conflict
2. Increase parents' communication skills
3. Teach parenting skills and co-parenting techniques
4. Provide some "normalizing" data on the impact of divorce
5. Assist parents in dealing with changes in family structure including blended families and remarriage
6. Help parents understand the emotional and behavioral components of parental separation.
7. Provide information that will increase separating parents' understanding of their children's emotional needs during or after divorce and separation and ways to further their children's emotional adjustment to the separation
8. Create a greater understanding of the effect of parental conflict on their children; how and why conflict between parents creates stress for children; and encourage accountability for creating peace instead of stress and conflict
9. Increase parents' understanding of why children need and want a healthy and meaningful relationship with both of their parents and offer ideas on how to successfully share in the parenting of their children.
10. Present information that will help parents recognize when a child is experiencing severe emotional problems, and how and where to seek professional help, support, and access to community resources
11. Make parents aware of community resources available to them.
12. Enhance the safety, stability, consistency, and security of the child's environment.
13. Teach parents skills on how to keep children out of the middle
14. Increase awareness of effects of separation and divorce on children
15. Increase parents' understanding of the importance of providing emotional and financial support to children.

### **Court-Goals/Evaluation Objectives**

1. Reduce litigation of custody and visitation matters
2. Reduce court dockets by minimizing contested proceedings
3. Increase use of mediation
4. Increase in parents developing their own parenting plans.
5. Increased understanding of court procedures
6. Improve compliance with court orders or mediated agreements
7. Increase the rate of consistency in child support payments

## **PARENT EDUCATION COURSE OBJECTIVES**

1. To teach parenting skills in order to increase the effectiveness of parenting from two homes.
2. To make parents aware of the impact of parental conflict on children.
3. To assist parents in keeping children out of the middle of conflict.
4. To help parents identify what triggers anger or conflict and teach them techniques in problem solving and negotiation.
5. To help parents identify and meet the needs of their children.
6. To encourage the positive involvement of both parents in the lives of their children.
7. To increase awareness of parental roles and their impact on child development.
8. To validate the many things parents have already done or are doing that support children during the divorce process.
9. To recognize the signs of children at risk.
10. To provide information about the range, availability, and means to evaluate community resources.
11. To enable parents to develop a personal action plan related to their co-parenting.

## **PARENT EDUCATION CONTENT AREAS**

1. Children's reactions and adjustment to divorce
2. Responding to children's reactions to divorce
3. Stages of divorce
4. Co-parenting communication skills
5. Parents' reactions and adjustment to divorce
6. Cooperative and parallel parenting
7. Referrals to services
8. Custody and visitation
9. Essentials of parenting and co-parenting
10. Children at risk

## PARENT EDUCATION COURSE CURRICULUM

The course outline that follows contains recommendations on topics that should be covered in Parent Education programs and some examples of how the material may be presented. This course is designed to apply to parents and those in the role of parent who are parenting from two separate homes. It must be understood that this curriculum addresses parents involved in traditional divorces, unmarried parents who have lived together and unmarried parents who have never lived together. These different situations must be kept in mind during each phase of the curriculum described below.

### **General Considerations**

#### Intake and Course Registration

A pre-class intake process involves gathering information about each participant before a class meets. Some programs conduct brief interviews over the phone, while others send written questionnaires to participants for completion prior to assignment to groups. Parents should be asked if there are any criminal charges pending or protective orders in place. The information gathered through this process is helpful in making group assignments and in identifying participants who may pose a security risk or who require special adaptations for language, cultural, or disability needs. The information may also assist the program provider in assessing whether both parents should be assigned to the same class.

The intake process may assist the instructor in identifying areas in the coursework that are of particular interest to the participants. Instructors may also choose to use a questionnaire, such as the Honey-Mumford instrument, to identify participant learning styles. Parents should be asked questions including: if they need childcare, if they have any special requirements, such as the need for wheelchair accessibility or an interpreter, and what time they would prefer to attend the class. An example of an intake tool is included in the appendices.

#### Teaching Techniques

Adults have various learning styles, literacy levels, languages and cultures, and so techniques for teaching must be just as diverse and inclusive. A combination of lecture, discussion, videos, role-play, and visual and auditory teaching tools can help each participant comprehend the issues in her or his own way. Programs should consider a male-female co-trainer model. In addition to the Parent Education course, programs may offer a Support Group to cover related issues such as the role of grandparents and the impact of dating.

All programs should provide participants with a Manual that provides comprehensive information on all the areas identified in this model outline. The Manual should also include a list of community resources for parents, a list of suggested books and videos, and developmental charts and/or outlines to clarify the information presented.

#### Trainer Qualifications

Trainers should be able to demonstrate the following qualifications:

- Knowledge of child development
- Background in divorce/separation issues
- Knowledge of family abuse, including domestic violence and child abuse issues, and appropriate referrals for each
- Experience teaching adult audiences
- Group facilitation skills



An undergraduate degree is preferable, especially in the social sciences, health, or education, but equivalent life experience can substitute for a degree. The Parent Education Curriculum Advisory Committee recommends that courts should refer to programs that are offered under the auspices of a community services board, accredited family-service agency, educational institution, or by a licensed/certified practitioner such as a psychologist, certified mediator, licensed clinical social worker, or licensed professional counselor. Programs should conduct ongoing evaluation and in-service training for its trainers.

### Program Length

Programs should be a minimum of four hours and should be provided in one or two sessions. If provided in two sessions, the sessions should be one week apart. Single-session programs do not face the problem of student retention for the second session, pose fewer childcare and transportation issues, but can be demanding for both trainers and participants. Two-session formats provide participants an opportunity to reflect on information in the first session and give them a chance to formulate specific questions. They do, however, pose more logistical and scheduling problems. Programs may offer a combination of daytime, evening, and weekend sessions to meet the scheduling needs of the participants. Consideration should be given to the childcare needs of the participants either by direct provision of childcare or by collaboration with another organization.

### Logistics / Size of Group

Limiting group size to a maximum of 20 will allow participants a better learning experience. The preferred group size is 8 to 12 participants.

The way the room is set up will be determined to some extent by the facility available and the size of the group. Use of a conference table or circle of chairs so that participants and the group leader have eye contact with each other encourages group interaction. Classroom or theater-style seating gives participants an impression of being "lectured at" rather than participating.

### Location

When selecting a site for this course, the program should consider a location that is easily accessible through public transportation, provides convenient and adequate parking, considers the requirements of the American with Disabilities Act (ADA), is located close to a childcare facility, and offers security. Examples of good locations include a conference room in the courthouse, schools, hospital meeting rooms, and any other municipal meeting space.

### Program Evaluation

Programs should provide participants with an evaluation form at the conclusion of the course. Programs may also want to conduct a survey of the participants six months to a year following the course to determine whether the course reduced parental conflict and was helpful in assisting the co-parenting process. As one possible incentive for completing the evaluation form, parents could be given a coupon for a free kid's meal provided by a local restaurant. This will also provide an opportunity for a parent-child activity.

### Program Fees

Section 20-103 of the Code of Virginia states that "... the court may order parties with a minor child or children to attend educational seminars and other like programs conducted by a qualified person or organization approved by the court, on the effects of separation or divorce on

minor children, parenting responsibilities, options for conflict resolution, and financial responsibilities, **provided that no fee in excess of fifty dollars may be charged** for participation in any such program.” All programs should adopt a mechanism to assist participants who cannot afford this fee. A sliding-scale fee structure can be offered based on participants’ incomes.

## COURSE OUTLINE

### I. Introduction and overview of course objectives -

The Parent Education Curriculum Committee, in reviewing the goals of the Parent Education Course, recommends the following as the course objectives:

- To teach parenting skills in order to increase the effectiveness of parenting from two homes
- To make parents aware of the impact of parental conflict on children
- To assist parents in keeping children out of the middle of conflict
- To help parents identify what triggers anger or conflict and teach them techniques in problem solving and negotiation
- To help parents identify and meet the needs of their children
- To encourage positive involvement of both parents in the lives of their children
- To increase awareness of parental roles and their impact on child development
- To validate and reinforce constructive parenting that supports children during the divorce process
- To recognize signs of children at risk
- To provide information about the range, availability, and means to evaluate community resources
- To enable parents to develop a personal action plan related to their co-parenting

### II. Ground Rules

Ground rules are shared with participants at the beginning of the program to help the participants understand the process. Ground rules often cover:

- Confidentiality – Section 20-103 of the Code of Virginia provides that, “ No statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding.” As a result, statements made or opinions expressed during the sessions should not be shared outside the sessions. This confidentiality provision does not absolve those presenters who are mandatory reporters under Section 63.1-248.3 of the Code of Virginia of their legal obligation to report abuse.
- Purpose of the program – The focus of the course is children. The educational nature of the program is stressed and it is made clear that the sessions are not therapy sessions. Most programs provide general information on how to access treatment services if participants are in need of such services.
- Attendance – Group leaders should clearly announce that participants must stay for the entire program to receive a certificate of attendance, and that courts will receive participants’ records of attendance, where applicable.

- Behavior – Group leaders should make it clear that participants are to maintain a respectful attitude toward the group leader and other participants at all times. Providers should emphasize that disruptive and threatening conduct may lead to expulsion of the participant.
- Participation – Participants are encouraged to actively participate in group discussion since many adults learn best through active participation. Although participation is encouraged, it is not required, and the feelings of those who are uncomfortable with active involvement should be respected. The group leader may encourage mutual support among the participants and might allow “cross conversations” between participants.
- Attitude – Programs should strongly encourage participants to keep an open mind and listen respectfully to the opinions and statements of other members and the group leader. Not all the material covered will apply to all participants. Programs should ask participants to be patient and allow others to ask questions as they arise.

### **III. Introduction of the participants – building rapport**

Programs have adopted different methods to handle introduction of participants to each other and to establish rapport at the beginning of the session. Some examples:

- Use of a simple place card with the participant’s first name and the ages of his/her children placed in front of each participant.
- Each participant briefly introduces him or herself and says where he or she is in the separation process.
- Each participant provides his or her first name and a brief statement of what he or she hopes to get out of the program.
- The group leader asks for a show of hands to questions such as: How many participants have sole custody of their children? How many have joint custody? How many have children living out of state? How many have children who share households?
- Ask each participant to briefly share a positive thing he or she has done with or for his or her child.

Group leaders should clarify that the course will deal with those in the role of mothers and fathers, but recognize that there may not be a legal relationship (marriage) between the two parents. They should emphasize also that the class is designed to improve the effectiveness of co-parenting, not to judge the quality of the parenting skills of the participants.

### **IV. Course Content: Emotional Effects of Separation, Divorce and Inter-parent Conflict on Parents and Children**

PLEASE NOTE: The following sections are not linear, but in fact are interrelated and should be presented in an interwoven fashion. The primary focus of this course concerns sections D and E. In order to effectively present sections D and E, however, there must be a brief discussion of sections A, B, and C. While the feelings of parents will be addressed throughout the program, the focus of this course, again, is on children.

#### **A. Parents’ Reactions and Adjustments**

Separation, divorce, and changes in parenting and family structures can be stressful and difficult for parents, with many challenges including the needs of children, financial worries, relocation, legal processes, and lifestyle changes. It is important to allay parents’ resentment

and concerns by acknowledging their difficulty, while expressing hope that information presented will make the transition to co-parenting easier.

1. Provide information and statistics on divorce and separation.
2. Explain that divorce is a process rather than an event, and involves tasks for each stage in the cycle of loss, grief, and acceptance.
  - a. Ask participants why a course on co-parenting would begin with a discussion of the grief process.
  - b. Have a discussion on the adjustment process noting that all change involves challenges, which may lead to difficult outcomes.
  - c. Explore the various normal feelings parents experience.
    - i. Teaching technique - Provide a handout that includes a list of typical emotions parents experience such as: denial, fear, guilt, rejection, sadness, grief, anger, loneliness, and relief.
    - ii. Teaching technique - Provide a list of various emotions and ask the parents to circle those emotions that they are experiencing.
  - d. Discuss anger and stress-management techniques.
    - i. Examples of anger management techniques include: making a list of things about which one is angry; responding as opposed to reacting; not confronting or blaming; reframing situations; exercising; and trying to see humor in difficult situations.
    - ii. Examples of stress management techniques include: muscle relaxation techniques, deep breathing, exercise, meditation, or a support group.
3. Provide **normalizing** data – information that helps participants know that their emotions are not “crazy,” but a normal part of the process
  - a. Multiple changes – in daily routine, in social and family roles, and in economic demands can cause substantial and frightening emotional distress.
  - b. Multiple losses – spouse, economic security, support system of family and friends, self-esteem (feeling of failure)

#### ***B. Areas of Focus, Depending on Participants***

1. Emotional divorce/separation
  - a. Cycle of denial, anger, bargaining, depression, fear, grief, loneliness, acceptance
  - b. Usually begins before separation and is expressed differently by each person, whether adult or child
  - c. Include physical and emotional aspects
2. Legal divorce/separation
  - a. The legal process of ending a marriage contract in the courts
  - b. Division of assets and liabilities
  - c. Provision for spouse and children
  - d. Mediation, Counseling Services
3. Economic divorce/separation
  - a. Changes in economic status – separation of finances, upkeep of two separate households

- b. Child support forms an economic connection between the two parents, but children don't need to know the details
- 4. Community divorce/separation
  - a. Separate relationships with extended family and friends
  - b. Both adults need support from their community during the stress and changes of separation.
  - c. The reaction of schools and religious organizations
- 5. Psychological divorce/separation
  - a. Personal identity changes from being part of a couple to being single.
  - b. Potential new relationships
  - c. Evolving identity
- 6. Unique experiences and aspects of participants who were never married or never lived together (See above 1-5)

### C. *Parents' Adjustment*

- 1. Emphasize how **normal** it is to have strong feelings. The goal is to recognize that the relationship is changing.
  - a. Emotional goals of divorce/separation:
    - i. Restored self-worth – feeling good about yourself
    - ii. Emotionally disentangled from your former partner – letting go
    - iii. Anger and grief handled constructively
    - iv. Trust in self and others restored
  - b. Taking care of yourself – Healthier parents are better able to take care of their children. As a result, parents have to take care of themselves in order to be able to take care of their children. Children learn what they live and will benefit from this positive role modeling.
    - i. Awareness of stress level and needs
    - ii. Attitude of empowerment and strength
    - iii. Action plan for being an effective co-parent
- 2. Possible exercise: 15 – 20 minute discussion with the males and females separately. Parents may be asked the question: What challenges do you face in trying to be an effective co-parent?

