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# PROPOSED GUIDELINES, STANDARDS AND REQUIREMENTS FOR PARENT EDUCATION PROGRAMS

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REPORT *of*

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## THE NEW YORK STATE PARENT EDUCATION ADVISORY BOARD

*to the* CHIEF JUDGE *and the* CHIEF ADMINISTRATIVE JUDGE

OCTOBER 1, 2003

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## ACKNOWLEDGMENTS

\_\_\_\_\_ On behalf of the Parent Education Advisory Board, I want to thank Chief Judge Judith S. Kaye for her enduring concern for the welfare of children and her recognition of the important role that parent education can play in improving the lives of children by providing to parents information that can assist with the transition created by a separation or divorce. Her vision in creating a multi-disciplinary board has provided a much-needed forum for sharing diverse perspectives, ideas, and information about parent education and has led to a better understanding of the issues surrounding parent education. This comprehensive approach has provided a unique opportunity to make the suggestions for enhancing parent education contained in this Report.

In addition, I want to thank the many individuals and groups who have expressed interest in our work and who took the time to provide commentary on the Board's Draft Report. Your feedback, which provided valuable insight and assistance, is appreciated.

Finally, it has been a privilege to work on this project with the dedicated members of the Board. Each has made significant contributions in terms of the time, knowledge, experience, and thought given to the Board's work. Thank you for your hard work, concern, and perseverance.

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**Honorable Evelyn Frazee**

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# **EXECUTIVE SUMMARY**

## **INTRODUCTION**

It is estimated that 40% of the children in this country will experience their parents' divorce during their childhood. This figure is even greater when the breakup of parents in a cohabiting relationship is considered. Unfortunately, children who experience family dissolution are at greater risk than those in stable, intact families for academic failure, social skills deficits, delinquent behaviors, psychological distress and disorders, self-destructive behaviors and other negative outcomes. Court-connected educational programs for divorcing parents present the opportunity to heighten parents' awareness of risk factors for their children and to learn ways to foster their children's resilience and well-being.

The structure and content of parent education that the Board proposes for New York State is child-centered and concerned primarily with promoting children's healthy adjustment and development by educating parents about what they can do to reduce the stress of the family transition and to protect their children from the negative effects of ongoing parental conflict. The goal is to provide parents with information, practical strategies, and tools that they can use to mitigate the deleterious effects of divorce and separation on children.

The concept of providing educational programs specifically designed for divorcing or separating parents dates back to the 1970's and exists today in 49 states. In New York State, approximately 50 such programs have developed at the grassroots level. While courts in New York have, for many years, referred litigants to these programs, until now, no systematic examination has been undertaken of issues related to program, curriculum, safety, and accountability.

In her 2001 State of the Judiciary Address, Chief Judge Judith S. Kaye announced a Statewide Parent Education and Awareness Program to improve the quality of court outcomes involving children, raise judicial awareness of the benefits of parent education, clarify judicial authority to refer parents, and institutionalize parent education around the State. Chief Judge Kaye emphasized the importance of ensuring that parent education programs receiving court referrals meet certain quality standards and offer participants information that is accurate, appropriate and based on sound research. She also announced the creation of the Parent Education Advisory Board (PEAB or Board), charged with developing a comprehensive approach to parent education in New York. This 19-member Board consists of highly committed professionals from around the State with backgrounds in pediatric medicine, child psychiatry and psychology, family life science, social work, domestic violence awareness and prevention, and matrimonial and family law.

In its report, the Board sets forth guidelines, standards, and requirements intended to expand the availability of parent education for court-involved families throughout the State while ensuring that:

- program curricula are solidly based on current research and incorporate best practices;
- programs are conducted in a professional, non-judgmental manner with sensitivity to the safety, cultural, and financial circumstances of attending parents;
- the needs and interests of those involved in the parent education process—courts, parent education providers, facilitators, and participants—are balanced with an awareness of, and sensitivity to, geography, availability of resources, safety of parent participants, and other practical considerations.

## **PROGRAM ATTENDANCE ISSUES**

While greater access to and utilization of the resource of parent education is encouraged through court referral of parents to parent education, countervailing considerations may weigh against attendance. Such considerations include the presence of:

- child abuse
- domestic violence
- mental illness
- substance abuse
- hardship considerations
- language barriers
- prior attendance within the preceding five years
- parents who have not cohabited with the child
- other good cause

A substantial body of evidence indicating that the safety of domestic violence victims is at great risk when a relationship is in the process of ending raises serious concerns regarding the participation of parents who are victims of domestic violence at parent education programs. This legitimate concern is addressed through a multifaceted approach that provides courts and program providers with screening guidelines, incorporates safety provisions into the administration and delivery of classes, and focuses on curriculum content that is sensitive to domestic violence concerns. To begin with, parents should and will not be required to attend parent education when:

- there is a pending family offense proceeding or criminal action involving the abuse of the other parent
- there is a temporary or permanent order of protection with a provision that one of the parents must stay away from the other parent
- the court determines, based on the pleadings or other circumstances in the case, that domestic violence or other abuse is present (but without resort to questioning the parties or their counsel)
- there is a disclosure of abuse.



Since the presence of domestic violence can be difficult for the court to discern, as an additional safeguard, parents referred to parent education will be required to complete a confidential enrollment form containing questions designed to ascertain the presence of domestic violence. If a “yes” answer is given, the parent will be contacted in the safest way possible to give the parent the option of either attending or declining to attend parent education. While a parent who is a victim of domestic violence should remain free to attend parent education as a matter of individual choice, attendance is not required when the presence of domestic violence is indicated.

## **CURRICULUM CONTENT**

### ***Parenting and Child Well-Being***

Parents should be informed at the outset that the program is intended to provide them with additional information to supplement and enhance the skills they already have, and that the curriculum is child-focused and designed to help them understand what their children are experiencing. While the difficulties experienced by children are well documented, negative outcomes are not predetermined. Parents should be informed about the known risks and protective factors, including those considered essential to children's resilience and healthy development in the aftermath of divorce or separation. Programs should incorporate information and skills related to these topics into their curricula and encourage parents to work on each of these areas:

- Creating and maintaining supportive parent-child relationships;
- Providing a stable, supportive home environment;
- Maintaining healthy parental functioning and psychological well-being; and
- Protecting children from ongoing conflict between parents.

## ***Legal Process***

The Board recommends a legal process presentation as part of the overall parent education program. The presentation should be limited to approximately 15 percent of the entire time allotted for the program. Providing parents with basic information about custody, child support, options for resolving their dispute, and the process for the court's determination is intended to help parents make more informed decisions on matters affecting their children. The participation of the Bar in initiating and supporting parent education has been crucial to its success thus far in New York State, and the Bar should continue to play an integral role in parent education.

## ***Optional Additional Material***

Providers may choose to include an additional one to two hour segment covering a topic approved in the certification process. Some ideas in this regard are small group discussion, skills practice, explaining the use of parenting plans, and family resources and financial management.

## **PROGRAM PRESENTATION AND DELIVERY**

### ***Class Length, Size, and Delivery***

Programs should be a minimum of six hours but no more than eight hours in duration. They should be conducted in two sessions to avoid information overload. Delivery, optimally, should be by a variety of methods and there should be a strong emphasis on active involvement of participants through question and answer sessions, role play, small group discussion, and, when possible, skills practice. Class size should

be limited to a maximum of 50 participants. If small group discussion or skills training is part of the optional curriculum, then there should be sufficient faculty to facilitate in a ratio of no more than 15 parents to one facilitator. Parents of a child cannot attend together.

### ***Requirements for Presenters/Facilitators***

At least one presenter/facilitator should have a graduate degree, or equivalent experience, in a mental health discipline, parent education, family life science or a related discipline. At least one presenter should have previous experience presenting, conducting or leading groups. Presenters must undergo training once a year. The legal process curriculum should be presented by both an attorney and a judge who have substantial experience in matrimonial or family law. Legal presenters also are expected to undergo appropriate training. Presenters are subject to ethical requirements, including the prohibition against soliciting referrals from program attendees for private professional services.

### **REQUIREMENTS AND RESPONSIBILITIES OF LOCAL PROGRAM ADMINISTRATORS AND PARENT EDUCATION PROVIDERS**

Local program administrators have significant duties, including determining whether prospective attendees are eligible to attend parent education, taking various steps to ensure a safe environment for attendees, providing parents who have indicated that they are victims of domestic violence with information regarding domestic violence counseling and assistance, keeping confidential attendance lists and records, and issuing certificates of compliance.

Program administrators will be required to attend training under the auspices of the Board to address their responsibilities. Parent education providers are required to maintain information about each class, including its location, dates, identity of presenters/facilitators, total number of enrollees by gender, a breakdown of referral sources, and attendance ineligibility applications and determinations. Further, Board-developed evaluation forms must be disseminated to parents for completion. This information is deemed confidential, to be shared only with the Board, as noted herein.

### **EVALUATION OF PARENT EDUCATION PROGRAMS**

Program evaluation is critical to ascertaining whether parent education is producing desired outcomes. The Board hopes to document the efficacy and attainment of specific goals. Evaluation of parent education will focus on, among other criteria, consumer satisfaction; parental understanding of factors affecting children's adjustment, such as minimizing conflict and reducing stress; and utilization of information and practical skills learned in the program.

### **ECONOMIC CONSIDERATIONS**

Historically, parent education programs have struggled financially to survive. Ensuring access to quality parent education programs, therefore, requires careful consideration of the burdens new requirements may impose and of available economic and other resources. This report considers several potential funding sources, such as private and public sector grants, community mental health organizations, community dispute resolution centers, not-for-profit sponsorship, collaboration with universities or law schools, the cooperative extension service, and bar groups.

## ***Fees***

Fees alone will not generate sufficient revenue to sustain parent education programs, but they may substantially defray operating expenses. Fees should be reasonable and should not exceed \$100.00 per person. A waiver policy must be implemented so that no parent is denied participation due to inability to pay.

## ***Office of Court Administration (OCA) Support***

In view of the precarious financial difficulties many parent education providers will face, and in order to encourage uniformity in program materials and performance standards, the Board requests OCA to provide appropriate support, including:

- printing brochures, informational materials, certificates, applications, and forms;
- providing information to judges to encourage appropriate referrals to parent education;
- assisting in the training of presenters and program administrators;
- sponsoring periodic workshops/conferences for parent education providers;
- providing qualified staff to work with the Board on development of uniform evaluation tools and data management and interpretation;
- providing data collection assistance through court clerks;
- providing sign language interpreters for hearing impaired parent attendees;
- providing space within court facilities for classes and security personnel for programs held at court locations, as appropriate and available;
- producing a video for the Legal Process segment of the curriculum to be used for training and in areas where legal presenters are not regularly available;
- providing a parent education home page on the court system's website;
- providing local programs with information about available grants or other funding; and
- providing an administrative assistant to oversee the parent education and awareness program and a toll-free number at which he/she can be contacted by parents with concerns or complaints.

## **CERTIFICATION PROCEDURES AND REQUIREMENTS**

Parent education providers who wish to accept court-referred participants must be certified as being in compliance with the prescribed guidelines, standards, and

requirements. Certification is essential to ensuring that parents will receive appropriate, evidence-based information in a professional, ethical, and safe environment. Programs will be certified for three-year periods and are subject to suspension or revocation for noncompliance with the standards and guidelines. Providers who wish to become certified will be required to submit information and documentation that demonstrate their ability to comply with prescribed guidelines, standards, and requirements. Applicants will also be subject to onsite observation and review of their program presentation.

Once certified, the name and contact information for the parent education provider will be placed on a list of approved parent education providers, which will be given to all Administrative Judges for distribution within their districts. In the event certification is denied, a hearing and review will be available upon timely request.

## **CONCLUSION**

Experience has shown that parent education programs can make a meaningful contribution to the well-being of children and promote healthy family functioning in the aftermath of a divorce or separation. New York is among the few remaining states to institutionalize court-connected parent education. We are in position, therefore, to take advantage of the lessons learned from a thirty-year national experience. It is hoped that this report serves as the first step toward fashioning safe, accessible and highly effective parent education programs that will make New York State a leader in this vital field.

## INTRODUCTION\_\_\_\_\_

An estimated 40% of children in the United States will experience parental divorce during their growing years (Amato, 2000). Many more will witness the separation of cohabiting parents. It is now well established that children who experience such family dissolution are at greater risk for a number of negative outcomes, including academic failure, social skills deficits, delinquent behavior, and psychological distress and disorders (Amato, 2000; Coleman, *et al.*, 2000). Education programs for divorcing or separating parents are a response to the growing recognition that, while the divorce or separation of their parents is stressful and upsetting to children, long-term problems are not inevitable and how children fare in the aftermath of their parents' breakup depends in large measure on how parents handle the ending of their relationship.

