

Reducing Divorce Conflicts

A high prevalence of criticism, contempt, defensiveness and withdrawal during conflict is associated with marital instability and dissatisfaction (Gottman & Levenson, 2000). Even though a moderate to high degree of conflict is a hallmark of most divorces, within two to three years post-divorce, a majority of parents has settled into cooperative or parallel co-parenting arrangements (Braver, Shapiro, & Goodman, 2006). Yet, for perhaps up to one-third of separating and divorcing parents, hostility and disputes about childrearing continue (Johnston, 2000).

There are multiple definitions of “high-conflict parents.” Johnston and Roseby (1997) suggest that High-conflict parents are identified by high degrees of anger and mistrust, incidents of verbal abuse, intermittent physical aggression, and ongoing difficulty in communicating about and cooperating over the care of their children at least two or three years following their separation. Probably most characteristic of this population of “failed divorces” is that these parents have difficulty focusing on their children’s needs as separate from their own and cannot protect their children from their own emotional distress and anger, or from their ongoing disputes with each other. *Mediation and collaborative divorce* approaches can assist couples in resolving divorce-related issues in a non-adversarial manner, and *co parent counseling* can help couples who are still struggling after the dissolution. However, for parents who remain engaged in high conflict, courts may refer couples to *parenting coordination*. Mediation and parenting coordination require the most additional training for MFTs.

Mediation

Mediation offers divorcing couples the opportunity to address their concerns and negotiate their interests to reach a consensus agreement with the assistance of an impartial third party. If an agreement is reached, the mediator may encourage the couple to have it reviewed by separate attorneys to assure that each party’s rights have been adequately protected; then, the spouses ratify and sign the document. If no agreement is reached, several outcomes are possible, depending on the local jurisdiction of the family court.

Multiple mediation models exist. The most common model is termed “Facilitative Mediation” (Mayer, 2004) and is the “purest” model to the original concept of an impartial third person simply facilitating a process for a couple to explore common interests, generate options, and make decisions for them, but does control and facilitate the *process*, leaving the outcome completely up to the design of the couple. This model operates on the assumptions of a rational, cognitive, problem-solving approach to divorce decisions.

Another mediation model, termed “Transformative Mediation” is based upon the work of Bush and Folger (1994) who assert that mediation can and should be about more than just finding a resolution. The goal of mediation is to aim for empowerment of the individual parties and recognition of the other party. In this approach, success is achieved when the parties are “transformed” to feel empowered and to recognize and respect the other party’s perspective to the dispute, even if no agreements are reached in their dissolution.

In the “Evaluative Mediation” model (Lowry, 2004), the mediator, using his or her own background knowledge of acceptable outcomes to a divorce dispute, may offer

these options to the parties, sometimes trying to influence the parties to accept them. If, for example, the mediator knows how the Family Court judge would likely view the options, the mediator would mention this in an attempt to persuade the couple into the “norm” of such outcomes. In “Therapeutic Mediation,” the mediator uses a wide range of therapeutic techniques to encourage disputants to discuss the underlying emotional impasses of divorce disputes, with the assumption that, if the emotions are effectively dealt with openly, the negotiations will proceed more easily to agreement.

The “Strategic Mediation” model is solidly based in family systems thinking and is a pragmatic, problem-solving approach with an emphasis on hidden dimensions of conflict. The mediator is the strategist who develops a systemic analysis of the case dynamics and then indirectly maneuvers the participants off their positions and into a context in which cooperative problem resolution is achieved. Unlike the Therapeutic Mediation model, the goal is not to help the couple express their feelings; in fact, much of the time, the expression of feelings is actively suppressed in order to accomplish the more strategic goal of conflict resolution.

Parenting Coordination – Separated or divorced parents sent by a judge to participate in an intensive and long-term intervention in which a professional acts as a go-between and arbiter, assisting parents in following the parenting plan and developing a parallel co-parenting relationship. (Note: Parenting coordinators are not always appointed by a judge. Parents may work with a coordinator based on their attorney’s recommendation, a Guardian ad Litem recommendation, or word of mouth.

Couples who benefit from co-parent counseling are those who remain in mild to moderately high levels of conflict after divorce. Parents in very high conflict may be better served by a parenting coordinator. The co-parent counselor helps parents make decisions together regarding their children. A co-parent counselor may help parents resolved anger or grief related to the ending of the relationship so the couple retains trust in the counselor and process. Divorced parents typically feel much more desperate and frustrated with each other. They must develop an alternative way of relating to one another as co-parents than they had as spouses. MFTs can assist these families, and their subsystems, in redefining relationship boundaries and patterns of interaction (Bernstein, 2007).

Parenting Coordination

Parenting coordination (PC) is reserved for high-conflict couples who have demonstrated an inability to resolve disputes outside of the court system (Baris et al., 2001; Johnston & Roseby, 1997). Parenting coordination includes assessment, education, conflict management (e.g., mediation, negotiation, and arbitration,) and case management. Objectives of parenting coordination include assisting “high conflict parents to implement their parenting plan, to monitor compliance with the details of the plan, to resolve conflicts regarding their children and the parenting plan in a timely manner, and to protect and sustain safe, healthy, and meaningful parent-child relationships.”

Comfort with Conflict

Based on years of clinical experience, Garrity and Baris (1994) developed the *Conflict Assessment Scale* that displays a range of behaviors associated with low to high conflict.

Professional Resources

www.mediate.com

www.collaboartivedivorce.com

www.parentingafterdivorce.com

parentcoordination.htm