### D. *Children's Reactions and Adjustments (EMPHASIZE)*

The primary purpose of parent education is to inform parents about the effects of separation, divorce, and inter-parent conflict on children. Providing parents with information about helping their children cope with the separation can help prevent the long-term emotional, social, and academic problems for children of divorce and separation.

- 1. Information on understanding children's emotional needs during and after separation, and ways to further emotional adjustment
  - a. The first two years of adjustment are the most difficult. However, the issues related to separation and divorce may resurface throughout the life of a child. These years of adjustment are a very long time in the life of a child.

- b. Children focus on the changes in their lives and the things that are important in their world.
  - c. Seeing parents fight is the most difficult part of divorce/separation for children.
  - d. Parenting competence is important for child development.
  - e. Inter-parent communication is crucial.
  - f. Active and positive involvement of both parents in the breadth of the child's life is critical in most cases.
  - g. Teaching technique: Ask the participants what is important in the lives of their children
2. Children's reactions/worries and fears are influenced by the stage of the child's development
- For each stage of development, identify what is typical behavior, what is not typical behavior, what behaviors stem from separation and divorce, and suggested co-parenting techniques to deal with the behavior that is in reaction to separation and divorce. In addition, information on appropriate scheduling of parenting time based on each stage of development can be described. Good resources for information on the stages of development include Neil Kalter's Growing Up With Divorce and texts by E. Mavis Hetherington.
- a. Infant
  - b. Toddlers
  - c. Elementary (5-8)
  - d. Middle Years (9-12)
  - e. Teens (13-18)
3. Teaching technique - Show the video, "Children - The Experts on Divorce"
4. Children at risk
- Provide information to help parents recognize when a child is experiencing severe emotional problems, and how and where to seek professional help, support and access to community resources.
- a. An absence of sadness
  - b. Depression
  - c. Continuous misbehavior
  - d. Over responsibility
  - e. Acute physical complaints including headaches, backaches, stomach aches, sleeping and eating pattern changes
  - f. Abrupt changes in behavior such as acute drop in grades, illegal activity, changes in friends
5. Six psychological tasks that children of divorce need to resolve, according to Dr. Judith Wallerstein:
- a. Acknowledging the reality of the marital rupture
  - b. Disengaging from parental conflict and resuming customary pursuits
  - c. Resolution of loss
  - d. Resolving anger and self-blame

- e. Accepting the permanence of the divorce
- f. Achieving realistic hope regarding relationships

### E. Co-parenting

1. Effective parenting includes:
  - a. Warmth
  - b. Discipline
  - c. Communication between child and parent
  - d. Awareness of the child's needs
  - e. Promotion of appropriate autonomy and independence
2. How parental conflict can affect and create stress for children
  - a. What children need: love; support; reassurance; guidance; physical and emotional safety and security; permission to love both parents equally; positive role models; and contact with both parents, unless contact would be threatening to the safety and well-being of the child.
  - b. What children don't need: to be placed in the middle of conflict; to be used as messengers; to be used as barter for money; to be asked to take sides; to hear parents criticize each other; to be used as scapegoats for parents' anger, or to feel they must take care of their parents.
3. Goals of effective parenting and co-parenting – similar to a business partnership: Parents don't have to like each other but do have to work together for success.
4. Discussion of parenting styles, e.g., methods of discipline
5. Negotiation is an important aspect of co-parenting (Adapted from Stephen Covey's *The Seven Habits of Highly Effective People*).
  - a. Begin with the end in mind – the goal of raising happy, healthy adults.
  - b. Think win/win – find approaches that work for both parents and children.
  - c. Seek first to understand, and then to be understood – try first to see things from the other parent's perspective; you will then be better understood.
6. Keeping children out of the middle
  - a. Responding to children's reactions to separation
  - b. Better understanding of how to reduce parental conflict
    - i. Children need parents to stop fighting.
    - ii. Children need to know that they did not cause the break-up and they cannot fix it.
    - iii. Teaching techniques may include the use of a video such as “Children in the Middle.”
    - iv. Examples of ways to keep children out of the middle include not asking them: to be messengers between parents, to be a spy on a parent, to be a confidant or companion to a parent, or to be a peacemaker or warrior.
  - c. Teaching technique: Show a video – “Pain Games” or “Kramer vs. Kramer” and ask the participants what the parents did and what they may have done differently.
7. Co-parenting and communication skills— strategies for more effective communication

- a. Specific, positive “I” messages – for example, “I feel [*a specific emotion*] when you [*act a certain way*], and I want [*a particular change*].”
  - b. Avoid ‘always’ and ‘never’ – focus on the deed (behavior) not the doer (person).
  - c. Stick to the issue at hand, and don’t dredge up the past.
  - d. Listen actively, don’t interrupt, and restate for clarification before responding.
  - e. Develop “Rules for Anger,” for example, “We will not fight within the hearing of the children,” or “If we find that a fight is becoming too heated to be useful, we will stop talking until we calm down”.
  - f. Communication with children is just as important as communication between the co-parents.
    - i. Speak with respect and courtesy; do not blame, accuse or use name calling.
    - ii. When disciplining, focus on the action, not the character of the child. Do not use threats.
    - iii. Speak at child's eye level; do not use comparisons to siblings or other children.
    - iv. Reframe harsh statements into better messages. Do not deny child's feelings.
    - v. Be brief and to the point; do not lecture or interrupt children when they are talking.
    - vi. Listen empathetically; do not be judgmental.
    - vii. Be attentive and use active /reflective listening techniques.
    - viii. Respect confidentiality.
    - ix. Maintain eye contact and do not do other things while listening.
    - x. Listen for feelings and do not try to solve all problems or be dismissive.
  - g. Teaching technique: Role-play poor communication/listening and debrief. Then role-play effective communication/listening and debrief.
8. Cooperative and parallel parenting
- a. Creating a safe, stable, consistent, and nurturing environment for the child
  - b. Children have a right to the following:
    - i. A meaningful relationship with both parents and all extended family, unless not appropriate, and whenever possible
    - ii. The right to remain detached from the strife of their parents’ differences
    - iii. The right to love both parents
    - iv. The right to receive love and support from both parents
    - v. The right to grow up in a physically and emotionally safe environment
    - vi. The right to express their feelings, regardless of their parents’ viewpoints
    - vii. The right to be children, free from involvement in the adult world of separation and divorce
  - c. Co-parents are responsible for the emotional and financial support of their children.
  - d. Understanding why children want and need a healthy relationship with both parents
    - i. Healthy emotional development, self-esteem, and recovery from divorce depend on relationships with both parents.
    - ii. Children need to learn from both parents – parents are role models for good communication, cooperation, and mutual problem solving.



- iii. A healthy relationship with both parents alleviates a child's guilt, and prevents a child from feeling divided loyalties, or from having a distorted or unrealistic picture of the noncustodial parent.
- iv. Recognize and support that a child is the product of both parents, and it is all right to identify with both of them.

*F. Conclusion*

- 1. Provide information on community resources.
- 2. Provide course evaluation.
- 3. Allow parents time to develop a personal action plan.
- 4. Allow parents time to write a letter to themselves reminding themselves of the things learned during the course. The letter can be mailed to the parents six months after the course.

## **Goals and Availability of Parent Education Programs**

### **I. Background and Goals of Parent Education Programs**

Our society has experienced fundamental changes in the institution of marriage and the structure of families over the past half-century. Today, about half of all marriages and nonmarital partnerships end in divorce or separation, approximately a quarter of all children are born outside of marriage, and the percentage of families headed by a single parent has more than tripled since 1960. The transformation of family structures and consequent social impacts have created a need for crucial alterations in the system of public services provided to families.

Amid all the shifting domestic arrangements, one thing that has not changed is every child's need for safety and nurture. Numerous studies of the effect of divorce on children have shown that the consequences can be severe and long lasting. Children of broken families often experience more emotional and social difficulties, lower academic achievement, and weakened self-confidence.<sup>1</sup> Both immediate and long-term effects of divorce on children have been shown to be considerable and serious for many, leading to lower well being and social adjustment.<sup>2</sup>

A child's adjustment is not affected solely by the actual divorce or separation, but depends largely on the parents' general parenting skills and ability to reduce conflicts.<sup>3</sup> Some studies suggest that the psychological condition of children of divorce is related largely to how the separated family functions after divorce: the "overall quality of life in the post-divorce family."<sup>4</sup>

To offer divorced or separated parents the skills they need to provide the sense of security and support that their children often lack, parental education programs (often court-mandated) have been adopted in many communities. These programs, which have more of an educational purpose rather than offering counseling or mediation, provide organized sessions that focus on the transitions that families experience during divorce.

Parental education programs that seek to address the challenge of increasing divorce rates generally have three goals: reducing parental conflict and children's resulting emotional stress; reducing relitigation of custody and visitation issues; and reducing costs to the legal system. Although reducing conflict and stress is the primary goal of divorce education, the other goals have considerable societal benefits as well.

#### ***Reducing Parental Conflict and Children's Stress***

The general goal of divorce education is to help parents and children cope with divorce. Parents learn new skills in how to keep their children out of the middle of conflicts between the parents, and how to reduce the conflicts to which children are unavoidably exposed by

communicating more effectively with their ex-spouse.<sup>5</sup> Parents learn how to collaborate with their ex-partners to become better co-parents.

Through training, parents can learn more about the critical role they play in their children's ability to cope with the divorce, and become aware of their accountability for lessening the negative impacts of a separated family. By becoming aware of the emotional, legal, and economic dimensions of divorce's effects, parents can learn how to protect the well being of their children.

### ***Reducing Litigation***

In addition to the harmful effects of parental conflict on children, another consequence of such conflict is increased litigation, visitation disputes, non-visitation by the non-custodial parent, and non-payment of child support.<sup>6</sup> When parents are involved in the stress of a divorce, they may rely on attorneys and courts to make decisions that more appropriately belong to them as parents.<sup>7</sup> Divorce education programs encourage parents to take responsibility for creating peace instead of conflict.

Public confidence in the courts suffers when judicial orders fail to resolve conflicts between divorced or separated parents, and relitigation is required to modify or enforce the orders. Parent-education programs provide a new approach to reducing the damaging social consequences of divorce litigation by teaching parents how to reduce conflicts that lead to relitigation, and by helping them understand court processes. A study that conducted a follow-up assessment with parents two years after an education program found that those parents who attended the program had relitigated less than half as often as those who had not attended.<sup>8</sup>

The litigation-reduction goal of parent education is especially significant in light of the increasing tendency of divorcing parents to come to court unrepresented by attorneys. A study of domestic-relations cases in 16 courts found that only in 29 percent of the cases were both parties represented by counsel.<sup>9</sup> More parents are seeking court intervention without an attorney's guidance on what to expect from the court in ordering visitation or in approving parenting plans. Problems associated with *pro se* filings are the second most frequently noted problem cited by divorce-court personnel.<sup>10</sup> Education programs can provide separated partners with crucial legal information to help them make their way through the divorce process.

### ***Reducing Costs***

Another benefit of parent education is its comparatively low cost since these programs require relatively few teachers who supply educational services to groups of parents all at one time. Parent education provides an affordable, cost-effective form of intervention that not only complements and supports court-connected mediation and visitation-supervision programs, but also reduces expenses to the legal system by preventing costly relitigation.

## II. Availability and Benefits of Parent Education Programs

Recent surveys, both nationwide and in Virginia, have provided descriptions of existing parent-education programs. These publications give an outline of the types of programs developed and provide some assessment of measurable benefits for parents, children, and court systems.

### *Types of Programs Developed Nationally*

A 1995 study found 32 programs in 20 states besides Virginia that offered group classes in family coping skills for divorcing or separating couples. Twenty-eight of those programs had mandatory attendance; some of the programs were required in contested custody cases, and others were mandatory for all divorcing couples with minor children. Half of the programs were offered or arranged by court staff, while the other half were offered by organizations outside the court system.<sup>11</sup> Another study in 1996 found that courts in 541 counties across the U.S. offer parent-education programs.<sup>12</sup> Several states have passed legislation requiring parent-education programs, including Connecticut, Utah, Missouri, and Florida.<sup>13</sup>

A national survey in 1998 found that about 48 percent of all U.S. counties offer parent education, which represents almost a 200 percent increase in the number of programs in the last few years.<sup>14</sup> About two-thirds of respondents to the survey stated that parental attendance is required either by state statute or local court rule; in other localities, individual judges may require or encourage attendance. While all of the programs are intended for divorcing parents, many also include never-married parents.

Almost half of parent-education programs that responded to another national survey make use of several proprietary programs that provide curricula, videos, and teachers' guides, such as "Children in the Middle", "Children Cope with Divorce", or "Children First".<sup>15</sup> As evidenced by their titles, these programs are usually child-focused, and address the impacts on children of divorce and their typical reactions to parental conflicts.