Parent education is a generic term often used to refer to a variety of information and awareness programs for parents. The work of the Parent Education Advisory Board (also referred to as PEAB or Board) and this Report focus on parent education specifically designed for parents who are involved with the courts because they are divorcing, separating, or engaged in custody or visitation disputes. In this context, parent education is concerned with providing information to parents about the impact of parental breakup or conflict on children, how children experience family change, and ways in which parents can help their children manage the family reorganization. Such parent education, therefore, should be child-centered and directed primarily toward promoting children's healthy adjustment and development, by educating parents about

ways they can minimize the stress of family change and protect their children from the negative effects of ongoing parental conflict.

Parent education is not new. The first court-affiliated workshops for divorcing parents began in the mid-1970's (James & Roeder-Esser, 1994). Today, court-connected educational programs for divorcing parents exist pursuant to court rule or legislation in 49 states (see Clement, 1999). Approximately 50 independent parent education programs currently exist throughout New York State, having been developed at the grassroots level, and on an *ad hoc* basis, by people from various disciplines who recognize the benefits of such programs. The proliferation of these programs, particularly when courts refer litigants to them, requires the institutionalization of standards that address issues of program quality, professionalism, safety, and accountability.

Chief Judge Judith S. Kaye announced in her 2001 State of the Judiciary Address the creation of a Parent Education and Awareness Program. Judge Kaye recognized that the interests of a child whose parents are appearing before the court in divorce, separation or child custody and visitation litigation would be well-served by educating the parents about the child's emotional needs and the effects of family restructuring on a child's development. One aim of the Parent Education and Awareness Program was also to make judges aware of parent education and its benefits, to clarify judicial authority to refer parents to these programs, and to encourage greater and more uniform utilization of this resource by court-involved parents. The Chief Judge emphasized, however, that parent education programs would be required to meet certain standards for judges to refer parents to them. The



standards would provide assurance that parent education programs not only do no harm, but that they provide value, by offering information to participants that is accurate, appropriate, and based on sound research data. This initiative was enabled by an Administrative Order of the Chief Administrative Judge of the Courts, Jonathan Lippmann (AO/145/01) (Appendix A).

The New York State Parent Education Advisory Board was formed to develop the standards for parent education programs to which courts refer parents and to oversee their implementation. The 19-member Board includes professionals from around the state with diverse experiences, backgrounds, and perspectives. Represented in the Board membership are the following fields and disciplines: pediatric medicine, child and adolescent psychiatry and psychology, family life science, social work, domestic violence awareness and prevention, matrimonial and family law, law guardians, and the Family, Supreme and Appellate Court judiciary. A list of the Board members and their affiliations is included in Appendix B.

In approaching its task to propose guidelines, standards, and requirements that would ensure the competence, integrity and accessibility of parent education in New York State, the Board reviewed literature on parent education, domestic violence, child development, and related issues (see Appendix C), interviewed leading experts in the field, solicited and then considered comments on its Draft Report (June 3, 2002), drew upon the experience of other states offering parent education, particularly

Massachusetts<sup>1</sup>, and, of course, relied upon the diverse viewpoints, experiences, and knowledge of its members.

The proposals herein reflect research on best practices, which indicates that the most effective parent education has the following characteristics and attributes:

- Based on research documenting risk and protective factors influencing children's long-term adjustment (Pedro-Carroll, 2001).
- Consistency of program information and delivery by knowledgeable and skilled facilitators.
- Comprehensive take-home information.
- Classes offered in a group setting with an opportunity for constructive discussion that can help normalize the separation/divorce experience for parents.
- Integration of domestic violence concerns in program administration, content and presentation.
- Interactive development of skills and strategies for dealing with a number of problematic situations that arise after separation.
- Longer programs to avoid information overload that can occur by packing everything into a short program (Bacon & McKenzie, 2001).

Throughout its discussions and deliberations, the Board has sought to balance the needs and interests of those involved in the parent education process—courts, parent education providers, facilitators, and participants—with awareness of and sensitivity to the various resources and geography of the state, safety of the parent

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<sup>1</sup>In this regard, the Board is grateful for the insight and experience shared with it by Geri S. Fuhrmann, Psy.D., Associate Professor of Psychiatry, University of Massachusetts Medical School; Joseph McGill, MSW, Assistant Professor of Psychiatry, University of Massachusetts Medical School; and Mary E. O'Connell, JD, Professor, Northeastern School of Law, who co-authored an article on integrating domestic violence sensitivity into parent education (Fuhrmann, McGill & O'Connell, 1999), and who worked on developing the Parents Apart program in Massachusetts; and JoAnne Miner, JD, Senior Lecturer, Legal Aid Clinic Director, Cornell Law School, who also worked on integration of domestic violence concerns in the Parents Apart program as adopted by Cornell Cooperative Extension.

participants, economic realities, and practical considerations. The proposals herein seek to afford parent education providers the flexibility to address the needs and reflect the resources of their locale while providing minimum standards. The guidelines, standards, and requirements proposed by the PEAB are intended to ensure that parent education in New York State is available to all parents, is solidly based on current research on the effects of divorce and separation on families and resiliency factors associated with positive child outcomes, reflects best practices, and is conducted in a professional, non-judgmental manner with sensitivity to the safety and financial circumstances of the attending parents. While these proposed standards are applicable only to parent education programs that seek court-ordered parent attendees, all parent education programs in New York State are urged to give consideration to these standards and adopt them as a model of best practices.

## SCOPE AND APPLICATION OF ATTENDANCE CRITERIA

### *The Efficacy of, and Authority for, Court Referrals to Parent Education*

The efficacy of courts referring parents to attend parent education has been validated by parent feedback, the experiences of parent education providers and facilitators, and research. Contrary to the notion that parents who are required to attend by court referral receive little value from parent education, such parents indicate on class surveys and evaluations with remarkable consistency that the classes were helpful and that they were glad they attended. This comports with the observations of Board members who conduct or participate in the provision of parent education. Initially, some parents indicate, either verbally or through body language, that they are not willingly attending parent education. As the class progresses, however, they become less resistant and more involved, and, at the conclusion of class, often express appreciation to the presenters for having been required to attend. Further, parents often state that they wish parent education was more uniformly required and that they had attended the classes earlier in the dissolution process. This experience is mirrored in other jurisdictions (e.g., Bacon & McKenzie, 2001).

The Administrative Order (§1.1[b]) establishing the parent education and awareness program in New York State provides that “the court may refer both parents to a parent education and awareness program certified by the Parent Education Advisory Board.”<sup>2</sup> Court referrals are necessary as many parents will not voluntarily

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<sup>2</sup>The term “court” is interpreted as a judge or justice who may refer parents to parent education on his or her own initiative or upon the recommendation of a judicial hearing officer (JHO), support magistrate (formerly known as hearing examiner), or matrimonial referee.

take the time to attend classes even when they acknowledge the value of such programs (Braver, Salem, Pearson & DeLusé, 1996). Therefore, consistency in accessing parent education requires the courts to be actively involved in making referrals. For maximum benefit, the Administrative Order provides that referral to parent education “shall be made as early in the proceeding as practicable” (§1.1[b]). Although New York, unlike many states, does not mandate that all parents involved in divorce or separation proceedings attend parent education, courts are encouraged to consider parent education as a valuable resource and worthwhile endeavor and to refer parents to these programs absent countervailing considerations (see pp. 8-16).

Significantly, Section 1.1(b) of the Administrative Order also provides that both parents must be referred to parent education classes when a referral is made. In other words, the court may not require just one of the parents to attend parent education. This practice prevents parent education from being used as a coercive or punitive device aimed at one parent who may be viewed by the court as obstructing a negotiated settlement. Moreover, while participation in parent education may be of benefit even if only one parent attends, the optimum benefit is obtained if both parents attend. Therefore, if the court determines that parent education is appropriate, both parents must be referred to attend. If, on the other hand, the court determines that parent education is not appropriate, neither parent can be referred to attend. The Administrative Order also sets a clear policy that the resolution of cases is not to be delayed while the parents attend parent education by specifically providing at Section 1.1(d) that “[r]eferral to a parent education and awareness program shall not delay the expeditious progress of the underlying proceeding.”

### ***Guidelines for Courts Referring Parents to Attend Parent Education***

While greater access to and utilization of the resource of parent education is encouraged by the Administrative Order, there are factors which courts must consider before exercising the discretionary authority to refer parents to parent education. Administrative Order Section 1.1(b) states that “[i]n determining whether to refer persons to attend a parent education and awareness program, a court shall consider all relevant factors bearing upon the parties to the underlying action or proceeding and their child or children. The Board shall develop guidelines to assist the court in determining when referral to a parent education and awareness program is appropriate” (§1.1[b]).

Guidelines are needed as there may be circumstances when requiring parents to attend parent education may not be appropriate or of benefit. When determining whether parents should be referred to parent education, the court should consider whether:

1. There is reason to believe that child abuse is present. Since child abuse and partner abuse are often intertwined, this may be an indication that domestic violence is present, a situation in which the parents are not to be required to attend parent education (see pp. 9-14);
2. There is reason to believe that a parent is manifesting a severe and persistent mental disorder with impaired function such that it is not realistic to expect that the parent will be able to comprehend and utilize the information provided;
3. There is reason to believe that a parent has a substance abuse (e.g.,

alcohol and/or drug) problem that is so severe that it is not realistic to expect that the parent will be able to comprehend and utilize the information provided;

4. The parent has complied with a court directive to attend parent education or has completed a certified parent education program within the preceding five (5) years. If the parent presents satisfactory proof of compliance/attendance at parent education within the preceding five (5) years, neither parent shall be required to attend unless the parent is appearing with a different spouse/partner and there are children under the age of 18 years from that relationship;
5. There are hardship considerations (*e.g.*, distance from a program or other transportation problems that cannot be accommodated; child care considerations; chronic physical illness);
6. There is a language barrier and special language classes or interpreters are not available;
7. The parents have not cohabited with the child or a parent does not exercise visitation with the child, and there is not a significant concern about the child's reaction to the parents' breakup; or
8. Other good cause, as the court may determine, exists.

Further, the parties are not to be referred to a parent education and awareness program when there is an indication of domestic violence or other abuse involving the parties or their children (AO/145/01 §1.1[c]). The Administrative Order states that "(c) Screening shall be conducted for domestic violence or other abuse involving the parties

or their children in accordance with tools developed by the Parent Education Advisory Board. Where there is an indication of domestic violence or other abuse involving the parties or their children, the court shall not refer the parties to attend a parent education and awareness program” (§1.1[c]).<sup>3</sup>

There are several reasons for not requiring parents to attend parent education when there is an indication of domestic violence. Initiation of separation, divorce or other court proceedings can be an especially volatile, dangerous, and overwhelming time for victims of domestic violence. It is estimated that in the United States, more than 10% of women in relationships experience violence each year (Straus and Gelles, 1990). “Married women living apart from their husbands experience nearly four times the frequency of physical assaults, sexual assaults, and stalking than do those who are still living with the abuser (Tjaden and Thoennes, 2000). When a woman is attempting to end a relationship, batterers are particularly likely to be violent (Websdale, 1999; Adams, 1989) or to attempt rape (Bergen, 1996)” (Bancroft and Silverman, 2002, p. 99). Nearly 90% of intimate partner homicides by men involve a documented history of domestic violence and a majority of these killings take place during or following separation (Websdale, 1999). One study reveals that there is a history of domestic violence present in 75% of intractable custody conflicts (Johnston and Campbell, 1988). Given these chilling statistics, it is clear that the potential for stalking or violence occurring in the context of attendance at a parent education program must be taken seriously.

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<sup>3</sup>See “Suggestions for Modification of the Administrative Order,” pp. 18-19.



When a court refers parents to attend parent education, it can create an opportunity for contact between them. Requiring domestic violence victims to attend parent education removes from them the determination as to what activity may be safe and, thus, their ability to protect themselves. Attendance at a parent education program provides the abuser with an opportunity to intimidate the victim by stalking or worse. Moreover, the victim may be emotionally and psychologically overwhelmed as a result of the battering, the family situation and dynamics, and the complexities and fears surrounding leaving a batterer (Bancroft and Silverman, 2002). Further, a batterer may attempt to use the children as a means for effecting a reunion or reconciliation with the victim or to further control or intimidate the partner/former partner (Bancroft and Silverman, pp. 110, 113-115 & 140).