The programs also may help parents with personal adjustment to the grief and loss of divorce, handling changes and new relationships, and becoming a co-parent. Legal issues such as mediation, court procedures, custody, visitation, and child support are sometimes covered as well. Programs are typically administered by contractor agencies, including public and private mental-health and social-services agencies, court service units, or local colleges and universities, though one-third of the programs were administered by court workers.<sup>16</sup>

One national parent-education program that has been heralded as exemplary is the *Families First* program based in Georgia, which has been providing a program for divorcing parents called "Children Coping With Divorce" since 1991. Evaluations from over 100 jurisdictions that use the program demonstrate a consistently high rating from parents attending

the seminars. Despite being ordered to attend and required to pay a fee, more than 94 percent of parents consistently evaluate the program as being “helpful” to “extremely helpful.” Ninety-eight percent would recommend the program to others. A survey of judges in 180 jurisdictions using the program found that 98 percent said the program has lessened the negative effects of divorce on children of program participants. Eighty percent of the judges observed that the program was helping parents to reach an agreement on custody arrangements, and 79 percent said the program decreases relitigation.<sup>17</sup>

### *Programs in Virginia*

Like most parent-education programs nationwide, Virginia’s programs were developed fairly recently; only one was in operation before 1992.<sup>18</sup> In 1998, the Virginia Commission on Youth found twelve programs in Virginia that offer group classes for divorcing or separating parents; since then, two of the programs have ceased to offer divorce education.<sup>19</sup> From the most recent list of programs (Appendix A), it is apparent that there are many areas of Virginia where no parental education classes are offered.

Two of the Virginia programs reported that all Juvenile and Domestic Relations District Court Judges in their jurisdictions mandate attendance, and one program reported that their Circuit Court Judge mandates attendance. From their survey, the Commission on Youth found that 60 percent of the programs hold four to six sessions annually, and 40 percent hold over ten classes a year. All the programs require participants to pay an attendance fee, usually between \$24 and \$40, with state or local funds used by 40 percent of the programs to help offset costs.<sup>20</sup>

Most of the programs are available at any stage of the separation process, and are usually offered to both married and non-married couples. Of eight programs surveyed in 1995, two were provided by court staff and six were provided through agreements with family-services centers. Only one of the programs had been evaluated at the time of the study; the participants reported high levels of satisfaction.<sup>21</sup>

Some of Virginia’s strongest programs include courses offered by the Parenting Education Center, the Mental Health Association of New River Valley, and Family Service of Roanoke Valley. The Parenting Education Center is part of the Office of Early Childhood Education and Family Services of Fairfax County Public Schools. **When Families Change** is a court-approved parenting education program that helps strengthen families by educating parents on the importance of keeping children out of the middle of parental conflict and fostering a positive, nurturing relationship between both parents and their children. Trained professionals facilitate classes through the use of interactive group discussions, handouts and videos. Participants gain skills, information, and support from instructors as well as from parents in similar situations. The program currently offers three classes (Co-parenting, Two Parents, Two

Homes, Strengthening Your Parenting Skills, When Families Get Angry) and a parent support group.

The Mental Health Association of New River Valley and a team of seven professionals, following 840 hours of development, created in 1996 a Children of Divorce Seminar, the goal of which is to teach parents how to go through the difficult transition of divorce or separation while supporting their child's emotional health. The Honorable Ray W. Grubbs, committed to improving the emotional health of at-risk children, began mandating attendance to this program in the Montgomery Circuit Court in 1996, and the Honorable Colin R. Gibb began mandating attendance to this program in Pulaski County and Giles County Circuit Courts in 1997. The seminar was featured by the Associated Press in 1998 and won the Best Educational Program Award from the Mental Health Association of Virginia in 1996. To date, this seminar has helped 652 divorcing or separating parents and over 1,200 children.

Family Service of Roanoke Valley is a private, non-profit human services organization which began in 1901. Its services include counseling, under which the program Children Cope with Divorce is offered. The Children Cope with Divorce seminar has been offered since 1992.

The Commission on Youth carried out a statewide survey of Juvenile and Domestic Relations District Court Judges. Half of the respondents said they often or always order parents to divorce education classes, but 62 percent of them favor making attendance to such classes mandatory for all divorcing or separating parents, assuming the resources are available. Their reason for favoring mandatory education was primarily because it promotes better parenting, but also because of the potential to limit litigation. Judges who did not favor mandatory education reported a fear of limiting Courts' discretion as the reason for their views.<sup>22</sup>

There is no statewide coalition or organization of parent education providers in Virginia. If an individual is interested in obtaining information about the availability of a local parent education provider, he or she may contact the local Juvenile and Domestic Relations District Court, Community Services Board, Court Service Unit, Community College, church, or other community center for information.

### ***Benefits For Families and Courts***

Since most parent education programs were developed relatively recently, few have undergone a formal program evaluation process to assess the benefits of participation. Evaluation methods in common use include exit questionnaires that evaluate participant satisfaction, which is generally quite high. Exit surveys at a Utah parent education program, for instance, found that 93 percent of the parents attending rated the program as useful, and 90 percent said it convinced them to work cooperatively with the other parent. Even though over half of the participants said they initially resented the court's mandate to attend, 93 percent agreed that the program should be mandatory,<sup>23</sup> presumably to provide its perceived benefits to all separating couples. Similarly,

over a four-year period 94 percent of the participants in the “For Kid’s Sake” education program in Texas rated it as either very helpful or extremely helpful.<sup>24</sup> A survey of 15 programs that solicited evaluations found that the participants commonly reported a high level of satisfaction.<sup>25</sup>

As for benefits to children, numerous studies have found a significant relationship between the psychological adjustment of separating or divorced parents and children's mental health. A major cause of children's adjustment difficulties is conflict between parents prior to, during, and after the break-up. Research evidence strongly indicates that children's well-being is profoundly influenced by their parents’ skills in dealing with the conflicts that accompany separation or divorce. Generally, studies have found that children in low-conflict families, whether intact or divorced, fare better than children in high-conflict families, and post-separation conflict has a strong influence on children's adjustment.<sup>26</sup>

By improving communication and cooperation, parent education can help reduce conflicts between separated parents and, as a result, improve their children’s mental health. Parent education with divorcing parents also shows some positive effects on parental adjustment to separation and divorce, as well as on parenting behavior and children's well-being.<sup>27</sup>

There is some evidence that the format of parent education programs is significant in determining the benefits to parents. Programs with interactive teaching formats that focus on teaching parents new co-parenting skills may be more successful at improving communication between co-parents than programs that concentrate on sharing factual information, though both kinds can help parents reduce conflicts.<sup>28</sup>

Benefits to courts from parent education programs are achieved through a decrease in relitigation between separating or divorcing parents, which conserves judicial resources and enables more efficient case management. Early participation in a divorce education program can make a crucial difference. In a study of the influence of divorce education on relitigation rates, only 12.5 percent of parents who attended a program within three weeks of their initial court hearing relitigated within two years, compared with 60 percent of parents who attended a program four or more weeks after their initial hearing.<sup>29</sup> A recent three-year study by the University of North Texas showed a significant reduction of court litigation by parents who participated in the “For Kid’s Sake” program.<sup>30</sup> The study found that there was a “reasonable assumption that the reduced litigation reflects greater cooperation and less hostility between parents.”

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<sup>1</sup> Paul R. Amato, *Life-Span Adjustment of Children to Their Parents’ Divorce*. 4 THE FUTURE OF CHILDREN 143 (Spring 1994).

<sup>2</sup> Robert L. Fischer, *The Impact of an Educational Seminar for Divorcing Parents: Results from a National Survey of Family Court Judges*, 28 JOURNAL OF DIVORCE & REMARRIAGE 35, 36 (1997).

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- <sup>3</sup> Paul R. Amato, *Children's Adjustment to Divorce: Theories, Hypothesis and Empirical Support*, 55 JOURNAL OF MARRIAGE AND THE FAMILY 42 (1993).
- <sup>4</sup> Judith S. Wallerstein, *Children After Divorce: Wounds That Don't Heal*, N.Y. TIMES MAGAZINE, January 22, 1989, at A-20.
- <sup>5</sup> Kevin Kramer, Jack Arbuthnot, et al., *Effects of Skill-Based Versus Information-Based Divorce Education Programs on Domestic Violence and Parental Communication*. 36 FAMILY AND CONCILIATION COURTS REVIEW 9, 11 (January 1998).
- <sup>6</sup> NANCY THOENNES AND JESSICA PEARSON, PARENT EDUCATION PROGRAMS IN DOMESTIC RELATIONS COURTS 4. (State Justice Institute 1998).
- <sup>7</sup> Karen Blaisure and Margie Geasler, *Results of a Survey of Court-Connected Parent Education Programs in U.S. Counties*, 34 FAMILY AND CONCILIATION COURTS REVIEW 23, 24 (January 1996).
- <sup>8</sup> Jack Arbuthnot and Kevin Kramer, *Effects of Divorce Education on Mediation Process and Outcome*. 15 MEDIATION QUARTERLY 199, 202 (Spring 1998).
- <sup>9</sup> THOENNES AND PEARSON, *supra* note 6 at 4.
- <sup>10</sup> *Id.* at 4.
- <sup>11</sup> VA. DEP'T OF SOCIAL SERVICES, A STUDY OF PREVENTION OF DIVORCE PROGRAMS AND PARENTING SKILLS FOR SEPARATING COUPLES PROGRAMS, House Document No. 43, at 7 (1995).
- <sup>12</sup> Blaisure and Geasler, *supra* note 7 at 28.
- <sup>13</sup> *Advanced Family Law Course, Dallas, Texas, August 1995—Court-Ordered Seminars for Divorcing Parents*, found at <http://www.texasjudge.com/kidsake/advfam.html>. (State statutes: 1993 Conn. Legis. Serv. P.A. 93-319; Utah Code 1953 §30-3-11.3; §452.600, Vernon's Annotated Missouri Statutes 452.600; West's Florida Statutes Annotated §61.21)
- <sup>14</sup> THOENNES AND PEARSON, *supra* note 6, at 4.
- <sup>15</sup> Margie J. Geasler and Karen R. Blaisure, *A Review of Divorce Education Program Materials*. 47 FAMILY RELATIONS 3 (1998).
- <sup>16</sup> VA. COMM'N ON YOUTH, STUDY OF JOINT CUSTODY AND VISITATION, House Document No. 24, at 12 (1999).
- <sup>17</sup> *Families First Educational Programs—Children Coping With Divorce*, found at <http://www.familiesfirst.org/>.
- <sup>18</sup> VA. DEP'T OF SOCIAL SERVICES, *supra* note 11, at 7.
- <sup>19</sup> Nancy H. Ross, Executive Director, Commission on Youth, personal communication September 20, 1999.
- <sup>20</sup> VA. COMM'N ON YOUTH, *supra* note 16, at 14.
- <sup>21</sup> VA. DEP'T OF SOCIAL SERVICES, *supra* note 11, at 8.
- <sup>22</sup> VA. COMM'N ON YOUTH, *supra* note 16, at 14-15.
- <sup>23</sup> THOENNES AND PEARSON, *supra* note 6, at 5.
- <sup>24</sup> *For Kid's Sake: Nurturing Children through the Transitions of Divorce—Training and Program Development*, found at <http://www.texasjudge.com/kidsake/training.html>.



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<sup>25</sup> VA. DEP'T OF SOCIAL SERVICES, *supra* note 11, at 7.

<sup>26</sup> *Scientific Evidence Regarding the Effectiveness of Mediation and Parent Education Programs*, found at <http://www.hec.ohio-state.edu/famlife/divorce/sbill-112/mediate.htm>.

<sup>27</sup> *Id.*

<sup>28</sup> THOENNES AND PEARSON, *supra* note 6, at 8.

<sup>29</sup> Geasler and Blaisure, *supra* note 15, at 2.

<sup>30</sup> *For Kid's Sake*, *supra* note 24.

## ROLE OF MEDIATION IN CUSTODY AND VISITATION CASES

### Background

Mediation is a dispute resolution process in which a neutral facilitates communication between parties to a dispute and assists them in reaching a mutually acceptable resolution to their dispute. While mediation has been used for over a decade in Virginia by court service units and community mediation centers, referrals of cases from the courts to mediation were generally on an ad hoc basis. Two major events led to more consistent use of mediation. First, in 1987 Chief Justice Carrico created a Commission on the Future of Virginia's Judicial System to look at where Virginia's court system should be in twenty years and what changes should be made to meet the needs of the users of the court. The Commission issued a report in 1989 and it included a recommendation that an office be used to broaden alternatives available to users of the court system. Hence in 1991, the Department of Dispute Resolution Services was created. The Department of Dispute Resolution Services is responsible for overseeing the development and utilization of innovative alternative dispute resolution efforts within Virginia's judicial system. A Director and Administrative Assistant staff the Department.

Second, the Virginia State Bar-Virginia Bar Association Joint Committee on Dispute Resolution supported legislation which makes explicit a judge's authority to order appropriate cases to a dispute resolution evaluation session. (Code of Virginia Section 8.01-576.4 et. seq.) Following the evaluation session, parties can choose to proceed with a process such as mediation to resolve their dispute.

The Department has focused for the last eight years on developing mediation as a viable alternative to litigation. Guidelines for the Training and Certification of Court-Referred Mediators, which require training as well as mentorship, were established. There are also Standards of Ethics and Professional Responsibility to which certified mediators must adhere. Client evaluations must also be provided to parties following each court-referred mediation. There is a complaint process in order to handle complaints against certified mediators. In order to mediate domestic relations disputes referred by the court, an individual must be certified as a "Family Mediator." Certification in Family Mediation requires: 40 hours of divorce mediation training, a four hour course on screening for and dealing with domestic violence in the mediation context, a four hour course on the Virginia Judicial System, two family observations, and five family co-mediations. The Department conducts statewide needs assessment and works cooperatively with local mediation Centers and programs to provide mediation services to litigants free of cost.

### Custody and Visitation

Divorce and out-of-wedlock childbirth is having a tremendous impact on American society. Each year a million children go through divorce or separation and almost as many more are born out of wedlock. There has been, over the last few decades, a dramatic shift in societal norms. Following World War II, more than 80 percent of

children grew up in a family with two biological parents who were married to each other. By 1980, only 50 percent could expect to spend their childhood with their family intact. Out-of-wedlock births went from five percent in 1960 to 27 percent in 1990. In all, about one out of every four women who had a child in 1990 was not married. Over half of all children will live in a home with only one parent.

Today, half of all marriages end in divorce. Following divorce, many people enter new relationships. Some begin cohabiting and may get remarried. Fifteen percent have new children together. However, cohabiting and remarried couples are more likely to break up (56 percent) than couples in first marriages. Three-quarters of children born to cohabiting couples will live in a single parent home at least briefly. One of every four children growing up in the 1990s will eventually enter a stepfamily. According to one survey, nearly half of all children in stepparent families will see their parents divorce, again, by the time they reach their late teens. Thus, family disruption due to divorce is not a single event, but a series of events. It involves separation, divorce, life in a single-parent family, life with a parent and live-in lover, the remarriage of one or both parents, life in one stepparent family combined with visits to another stepparent family, the breakup of one or both stepparent families, and so on.

The effects of divorce on children are enormous. For many children, it has jeopardized the emotional and financial support that they need from both parents. Judith Wallerstein, one of the most influential researchers on the effect of divorce and author of one of the longest running studies on the subject, stated that, "Not only do children experience a loss of parental attention at the onset of divorce, but they soon find that at every stage of their development their parents are not available in the same way as they once were." Compared to children growing up in two-parent homes, children in single-parent families are twice as likely to drop out of high-school, twice as likely to have a child before age 20, and more than twice as likely to live in poverty.

The father-child bond is severely damaged in disrupted families. An astonishing number of American fathers are failing to provide financial support to their children. Increasingly, children are bereft of any contact with their fathers. According to the National Survey of Children, in disrupted families, only one child in six, on average, saw his or her father as often as once a week in the past year. Close to half did not see their father at all in the past year. Ten years after a marriage breaks up, more than two thirds of children report not having seen their father for a year. Wallerstein notes the critical factor is the visiting relationship itself, as opposed to the frequency of visits. A study of children in California showed that children who reported visiting with their fathers once or twice a week over a ten-year period still felt rejected. The need to schedule a special time with the child, the repeated leave-taking, and the lack of connection to the child's regular, daily schedule has also left fathers feeling frustrated and confused. Studies indicate that if non-resident fathers are involved in their children's school, children are more likely to get A's, to enjoy school, to participate in extracurricular activities and are also less likely to repeat a grade or get expelled.

With the rise in the divorce rate over the last few years, the traditional adjudicatory approach to handling marital dissolutions has become increasingly cumbersome and unsatisfactory. The adversarial system and the authority of the state are not as appropriate as the family itself being the decision-maker about what are extremely private issues. Furthermore, there are many reasons for a *collaborative* resolution to family disputes where the disputants are separating or divorced, or were never married, and the exploration of access to and visitation with children by **both** parents:

1) In a separation, divorce, or termination of a non-marital relationship where there are children involved, the disputants' relationship does not end once a settlement is reached. As long as a child is a minor, some ongoing interactions between the parents are necessary. The end of the spousal or social relationship does not end the parental relationship, particularly the parental role of the noncustodial parent.

2) There are significant mutual interests between the disputants. The parents may share a very important interest - their children. While parents may occasionally lose sight of this or have different interpretations of what constitutes the children's best interests, both parents, custodial and noncustodial, do share a concern for their children's well being.

3) Both parents need each other's cooperation. Parents can either make the life of the other miserable or they can provide assistance and back up to the other. They can reinforce the other's parenting role and practices, provide backup child care, share in the practical logistics of child rearing, and provide consultation about problems that may arise.

4) The issues that need to be settled go beyond questions that can be resolved by reference to legal standards. There are no good legal criteria for deciding how to arrange for car-pooling to nursery school. Many disputes are not substantive in nature, but procedural and psychological: e.g., how can each parent's self-concept be maintained? How can good communication practices be established? It is difficult for attorneys to negotiate such matters for their clients or judges to account for them in making their decisions.

5) Adjudication of family issues does not lead necessarily to a predictable result. Uncertainty is not desirable when children are at stake.

While it is in everyone's best interest to finalize a mutually satisfactory solution to a dispute involving children, traditional legal procedures often preclude such a settlement. Attorneys often negotiate fair and creative solutions to divorces, but unless the parties have an opportunity to discuss their issues with each other, they will neither fully own the solution, nor will they have established the groundwork for future communication.

## **Role of Mediation in Custody and Visitation Cases**

Mediation is a dispute resolution option currently available in Virginia to all disputants. It is a process in which a neutral third person facilitates communication between parties to a dispute and assists them in coming up with a mutually acceptable resolution to the dispute. Mediation in custody and visitation cases will provide parties an opportunity to address the interests and role of the custodial and noncustodial parent in a collaborative fashion, as well as enable the parties to develop a parenting plan.

Cases that have proven to be appropriate for mediation include where:

- Parties have an ongoing relationship
- Parties have had a significant past relationship, business or personal
- There are communication problems between the parties
- Parties want to tailor a solution to their specific needs and interests
- There is no need or desire to establish legal precedent
- Parties are motivated to settle due to time constraints, expense or other factors
- Dispute involves subjective questions such as state of mind or intent
- Parties want significant control over the outcome
- Parties wish to resolve their dispute in a private setting

These characteristics are typical of cases involving custody and visitation issues between unmarried or divorcing parents.

The advantages of mediation include that it:

- 1) Improves communication between the parties
- 2) Maximizes the exploration of alternatives
- 3) Addresses the needs of the parties
- 4) Provides a model for future conflict resolution
- 5) Allows for a continuing relationship
- 6) Provides privacy
- 7) Allows for venting and a safe environment
- 8) Provides creative solutions
- 9) Involves less time and expense

These advantages make mediation a favorable option in custody and visitation cases where the parents will, of necessity, have to maintain communication regarding the child or children involved.

Presently in Virginia, there are approximately 1000 mediators certified under the Guidelines for the Training and Certification of Court-Referred Mediators. Following a court-referred mediation, mediators must provide the parties with an evaluation form. In the last two years alone, the Department has received over 9,000 client evaluation forms.

This number provides a rough estimate of the level of court-referred mediation activity in Virginia in recent years. Many Juvenile and Domestic Relations District courts have expressed in surveys and other discussions an interest in using mediation to resolve custody and visitation matters. Unfortunately, there are a number of counties and courts that are currently underserved by mediation. While judges support and want to use mediation, most have expressed hesitation in referring parties to a process for which they have to pay. Thus, while there is a great demand for mediation services and mediation is appropriate in most custody and visitation cases, funding of mediation is a major obstacle.

Mediators have, over the last few years, provided pro bono services to the courts to help judges understand the value of mediation and to give parties an opportunity to try a new and better process for resolving their disputes. As mediators began losing their ability to continue working for no compensation and as courts began relying upon the services of mediators, the Office of the Executive Secretary began a program of awarding contracts to mediators around the state to provide services free of cost to users of the court system. Contractors must submit a proposal indicating the areas and courts they will serve, how they will screen appropriate cases for mediation, how they will cooperate with the courts, where and how soon they will conduct the mediations, their level of experience, and support of the courts they wish to serve. OES reimburses the contractors \$175 for a domestic relations case. Contractors are awarded anywhere from ten to a maximum of fifty cases.

For fiscal year 1999-2000, the OES has awarded 52 contracts to mediation providers around the state. The system of contracts has helped to ensure the courts have some level of mediation services provided, and that mediators receive a small stipend for their work. The amount of money OES has been able to allocate to contracts, however, is minimal. As a result, the number of family cases being mediated is minimal. Many judges have expressed a desire for OES to support a larger volume of mediation services at no cost to litigants as they see the great value in parents collaboratively resolving issues involving their children. Efforts have been made, and will continue to be made, to secure funding for mediation from the General Assembly and through grants.

Currently, if parties select mediation, they may be able to get mediation services free of cost if there is a local mediator who has a contract with the OES to provide mediation services to the courts through a Department of Social Services Access and Visitation grant or OES mediation contract funded by the General Assembly. Only two areas, Richmond City J&DR District Court and Prince William County, have an in-house Dispute Resolution Coordinator who screens cases appropriate for mediation, conducts evaluation sessions, and provides mediation services free of cost. A few court service units provide mediation services at no cost. There are eight non-profit Community Mediation Centers in Virginia that provide low cost or sliding scale fee mediation services. If there is no OES mediation contractor or Community Mediation Center available, the disputants must pay an hourly fee for the mediator's services. The hourly fees range from \$25 to \$200 depending on the experience and qualifications of the

mediator. The cost may be prohibitive to parties, particularly in cases involving divorcing, separating, or unmarried parents.

Resolving disputes is a paramount obligation of the government to its people. Delay, increasingly high costs associated with litigation, and increasingly complex litigation procedures are weakening our system of justice. In addition, adjudication is not necessarily the appropriate way to resolve all disputes.

By offering Virginia parents, in custody and visitation disputes, a process like mediation, parents have an opportunity to explore in a non-adversarial, collaborative fashion, a parenting plan that is in the best interests of their child or children. As mediation nationally and in Virginia has a success rate that has been placed at 70% to 90%, few of these cases that are mediated will return to court. Furthermore, there is a greater likelihood that the parties will adhere to any agreement that is reached as it is one they have generated following much reflection and discussion.

Denied Visitation, Its Impact on Children's Psychological Adjustment, and a Nationwide Review  
of State Code: A Report to the Virginia General Assembly

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**I. INTRODUCTION**

Establishing and maintaining visitation arrangement after marital separation are another set of obstacles for families to overcome after their divorce. Even though courts may mandate that both parents have access to the child, parents do not always abide by the court's decision. Allegations of denial of scheduled visits between a parent and his or her children are common. There is little objective information on the nature and extent of these denied visitations (Pearson and Thoennes, 1988). Some studies have indicated that there are more denied visitations when child support payments are inconsistent (Weitzman, 1985). This and other reasons, such as dislike for the other parent or continued anger about the divorce, suggest that revenge is the motivation and the children are used as pawns when parents engage in ongoing post-divorce "war" tactics. Legitimate and appropriate reasons for denied visitation are also forwarded. Children's safety, severe psychopathology in the non-custodial parent, and the non-custodial parent's refusal to support a child's involvement in normal and necessary activities, such as Scouts, athletics and religious meetings, are presented as examples.

Denial of scheduled visitation between a parent and his or her children is an important issue to children, to parents, and to the Commonwealth of Virginia. With increasing pressure being placed on the judicial system to resolve visitation problems, a more in-depth look at both appropriate and inappropriate reasons for denying visitation, as well as psychological factors involved, is warranted. For these reasons, HJR 591 requested that OES study this and other issues.

The following report will be divided into four sections. The first will review the existing research literature on denied visitation, the frequency of its occurrence, and its impact on children's mental health. The second and third sections will then distinguish and discuss situations when visitation is denied for inappropriate reasons from those in which the denial was made for reasonable and appropriate reasons. Guidelines will be defined for the latter circumstances. Finally, a review of statutory provisions from all fifty of the United States will be presented to reflect how other states have attempted to resolve this problem.

## **II. REVIEW OF THE SCIENTIFIC LITERATURE**

Twenty-two percent of fathers in a study of divorced couples in mediation alleged that their ex-wives were in non-compliance of the visitation agreement (Pearson and Thoennes, 1988). Twenty percent of mothers were alleged to have denied visitation to the fathers in another study (Wallerstein and Kelly, 1980). In 1991, the National Council for Children's Rights reported that the residential parent interferes with visitation in 37% of divorce cases. An accurate rate of occurrence is difficult to calculate since the number of divorce-related court disputes involving visitation issues has been reported at somewhere between 4 and 18 percent, and divorced parents are likely to exaggerate the wrong-doings of their ex-spouse.

The incidence of visitation being denied to the nonresidential parent, in terms of either its frequency or its impact on children, has been neither clearly nor objectively documented. Methodological problems with this body of research makes such studies very difficult and render suspect the conclusions of many of those that have been conducted. Four methodological concerns limit research findings. The primary caveat, which is also the most problematic, is the inability to substantiate reasons given for denied visitation. Similarly, it is difficult to corroborate allegations of denied visitation. In short, the allegations of the "denier" and the

claims of the “denied” cannot be easily validated. Third, most studies do not distinguish the reasons for the denial and inappropriately group all underlying “causes”. For example, most studies consider denied visitation due to inter-parent hostility the same as those that reflect real and appropriate concerns for the children’s safety and normal developmental needs. Finally, as noted in Pearson & Anhalt (1993), problems with denied visitation seldom occur only once and appear to be related to other psychological factors, most frequently inter-parent hostility.

The first two issues are related and reflect concerns with the validity or accuracy of the comments by either the custodial or non-custodial parent. Denied visitation may be a refusal to let a child and parent share previously scheduled time. It may also reflect a disagreement about that which has not yet been agreed. Similarly, reasons for the denial are difficult to validate. What one parent sees as a legitimate concern for the child’s welfare may be of little concern by the other. For example, one parent may consider the child too ill to leave the home while the other considers him or herself able to care for the child. Both parents’ assertions are impossible for the outsider to validate.