In addition to the possibility of domestic violence victims being placed at risk, there may be aspects of the program content that are not suitable for these parents. In making the referral, the court implicitly places its imprimatur upon the information and messages conveyed in the program. Addressing the very real concerns raised by domestic violence, therefore, requires more than just providing a safe class site. Attention must also be paid to the messages that are conveyed in the program so that victims are not led to utilize techniques that are not appropriate in the context of domestic violence (e.g., anger management skills) or to feel that they must submit to the batterer for the sake of the child, and so that batterers do not feel empowered or emboldened. Therefore, the assessment of whether a parent will be safe while attending parent education is most appropriately left to the parent rather than to the court.

If parents who have experienced domestic violence attend parent education voluntarily, and if programs are sensitive to domestic violence issues, parent education can present an opportunity to convey information that can assist abused parents and their children. It is critical, therefore, that providers of parent education be attuned to domestic violence issues and concerns. As parent education programs evolve nationwide, it is being recognized that responsible delivery of parent education requires the integration of domestic violence concerns into program development and curriculum (e.g., Massachusetts).

It was recognized early in the Board's work that a totally effective and adequate screening tool, to be used by the court, that is not overly exclusive or inclusive cannot be crafted, especially since many victims of domestic violence do not self-identify. Attempting to screen domestic violence victims into parallel or separate programs is not practical or effective. Therefore, a multifaceted approach that gives the court guidelines with safeguards and focuses upon curriculum content that is sensitive to domestic violence and safety provisions in the administration and delivery of classes is recommended (see pp. 23-46 & 52-54).

With regard to guidelines for the court, parents are **not** *to be required to attend parent education when there is a:*

- pending family offense proceeding (Family Court Act, Article 8) or criminal action involving the abuse of the other parent; or
- temporary or permanent order of protection with a provision that one of the parents must stay away from the other parent.<sup>4</sup>

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<sup>4</sup>Absent a stay away provision, parents may be in physical contact with each other. Therefore, attendance at parent education would not provide an opportunity for contact not otherwise available.

These situations present fairly straightforward guidelines for the application of the prohibition against referring parents to parent education when there is an indication of domestic violence.

The assessment can be more difficult in divorce cases where the determination must be made from the pleadings and many more issues are typically involved. In these cases, the court has more latitude to exercise discretion in determining whether, under the circumstances presented, referring the parents to parent education is appropriate. This involves a careful reading of the pleadings. It is not appropriate for the court, in assessing whether domestic violence is present, to ask questions of the parties or their counsel in open court or in a conference or in any other setting. Asking questions regarding domestic violence increases the possibility of retaliation against the alleged victim. It also reduces the likelihood that a forthright response will be given. The court's ability to make such an assessment by questioning a party individually is limited by the prohibition on *ex parte* communication. The court must, therefore, make the determination as to whether there is an indication of domestic violence or other abuse upon the pleadings before it, without resort to questioning the parties or their counsel.

It is recognized that the court's determination as to whether there is a reason to believe that domestic violence is present is not an easy one and that parents who are victims of domestic violence may be referred to attend parent education. As an additional safeguard, all referrals to parent education shall be subject to eligibility requirements. The enrollment form used by parent education providers shall contain

the following questions:

Are you currently in danger of your partner or ex-partner doing any of the following:

1. Physically hurting you by, for example, pushing, grabbing, slapping, hitting, choking or kicking?
2. Threatening to hurt you, your children or someone close to you?
3. Stalking, checking up on you or following you?
4. Making you afraid?

\_\_\_\_\_ Yes (You will be contacted by the program administrator. **Please indicate the safest way to contact you.**)

\_\_\_\_\_ No (None of the above applies to me or I choose not to answer these questions at this time.)

If a “yes” answer is given, then the parent education program administrator shall contact the parent in the safest way possible, as indicated by the responding parent, to give the parent the option of either attending parent education or declining to attend.<sup>5</sup> If a parent declines to attend, he/she shall be provided a “certificate of compliance” as explained further below (see pp. 56-57) and a copy of the materials distributed to parents at the class (see pp. 47-48), if they can be provided safely. Before providing the certificate and materials to a parent who opts not to attend, the program administrator shall determine how to provide the materials in a way that is safe and not likely to be intercepted by the partner/former partner.

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<sup>5</sup>It is recognized that when a parent who indicates the existence of domestic violence opts not to attend parent education, only one parent will be attending parent education. While, ideally, both parents should attend parent education, the consideration of a parent’s safety or other factor warranting non-attendance outweighs this ideal.

Arguably, the court that referred parents to attend parent education should be informed when a parent opts not to attend due to domestic violence concerns. However, so informing the court would be an impermissible *ex parte* communication. Information regarding a parent's responses to the enrollment form questions and decision not to attend parent education shall not be conveyed or shared with any of the attorneys, the court, or court administrative or chambers staff. The information shall be maintained, without reference to the parent's name, as part of the reporting criteria for program certification (see pp. 54-55). As part of the certification process, parent education program administrators will be required to undergo training about domestic violence by qualified domestic violence advocates in order to assist them in responding to parents who may be victims of domestic violence, as well as in recordkeeping procedures and confidentiality rules.

Although the court may determine not to refer parents to attend parent education, parents may still choose to attend parent education. This is an important distinction. While victims of domestic violence or others who are deemed to be ineligible are not to be required to attend parent education, they should be free to attend as a matter of individual choice. Therefore, to apprise parents about parent education so an informed decision may be made, parents involved in custody/visitation litigation or seeking a divorce or separation who have children under the age of 18 years shall be provided with PEAB approved literature about parent education at the first appearance and at the appearance at which referral to parent education is made, if these are separate occasions. The brochures will be developed by the Office of Court Administration with the assistance of the PEAB and shall contain information about

parent education, a list of certified parent education programs with contact information, and a toll-free number to a PEAB designee for questions or concerns. Justices, judges, judicial hearing officers (JHOs), matrimonial referees, and support magistrates who handle custody/visitation and support matters are to be provided these brochures for dissemination. The brochures are also to be made available to attorneys and law guardians, in public areas in courthouses, on the court website, and upon request. To familiarize and assist courts with the parent education and awareness program and referral guidelines, a brochure or memo developed by the OCA with the assistance of the PEAB will also be provided.

### ***Suggested Amendments to the Administrative Order***

Issues surrounding attendance at parent education and awareness programs have been a significant focus and concern in the Board's discussions and deliberations as well as in the comments received on the Draft Report. The following recommendations for modification of the Administrative Order, made pursuant to §1.2(g)(7) of the order, address both revisions required in order to effectuate some of the previously discussed proposals and concerns raised by Board members and those who commented on the Draft Report.

1. Omit §§1.1(a)(2)(vi) and (vii). Included in the recital of actions or proceedings in which a court may refer parents to parent education are cases to establish paternity (vi) and to seek or modify child support (vii). The recommendation to eliminate paternity proceedings is made because, typically, the father has not cohabited, or had contact, with the child. Much

of the parent education curriculum content is not germane to such situations and, therefore, would not benefit these parents and their child. Applications to seek or modify child support do not center upon the child(ren) in the same way as do custody or visitation disputes. For example, applications seeking court direction regarding contribution to college or statutorily mandated review and adjustment of support would, in most cases, not present issues for which parent education would provide guidance. The rancor surrounding some child support applications, however, can be very disruptive to children. In those cases, referral of the parents to parent education may be very appropriate. While both paternity and child support proceedings may present situations in which parents and their children may benefit from parent education, they typically do not present issues for which the resource of parent education would be helpful or appropriate. It is, therefore, recommended that the specific mention of these two proceedings be eliminated in favor of language that allows the court to make a referral to parent education in matters in which the court deems parent education would provide information of benefit to parents and their children.

Add new §1.1(a)(vi) to read: “or (vi) when, in the exercise of the court’s discretion, a determination is made in a particular matter that attendance by the parents would provide information that would be of benefit to them and their child[ren].” This language is proposed to allow the court discretion to send parents to parent education when the individual circumstances warrant.

After the above two suggested modifications, the proposed language of §1.1(a)(2)(vi) is as follows:

“(a) The Parent Education Program may apply in any action or proceeding: . . . (2) that is brought in Supreme Court or Family Court: (i) to annul a marriage or declare the nullity of a void marriage, (ii) for separation, (iii) for divorce, (iv) to obtain, by a writ of habeas corpus or by petition and order to show cause, custody of or visitation with minor children, (v) to obtain, by notice of motion or petition and/or order to show cause a modification of a prior order of custody or visitation with minor children, ~~(vi) to establish paternity, or (vii) to seek or modify child support~~ or (vi) when, in the exercise of the court's discretion, a determination is made in a particular matter that attendance by the parents would provide information that would be of benefit to them and their child[ren].”

2. Amend §1.1(c) to read:

“Screening shall be conducted for domestic violence or other abuse involving the parties or their children in



accordance with tools developed by the Parent Education Advisory Board. Where there is an indication of domestic violence or other abuse involving the parties or their children, ~~the court shall not refer the parties and~~ the parties shall not be required to attend a parent education and awareness program.

The Board recognizes that the presence of domestic violence is difficult to discern and that, despite the protocols and guidelines that it has recommended, the referral of domestic violence victims to parent education will occur. Therefore, the confidential enrollment form for parent education programs shall contain questions designed to ascertain the presence of domestic violence. If a parent answers “yes” to these questions, then the parent will be given the option of either attending or declining to attend parent education. While a parent who is a victim of domestic violence should remain free to attend parent education as a matter of individual choice, attendance is not to be required when the presence of domestic violence is indicated. The proposed language clarifies that even if the court has referred a parent to parent education, that parent may not be required to attend parent education if there is an indication of domestic violence and the parent opts not to attend.

3. Amend §1.1(d) to read:

~~“Referral to a parent education and awareness program shall not delay the expeditious progress of the underlying proceeding.” In the event that a person who is referred to attend a parent education and awareness program has the opportunity to attend such program before the court makes a disposition in the proceeding, but fails to attend or complete such program, the court may consider that as a relevant factor when determining whether the party is acting in the best interests of his or her children. Before considering noncompletion or nonattendance as a relevant factor in any such determination, the court shall first ascertain the reason for nonattendance or noncompletion and, if appropriate, may either waive attendance or afford a second opportunity for the party to complete the program.~~

Parents may be referred to parent education by a court at various stages of their action or proceeding. The change is recommended because not all parents who may be referred to parent education will be involved in an outstanding child custody/visitation matter. Therefore, consideration of attendance or non-attendance at a parent education program as one of the factors in determining whether a party is acting in the best interest of his or her child[ren] will not apply to all parents referred to parent education. Since

the provision does not have universal application, it should be stricken.

Further, attendance at parent education is not necessarily indicative of a parent's interest in his/her children. The more meaningful indicator is whether the parent puts into practice the concepts covered in parent education.

4. Amend §1.1(e). As a corollary to amending §1.1(d), the language "except as stated in §1.1(d)" would need to be stricken in §1.1(e). Thus, §1.1(e), as amended, would read:

“(e) No finding of contempt or other adverse consequences shall be imposed upon a party for noncompletion or nonattendance ~~except as stated in section 1.1(d).~~”

The Administrative Order specifically eliminates contempt as a remedy for failure to attend parent education after referral by a court, a position with which the Board agrees. Contempt is far too harsh a remedy. Factors such as economics, transportation, child care and domestic violence may be present to excuse nonattendance, yet they may not be fully explored or divulged prior to imposition of a finding of contempt.

5. Amend §1.4 to read:

“Any communication made by a party as part of his or her

participation in a parent education program shall be a confidential communication and shall not be available for evidentiary use in any action or proceeding. The Court shall not conduct or permit inquiry or examination about whether a party has attended or intends to attend parent education or about any communication made as part of the parent education application process and participation. Further, any parent education provider, its program administrator or other designee who is provided information from a parent, either in writing or orally, shall not divulge that information to the attorneys representing the parties, the law guardians, the other party, or the court, including judges, justices, support magistrates, matrimonial referees, or judicial hearing officers and their chambers or administrative staff, except that information may be provided without indication of a parent's name to the Parent Education Advisory Board or its designee(s) as part of the certification and evaluation processes.

The purpose of parent education is to heighten parents' awareness about the impact that their conduct and handling of their breakup and family reorganization can have on their children and to acquaint them with information and approaches to handling the transition. The use of parent education, in any way, as another weapon in

the litigation arsenal is a subversion of these programs that cannot be tolerated. As a matter of policy, parents should be able to attend parent education for the benefit of their child[ren] and themselves, if it is safe for them to do so, and to fully participate without fear of consequences.

This language change is recommended to provide further assurance for the confidentiality and safety of domestic violence victims who may choose not to attend parent education, as well as to all attendees, that any statements made in applying to or participating in a parent education program will not be used against them.