Families in which allegations of denied visitation are frequent are usually engaged in other expressions of inter-parent hostility. Specifically, couples that have difficulties over visitation often have lingering hostility and resentment over the marital dissolution. Given the co-occurrence of unresolved divorce-related issues and the frequency of denied visitation, it is difficult to separate complaints that are genuine from those that stem from continued inter-parent conflict and hostility. Such methodological considerations make it difficult to separate the impact of the more problematic and destructive hostility from the denied visitation. Thus, adjustive problems in children that co-occur with denied visitation may really result from their parents’ ongoing conflict.

Mislabeled examples of inter-parent hostility as denied visitation also has significant clinical implications. Giving voice to a parent's hostility-induced complaints about the other parent in the legal forum inappropriately empowers one parent in his or her struggle over the other, further polarizing their perspectives, and further complicating their ability to work together for their children.

With these limitations in mind, a brief review of the empirical literature will ensue. Children clearly display a better adjustment to their parents' divorce when contact with the nonresidential parent is continued on a regular and frequent basis, when inter-parental conflict is low, and when the non-custodial parent engages in appropriate and constructive parent-child activities (Amato, 1993; Wallerstein & Kelly, 1980). Thus, denying scheduled visits between a parent and his or her children has the potential to be harmful to the children.

Children, in general, have a better adjustment to their parents' divorce when contact with the nonresidential parent is continued on a regular and frequent basis (Amato, 1993; Wallerstein & Kelly, 1980). This is evidence to the potential detrimental effects of denied visitation on children. However, there is evidence that frequent contact with the nonresidential parent is only beneficial when inter-parent conflict is low and when the non-custodial parent engages in appropriate and constructive parent-child activities. Contact with the other parent might only expose the child to the hostility between the parents, putting that child in a position to experience guilt, internalizing problems, and confusion. Contradictory data suggest that for adolescents, frequent visitation serves as a protective factor against the detrimental effects of parental conflict (Forehand, 1990).

Despite potential interaction effects with parental conflict, it is generally agreed that children need continued contact with their nonresidential parent, usually the father, after divorce,

provided there is no severe psychopathology or social deviance on the part of that parent. The parent is likely to be a significant attachment figure and role model for the child. Children have a right to stable, involved relationships with both of their parents. Both mothers and fathers are important to children's development.

**Conclusions:**

1. **Significant methodological concerns invalidate most of the existing research**  
**There is no valid and reliable procedure to determine frequency of the event**  
**or reasons for the behavior**
2. **Denied visitation frequently reflects the more problematic and pervasive**  
**inter-parent hostility**
3. **Classifying all cases of denied visitation as the same event, including those**  
**that are expressions of inter-parent hostility, may exaggerate the perceived**  
**negative influence of denied visitation on child adjustment.**

**III. CONCEPTUALIZING DENIED VISITATION AS APPROPRIATE AND  
INAPPROPRIATE DENIAL**

Instances of denied visitation are frequent and are alleged to reflect concerns about children's safety and about interruption of children's participation in normal and necessary developmental activities. Visitation is also allegedly restricted inappropriately, when neither safety nor developmental needs are in question. In these cases, the action is generally the expression of anger and hostility by one parent toward the other.

Denial of visitation for reasons of safety include suspicion or proof of substance abuse, child neglect, child physical abuse, child sexual abuse (Fenaughty, Solchik & Braver, 1991) and

domestic violence. Non-safety related reasons include continuing parental anger and resentment (Dudley, 1991), uncooperativeness in arranging visits (Fishbein, 1982), discouraging children from visiting by criticizing the nonresidential parent (Horowitz & Dodson, 1986), child reluctance, minor infractions (e.g. small delays in returning child), and issues related to child support status (Pearson & Anhalt, 1993).

While all of the aforementioned reasons have varying degrees of legitimacy, the issues regarding child safety are of greatest concern because they are of immediate danger to the child's well-being. However, research data are not currently available to substantiate the prevalence or frequency of denied visitation based on child safety issues. Unfortunately, those who have been most vocal about attacking denied visitation have not responsibly explored this issue either, and tend to group all denied visitation instances in one category, or assume that lack of access is not legitimate and, thus, is grounds for legal intervention (Bertoia and Drakich, 1995).

There have been few attempts to investigate issues related to denied visitation from a psychological perspective; rather, the existing literature can be found primarily in legal journals and publications. Currently, research has identified five categories of reasons parents give for denying visitation (Pearson & Anhalt, 1993). They are:

1. Inappropriate denial of visitation usually resulting from the expression of anger and hostility of one parent to the other
2. Inappropriate denial of visitation due to unsubstantiated allegations of safety concerns
3. Appropriate denial of visitation for safety considerations
4. Appropriate denial of visitation when the non-custodial parent does not support child(ren)'s participation in developmentally normal and necessary activities such as social events, athletics, academic requirements, and religious activities

5. Appropriate denial of visitation when one parent displays significant signs of psychopathology.

### **APPROPRIATE DENIAL OF VISITATION**

Legitimate reasons for denied access focus on the *best interest and the safety of the child*.

Few dispute that, in most circumstances, a child is better off when both parents play an important role in the child's life (Pearson and Anhalt, 1993). Yet, the overriding theme of legitimate denied visitation is that in certain situations the child experiences more harm than good by allowing the visitation to continue unchanged. Those situations include:

1. Appropriate denial of visitation FOR safety considerations
2. Lack of support by the non-custodial parent for the child(ren)'s participation in developmentally normal and necessary activities such as social events, athletics, academic requirements, and religious activities
3. Psychopathology in the non-custodial parent

The extent to which children's safety is compromised during visitation is little studied. One examination in 1992 of cases handled in court mediation programs in California found that only one case in five was free of an allegation concerning safety. Domestic violence was mentioned in nearly two-thirds of the families studied, over one-third had problems with substance abuse and child neglect, and 18 percent and eight percent involved child physical abuse and child sexual abuse, respectively (Depner, Cannata and Simon, 1992). It is important to note that none of these studies validated allegations of safety concerns.

With denied visitation, the severity and the immediacy of the threat to the child's safety vary with each situation. Suspected child abuse, for example, offers an immediate and severe danger to the child that warrants immediate denied child visitation. Alcohol and/or substance

abuse by the parent could also threaten the physical well-being of the children, for example, if the parent operated a motor vehicle under the influence of alcohol while the child was present.

Indirect threats to a child's physical safety and emotional well-being that warrant denied child visitation include lack of child supervision, excessive use of alcohol and/or drugs during visitation, and exposure of the child to poor role models (Fenaughty, Wolchik, and Braver, 1991). Research suggests that safety concerns such as these feature heavily in many access denial cases. In a 1991 study, a strong correlation was found between the nonresidential parents' reports of visitation denial or threats of denial and the residential parents' reports of the nonresidential parents' excessive drinking during visitation, neglect of or failure to supervise the children, and exposure of the children to poor role models. In these cases, it was concluded that denied visitation was not an act of vengeance of the resident parent, but protected the child from potential harm scheduled visitation might permit (Fenaughty, Wolchik, and Braver, 1991).

Consideration for the child's preferences and support for normal and necessary developmental activities are two additional issues that underlie some denied visitation cases. The research literature contains few references to these concerns. Despite visitation agreements it is imperative that both parents remain flexible and cooperative to suit the child's needs (Ehrenberg, 1996).

Taking into account the child's wishes is an important, but potentially problematic, process. Children are frequently used as tools of one or both parents to convey a parent's priorities. On many occasions, a child's desire to increase or minimize visitation is simply a statement of the parent's wishes. In addition, children frequently choose to avoid a parent who conveys greater work and maturity demands. Children frequently prefer to spend more time with the "fun" parent. Finally, children frequently lack the maturity and wisdom to discern the value



of time spent with a parent. Thus, the influences on and reasons for a child's stated preferences must be understood if potentially serious outcomes are to be avoided.

Children need to spend time with both parents because it is generally beneficial to the child's psychological well-being (Wallerstein and Blakesee, 1989). Children also have social, academic and athletic needs, which often extend beyond the immediate family. Children's needs continually evolve as they grow older and pass through different developmental stages (Berger and Thompson, 1998). They may become a part of one or more sports clubs, join academic or other clubs offered through school, attend religious education classes or dances at school, participate in music lessons, and other such activities. Children often desire to participate in a variety of these activities, which are usually found to be pleasurable and are thought to enhance the quality of life.

However, these activities can account for a significant amount of time in a child's life that is sometimes "allotted to" the non-residential parent. For example, an event related to one of the activities a child is participating in may fall on the non-residential parents evening or weekend time. If this is the case, the parents have options such as arranging another time to have visitation or working the visitation around the event. The child should not, however, be denied the opportunity to engage in normal and necessary developmental activities.

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Please see Table 1

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It is important to differentiate between legitimate child need and parental interference when considering the issue of denied visitation. Meeting the needs of the child should be the top priority. Thus, flexibility and cooperation are required by both parents to maximally benefit the

child (Ehrenberg, 1996). Only in the case where one parent remains rigid in adhering to a visitation schedule that conflicts with a child's activity resulting in the prevention of visitation, should denied visitation be given any credence. If a parent is actively willing to rearrange scheduling to accommodate the child's activity and visitation, denied access is not an issue. Parents must work together to fulfill the needs, both emotional and social, of the child (Ehrenberg, 1996). Both parents need to understand that children need to be involved in activities and that they are an important part of a child's life. Additionally, if these activities happen to interfere with visitation agreements, alternate arrangements need to be made because children also need to spend time with both parents.

The idea of denied access also becomes an issue when a child becomes ill. Again the needs of the child should be given precedence. The severity of the child's illness needs to be considered when deciding to adhere to the visitation schedule. The illness should not be used solely as an excuse to deviate from the visitation agreement, and ultimately prevent visitation. If the illness is sufficiently severe enough to necessitate a change in the visitation schedule, then both parents should be flexible and cooperative in making a change. The non-residential parent must recognize the severity of the illness and realize that the child's needs may be best met if he/she stays at home. Additionally, the residential parent must understand the importance of visitation with the non-residential parent and must not interfere with this, if not appropriately warranted.

### **Conclusions:**

#### **1. Denied visitation between a parent and child occurs for five categories of reasons**

- a. **Inappropriate denial of visitation usually resulting from the expression of anger and hostility of one parent to the other (Examples: anger, resentment, criticism of one parent by the other in front of the children, non-cooperation in child matters)**
  - b. **Inappropriate denial of visitation due to unsubstantiated allegations of safety concerns**
  - c. **Appropriate denial of visitation for safety considerations (Examples: substance abuse, child neglect, physical abuse, sexual abuse, domestic violence, illness, lack of appropriate supervision of child)**
  - d. **Appropriate denial of visitation when the non-custodial parent does not support child(ren)'s participation in developmentally normal and necessary activities (Examples: social events, athletics, academic requirements, and religious activities)**
  - e. **Appropriate denial of visitation when one parent displays significant signs of psychopathology (Examples: Schizophrenia, Personality Disorders, Sociopathy, Substance Abuse, Criminal Behavior)**
2. **It may be more appropriate and more in the children's best interest to consider reasons for the denial, at a minimum distinguishing appropriate and inappropriate actions by one parent**
  3. **Considering a child's stated preferences is an important, but potentially problematic, process and must be considered only after the influences on and reasons for their stated preferences are understood**
  4. **The highest priority must be given to supporting the child's active involvement in**

**normal and necessary developmental activities, even if they interfere with this child's time with one or both of his parents**

- 5. When considering strategies to reduce false allegations by one parent about the other, particularly in cases of denied visitation, extreme caution must be given to not punishing the child for the parents' behaviors**
- 6. Some reasons for denial of visitation reflect differences in opinion that are not easily substantiated (Examples: differences in agreement about schedules, severity of the child's illness)**

### **INAPPROPRIATE DENIAL**

When denial of visitation is a problem and is not based on some potential danger to the child, it is likely to stem from previously existing bilateral hostility or conflict between the parents. Furthermore, inter-parent hostility will probably increase when visitation is denied. An angry response by one parent will lead to an angry reaction by the other. Based on interviews with divorced parents, Pearson & Thoennes (1988) found that when non-compliance with visitation arrangements was reported, couples also lacked cooperation and communication and had high levels of anger and conflict. Poor communication between parents has been connected with poorer outcomes for children of divorce. Inter-parent hostility is one of the most important determinants of negative outcomes.

Denial of visitation without substance is usually a manifestation of conflict between the parents. It is commonly an act of manipulation or vengeance. These types of interactions between parents undoubtedly put the children at risk for multiple behavioral and emotional problems. Construing denied visitation as an example of inter-parent hostility may also be a more productive perspective for the Court to take. When inappropriately denied visitation is

considered an action independent of other co-parenting processes, a valid and powerful forum (the Court) may inappropriately lend weight to one parent's anger toward the other. The Court may become a tool of one parent, being forced to take sides in what is most often a bilateral and ongoing conflict. It is also important that solutions for inappropriately denied visitation are well considered and do not necessarily view the process as only one parent's "fault" when the conflict may involve both. This will inadvertently punish a child for his or her parents' behaviors and that will entrench the conflict and further polarize the parents.

Construing inappropriately denied visitation as inter-parent hostility is consistent with the broader research literature on children's adjustment to divorce and more accurately explains any negative impact of the denied visitation on children. Marital hostility in both intact and divorced families has a detrimental effect on children. The evidence for this connection is compelling and consistent (Amato, 1993; Amato & Keith, 1991; Arbuthnot, Poole, & Gordon, 1996; Lee, 1997). Studies reveal that children in high-conflict intact families exhibit the same or lower levels of well-being as children of divorce. Cooperation and low conflict between parents predicts optimal post-divorce adjustment for children (Amato, 1993). A study of longitudinal data sets by Cherlin, et al. (1991) found that the behavior problems and academic failures experienced by children of divorce were often present before the divorce, attesting to the notion that children are subject to negative outcomes based on the existence of marital hostility. Conflict is a better predictor of children's adjustment than family composition (divorce vs. intact) (Camara & Resnick, 1988; Demo & Acock, 1988; Ellwood & Stolberg, 1993).

When parents consistently fight and demonstrate hostility toward each other, children experience feelings of fear, anger, and distress. Children are harmed by habitual displays of parental combativeness and manipulations (Cummings & Davies, 1994). Ongoing conflict in the

family is a cause of low self-esteem, anxiety, and decreased self-control in children (Johnson & Hutchinson, 1989). When parents fight, conflict is modeled for the children as an appropriate resolution style. Conflict also interferes with parenting by consuming the available attention of the parents. Parents may inadvertently force children to “take sides” in their disagreements. Children, particularly the younger ones, are likely to internalize the conflict and place blame on themselves because they are commonly the subject of the parents’ fighting.

Construing the inappropriate denial of visitation as bi-lateral, inter-parent hostility and poor co-parenting has an additional benefit. It gives the Court the authority to order parents to participate in programs intended to promote effective co-parenting and to minimize inter-parent conflict. This growing body of clinical procedure and literature has been gaining national acceptance. It was also the topic of review during the 1998-99 Virginia Commission on Youth, the Virginia General Assembly, and the Virginia State Supreme Court. Standards for such programs have been defined. Programs will be increasingly available to Virginia Courts and residents.

**Conclusions:**

- 1. Inappropriately denied visitation is more often an example of bilateral and recurrent interparent conflict**
- 2. Viewing inappropriately denied visitation as a process that is independent of other co-parenting behaviors may allow the Court to be used as a pawn of one parent**
- 3. Rather than participating in the parents’ conflict, the Court has the option to require parents to participate in co-parenting training programs to reduce their conflict and to increase cooperation and joint problem solving**

#### IV. CONCLUSIONS AND SUMMARY

The previous review of the relevant psychological literature on denied visitation, divorce and child adjustment, and inter-parent conflict following divorce presents a coherent and consistent perspective on denied visitation. The area is difficult to study. It is not a single and homogeneous process. On some occasions, it is an appropriate action by one parent while on other occasions it is not. Perhaps most important are two conclusions. Judicial review is the only way to insure an objective review of allegations. Judges now have available a legal avenue to remove themselves from the inter-parent conflict and polarization and to ameliorate some of the underlying co-parenting problems, co-parenting training.

- 1. Existing research on denied visitation and its impact on child adjustment and development is scant and is wrought with methodological problems**
- 2. Denied visitation is more accurately divided into two categories: *appropriate denial of visitation* due to safety, parent's mental health, and children's developmental concerns, and *inappropriate denial of visitation* due to inter-parent hostility and unsubstantiated allegations of safety concerns**
- 3. Inappropriate denial of visitation is often an expression of inter-parent conflict, is usually a process engaged in by both parents, and is better considered as joint expression of hostility**
- 4. Procedures currently used by judges are appropriate, necessary, and effective to insure the "best interests of the children" standard**
- 5. Careful judicial review of the circumstances underlying each case and its allegations is necessary**

6. **Solutions to this co-parenting problem, such as automatic reversal of custody, can have disastrous effects on children**
7. **When determining solutions for this problem, the child should not be punished for his or her parent's behavior**
8. **Construing inappropriate denial of visitation allows judges to order parents to participate in co-parenting training programs to reduce their conflict and to increase cooperation and joint problem solving**

## **V. NATIONWIDE REVIEW OF STATE CODE CONCERNING DENIED VISITATION**

### **STATE STATUTE REVIEW**

**Methodology:** We surveyed custody statutes for all states and the District of Columbia except for Virginia. We looked at what each state considered when awarding or modifying custody. In particular, we focused on whether any states permit modification of custody or visitation in the absence of a hearing. We also looked at whether any state considered unjustified interference with visitation alone to be the basis for a change in custody. Finally, we looked at whether states currently view interference with visitation, or the likelihood of interference with visitation, as a consideration when awarding or modifying custody.

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Please see Table 2

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Although not part of the assigned research, we noticed different alternatives that states were implementing to address the problem of interference with visitation.

**Findings:**

1. All states look at the best interests of the child as paramount when awarding or modifying custody.
2. No state permits the modification of custody or visitation without due process.
3. No state considers unjustified interference with visitation alone to be a basis for a change in custody. Rhode Island appears to come the closest with a provision that permits a second court finding of visitation interference or noncompliance to be grounds for a change in custody.
4. Virtually all states will consider interference with visitation, or the likelihood of interference with visitation, when making or modifying custody decrees that are in the best interests of the child. Many mention these considerations in their codes. Many others simply suggest they will consider anything that impacts the best interests of the child. In other states, these considerations are established in case law.

**Alternatives:**

1. Many states have initiated procedures to expedite settling disputes involving interference with visitation or custody rights. These involve:
  - A. Mediation - the most commonly mentioned alternative is voluntary mediation to resolve the dispute. Mediation, however, is not binding and, if it fails, parties can return to court.

B. Binding arbitration - In New Mexico, the parties can agree to binding arbitration of visitation (and other) disputes.

C. Expedited Visitation Enforcement Program - Utah initiated a pilot expedited visitation enforcement project.

2. Many states have passed custodial or visitation interference laws that criminalize such behavior. These statutes can be used to punish an offending parent without punishing the child.

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## Footnotes

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**TABLE 1. GUIDELINES FOR APPROPRIATE DENIAL DUE TO PARTICIPATION  
IN NECESSARY DEVELOPMENTAL ACTIVITIES**

Developmental Issues
<p><b>Preschool (ages 2-4):</b> During this period, children are more involved in family life than in structured activities that occur outside of the family. However, some potentially important activities include special events, such as Holiday parties at school, and sports and extracurricular events such as ballet recitals, gymnastics exhibitions, soccer/T-ball games, and the like. Also, the transition of leaving/graduating preschool and preparing for kindergarten is an important one, and should be incorporated into both parents' schedules.</p>
<p><b>School aged (5-11):</b> Children find great happiness in spending time with friends and being involved in a couple activities that are pleasurable. Most extracurricular activities occur at the same times during the week—parents should be able to accommodate to the child's schedule of activity, and should be aware, at the onset, of special events, such as championship games, recital and exhibition dates, scouting camp-outs, etc. Parents should also be aware that events involving other children, e.g. trips to theme parks, sleepovers, and the like, pop up unexpectedly—parents should leave room for flexibility in order to give their children the opportunity to share these important activities with their friends. Also, many children at this age are involved in some kind of religious training, which often occurs over the weekend. Again, parents need to coordinate in order to make sure children are able to attend religious instruction and training regularly, and special events (e.g. participation in First Communion), should also take precedence over parent's personal schedules.</p>

**Middle school (ages 12-14):** The period of pre-adolescence is the time when children are most drawn to their peers, while simultaneously moving away from parents. This process is developmentally appropriate. Unlike in earlier years when their children interacted with friends under more structured circumstances, parents can now expect their children to want to spend more “free” time with friends, just hanging out at home, at the mall, etc. Making time available at home for children to have friends around is important, and when visits are not possible, reasonable phone time is recommended. Other important activities: extracurricular activities, organized sports, scouting, religious training and special events (e.g. bar mitzvahs, confirmation, etc.).

**Adolescence (ages 15-18):** Adolescence is a time for gaining independence and autonomy from parents. Boundaries and issues related to “coming of age” activities, such as dating, driving, and curfew, need to be negotiated and agreed upon by the adolescent and both parents. In addition, many adolescents also begin to work after school. Again, parents need to be aware of their child’s increasingly autonomous schedule, and be willing to sacrifice some of their time with their child to their child’s outside interests—this is developmentally appropriate, and should occur in all families. Particularly important during adolescence are: dates, special outings with friends, weekend plans with friends (e.g. movies, parties, sporting events, etc.), extracurricular/sporting in which the child participates, work commitments, and preparation for college.

**TABLE 2. STATE STATUTE RESEARCH RESULTS**

Can changes in visitation or custody be triggered in the absence of court process?

Can changes in custody be ordered solely b/c parent has interfered w/ visitation w/o considering why?

Is interference w/visitation a factor to consider in modifying custody?

State

State	Can changes in visitation or custody be triggered in the absence of court process?	Can changes in custody be ordered solely b/c parent has interfered w/ visitation w/o considering why?	Is interference w/visitation a factor to consider in modifying custody?
Alabama	No	No	Yes § 30-3-152
Alaska	No	No	Yes § 25.24.150
Arizona	No	No	Yes § 25-403
Arkansas	No	No.	Yes § 9-13-101
California	No	No	Yes § 3011 (Cal. Fam. Code)
Colorado	No	No	Yes § 14-10-124(1.5)
Connecticut	No	No	No reference to criteria
Delaware	No.	No	Yes T. 13 § 722
D.C.	No.	No.	Yes § 16-911
Florida	No	No	Yes § 61.13
Georgia	No	No	Yes § 19-9-1
Hawaii	No	No	Yes § 571-46
Idaho	No	No	Yes §32-1115
Illinois	No	No	Yes 750 Ill. Comp. Stat. Ann. § 5/607.1
Indiana	No	No	Yes § 31-17-2-8; § 31-17-2-21
Iowa	No	No	Yes § 598.41
Kansas	No	No	Yes § 60-1612
Kentucky	No	No	Yes § 403.340



Louisiana	No	No	Yes La. Civ. Code Ann. art. § 133
Maine	No	No	Yes T.19A, §1653
Maryland	No	No	Yes. Md. Code Ann., Fam. Law § 9-105
Massachusetts	No	No	Yes ch. 208, § 28
Michigan	No	No	Yes § 722.23
Minnesota	No	No	Yes § 518.18
Mississippi	No	No	Yes § 93-5-24
Missouri	No	No	Yes § 452.375
Montana	No	No	Yes § 40-4-212
Nebraska	No	No	Yes § 42-364.15
Nevada	No	No	No reference to modification
New Hampshire	No	No	No reference to modification
New Jersey	No	No	Yes § 9:2-4
New Mexico	No - can stipulate to binding arbitration - §40-4-7.2	No	Yes § 40-4-9.1
New York	No	No	Yes. N.Y. Dom. Rel. Law §70
North Carolina	No	No	Yes § 50A-3
North Dakota	No	No	Yes § 14-09-06
Ohio	No	No	Yes § 3109.04
Oklahoma	No	No	Yes T. 43, §112

Oregon	No	No - best interests shall not be determined by isolating any one of the relevant factors § 107.137	Yes §107.137
Pennsylvania	No	No	Yes 23 Pa. Cons. Stat. §5303
Rhode Island	No	No - in event of visitation interference, noncustodial parent can file contempt. If ct. order has not been complied with, ct. orders remedy. On a second finding of noncompliance, ct. shall consider this to be grounds for change of custody to noncustodial parent. §15-5-19	Yes § 15-5-19
South Carolina	No	No	Yes § 20-7-933
South Dakota	No	No	Yes § 25-4A-2
Tennessee	No	No	Yes § 36-6-106
Texas	No	No	Yes Tex. Fam. Code Ann. § 156.301
Utah	No - has pilot expedited visitation program §30-3-38	No	Yes § 30-3-10
Vermont	No	No - Visitation is not to be interfered with for non-payment of support; support is not to be withheld for interference with visitation - § 668a	Yes § 665

Washington	No	No - conviction for custodial interference shall constitute a substantial change in circumstance, but custody alteration must still be in the child's best interest -- § 26.09.260	Yes § 26.09.260
West Virginia	No	No	Yes § 48-11-604.
Wisconsin	No	No	Yes § 767.24
Wyoming	No	No	Yes §20-2-113

1999 SESSION

991382836

HOUSE JOINT RESOLUTION NO. 591

Offered January 20, 1999

Requesting the Executive Secretary of the Virginia Supreme Court to develop and disseminate information on certain custody and visitation issues to Virginia's circuit court and district court judges and commissioners in chancery and to convene an advisory committee to develop model curricula for parent education seminars.

Patrons—Reid, Bryant, Cantor, Hamilton, Jackson, Jones, J.C. and McDonnell; Senators: Forbes and Miller, Y.B.

Referred to Committee on Rules

WHEREAS, the number of custody and visitation cases heard in Virginia's district court system grew by 14.5 percent in 1997 to a total of 16,280 cases; and

WHEREAS, the impact of divorce and separation on children is partially determined by the degree to which both parents can maintain on-going involvement in the care and nurturance of their children with a minimum of hostility expressed towards each other; and

WHEREAS, the use of mediation as opposed to litigation to resolve custody and visitation disputes helps parents maintain control in making arrangements for their children's care and nurturance in a less adversarial setting; and

WHEREAS, the Code of Virginia provides for the court ordering of attendance at parent education seminars to inform parents of the impact of divorce on children; and

WHEREAS, Virginia, like the rest of the nation, has experienced growth in parent education seminars; and

WHEREAS, clinical research has supported the importance of frequent and continuing contact of children of divorce with both parents after the dissolution of the parent's relationship; and

WHEREAS, the denial of visitation to the non-custodial parent without good cause has a negative impact on the child; and

WHEREAS, custody and visitation determinations are made by circuit court and district court judges as well as commissioners in chancery across the state of Virginia, each with varying degrees of familiarity with the existence and importance of parent education seminars, alternatives to litigation, and the importance of frequent and continuing contact with each parent after dissolution of the parent's marriage; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Executive Secretary of the Virginia Supreme Court be requested to develop and disseminate information on certain custody and visitation issues to Virginia's circuit and district court judges and commissioners in chancery. Such information shall include (i) the goals and availability of parent education material, (ii) the role of mediation in custody and visitation cases, and (iii) the impact of denied visitation on children; and, be it

RESOLVED FURTHER, That the Executive Secretary of the Virginia Supreme Court be requested to convene an advisory committee to develop model curricula for parent education seminars. In selecting members to serve on the advisory committee, the Executive Secretary shall include a diverse representation of litigants involved in custody proceedings as well as providers of parent education seminars and experts on child development. The advisory committee shall submit its proposal for the model curricula to the Executive Secretary.