## **CURRICULUM CONTENT**

### ***Introduction***

Before receiving the substantive information, parents should be made aware of the purpose and focus of parent education and advised that certain information is not appropriate for parents for whom domestic violence is a concern. It must be recognized that parents involved in domestic violence – both abusers and victims – will be present in parent education classes. While information and skills for parenting post-divorce or separation, such as self-care, recognizing age appropriate behaviors in children relating to the family restructuring, creating a supportive environment for the children, and effective parent/child relationships, can be helpful to victims of domestic violence and their children, there are aspects of the curriculum that must be sensitive to the special issues presented by domestic violence. Introductory remarks should convey to parents that

1. The purpose of parent education is to help parents through the unique circumstances of separation or divorce. The program is intended to provide them with additional information to supplement and enhance the skills they already have. The program is preventive, with a focus on fostering children's resilience and healthy adjustment.
2. Parent education is child-focused. The material will be primarily concerned with helping parents understand what their children are experiencing and how they can help them through the transition, with emphasis on the parent-child relationship, rather than the relationship between the parents. The program will focus on what they can do to strengthen their relationship with their children and improve the chances for their children's well-being.
3. One parent cannot control the other parent, but how a parent conducts him/herself can have a positive impact on the child(ren). Since the material focuses on self-care and the parent-child relationship and support systems, it is beneficial for the child if even only one parent tries to follow it. In other words, it is better to have one parent following the guidelines than to have neither parent engaged in healthy parenting practices.
4. Parent education is educational and not therapeutic. General principles and guidelines will be set forth and specific situations cannot be addressed. Active participation by the parents is an important part of the learning process and is encouraged. The Administrative Order establishing the parent education and awareness program recognizes this and provides that all communication surrounding parent education is confidential and is not to

be used in court proceedings. Since confidentiality cannot, however, be guaranteed, parents should not discuss the specifics of their case during parent education classes.

5. None of the statements made in class or in the materials are meant or intended to make parents feel that, for the sake of the children, they should continue in relationships in which they are abused, or that they should acquiesce to the demands of abusive partners or cooperate or interact with abusers. Additionally, there should be a statement that safety for children and parents must always come first.
6. Define domestic violence at the beginning of class as, for the purpose of parent education programs, “a pattern of coercive tactics, which can include physical, psychological, sexual, economic and/or emotional abuse perpetrated by one person against an intimate partner with the goal of establishing and maintaining power and control over the victim.” Also, give a *caveat* both at the beginning of class and at certain critical points throughout the class that some of the content is not appropriate for domestic violence victims, e.g., anger management skills, cooperative parenting and forms of negotiation, particularly mediation. Make reference to domestic violence service providers, as set forth in resource manuals provided to parents and/or materials on site, and encourage participants who identify as victims to contact these resources and to talk to their attorneys.
7. Acknowledge that families are different and that some information will be more relevant for some parents and their children than other information.

8. Note that references will sometimes be made to divorce, separation, spouse or marriage and that, regardless of the particular term used, the intention is to cover all situations in which parents may be involved. Many of the concepts are applicable regardless of the parents' relationship, *i.e.*, whether they are married and divorcing or separating, or they are separating after cohabiting without marriage.
9. Give a message of hope and empowerment that long-term problems are not inevitable in the aftermath of a breakup or family reorganization and that much depends on how each parent handles the situation and the quality of family life and the parent-child relationships going forward. Note that parent education focuses on the things that parents can do to promote positive outcomes for their children.
10. Provide a brief overview of the content and structure of each class.

### ***Parenting and Child Well-Being***

The difficulties often experienced by children when their parents divorce or separate are well documented (*e.g.*, Amato, 1993 & 2000; Amato & Keith, 1991; Hetherington & Kelly, 2002; Pedro-Carroll, 2001; Zill, Morrison & Coiro, 1993). Negative outcomes are not inevitable, however. Many recent studies and reviews of studies point to the diversity of outcomes for children who experience parental separation or divorce (*e.g.*, Acock & Demo, 1994; Amato, 1993 & 2000; Buchanan, Maccoby & Dornbusch, 1996; Coleman, *et al.*, 2000; Hetherington & Kelly, 2002;



Simons *et al.*, 1997). Longitudinal studies demonstrate that, over time, some children do poorly, some children do better, and some children display resiliency and are well-adjusted (Amato, 2000; Hetherington & Kelly, 2002; Pong, 1997; Simons *et al.*, 1997; Zill, Morrison & Coiro, 1993).

The research literature has identified risk and protective factors that influence children's long-term development. While many risk factors are associated with parental divorce and separation, preventive measures can be taken to enhance a child's effective coping over time and to minimize developmental disruptions and enduring emotional difficulties. Information on the following protective factors is considered essential for inclusion in parent education programs to help foster children's resilience and healthy development in the aftermath of their parents' divorce or separation:

- creating and maintaining supportive parent-child relationships;
- providing a stable, supportive home environment;
- maintaining healthy parental functioning and psychological well-being; and
- protecting children from ongoing conflict between parents.

(Amato, 2000; Hetherington & Kelly, 2002; Pedro-Carroll, 2001). The general risk and resilience research suggests that the most positive outcomes for children occur when there is an interaction of at least three protective factors (Garmezy, 1983). Therefore, parent education programs should incorporate information and skills related to these topics into their curricula and encourage parents to work on each of these areas.

### **Creating and Maintaining Supportive Parent-Child Relationships**

Healthy relationships between children and their parents provide a critical foundation for children's competence and resilience in the face of adversity. Fostering these strong and nurturing relationships should be a top priority for parent education programs. The importance of a supportive parent-child relationship is a recurring theme in both research on resilience for children in adverse circumstances as well as in research on children and divorce (Pedro-Carroll, 2001). Compelling evidence suggests that parent-child relationships are at risk of eroding significantly in the aftermath of separation or divorce. Parents may sometimes become permissive, or even neglectful, while dealing with the stresses and strains of a breakup. Adolescents who are not monitored properly are at greater risk for negative outcomes (Buchanan, Maccoby & Dornbusch, 1996; Demo & Acock, 1988; McFarlane, Bellissimo & Norman, 1995; McLanahan & Booth, 1989). Consistent, high-quality parent-child relationships serve as lifelines that can protect children from divorce-related stress, enhance children's sense of security, reduce their fears, and convey a message that help is available. Moreover, parents who have high-quality relationships with their children may actively shield them from exposure to divorce-related stressors, by, for example, refraining from involving them in conflict or burdensome adult concerns (Baumrind, 1991; Fine & Kurdek, 1992; Forgatch, Patterson & Ray, 1999; Hetherington, 1999).

Studies underscore the central role of parent-child relationships and the potent protective processes that can occur when emotionally secure connections exist between parents and children. Therefore, parent education programs should highlight effective parenting practices that can strengthen parent-child relationships, by including

1. A discussion of the importance of a healthy parent-child relationship as a protective factor during the divorce or separation process. Such relationship includes as many of these elements as possible:
  - a. Engaging in pleasant activities one-to-one with the children (*e.g.*, reading together, playing board games or sports);
  - b. Engaging in effective communication and active listening;
  - c. Discussing family changes with children and recognizing and accepting children's feelings, but not emotionally burdening them with too much adult information;
  - d. Giving children appropriate opportunities to experience some sense of control (*i.e.*, structured choices);
  - e. Setting reasonable limits, providing structure, and supporting and monitoring children of all ages with consistent non-punitive guidance; and
  - f. Reinforcing positive behavior by noticing it and commenting or complimenting the child.
2. Coverage of possible child reactions to separation/divorce presented within the context of normative developmental issues and behaviors (*e.g.*, ages birth to 2 years [infants and toddlers], 3-5 years, 6-8 years, 9-12 years, and 13-18 years)
  - a. Address ways in which parents can support their child or children and take steps to lessen or prevent the development of problems;

- b. Include warning signs that professional help may be needed for children, such as hurting themselves or talking of hurting themselves; a marked increase in problem behaviors, such as acting out or becoming sad/withdrawn; significant gain or loss of weight; decrease in grades; any severe impairment of functioning with friends, family or at school; and duration of a “typical” (*i.e.*, expected) reaction to the family disruption for six months or longer; and
  - c. Note area programs for support and assistance as set forth in a guide of local resources for parents provided by the parent education provider.
- 3. Skills practice for listening and talking with children, *e.g.*:
  - a. Addressing the child not wanting to go with the other parent;
  - b. Recognizing when the child is caught in the middle between parents and remedying the situation; and
  - c. Role play common scenarios for better communication between parents and children.

### **Providing a Stable, Supportive Home Environment**

Separation and divorce initiate many changes for all family members. Studies have found that children need routine and respond negatively to multiple changes and unpredictability and that these negative responses can have long-term implications

(Hetherington & Clingempeel, 1992; Stolberg, *et al.*, 1987). Therefore, an important protective factor for children experiencing parental divorce or separation and remarriage or cohabiting is to reduce the number of transitions. The more that routines are maintained and the fewer the changes during the family transition (*e.g.*, school, neighborhood, social network, extracurricular activities, and standard of living), the better the outcomes for children.

Additionally, support of the child by individuals and institutions outside the family is an important protective factor for children whose parents are separated or divorced (Cowen, Pedro-Carroll & Alpert-Gillis, 1990; Hetherington & Stanley-Hagan, 1999). Responsive adults, such as grandparents, extended family, teachers, coaches or parents of friends, can help children maintain feelings of self-worth, competence, and self-control (Guidubaldi, Perry & Natasi, 1987; Hetherington, 1989; Rutter, 1987). Supportive peer relationships are found to be important for older children's positive outcomes (Hetherington, 1989 & 1991). Parent education programs should encourage parents to promote these healthy, supportive relationships for their children. Many schools and agencies provide support groups that can be a helpful resource to children, especially when they include coping skills training (Pedro-Carroll, 1997). These programs should be mentioned to parents and listed in a manual of local resources for parents developed and provided to parents by parent education providers.

Topics to be covered under "Providing a Stable, Supportive Home Environment" include

1. The negative effects of multiple emotional and/or physical

transitions/changes (*e.g.*, in residence and school) on a child's healthy development and the importance of keeping the child's world as much the same after the separation/divorce as possible.

2. Changes that can occur in children's lives as a result of the family reorganization, the importance to children of stability, and strategies for maintaining daily routines and family traditions, such as
  - a. Continuity of health care and providers;
  - b. Maintenance of a relationship with both parents, especially if the child was accustomed to time with both parents pre-divorce or separation. EXCEPTION: This may not be the case where one parent has abused or been violent to the other parent and/or child;
  - c. Importance of timely exercise of visitation/access/residency times as scheduled;
  - d. Need for safe, private space in both homes;
  - e. As much as possible, maintenance of similar lifestyles and rules and resources in both homes; and
  - f. Regular and age-appropriate bedtimes, eating meals together, reducing the amount of television, video and computer non-educational use, and increasing parent-children time.
3. Avoidance of drastic downward changes in the standard of living, which research shows can result in negative outcomes for children (Amato,

2000; Peterson, 1996).

4. The importance of timely payment of child support and the research that demonstrates that dependable, timely child support payments and actively involved parent(s) are related to better academic, social, and emotional outcomes for children (Amato & Gilbreth, 1999).
5. Importance of environmental/community support of the child. Encourage sensitivity of the teacher/school, inform parents of support group programs for children, and support visiting opportunities with family of the former partner and the child's healthy, close relationships with other important adults or peers.
6. Recommendations for new relationships, dating, and the impact on children's adjustment. Note that having a new relationship may be healthy for the parent, but it is advisable to schedule time for adult companionship around the children's schedule. Ideally, the best time to date or pursue a new relationship is when the children are with the other parent. Children need the security of their parents' attention and reassurance after separation or divorce. Therefore, it is important to not prematurely introduce a new person in the parent's life to the children, as it can be detrimental to the children's emotional development and ability to form lasting relationships if significant adult figures go in and out of their lives.

## **Maintaining Healthy Parental Functioning and Psychological Well-Being**

One of the best predictors of children's healthy adjustment is the quality of parental functioning (Hetherington, 1999). Threats to effective functioning are embedded in the numerous stresses inherent in the process of a breakup that can leave adults vulnerable to psychological and physical problems. Poor psychological well-being has been found to negatively impact a parent's ability to provide warmth, support, and effective discipline for his/her children, which, in turn, negatively impacts children's functioning (Amato, 1993 & 2000). Thus, at a time when children are grappling with stressful family changes, they often encounter parents who are dealing with the greatest crisis of their lives and who may be unable to provide the emotional stability and support children so urgently need. There is evidence that parents who are able to provide nurturing, high-quality relationships with their children buffer the negative impact of divorce stressors on children's adjustment (Hetherington & Kelly, 2002).

Numerous suggestions for parent education programs can be gleaned from the studies. It is clear that divorce poses risks to adults' physical and emotional well-being. It is equally clear that having well-functioning parents can foster children's healthy development. Programs should be proactive in emphasizing a message to parents of the importance of taking care of themselves physically and emotionally so that they can best care for their children. Caveats about the use of substances to relieve stress, warning signs that professional help may be needed, and suggestions for healthy stress reduction strategies are important elements of a parent education program. Programs



should reinforce for parents that seeking help, either for themselves or their children, is not a sign of weakness, but rather one of strength (Pedro-Carroll, 2001). Information about local treatment referral resources for parents and children should be compiled by parent education providers and given to parents.

Curriculum should

1. Explain the importance of parent well-being, both physical and mental, for child outcomes.
2. Acknowledge and validate possible adult responses to the divorce, separation or family reorganization. Indicate normative reactions and warning signs and when a reaction may become a problem such that professional help should be sought. Note the distinction between temporary adjustment reactions due to stress associated with the breakup and long-term psychological problems.
3. Validate parents seeking professional assistance as a sign of strength, not weakness. Emphasize the importance of adults taking care of themselves so that they can best care for their children. A parent in distress should explain to the child that he/she is getting help and that the child is not to blame for the parent's condition. Advise parents of local resources for assistance and the information listed in the parent handbook.
4. Discuss challenges posed for parents and effective coping strategies, with the focus on strengths and opportunities for positive change. Describe effective strategies for stress management and for avoiding use of alcohol

or drugs to soothe.

5. Discuss solvable versus unsolvable problems and the recommendation to focus on what the parent can control and to let go of uncontrollable situations. For example, a parent cannot control a former partner's behavior but he/she can control how he/she responds.

### **Protecting Children From Ongoing Conflict Between Parents**

Research on interparental conflict provides solid evidence that high levels of family conflict are linked to children's psychological problems (e.g., Grych & Fincham, 1990; Hetherington & Stanley-Hagan, 1999). Studies show that unresolved and ongoing conflict disrupts parenting and is linked to children's behavior problems. These disruptions in parenting can erode both the quality and quantity of positive parent-child interactions. The implications for educational interventions for parents are clear: encapsulate conflict and do not allow it to seep into every aspect of life and erode relationships and one-to-one time with children (Pedro-Carroll, 2001). To serve parents well, educational programs should incorporate skills for conflict management, anger management, adopting a more businesslike approach, and disengaging from inflammatory verbal exchanges and interactions with the children's other parent (Pedro-Carroll & Frazee, 2001).

The curriculum also must note, however, that in situations of domestic violence or intense and chronic conflict, safety is the main concern. For example, it should be stressed that use of anger management strategies with an abusive partner will not end

domestic violence and attempts by victims of domestic violence to use conflict management skills to try to end abuse may put victims at risk, are inappropriate, and are not advised. Further, parents should be made aware that children may benefit from their parents' divorce or separation when domestic violence or high conflict is present because it may provide a release from the toxic environment of abuse and conflict (Amato, 2000; Hetherington & Stanley-Hagan, 1999).

Materials, both those used by presenters and those handed out to parents, must be reviewed to eliminate any messages that could be interpreted as empowering abusers and hindering the empowerment of victims. In this regard, the following concepts should be covered:

1. Exposing the children to violence is psychologically harmful to them and that preventing violence is the responsibility of the parent who uses the violence and not of the victim.
2. Effective parenting depends largely on how one parent treats the other parent. Mistreating a partner, including any form of violence or abuse, is not responsible parenting.
3. Children need their parents to model mutual respect, equal responsibility for child care, and nonviolence.
4. Children need their parents to model accepting responsibility for one's own actions and not to model blaming one's behavior on others.
5. Children need their parents to model listening well to each other even when angry and not using anger as an excuse for insulting, demeaning, or

intimidating (Bancroft and Silverman, 2002, p. 208).

Parents should be presented with a continuum of parenting models from parallel parenting to a cooperative model. The basic premise of parallel parenting is that each parent assumes total responsibility for the children during the time they are in his/her care, with no expectation of flexibility, such as scheduling. While parallel parenting may not always be best for the children, it is "far better for children than open conflict between parents" (Maccoby & Mnookin, 1992, p. 292). The parallel model provides for very little, if any, contact between the parents and is most appropriate for high conflict parents or those dealing with domestic violence. On the other hand, the cooperative model is appropriate where parents have a high level of communication, minimal conflict, and no domestic violence is present.

The curriculum content should contain:

1. An explanation of the effects of conflict on children:
  - a. It is related to behavior problems in children (*e.g.*, increased anger and aggressive behavior in children).
  - b. It disrupts effective parenting.
  - c. Ongoing high conflict in a family is the single most powerful predictor of poor outcomes for children.
  - d. Children benefit from their parents' separation or divorce when it provides an end to parental relationships in which there is high conflict and/or abuse (Amato, 2000; Hetherington & Stanley-Hagan, 1999).
2. An explanation and discussion of the importance of protecting children

from being caught in the middle of conflict by:

- a. Guarding against using children as messengers between parents or as “informants” or to carry support checks;
  - b. Keeping communication business-like and respectful;
  - c. Being sensitive to a child’s need to love both parents (*i.e.*, no “putdowns” of the other parent);
  - d. Not asking children to keep or tell secrets;
  - e. Not asking children intrusive questions about the other parent;
  - f. Listening and allowing children to express their feelings about their other parent, including the fact that they may miss the other parent;
  - g. Using interactive role play to demonstrate ways in which to keep children out of parent conflict; and
  - h. Supporting children in a healthy relationship with the other parent and avoiding loyalty conflicts (*i.e.*, children feeling they have to “choose” between parents), providing that child abuse is not an issue.
3. Suggestions for defusing conflict, managing anger, and disengaging from a hostile former partner:
- a. Emphasize a message of safety: victims of domestic violence should not attempt to use anger management skills to deal with an abusive former partner.
  - b. Focus on behavior over which you have control - don’t try to control the other parent’s behavior.

- c. Adopt a business-like style of interacting with former partner.
  - d. Seek professional help or support groups when anger and conflict become chronic.
  - e. Describe parallel parenting as a more appropriate option in situations of intense, ongoing conflict or abuse.
4. An emphasis on developing a workable post-separation relationship as a challenging but important goal. Stress that ideal parenting relationships are those that protect children from conflict while being safe and tolerable to parents.
- a. Explain that parenting relationships are on a continuum ranging from parallel and separate to cooperative with active communication between parents. Explore how parenting relationships may change over time or in relation to the topic. For example, some parents may be able to be cooperative about issues of medical care but need to be parallel about religious practices. Many parents begin with parallel parenting and move, over time, to a more flexible and collaborative situation and cooperative parenting, or revert to parallel parenting when conflict levels become high.
  - b. Parallel parenting is recommended and is appropriate when high conflict or issues of safety are present as, for example, when parents cannot resolve conflict on their own and repeatedly resort to the courts for resolution.

Define parallel parenting:

- i. Each parent assumes total responsibility for the child during the time in his/her care.
  - ii. In order to prevent confrontations, there are no expectations of flexibility of the schedule.
  - iii. Each parent remains a part of the child's life while reducing opportunities for conflict.
  - iv. Parallel parenting allows little or no face-to-face communication. Parents use e-mail, a third party, or a parenting notebook to communicate.
  - v. Households are separate. Each parent makes decisions about the child when he/she is in his/her household.
  - vi. Explain the value of a written parenting plan or strict adherence to the court order or judgment.
  - vii. Discuss how to carry on a business-like relationship and the importance of using common courtesy.
  - viii. Remember the goal is to keep conflict to a minimum.
- c. Cooperative parenting is appropriate when:
- i. Safety is NOT an issue and there is low or minimal conflict.
  - ii. Parents are able to contain conflict and communicate in person or over the phone.
  - iii. Parents can work together as needed to resolve issues

related to the child.

- iv. Parents can work together in the best interests of the child.

Define cooperative parenting:

- i. Major decisions about the child are jointly discussed.
- ii. Allows smooth transitions from one home to the other.
- iii. Allows for schedule changes--can be flexible and negotiable.

Develop skills for cooperative parenting:

- i. Skills training in effective communication (*i.e.*, “I” versus “you” messages).
- ii. Steps for problem solving.
- iii. Effective listening skills.

### ***Legal Process***

Providing parents with basic information about the legal process surrounding custody, visitation and child support can enhance their meaningful participation in legal proceedings and augment the primary goal of parent education to promote the healthy adjustment of children in the aftermath of their parents' divorce or separation.

Experience has shown, however, that parents' issues with the legal process may divert the focus from the primary parenting and child well-being message of parent education.

It is clear that there is not sufficient time for in-depth coverage of topics addressing custody, visitation and child support. It is equally apparent that parents desire more information about the legal process. Therefore, the PEAB recommends the inclusion of



a Legal Process component in parent education programs, but that it be limited to approximately 15 percent of the entire time for the program, *i.e.*, approximately one hour of a six- to seven-hour program.

To keep the program focused on the primary parenting and child well-being message of parent education, it is recommended that the Legal Process portion be presented in the middle of the parent and child well-being material and, preferably, at the beginning of the second class session. It has been observed that parents are often agitated and emotionally charged after a discussion of legal topics. Following the Legal Process segment with the continued presentation by parent educators provides a segue for addressing issues of how to handle anger and conflict. It can also provide redirection, a calming effect, and a more upbeat tone.

In order to meet the parents' desire for more information about legal topics, members of the Bar are encouraged to develop more in-depth and extensive education programs on matrimonial and family law topics for the public. The participation of the Bar in initiating, fostering and supporting parent education has been and continues to be crucial to the success of parent education. The Bar should have an integral role in parent education as a way to benefit their clients. Developing family law and divorce education programs for the public would continue this tradition of service to the public.

Although "in person" presentation is by far the better educational context, in some areas of the state, parent education providers may have difficulty obtaining and training presenters for the Legal Process portion of the program. If this proves to be the case, the PEAB recommends that a video of the Legal Process segment of the program

be produced under PEAB direction and made available to providers who may use it as a training tool for presenters and to assist with the presentation.

Information to be covered under the Legal Process portion includes:

- A. Custody/visitation terminology. Terms to be covered are joint, sole, shared, and split custody, residency, decision-making, visitation, access, and parenting time, specifically noting language choices that do not have a “win/lose” connotation.
- B. Special visitation situations. Discuss what an order of protection is, how obtained, and visitation issues that may be encountered when an order of protection is in place. Discuss supervised visitation and, when appropriate, a monitored or neutral place of exchange, and the suspension of visitation in certain circumstances where high conflict, domestic violence or child abuse is alleged to be present.
- C. Negotiation or litigation. Provide a balanced, nonjudgmental presentation of the considerations in pursuing negotiation or litigation in the resolution of a dispute. The different forms that negotiation can take should be covered (e.g., just the parties, just the attorneys, parties with mediator, parties with attorneys and law guardian with or without a mediator, court involvement) as well as collaborative law, where available. Provide an overview of the litigation process. Discuss the pros and cons of negotiation and litigation, including the inappropriateness of negotiating or mediating with an abusive partner. Also cover the party’s right to control how his/her case is handled and the importance of not signing any

documents or agreements without first consulting with an attorney.

- D. Custody determination by the parties. Explain parenting plans and settlement or separation agreements. Also emphasize that once the parties sign an agreement, it is very difficult to modify or void.
- E. Custody determination by the court. Explain the factors considered by the court in making a custody determination and how the weighing and consideration of those factors is unique to each case. Also address limits on the court, such as the case law that finds an award of joint custody after a trial to be inappropriate and the court's inability to be as familiar as the parties with their needs and circumstances and those of the children.
- F. People and procedures that assist the court. Identify and explain the functions of individuals who may have input in the resolution and determination of the matter, *e.g.*, psychological/forensic evaluator, substance abuse evaluator, and law guardian. Also address considerations and procedures concerning the court's interview of the child(ren).
- G. Child support. Emphasize the importance of paying child support in a timely manner, that child support is for the children, and that parents have a legal obligation to provide their children with the necessities of life until they reach age 21 years, unless sooner emancipated (*e.g.*, marry, enter armed services, work full time). It is important that the full child support amount be paid on time. The children should not be penalized for any conflict between the parents. Make parents aware of the following:

visitation and child support rights are generally not related; child support cannot be given directly to the children, except in very limited circumstances; the parent receiving child support does not generally have to account for how the money is spent; and child support does not automatically terminate if the children go to live with the other parent but must be changed by the court.

- H. Court orders. Explain the importance of complying with court orders/judgments and agreements between the parties.