The Executive Secretary of the Supreme Court shall report on the advisory committee's proposal and any of his findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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## **Appendix B: Parent Education Programs in Virginia**

Children Cope With Divorce  
Children, Youth and Family Services, Inc.  
116 W. Jefferson Street  
Charlottesville, VA 22901

Children Cope With Divorce  
Jewish Family Services  
5520 Greenwich Road, Suite 202  
Virginia Beach, VA 23462

Prevention Services Manager  
Chesterfield Mental Health  
P.O. Box 92  
Chesterfield, VA 23832

Children Cope With Parental Separation  
100 North Washington Street, Suite 400  
Falls Church, VA 22046

SPARE  
Fredericksburg Juvenile & Domestic Relations Court  
701 Princess Ann Street  
Fredericksburg, VA 22401

Loudon Juvenile and Domestic Relations Court  
1 East Market Street, 3<sup>rd</sup> Floor  
Leesburg, VA 22075

Children Cope With Divorce  
Family Service of Roanoke Valley  
3208 Hershberger Road NW  
Roanoke, VA 24017

Children Cope With Divorce  
Family and Children's Service  
1518 Willow Lawn Drive  
Richmond, VA 23230

Community Innovations  
The Koger Center #20, Suite 249  
Norfolk, VA 23502

Children of Divorce Seminar  
Mental Health Association of New River Valley  
126 B West Jackson  
Blacksburg, Virginia 24060

Parenting Education Center  
3705 Crest Drive  
Annandale, Virginia 22003

Teaching Parents to Work Together After Divorce  
Divorce Adjustment Project  
Dept. of Psychology  
Virginia Commonwealth University  
Box 2018  
Richmond, Virginia 23284-2018

The Custody & Visitation Program  
Home Studies Inc.  
119 Berkely Lane  
Williamsburg, VA 23185-3408

# SUGGESTED READINGS AND VIDEOS

## Books on Divorce for Adults:

Ahrons, Constance (1980). The good divorce: Keeping your family together when your marriage falls apart.

Ahron and Rodgers. Divorced Families.

Alvarez, Alfared (1981). Life after marriage: Love in an age of divorce.

Barnett, Peter (1980). Parenting children of divorce.

Belli, Melvin (1988). Divorcing.

Berger, Stuart. Divorce Without Victims.

Berstein, Anne (1989). Yours, mine, and ours: How families change when remarried parents have a child together.

Blau, Melinda (1993). Families apart: Ten keys to successful co-parenting.

Bloomfield, H., Colgrove M. and McWilliams, P. (1991). How to survive the loss of a love.

Briles, Judith. The Dollars and Sense of Divorce: The Financial Guide for Women.

Brovins, Joan and Oehmke, Thomas (1992). Divorce dirty tricks.

Clapp, Genevieve (1992). Divorce and new beginnings: An authoritative guide to recovery and growth, solo parenting, and step families.

Cohen, Miriam G. Long Distance Parenting: A Guide for Divorced Parents.

Engel, Margorie (1994). Divorce help source book.

Everett, C., Everett, S. (1994). Healthy divorce.

Fisher, Bruce (1992). Rebuilding: When your relationship ends (2nd ed.).

Friedman, James (1984). The divorce handbook: Your basic guide to divorce.

Galpier, Miriam. Joint Custody and Co-Parenting.

Gardner, Richard (1991). The parents book about divorce.

- Goldstein, Dr. Sol. Divorced Parenting , How to Make it Work.
- Hunt, Morton M. & Hunt, Bernice K. The Divorce Experience.
- Hyde, Margaret O. (1989). Parents divided, parents multiplied.
- Ives, Sally Blakeslee. The divorce workbook.
- Johansen, Frances. Financial Strategies Before and After Divorce.
- Jong, E. Megan's Book of Divorce.
- Krantzler, Mel (1985). Creative divorce.
- Limon, W. (1991). Beginning again: Beyond the end of love.
- McWilliams, Peter , and Colgrove, Melba and Bloomfield, Harold H. How to Survive the Loss of Love.
- Robertson, Christina. A Woman's Guide to Divorce and Decision Making: A Supportive Workbook for Women Facing the Process of Divorce.
- Schuller, Robert. Tough Times Never Last. But Tough People Do!
- Silver, Gerald and Silver, Myrna. Weekend Fathers.
- Trafford, Abigail (1982). Crazy time: Surviving divorce.
- Walker, Glynnis. Solomon's Children: Exploding the Myths of Divorce.
- Wallerstein, Judith and Blakeslee, Sandra. Second Chances: Men, Women and Children a Decade After Divorce.
- Ware, Ciji. Sharing Parenthood After Divorce: An Enlightened Custody Guide for Mothers, Fathers, and Kids.
- Wilson, Carol Ann and Schilling, Edwin. The Survival Manual for Women in Divorce: 150 Questions and Answers.
- Wolley, Persia. The Custody Handbook.



## **Children of Divorced/Divorcing Parents:**

Barr, Deborah. **Caught in the Crossfire: Children of Divorce.**

Chess, Stella. **Know Your Child: An Authoritative Guide for Today's Parents.**

Despert, J. Louise. **Children of Divorce.**

Diamond, Susan (1985). **Helping children of divorce: A handbook for parents and teachers.**

Dolmetsch, Paul (1985). **The kids book about single-parent families.**

Fraiberg, Selma H. **The Magic Years: Understanding and Handling the Problems of Early Childhood.**

Francke, Linda (1983). **Growing up divorced.**

Garrity, Carla (1980). **Caught in the middle.**

Goldstein, Sonja and Solnit, Albert (1984). **Divorce and your child: Practical suggestions for parents.**

Goldzband, Melvin. **Quality Time: Easing the Children Through Divorce.**

Greif, Geoffrey and Pabst, Mary S. (1992). **Mothers without custody.**

Grollman, Earl. **Explaining Divorce to Children.**

Jackson, Michael and Jackson, Jessica and Jackson, Bruce. **"Your Father's Not Coming Home Anymore."**

Jewett, Claudia (1982). **Helping children cope with separation and loss.**

Kalter, Neil (1989). **Growing up with divorce: Helping your child avoid immediate and later emotional problems.**

Kline, Kris (1991). **For the sake of the children: How to share your children with your ex-spouse--in spite of your anger.**

Krementz, Jill. **What Every Child Would Like Parents to Know About Divorce.**

Lansky, Vicky (1989). **Vicky Lansky's divorce book for parents: Helping your children.**

Lewis, Helen Coale. **All About Families The Second Time Around - For Boys, girls, Their Parents and Step-Parents.**

Maccobby, Eleanor and Mnookin, Robert. Dividing the Child: Social and Legal Dilemmas of Custody.

Mayle, Peter (1979). Divorce can happen to the nicest people.

Ricci, Isolina (1980). Mom's house, dad's house: Making shared custody work.

Salk, Lee (1978). What every child would like parents to know about divorce.

Shiff, Eileen and Ames, Louise Bates. Experts Advice Parents: A Guide to Raising Loving, Responsible Children.

Teyber, Edward (1992). Helping children cope with divorce.

Troyer, Warner (1980). Divorced kids: Children of divorce speak out and give advice to mothers, fathers, lovers, stepparents, brothers and sisters, boyfriends and girlfriends, each other.

Turow, Rita (1977). Daddy doesn't live here anymore.

Walczak, Yvette and Sheila Burns (1987). Divorce: The child's point of view.

Wallerstein, Judith (1980). Surviving the breakup: How children and parents cope with divorce.

Wheeler, Michael (1980). Divorced children: A legal guide for divorcing parents.

### **Step-families:**

Berman, Claire (1980). Making it as a step-parent: New role and new rules.

Bloomfield, Harold (1992). Making peace in the step-family: Surviving and thriving as parents and stepparents.

Getcoff, Ann and McClenahan, Carolyn (1984). Stepkids: A survival guide for teenagers in step-families.

Glassman, Bruce (1980). Everything you need to know about step-families.

Keshet, Jamie (1987). Love and power in the stepfamily.

Lofas, Jeannette (1985). Step-parenting.

Maddox, Brenda (1975). The half-parent: Living with other people's children.

Messinger, Lillian. Remarriage. A Family Affair.

Noble, June (1977). How to live with other people's children.

Rosenberg, Maxine (1990). Talking about step-families.

Visher, Emily and John (1982). How to win as a step-family.

### **Children's Books on Separation, Divorce and Stepfamilies:**

Angell, Judie. When Your Parents Divorce.

Banks, Ann When your parents get a divorce: A kid's journal.

Baum, Louis and Bouma, Paddy. One More Time.

Berger, Terry (1974). A friend can help.

Berger, Terry. How Does It Feel When Your Parents Get Divorce?

Berman, Claire (1982). What am I doing in a stepfamily? (Ages 12-15)

Berstein, Joanne. Books to Help Children with Separation and Loss. Chapter: Divorce, Marital Separation, Single Parent Family

Bienenfeld, Florence (1980). My mom and dad are getting a divorce. Minnesota: EMC. Corp. (Ages 10-14)

Blume, Judy (1972). It's not the end of the world. (Novel, Ages 9-14).

Boeckman, Charles (1980). Surviving your parents divorce. (Ages 9-14).

Boegehold, Betty. Daddy Doesn't Live Here Anymore.

Brown, Laurene (1986). Dinosaurs divorce: A guide for changing families. (Ages 3-7)

Byars, Betsy. The Animal, the Vegetable and John D. Jones.

Cameron, Eleanor. To the Green Mountains.

Caines, Jeannette. Daddy.

Christiansen, C. B. My mother's house, my father's house. (Ages 6-10)

Cleary, Beverly. Otis Spofford.

Cleary, Beverly (1991). Strider. New York: Morrow Junior Books. (Ages 14-17)

Cone, Molly. **The Amazing Memory of Harvey Bean.**

Conrad, Pam. **Holding Me Here.**

Danzinger, Paula. **The Divorce Express.**

Dometsh, Paul. **The Kid's Book About Single Parent Families.**

Dragonwagon, Crescent and Zeldich, Arieh. **Always, Always.**

Duffey, Betsy. (1994). **Coaster.** New York: Penguin Group. (Ages 12-15)

Fayerweather Street School District & Rofes, Eric E. **The Kid's Book of Divorce: By, For and About Kids.**

Field, Mary B. and Shore, Hennie (1994). **My life turned upside down, but I turned it rightside up.** (solutions for problems for children, ages 8-12)

Forrai, Margaret and Pursell, Margaret S. **A Look at Divorce.**

Gardner, Richard (1971). **The Boys and Girls Book About Divorce.** (Ages 9-14)

Gardner, Richard A. **The Boys and Girls Book About One Parent Families.**

Gerson, Corinne. **Son For A Day.**

Gilbert, Sara. **How to Live With a Single Parent.**

Girard, Linda and Friedman, Judith. **At Daddy's on Saturdays.**

Glass, Stuart. **A Divorce Dictionary: A Book for You and Your Children.**

Goff, Beth. **Where is Daddy? - The Story of Divorce.**

Grollman, Earl. **Talking About Divorce.**

Hazen, Barbara (1978). **Two homes to live in: A child's-eye view of divorce.** (Ages 4-10)

Helmering, Doris. **I Have Two Families.**

Hest, Amy. **Where in the World is the Perfect Family.**

Hurwitz, Johanna. **Dede Takes Charge.**

Jukes, Mavis. **Like Jake and Me.**

Krementz, Jill (1984). How it feels when parents divorce. (Ages 7-16)

LeShan, Edna. What's Going to Happen to Me?: When Parents Separate or Divorce.

Lexau, Joan M. Emily and the Klumky Baby and the Next Door Dog.

Lexau, Joan M. Me Day.

Lindsey, Jeanne W. Do I Have a Daddy.

Lisker, Sonia O. Two Special Cards.

Mann, Peggy. My Dad Lives in a Downtown Hotel.

Mayle, Peter. Divorce Can Happen to the Nicest People.

Mayle, Peter (1988). Why are we getting a divorce? (Ages 14-17)

Mazer, Norma Lee (1991). E, my name is Emily. (Ages 10-13)

Newfield, Marcia. A Book for Jordan.

Nickman, Steven L. (1986). When mom and dad divorce. (Ages 9-14)

Noble, June. Two Homes for Lynn.

Osman, Trudy and Carey, Joanne. Where Has Daddy Gone?

Park, Barbara. Don't Make Me Smile.

Paulsen, Gary. Hatchet.

Peck, Richard. Unfinished Portrait of Jessica.

Perry, Patricia and Lynch, Marietta. Mommy and Daddy are Divorced.

Peterson, Jeanne W. This is That.

Poroun, Arthur. Dinosaurs Divorce.

Pursell, Margaret S. A Look at Divorce.

Richards, Arlene and Willis, Irene. How to Get it Together When Your Parents are Coming Apart.