### ***Optional Additional Material***

Parent education providers may choose to add an additional one- to two-hour segment covering a topic that has been approved during the certification process (see pp. 67-76). Research has shown that the opportunity to practice skills covered in the parent education presentation holds the greatest promise for producing better outcomes for children and reducing parent conflict (Kramer, *et al.*, 1998; Pedro-Carroll, 2001). These skills include use of “I” messages, keeping children out of the middle of the parents’ conflict, conflict management, skills for communicating with children, and addressing issues as if the parents were “business partners.” It is best if skills can be practiced in small groups of no more than 15 parents to one facilitator for at least one hour, provided the facility has adequate space for so doing. The types of information that providers may choose to provide in this additional hour segment are small group discussions or skills practice with facilitators, explaining the use of parenting plans, and family resource and financial management. These topics are illustrative only and

should not be viewed as limiting. The appropriateness of the additional material for victims of domestic violence must be considered.

A Summary of Essential Curriculum Content is set forth in Appendix D, p. 92.

### ***Materials for Presenters/Facilitators***

The curriculum must be set forth in a manual/handbook for presenters in order to facilitate full and consistent coverage of the required material. This would be in addition to the materials provided by the PEAB and any PEAB approved materials produced by the parent education providers as, for example, a guide to local referral resources. It is important that both program materials and the manner in which they are presented be sensitive to the situations presented in both Family and Supreme Court. It is also important that material be presented in simple, straightforward and comprehensible language. For example, the terms “separation” or “family reorganization” should be used in addition to the term “divorce” to describe the breakup of the parents. As a corollary, the term “former partner” or “parent” should be used rather than solely referring to a “spouse.” This language is more inclusive and applies to all parents regardless of their legal status. The language of the presenters and of program materials should be nonjudgmental, gender neutral, culturally sensitive, basic, and free of obscure professional jargon.

### ***Materials for Parents***

Information that reinforces and supplements curriculum material should be

provided to parents. It is the intent of the PEAB, with assistance from the Office of Court Administration (OCA), to produce for parent education providers a parents' manual/handbook. In addition, parent education providers should provide written materials about local resources, including mental health counselling, self-help, and support services for both children and adults, domestic violence services, and legal and mediation services.

## **PROGRAM PRESENTATION AND DELIVERY**

### ***Class Duration, Size, and Delivery***

In order to adequately cover the required subject matter, programs should be a minimum of six hours and a maximum of eight hours in duration. To avoid information overload, material should be presented in two sessions. Delivery should be by a variety of methods, and include a didactic approach, the use of videos, overheads, slides or Power Point, and a strong emphasis on active involvement of participants through question and answer, role play, small group discussion, and skills practice. Class size should be limited to a maximum of 50 people so parents are able to participate. If small group discussions or skills practice are part of the optional curriculum, then there should be sufficient faculty to facilitate in a ratio of no more than 15 parents to one facilitator.

Videotaped presentations have been suggested as a way to reduce the cost of parent education, to ensure uniformity, and as an alternative for parents for whom attendance may be unsafe or an undue hardship. While videotape may, at first blush, appear to address these issues, there is concern that videotape may become a

substitute for providing classes. Viewing a videotape is more sterile and isolating and does not provide the opportunity for interaction with presenters and other parents undergoing similar stresses and situations. The lack of opportunity for the interaction that occurs in live presentations will reduce the benefits to be gained from parent education. On balance, videotape presentation is not a desirable alternative. It is recognized, however, that in some areas of the state legal presenters may not be available on a regular basis. In such situations, a videotape, produced under the direction of the Board, may be utilized for the legal process portion of the curriculum only.

### ***Requirements for Presenters/Facilitators***

#### **Parenting and Child Well-Being Curriculum**

Ideally, each parent education class should be led by two presenters/facilitators, preferably one male and one female. At least one presenter should, preferably, have a graduate degree or equivalent experience in a mental health discipline, parent education, family life science or a related discipline with appropriate training and previous experience presenting, conducting or leading groups. At a minimum, presenters must participate in training once a year that covers the following topics: issues concerning separation, divorce and children's adjustment; sensitivity to and the dynamics of domestic violence and appropriate referral resources; child and adolescent development; effective parenting practices; skills for effective group facilitation and interactive presentations; facilitation for the optional small group component of the

program; and cultural sensitivity issues as appropriate for local demographics.

### **Legal Process Curriculum**

The preference is that there be two presenters, one male and one female, with one being an attorney and the other a judge. Attorney presenters must be admitted to practice in New York State and devote a substantial portion of their practice to the area of matrimonial or family law or either serve or have served as a law guardian, principal law clerk or court attorney in a Supreme Court matrimonial part or in Family Court. The judicial presenters shall be current or former Family Court Judges who have experience with custody/visitation and family offense matters or Supreme Court Justices who have experience with matrimonial matters, support magistrates (formerly called hearing examiners), or matrimonial referees.

### **Ethical Requirements**

To preserve the integrity of parent education and to avoid the appearance of impropriety, certain ethical requirements must be observed. First, a presenter may not solicit referrals for private professional services for pay from class participants and must sign a statement that he/she acknowledges this requirement. Further, each presenter must also sign a statement that he/she has not had a final order of protection and does not have a current temporary order of protection issued against him/her, that he/she has not been convicted of harassment, assault or a similar offense against a present or former intimate partner or spouse, and that there is no pending investigation for child



abuse or neglect or any "indicated" finding after an investigation for child abuse or neglect against him/her.

## **REQUIREMENTS FOR, AND RESPONSIBILITIES OF, PARENT EDUCATION PROVIDERS AND PROGRAM ADMINISTRATORS**

### ***Eligibility Determination***

As discussed previously (see pp. 13-14), program administrators will review the responses to the required questions relating to domestic violence on the enrollment form, contact in a safe and confidential communication the parent who responds “yes” to these questions on the enrollment form to explain that he/she has the choice whether or not to attend, and note the determination of ineligibility if the parent chooses not to attend.

A parent may also be found ineligible to attend parent education if to do so would create undue hardship. A parent brochure will include information which informs parents of how to request a determination of ineligibility due to hardship and that they may contact the program administrator if they have concerns in this regard (see pp. 15-16). It will be the duty of the program administrator to determine eligibility based upon undue hardship. An example of a situation that fits this category for ineligibility is when a parent lives more than 45 minutes travel time one way from the closest parent education class or when he/she cannot procure transportation to the site or when the transportation costs are beyond his/her means. Before declaring a parent ineligible due to transportation costs, the program administrator should attempt to arrange for the payment of reasonable transportation costs from a fund established from a portion of any fee charged for the classes (see pp. 64-65). The unavailability and cost prohibitiveness of child care may be another reason for rendering a parent ineligible to

attend. The existence of a language barrier may also constitute grounds for ineligibility (see p. 54).

It will be the responsibility of the program administrator to first attempt to provide that assistance to a parent which will enable him/her to attend. If suitable arrangements cannot be made, a parent may be found ineligible to attend and his/her attendance will be excused by the program administrator.

### ***Program Site and Attendance Protocols***

Program administration must be sensitive to the mechanics for safe delivery of parent education. As noted previously, the time at which parents separate and initiate litigation can be volatile. Therefore, the following administrative arrangements must be instituted by parent education providers to create a safe environment for attendees:

1. *Former partners must attend separate sessions on different days or at different locations*, even if they express a desire to attend the same class.

The reason for this provision is twofold: a) there is no assurance that the expressed desire to attend with the other parent is a voluntary choice of an abused partner, and b) experience has shown that having the other parent in the same class may inhibit free discussion or provide an opportunity for verbal or nonverbal jabs or intimidation. To implement this provision, the name of the child's other parent must be requested on the registration form. To reduce the potential for stalking, the practice when both parents request the same session is to tell the second parent

requesting that session that there is no space available for him/her in that class and to register him/her for another class. A parent is **not** to be told that his/her former partner is already registered for the class when registration for a particular class is desired.

2. Attendance lists and records must be kept *confidential* so that abusers cannot locate their victims.
3. To the extent practical, class locations should not be publicized (*i.e.*, do not post on fliers or in advertisements or brochures). For example, general class locations (*e.g.*, area of the city, town or village) can be noted in the brochure and parents advised of the specific address in a letter confirming registration.
4. To the extent possible, classes should be held at different locations and at varying times, including daytime, early evening, and weekends, so that an abusive partner cannot easily track the other partner. This provision has the added benefit of giving greater flexibility in attendance times so parents can attend and still meet their work and childcare responsibilities.
5. Classes should be conducted in *safe* locations that are well-lit (for evening classes) and easily accessible to transportation and parking, such as courthouses, hospitals, colleges or universities, schools, or libraries.
6. In order to reduce the potential for violence, security personnel should be present on-site or readily available and on-call to conduct weapons screening (if equipment is available), to provide assistance and

intervention if a parent is disruptive, and to escort a parent to transportation. Each parent education program will need a safety plan based on its particular circumstances.

The class site must also be in compliance with requirements of the Americans with Disabilities Act (ADA). Additionally, ADA compliance requires that interpreters be made available for hearing impaired parents.

Finally, programs should accommodate, to the extent possible, non-English speaking parents. One way to do this may be to hold separate classes in another language if there is a sufficient number of parents. Another alternative is to use language interpreters in a class taught in English if this can be done without disrupting instruction. If suitable arrangements cannot be made for non-English speaking parents, this would constitute an ineligibility criterion (see p. 52).

### ***Recordkeeping***

#### **Attendance and Ineligibility**

Parent education providers will be required to maintain the following specific information about each class: location, dates, presenters/facilitators, total number of enrollees (broken down by gender), breakdown of the referral sources for each enrollee (set forth as Family Court, Supreme Court, attorney, mental health professional, mediator, self and other), the number of parents (broken down by gender) who enrolled and completed attendance, the number of parents (broken down by gender) who enrolled but did not complete attendance and the reason, if known, for incomplete

attendance, and whether there was partial attendance or completion of attendance at another class, and, if so, indicate class date.

A separate record is to be maintained, on a monthly basis, setting forth the following specific information about court-referred parents (broken down by gender) who raised eligibility as an issue (e.g., presence of domestic violence, attendance at parent education within the preceding five years, hardship considerations, or a language barrier); the name of the referring judge/justice, the number of parents (broken down by gender) found to be ineligible, the reason(s) for ineligibility with the number of parents (broken down by gender) in each category indicated, the number of those parents (broken down by gender) for whom eligibility was an issue who were not found to be ineligible, and the reason(s) for no finding of ineligibility with the number of parents (broken down by gender) in each category indicated. The information retained is not to indicate or include the name of any parent found to be ineligible. This information is to be maintained for the purpose of enabling the PEAB to track attendance data and application of the ineligibility criteria, and is to be deemed confidential and shared only with the PEAB or its designee.

In addition to the above information, the enrollment applications shall be maintained for inspection by the PEAB as part of the certification process. The enrollment applications shall be grouped by the class for which a parent was enrolled, regardless of whether or not he/she attended, and grouped by month of submission for those parents not enrolled because they were found to be ineligible to attend.

## **Complaint Log and Incident Reports**

A log of complaints by attendees and presenters/facilitators regarding the program content, presentation, or administration shall be maintained. The log shall consist of the date of the complaint, name of the complainant with contact information, nature of the complaint, and how it was addressed. An incident report shall also be completed and maintained whenever a threat, outburst, stalking, or assault occurs at the class or is reported as occurring in transit to or from class. The report shall include the date of the complaint, the date of the incident, the name of the victim/complainant with contact information, the name of the perpetrator (if known) with contact information (if known) and whether the perpetrator is the partner/former partner of the victim, nature of the incident, location of the incident, action, if any, taken by the parent education provider, and outcome.

## ***Certificates of Compliance***

Many parent education programs currently present certificates to parents who successfully complete a program as a form of affirmation. The certificate also serves as the parent's verification of attendance. While a certificate can be a positive reinforcement device, it also has the potential of being abused by a parent who attaches a copy to court papers as a demonstration of interest in his/her child. Courts should not condone this practice because attendance or nonattendance at parent education should not be relevant or considered in any of the court's determinations. The reality, however, is that it may occur and that a parent whose attendance has been

waived or who has not yet completed the class may be placed at a disadvantage. Further, improper use of a certificate may result in disclosure of ineligibility and possible compromising of a parent's safety. Therefore, a standardized certificate of compliance will be developed and is the only form to be provided by parent education providers to parents who either attend a full parent education program cycle or are found by the program administrator to be ineligible to attend. It will be the responsibility of the parent education provider to insert the parent's name and date on the certificate and provide it to the parent.

### ***Program Evaluation and Parent Feedback***

It is necessary to evaluate the effectiveness of parent education (see pp. 60-63). One crucial component of this evaluation is feedback from the parent attendees. Parent education providers will be required to disseminate standard, uniform evaluation forms developed by the PEAB to parents for completion and collect them at the conclusion of the class. The forms, which are to be completed anonymously, are then to be forwarded to the PEAB or its designee for data tabulation and interpretation.

### ***Ethics and Confidentiality***

Consistent with the ethical requirement for presenters, individuals or organizations sponsoring, managing, or in any way affiliated with providing parent education shall be prohibited from soliciting as fee-paying clients or patients, either directly or indirectly, the attendees of a parent education program. This prohibition



does not apply to domestic violence service organizations or other not-for-profit service agencies. Further, presenters, individuals or organizations sponsoring, managing or in any way affiliated with providing parent education shall be prohibited from referring attendees to specific outside agencies or counselors that operate for profit or financial gain, as distinguished from providing a comprehensive list of local resources and providers. The intent of this provision is to discourage and prevent individuals or organizations from providing or participating in parent education as a means of obtaining income-generating clients or patients.

To foster confidentiality during classes, the parent participants will be referred to by first name only for any purpose other than to confirm registration. Parents should be advised at the outset of the class that while the Administrative Order provides for the confidentiality of communications in class and on enrollment forms, confidentiality cannot be guaranteed.

Program administrators must maintain confidentiality of all information that they obtain from a parent, especially information concerning a finding of ineligibility to attend parent education and any information disclosed in connection with an eligibility or ineligibility determination. Attendance or nonattendance at parent education programs shall not be used to influence a parent attendee's court case in any way. Therefore, program administrators, coordinators, and presenters are prohibited from reporting or sharing any specific information about an attendee with the court, court employees, attorneys or any person or entity other than PEAB and its designee(s). Such information cannot be shared with attorneys representing the parties, the law guardian,

the other party, the judge, justice, support magistrate, matrimonial referee or judicial hearing officer or his/her chambers or administrative staff, indeed, with anyone other than PEAB or its designee(s). It is important for the safety of parents who may be victims of domestic violence, and to the integrity of parent education and the judicial process, that this confidentiality be maintained.

### ***Other Duties***

In addition to those duties set forth above, program administrators will also be required to:

1. Provide parents who have indicated that they are victims of domestic violence with information regarding domestic violence counseling and assistance. These materials should not be mailed unless the parent indicates it is safe to do so. The parent should be asked how to provide materials in a way that is safe and not likely to be intercepted by the partner/former partner.
2. Review eligibility for a scholarship or waiver of the fee and maintain a fund to cover reasonable transportation costs for parents who are deemed eligible to attend but who demonstrate financial hardship.
3. Bring to the attention of the PEAB for corrective action any concerns regarding the application of the guidelines, standards, and requirements, or ethical considerations and submit suggestions for revisions.

## ***Training***

The parent education providers and program administrators will be required to attend training, under the auspices of the PEAB. Training will cover their overall responsibilities, including recordkeeping and data collection, site safety and attendance, issuing certificates of compliance, domestic violence and cultural sensitivity, the importance of maintaining confidentiality, ethics, and other topics related to the responsibilities of program administration and program certification as set forth in the guidelines, standards, and requirements for parent education programs.

## **EVALUATION OF PARENT EDUCATION**

Clearly, the ongoing evaluation of various aspects of parent education will be required in order to determine whether the program is producing the desired outcomes and in order to identify needed modifications and changes. The new standard in health care is to document the efficacy and attainment of specific goals through research evidence as a safety and quality control measure. An additional measure is whether programs are cost effective (Hughes & Kirby, 2000). This evidence-based standard should be applied to court-connected programs as well, although to date, few programs have applied this standard. New York State is presented with the opportunity to design methodology for program evaluation that could provide valuable information on immediate and long-term outcomes and assessment of its parent education programs.

In the studies that have been conducted, the majority of parents say that parent

education has positively influenced their dealing more effectively with their children, the other parent and their own feelings (*e.g.*, Arbuthnot & Gordon, 1996; Bacon & McKenzie, 2001; Pedro-Carroll, Nakhnikian & Montes, 2001). However, more evaluation in this area is needed to allow evaluators to distinguish changes relating to participation in parent education from the effects of passage of time or other external factors. Ideally, a research design with a control or comparison group should be utilized. Program evaluation and research of this nature can be costly, but the results could add significant value to the knowledge of how programs impact short- and long-term outcomes for families.

Evaluation of parent education should include the following components in order to provide information as to the most effective aspects of particular programs and of parent education as a whole:

1. Consumer satisfaction information, *e.g.*, clarity of presentation, usefulness of information, reaction to various instructional modalities;
2. Parents' understanding of the factors that impact children's adjustment post-divorce or separation;
3. Parents' understanding of the importance of keeping the children out of the middle of their conflict and ways to achieve this;
4. Parents' knowledge of approaches for reducing the stress of a separation or divorce on children;
5. Acquisition and utilization of skills learned in the program, *e.g.*, communication, effective parenting, and conflict management;

6. Effects of parent education on child functioning and parent well-being;
7. Compliance with agreements between the parents and with court orders/judgments, including payment of child support;
8. Analysis of data for individual certified programs to determine whether parent education is making a difference and, if so, those aspects of a particular program that seem to be most effective; and
9. Analysis of the impact of parent education on reducing litigation cost and delay.

Additionally, evaluation and tracking of an administrative nature needs to occur and should include such items as:

1. Demographic information, including gender, age, ethnic background, age of children, length of separation/divorce;
2. Uniform tracking of attending parents by referral source, *e.g.*, Family Court, Supreme Court, attorney, mental health professional, mediator, self and other;
3. Percentage of parents referred to parent education who complete the classes broken down as to gender and partial and full attendance, with the data reported separately for each class;
4. Availability of certified parent education programs around the state;
5. Incidents of violence or harassment of participants by the partner or former partner at classes and/or traveling to or from classes;
6. Record of ineligibility maintained on a monthly basis, reported without the

use of parents' names and including the number and gender of parents referred by the court for whom eligibility was an issue, the name of the referring judge/justice, the number and gender of parents given ineligible status, the reason(s) for ineligibility with number and gender of parents in each category indicated, the number and gender of those parents for whom eligibility was an issue who were not designated as ineligible, and the reason(s) for denial of ineligible status with the number and gender of parents in each category indicated;

7. Retention of all enrollment applications grouped by class for those parents who were enrolled in a class, regardless of whether or not they attended, and grouped by month of submission for those parents not enrolled because they were found to be ineligible to attend;
8. Log of complaints maintained by parent education providers;
9. Difficulties encountered by parent education providers and support and assistance needed; and
10. Whether statutory or regulatory reform is needed.

## **ECONOMIC ISSUES AND SUPPORT**

To ensure access to quality parent education programs by parents across New York State, consideration must be given to the economic resources needed to establish and maintain quality parent education programs. Several models for the financing and delivery of parent education programs exist. Financial assistance may be obtained

through grants, loans, and support from various private and government sources, community mental health organizations, community dispute resolution centers, United Way sponsorship, collaboration with universities or law schools, the cooperative extension service, bar associations, attendance fees, and if authorized, court fees. Regardless of the funding source, parent education providers have historically struggled to maintain these programs and, in large part, parent education programs exist due to volunteer efforts. To ensure quality and stability, it is essential that providers have the ability to generate revenue and that there be support from the court system which will be referring parent-litigants to programs.

### ***Fees***

It is recognized that, in most instances, fees alone will not generate sufficient revenue to sustain a parent education program. However, parent education providers should be allowed to charge a fee to cover some of their operating costs. Any fee that is assessed should not exceed \$100.00 per person, with this maximum amount subject to adjustment by the Board, as economic conditions may dictate, upon application and a showing of good cause. Clearly, a parent should not be excluded from participation due to inability to pay.<sup>6</sup> A sliding scale fee, waiver of the fee, or scholarship based upon need should be liberally granted. At a minimum, a parent whose income is at or below two hundred forty percent (240%) of the Poverty Income Guidelines, as provided by the

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<sup>6</sup>Parent education providers may want to explore the availability of insurance to partially cover the fee. In some areas of the state, health insurance providers, and in particular health maintenance organizations (HMOs), are paying a portion of the fee for their insureds on the basis that these programs are preventive in nature and have a potential health benefit for those attending and their children.

U. S. Department of Health and Human Services, must be eligible for a fee waiver/scholarship (see Appendix E, p. 110). The individual parent's income, and not family income, will be used to make this determination. In keeping with the liberal application of a sliding scale fee or granting of fee waiver or scholarship, determination of qualification should be based on the parent's self-reported income and number of persons he/she supports.

If fees are charged, a portion of the fees should be allocated to reimburse transportation costs for parents for whom attendance is a hardship because of the transportation expense.

### ***Office of Court Administration (OCA) Support***

To assist parent education providers in complying with the proposed guidelines, standards, and requirements and to foster the availability of parent education across New York State, the support of the Office of Court Administration (OCA) will be required.

It is recognized that the court system may not be able to provide direct funding to parent education programs receiving court referrals. Moreover, current economic conditions have caused the judiciary budget to become further restricted. It is suggested, therefore, that assistance be provided to PEAB and to parent education programs in the following ways:

1. Print brochures and other handout materials, *e.g.*, PEAB compiled resource guide and handbook for parents. This assistance may also



include the translation into other languages, particularly Spanish, of these materials, as well as providing them in large print or audio cassette for the visually impaired.

2. Provide assistance to the PEAB in developing and providing training for presenters/facilitators, parent education providers, and program administrators.
3. Sponsor, at least once a year, workshops/conferences for parent education providers to encourage availability of parent education across the state and to assist with compliance with the proposed guidelines, standards, and requirements.
4. Provide information and awareness programs to judges to encourage appropriate referrals to parent education.
5. Provide qualified staff to assist the PEAB in developing uniform evaluation tools and in interpreting the data collected. Also provide assistance, through court clerks, for the gathering and entering of data for evaluation of the impact of parent education on court proceedings and cost effectiveness.
6. Assist PEAB with the production and printing of certificates, application materials and forms, and with the costs involved in certifying programs.
7. Provide sign language interpreters for hearing impaired parent attendees.
8. As appropriate and available, provide space within courthouses and other court facilities for classes, and provide security personnel for programs

held at court locations.

9. Provide information on the court website about parent education in New York State with additional links to other resources for information about parent education.
10. Produce, with the assistance of the PEAB, a video for the Legal Process portion of the curriculum to be used for training and in areas where legal presenters are not regularly available.
11. Provide information about grants or other funding that may be available to assist programs with their financial needs for both existing programs and the development of new programs.
12. Provide administrative assistance to oversee and coordinate the Parent Education and Awareness Program and the certification and monitoring of programs.
13. Provide a toll-free number for parents to contact the administrative assistant with concerns and complaints.

## **PROGRAM CERTIFICATION PROCEDURES AND REQUIREMENTS**

Certification will allow courts to have confidence that when parents are referred to attend parent education, they will be provided with appropriate, evidence-based information in a way that is professional, ethical, and sensitive to the safety and individual needs of the participants. Therefore, parent education providers who wish to accept court-referred participants must be certified as complying with the guidelines,

standards, and requirements of the PEAB (see A/O/145/01, §1.1[b]).

The certification procedures and requirements are designed to assess compliance by parent education programs accepting court-referred participants with the guidelines, standards, and requirements of the PEAB. While the PEAB is concerned with promoting and overseeing the expansion of parent education programs so that such programs are available in all judicial districts, its first priority is to ensure that existing programs come into compliance with PEAB guidelines, standards, and requirements. It is recommended that statewide and regional workshops/conferences be conducted to facilitate compliance of existing programs with the guidelines, standards, and requirements, and to foster the development of new programs. It is the intention of the Parent Education Advisory Board to work with parent education providers to assist them in coming into compliance with the certification criteria both on an individual basis through the review and approval process and, more generally, through the conduct of a program for parent education providers prior to the initiation of the certification process and at least once per year thereafter at which providers may share information and ideas and the PEAB may provide guidance and feedback.

### ***Certification Period***

The PEAB will review and act upon applications for certification. Applicants found to be in compliance with the guidelines, standards, and requirements and application process will be certified for a period not to exceed three (3) years. If the PEAB deems that an applicant does not fully comply with the certification and

application criteria, it may grant conditional/provisional certification for a period not to exceed one (1) year in order to allow the applicant an opportunity to achieve full compliance and certification. Certification of a program may be suspended or revoked prior to the expiration of the certification period upon good cause shown in accordance with the protocols for suspension or revocation of certification set forth below (see pp. 73-74).