Rogers, Fred and O'Brien, Claire. Mr. Rogers Talks with Families About Divorce.

Rogers, Helen S. Morris and his Brave Lion.

- Schuman, Joan. Two Places to Sleep.
- Simon, Norma. All Kinds of Families.
- Simon, Norma. The Daddy Days.
- Sinberg, Janet. Divorce is a Grown Up Problem.
- Smith, Doirs B. Kick a Stone Home.
- Stanek, Muriel. I Won't Go Without a Father.
- Stein, Sara B. On Divorce.
- Stinson, Kathy. Mom and Dad Don't Live Together Anymore.
- Thomas, Ianthe. Eliza's Daddy.
- Turow, Rita (1977). Daddy doesn't live here anymore. (Ages 10-14)
- Vigna, Judith. Daddy's New Baby.
- Vigna, Judith. Mommy and Me By Ourselves Again.
- Vigna, Judith. She's Not My Real Mother.
- Voight, Cynthia. A Solitary Blue.
- Wood, Phyllis. Win Me and You Lose.
- Vigna, Judith (1984). Grandma Without Me. (Ages 3-8)

### **Single-Parenting:**

- Atlas, Stephen (1984). The parents without partners source book.
- Berman, Eleanor (1977). The cooperating family.
- Clapp, Genevieve (1992). Divorce and new beginnings: An authoritative guide to recovery and growth, solo parenting, and step families.
- Dodson, Fitzhugh (1987). How to single parent.
- Gilbert, Sara (1982). How to live with a single parent.

Kerpelman, Leonard (1983). Divorce: A guide for men.

Pearson, Carol L. (1988). One on the seesaw: The ups and downs of a single-parent family.

Robertson, John (1986). Suddenly single: Learning to start over through the experience of others.

The kids' book about single-parent families, by kids for everyone. Edited by Paul Dolmetsch and Alex Shih

Wolley, Persia. Creative Survival for Single Mothers.

Yates, Martha(1976). Coping: A survival manual for women alone.

### **Group Counseling:**

Margolin, Sylvia (1996). Complete group counseling program for children of Divorce: ready-to-use plans and materials for small and large groups. (grades 1-6)

### **Videos:**

*Check your local video store or public library*

#### **Children:**

Mister Rogers talks with parents about divorce. PBS video, (1988), 60 mins.

When mom and dad break up. Paramount. 32 mins.

Children in the Middle. Center for Divorce Education. 30 mins.

Spare the Child. Family Law Section. Virginia State Bar. 30 mins.

#### **Adults:**

Bye, Bye Love

Kramer vs. Kramer

Hope Floats

## Important Family Abuse Phone Numbers

**Virginia Family Violence  
& Sexual Assault Hotline**

A 24-hour hotline to provide support, information and referrals

**1-800-838-8238 (V/TTY)**

**Virginia Child Abuse & Neglect Hotline**

**1-800-552-7096 (V/TTY)**

**Elder Abuse Hotline  
(V/TTY)**

**1-888-832-3858**



# COURT APPROVED CLASS INTAKE

Date of Intake	_____
Directions sent	_____
Payment received	_____
Amount received	_____
Confirmation sent	_____

Full Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

County of Court Case: \_\_\_\_\_ Phone Number: (H) \_\_\_\_\_ (W) \_\_\_\_\_

Current marital status:  Single  Married  Separated  Divorced  Widowed

Ages of children involved? \_\_\_\_\_

Who has custody of the children? \_\_\_\_\_ Is there action pending to change custody or visitation? \_\_\_\_\_

Please explain: \_\_\_\_\_

Is the other parent involved in court classes? \_\_\_\_\_ If yes, what is parents' name? \_\_\_\_\_

Do you want to be in the same class? \_\_\_\_\_

What are the most difficult issues you and your child/ren face as a result of your situation? \_\_\_\_\_

When must your class be completed? \_\_\_\_\_

How did you find out about PEC?  Court  Attorney  Mediator  CPS  Social Worker  
 Other: \_\_\_\_\_

Method of Payment: Cost of class: \_\_\_\_\_  Money Order  Cash

Payment will be received:  by mail  at office on \_\_\_\_\_  at class

## PLACEMENT

Class Dates: \_\_\_\_\_ Class Time: \_\_\_\_\_

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Co-Parenting: Two Parents<br>Two Homes<br>Cost: \$35.00 per person/<br>\$55.00 per couple | <input type="checkbox"/> Strengthening Your<br>Parenting Skills<br>Cost: \$60.00 per person/<br>\$90.00 per couple | <input type="checkbox"/> When Families<br>Get Angry<br>Cost: \$35.00 per person/<br>\$55.00 per couple | <input type="checkbox"/> A New Perspective<br>On Parenting<br>Cost: \$35.00 person/<br>\$55.00 couple |
|--|--|--|---|



# Children of Divorce Seminar Evaluation

Date: \_\_\_\_\_

Presenters: \_\_\_\_\_

\_\_\_\_\_

Circle the number that represents your personal opinion:

1. I wanted to come to this seminar.

1                      2                      3                      4  
*strongly agree      agree                  disagree      strongly disagree*

2. I would recommend this seminar to others.

1                      2                      3                      4  
*strongly agree      agree                  disagree      strongly disagree*

3. The presenters communicated the subject matter well.

1                      2                      3                      4  
*strongly agree      agree                  disagree      strongly disagree*

4. I have learned new ways to help my children during this separation or divorce.

1                      2                      3                      4  
*strongly agree      agree                  disagree      strongly disagree*

5. I have learned new ways to deal with my child's other parent.

1                      2                      3                      4  
*strongly agree      agree                  disagree      strongly disagree*

Did this time and location work for you? If not, what would have been better?

\_\_\_\_\_

What would have made registering for this seminar easier?

\_\_\_\_\_

What else would you have liked the presenters to talk about? Do you have any recommendations for them?

\_\_\_\_\_

\_\_\_\_\_

What are the ages of your children?

\_\_\_\_\_

Where are you in the divorce process?

- Possibility of divorce or separation
- Separated less than six months
- Completed divorce (month and year of divorce: \_\_\_\_\_)
- Separated six to twelve months
- Separated more than twelve months

*Thank you for your time in answering these questions! Good luck in the future.*

# MAY WE HAVE YOUR OPINION ?

Please check appropriate class:  Co-Parenting     Strengthening...     When Families...

Instructor: \_\_\_\_\_ Location: \_\_\_\_\_

Class Date: \_\_\_\_\_

Your thoughtful feedback on this class will provide us with valuable information to improve the quality of classes we offer. Thank you.

For items 1 through 4, circle the number which best expresses your feelings about the program:

	Poor	Needs Improvement	Average	Very Good	Excellent
1. Instructor's knowledge of the subject	1	2	3	4	5
2. Instructor's presentation skills	1	2	3	4	5
3. Instructor's interaction with participants	1	2	3	4	5
4. Quality of handouts/materials	1	2	3	4	5

5. What part of the class did you find most helpful?

6. What part of the class did you find least helpful?

7. How could this class be improved?

8. Was the room comfortable and appropriate for this program?      \_\_\_\_\_ YES      \_\_\_\_\_ NO

9. Please use the back for additional comments or to suggest future topics of interest to you.



## THE CO-PARENTING BEHAVIOR QUESTIONNAIRE- CHILD FORM

**Arnold L. Stolberg, Ph.D.<sup>1</sup>**  
**Elizabeth Mullet, M.S.**  
**Sandra Henderson, Ph.D.**  
**Katherine Macie, M.S.**

**Virginia Commonwealth University**  
**Richmond, Virginia**

ID# \_\_\_\_\_

Date \_\_\_\_\_

Please give the following information about yourself.

---

1. AGE: \_\_\_\_\_

2. Are you a boy \_\_\_\_\_ or a girl \_\_\_\_\_? (check one)

3. GRADE: \_\_\_\_\_

4. Rate your parents' divorce:

1	2	3	4	5
hard				easy
for you				for you

5. Have you ever talked to a school counselor or psychologist about problems you have had at home, at school, with friends, etc.?    Yes    No

Thank you for answering these questions. On the following pages, you will see sentences that have to do with you and your parents.

Following each statement, there is a scale from 1 to 5 (1 = almost never, 3=sometimes, and 5= almost always).

**Circle the number that tells HOW OFTEN this statement happens.** Think about how things have been in the **past 2 months**, or the last school grading period.

---

<sup>1</sup> This instrument is not to be copied without the authors written permission

1. My parents complain about each other.

1                      2                      3                      4                      5  
 Almost Never                      Sometimes                      Almost Always

2. My dad tells me bad things about my mom.

1                      2                      3                      4                      5  
 Almost Never                      Sometimes                      Almost Always

3. My parents argue about money in front of me.

1                      2                      3                      4                      5  
 Almost Never                      Sometimes                      Almost Always

4. When my parents argue, I feel forced to choose sides.

1                      2                      3                      4                      5  
 Almost Never                      Sometimes                      Almost Always

5. When my parents talk to each other, they accuse each other of bad things.

1                      2                      3                      4                      5  
 Almost Never                      Sometimes                      Almost Always

6. My parents talk nicely to each other.

1                      2                      3                      4                      5  
 Almost Never                      Sometimes                      Almost Always

7. My mom asks me questions about my dad that I wish she would not ask.

1                      2                      3                      4                      5  
 Almost Never                      Sometimes                      Almost Always

8. I feel caught between my parents.

1                      2                      3                      4                      5  
 Almost Never                      Sometimes                      Almost Always

9. My parents discuss what is best for me.

1                      2                      3                      4                      5  
 Almost Never                      Sometimes                      Almost Always

10. My dad asks me to carry messages to my mom.

1                      2                      3                      4                      5  
 Almost Never                      Sometimes                      Almost Always

11. My parents fight about where I should live.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

12. My dad asks me questions about my mom that I wish he would not ask.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

13. My mom wants me to be close to my dad.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

14. When my mom needs to make a change in my schedule, my dad helps.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

15. My parents argue in front of me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

16. My mom tells me to ask my dad about child support.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

17. It is okay to talk about my mom in front of my dad.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

18. My parents talk to each other about my problems.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

19. It is okay to talk about my dad in front of my mom.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

20. My parents talk to each other about how I feel about the divorce.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

21. My parents talk to each other about my school and my health.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

22. My dad gets angry at my mom.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

23. When my parents talk to each other, they get angry.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

24. My parents talk to each other about big choices in my life.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

25. My parents talk to each other at least once a week.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

26. My mom tells me bad things about my dad.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

27. When my mom needs help with me, she asks my dad.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

28. My mom asks me to carry messages to my dad.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

29. My mom tells me good things about my dad.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

30. My parents talk to each other about the good things I do.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

31. When my dad needs help with me, he asks my mom.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

32. My mom gets angry at my dad.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

33. My dad tells me good things about my mom.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

34. My dad wants me to be close to my mom.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

35. My parents get along well.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

36. My parents yell at each other.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

37. When my dad needs to make a change in my schedule, my mom helps.

1	2	3	4	5
Almost Never		Sometimes		Almost Always



## CBQ - PART B

38. My dad likes being with me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

39. My mom and I have friendly talks.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

40. My mom asks me about my day in school.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

41. When I do something wrong, my mom talks to me about it.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

42. I feel that my mom cares about me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

43. My dad talks to me about big choices in my life.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

44. I feel that my dad cares about me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

45. I spend time doing fun things with my mom.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

46. My mom knows who my friends are and what they are like.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

47. My mom knows what kinds of things I do after school.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

48. My mom likes being with me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

49. I talk to my mom.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

50. I have chores to do at my dad's house.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

51. My dad says he loves me and gives me hugs.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

52. When I leave the house, my dad knows where I am and who I am with.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

53. If I have problems in school, my dad knows about it.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

54. When I break one of my mom's rules, she punishes me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

55. My dad asks me about my day in school.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

56. My dad knows who my friends are and what they are like.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

57. My dad knows what kinds of things I do after school.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

58. I have chores to do at my mom's house.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

59. I talk my mom out of punishing me after I do something wrong.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

60. When I leave the house, my mom knows where I am and who I am with.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

61. My mom talks to me about big choices in my life.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

62. If I have problems in school, my mom knows about it.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

63. When I do something wrong, my dad talks to me about it.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

64. My dad praises me when I do something good at home or at school.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

65. I talk to my mom about my problems.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

66. If I get in trouble at school, my mom punishes me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

67. My mom says nice things about me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

68. I spend time doing fun things with my dad.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

69. My dad knows who my teachers are and how well I am doing in school.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

70. I have rules to follow at my dad's house.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

71. I talk to my dad.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

72. I talk to my dad about my problems.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

73. My dad talks to me about big choices in my life.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

74. My dad says nice things about me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

75. I have rules to follow at my mom's house.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

76. My dad and I have friendly talks.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

77. When my dad says he is going to punish me, he does it.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

78. I talk my dad out of punishing me after I do something wrong.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

79. My mom knows who my teachers are and how well I am doing in school.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

80. When I break one of my dad's rules, he punishes me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

81. My dad talks to me about my friends.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

82. My mom talks to me about my friends.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

83. My dad is patient with me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

84. I talk to my mom about things that I do well.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

85. My mom praises me when I do something good at home or at school.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

86. I talk to my mom about how I feel about the divorce.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

87. My mom says she loves me and gives me hugs.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

88. If I get in trouble at school, my father punishes me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

89. I talk to my dad about how I feel about the divorce.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

90. My mom is patient with me.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

91. I talk to my dad about things I do well.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

92. When my mom says she is going to punish me, she does it.

1	2	3	4	5
Almost Never		Sometimes		Almost Always