### ***Application Time Requirements***

Any existing parent education provider that wishes to continue to accept court-referred participants must submit an application for certification on or before sixty (60) days from the date that the guidelines, standards, and requirements become effective. If an application for certification by an existing parent education provider is received in a timely manner, the provider may continue to accept court-referred participants pending the Board's determination on the application. Failure to timely submit an application will render an existing parent education provider ineligible to accept court-referred participants until it has received certification from the Board.

No later than sixty (60) days prior to the expiration of the certification period, a parent education provider must submit an application for renewal of certification/recertification. If an application for renewal of certification is timely filed, the accredited status shall continue until the Board acts on the application. If an application for renewal is not timely filed before the end of the provider's accreditation period, the provider's accredited status will terminate at the end of such period. Any application

received thereafter shall be considered by the Board as an initial application for accredited provider status.

### ***Application Contents***

To be approved to provide instruction to court-referred participants, a parent education provider must produce information and/or documentation that demonstrates that it is in compliance with the proposed guidelines, standards, and requirements. An application form for this purpose will be provided by the PEAB to parent education providers.

An application for renewal of certification/recertification shall consist of a reaffirmation of that information contained in the preceding application(s) that remains unchanged and supplemented by information and materials that set forth any changes or modifications to the program or its administration since the last approval, and any additional information required by the PEAB. The additional information required upon a recertification application includes such items as: information on the dates of classes held during the preceding certification period; the number of attendees (by gender) who partially completed a class cycle; the number of attendees (by gender) who fully completed a class cycle; information about eligibility/ineligibility applications and determinations; the referral sources for the attendees by percentage of overall referrals (e.g., Family Court, Supreme Court, attorney, mental health professional, mediator, self-referral, other); if a fee is charged, the percentage of participants who received a partial or a full waiver of the fee or a scholarship; a copy of the log of complaints

received, the action taken on each complaint, or a statement that no complaints were received; a copy of any incident reports; a statement of compliance with evaluation criteria; updated information regarding new presenters/facilitators, their credentials, and training; and copies of any new materials for presenters or participants and such other information as the PEAB may deem relevant to the certification process.

### ***Review and Action by the PEAB***

Applications for approval to be certified or recertified to provide parent education for participants who are referred by the court will be evaluated by the PEAB. The evaluation will be based on the written application submitted by the parent education provider and an onsite review of the parent education provider's program. The onsite review will be conducted by a PEAB designee and a member of the PEAB who will observe the presentation of a full program cycle and who may ask additional questions of the administrator of the program as they deem necessary and appropriate. The PEAB member will not conduct the onsite review of any parent education program in which he/she has an interest or affiliation.

To promote consistency in the onsite review process, those conducting the review will receive training. Further, a uniform written review instrument will be used by all onsite reviewers. In the event a complaint about a program is received in the three-year period between certification and recertification, a PEAB member or designee may also be required to conduct an interim onsite review and investigate the complaint for presentation to the Board.

The written application materials and onsite reviewers' reports will be considered initially by an interdisciplinary (*i.e.*, legal, mental health or medical, and domestic violence) panel of three PEAB members. A unanimous recommendation by the panel to approve certification or recertification may be accepted by the PEAB without the necessity of the full PEAB reviewing the written application materials. If the panel's recommendation is not unanimous, or if the recommendation of the panel is to deny or condition approval of certification or recertification, the full PEAB will review the written application materials and onsite review reports before making its decision. A vote to approve, with or without conditions, or to deny certification or recertification will carry upon a vote of a majority of the PEAB members. Any vote by a PEAB member need not be made in person and may be taken by telephone, fax, or e-mail followed by a confirmation of vote signed by the PEAB member.

### ***Notification of Board's Decision***

Notice of the PEAB's decision regarding certification or recertification will be sent by first class mail to the parent education provider. If certification or recertification is granted, the name of the parent education provider with contact information will be placed on a list of approved parent education providers and distributed to all District Administrative Judges for dissemination to Supreme Court Justices sitting in matrimonial parts, Family Court Judges, judicial hearing officers handling family matters, support magistrates, and matrimonial referees in their districts. A list shall also be made available at the office of the clerk of each Appellate Division, the Supreme and

Family Court clerks' offices in each county, on the court website, at such other offices and electronic sites as the Chief Administrative Judge shall determine, and upon request. Providers who have received approval may indicate, by advertisement or other use, that their program has received PEAB approval and certification.

As previously indicated, an application for certification or recertification may be denied by the Board if the proposed guidelines, standards, and requirements, or the application procedures and requirements, are not met. In such event, the provider will be notified of the denial, and the reason(s) for the denial, by first class mail. If the application is one for recertification and a hearing is requested, the provider shall remain certified until the PEAB renders its decision unless immediate suspension, prior to a hearing, is warranted as outlined below.

The parent education provider may request a hearing and review by the PEAB of a denial of certification or recertification by letter sent by first class mail to the PEAB within 30 days after the date of mailing of the denial notice. The hearing and review will be conducted within sixty (60) days after the PEAB receives the request for hearing and review. The hearing and review will be on submission unless the PEAB, in its discretion, determines to hear witnesses.

### ***Suspension or Revocation of Certification***

In the event a report or complaint is received by the PEAB from a credible source that a program is in serious breach of one or more provisions of the parent education guidelines, standards, and requirements or that egregious conduct has occurred in



connection with the administration or presentation of the program, the PEAB may immediately suspend certification to receive court-referred participants until a hearing is conducted and determination made regarding whether certification should be continued or revoked. Suspension pending a hearing may be instituted only upon the affirmative vote of two-thirds of the members of the PEAB. The parent education provider will be notified, of the suspension of its certification and of its right to accept court-referred participants and of the reason(s) for the suspension, by first class mail. The notice of suspension shall also indicate that the suspension constitutes the initiation of a review by the PEAB which may result in revocation of certification, and that a hearing, as indicated below, may be requested. A notice of suspension will also be sent to the District Administrative Judges in the vicinity of the program's location for the purpose of placing the court on notice of the suspension.

A parent education provider who receives a notice of suspension may request a hearing and review by the PEAB by letter sent to the PEAB by first class mail within 30 days after the date of mailing of the suspension notice. The hearing and review will be conducted within sixty (60) days after the PEAB receives the request for hearing and review. The hearing and review will be on submission unless the PEAB, in its discretion, determines to hear witnesses. A vote of two-thirds (2/3) of the members of the Board will be necessary in order to revoke certification. Any vote by the PEAB need not be in person and may be taken by telephone, fax, or e-mail followed by a confirmation of vote signed by the PEAB member.

### ***Changes to a Certified Program***

No approval or certification of a program shall be transferrable from one program to another or from one location to another, without prior approval of the PEAB or its designee. In the case of the transfer of ownership, change in the program administration, or a merger of a parent education program or change of name, the parent education provider shall notify the PEAB or its designee in writing and provide information about the change(s) at least thirty (30) days prior to the occurrence of the change, or as soon as practical. A parent education provider that seeks to change or expand the location(s) of a program must provide in writing the address of the new site location, a description of the premises, a safety plan, and request approval of the new site at least thirty (30) days prior to the intended date of relocation or expansion, or as soon as practical. All requests for approval of additional presenters/facilitators together with the information regarding a presenter/facilitator required in the certification process must be made in writing to the PEAB or its designee thirty (30) days prior to that person presenting at a parent education class.

### ***Waiver or Modification of Certification/Recertification Requirement***

A parent education provider may request a waiver or modification of one or more requirements for certification or recertification. A waiver or modification will be granted in the sole discretion of the PEAB after review and consideration of the impact of the deviation upon the underlying intent and purpose of the guidelines, standards, and requirements. Requests for waiver or modification are to be set forth in the application as well as in a cover letter to the application. Requests for waiver or modification may

also be made between certification/recertification applications by letter sent by first class mail to the PEAB or its designee setting forth the nature of the request and the reason for the request.

### ***Notification to Others in the Event of Denial, Suspension or Revocation***

In the event of denial, suspension or revocation of certification or recertification, the parent education provider shall take immediate steps to notify, and to consult with, the PEAB or its designee regarding parents court-referred to attend who are registered for a future class so that, where feasible, arrangements may be made for their registration with another certified program or attendance waivers may be granted.

### ***Voluntary Closure***

An approved program shall submit to the PEAB a notice of intent to close a parent education program at least sixty (60) days in advance of the proposed closure, or as soon as practical. Such notice shall include a plan for appropriate notice to court-referred parents registered for future classes.

## **CONCLUSION**

Experience has shown that parent education programs can make a meaningful contribution to the well-being of children and promote healthy family functioning in the aftermath of a divorce or separation. Parent education programs should not be viewed as an end point for parents, but as an initial step in parents accessing additional information and resources, as needed, to support healthy family functioning in the

aftermath of a divorce or separation. Similarly, these guidelines, standards, and requirements are a beginning and may need to be modified in the future, as experience, research literature, evaluations, and feedback provide additional information.

Although New York ranks among the last states to institutionalize court-connected parent education, it is in position to take advantage of the lessons learned from the long history and extensive national experience with parent education. It is hoped that this report will serve as the first step toward fashioning a safe, accessible and highly effective parent education program that makes New York State a national leader in this vital field.

# **APPENDIX A**

**Administrative Order 145/01**

## **ADMINISTRATIVE ORDER OF THE CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, I hereby create, effective March 2, 2001, the Parent Education Program, which shall be established as follows:

### **§ 1.0            Scope of Program**

The New York State Parent Education Program shall insure that parents going through divorce or separation have access to appropriate information and education programs that help parents: (i) explain the concepts of divorce, separation, visitation, support and custody to their children in age-appropriate ways; (ii) understand how children experience separation and divorce and the importance of insulating them from parental conflict; (iii) find ways to insulate their children from parental conflict and generally to help their children cope with the emotional stresses and practical consequences of family dissolution; and (iv) foster healthy parent-child relationships.

### **§ 1.1            Application**

(a) The Parent Education Program may apply in any action or proceeding:

(1) that affects the interest of children under 18 years of age; and

(2) that is brought in Supreme Court or Family Court: (i) to annul a marriage or declare the nullity of a void marriage, (ii) for separation, (iii) for divorce, (iv) to obtain, by a writ of habeas corpus or by petition and order to show cause, custody of or visitation with minor children, (v) to obtain, by notice of motion or petition and/or order to show cause a modification of a prior order of custody or visitation with minor children, (vi) to establish paternity, or (vii) to seek or modify child support.

(b) In any action or proceeding to which the Program may apply, the court may refer both parents to a parent education and awareness program certified by the Parent Education Advisory Board. Such referral shall be made as early in the proceeding as practicable. In determining whether to refer persons to attend a parent education and awareness program, a court shall consider all relevant factors bearing upon the parties to the underlying action or proceeding and their child or children. The Board shall develop guidelines to assist the court in determining when referral to a parent education and awareness program is appropriate.

(c) Screening shall be conducted for domestic violence or other abuse involving the parties or their children in accordance with tools developed by the Parent Education Advisory Board. Where there is an indication of domestic violence or other abuse involving the parties or their children, the court shall not refer the parties to attend a parent education and awareness program.

(d) Referral to a parent education and awareness program shall not delay

the expeditious progress of the underlying proceeding. In the event that a person who is referred to attend a parent education and awareness program has the opportunity to attend such program before the court makes a disposition in the proceeding, but fails to attend or complete such program, the court may consider that as a relevant factor when determining whether the party is acting in the best interests of his or her children. Before considering noncompletion or nonattendance as a relevant factor in any such determination, the court shall first ascertain the reason for nonattendance or noncompletion and, if appropriate, may either waive attendance or afford a second opportunity for the party to complete the program.

(e) No finding of contempt or other adverse consequences shall be imposed upon a party for noncompletion or nonattendance except as stated in section 1.1(d).

## **§ 1.2 Parent Education Advisory Board**

(a) The Parent Education Advisory Board shall develop curricula and administrative standards for parent education and awareness programs, certify programs and monitor the operation of certified programs to insure their continuing quality and effectiveness.

(b) The Board shall consist of 19 members to be appointed by the Chief Judge of the State, one of whom shall serve as chair of the Board.

(c) Board members shall serve for a term of two years and shall be eligible for reappointment for one additional two-year term. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member he or she succeeds.

(d) The Board shall include an appropriate complement of persons having experience in custody and visitation matters, including licensed medical and/or mental health professionals, judges and lawyers.

(e) Members of the Board shall not be compensated for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

(f) Decisions shall be made by a majority of the Board.

(g) The Board shall have the following functions, powers and duties:

(1) To establish a process and guidelines for the certification of parent education and awareness programs.

(2) To establish curriculum guidelines and other appropriate standards and administrative procedures (including, but not limited to,

domestic violence screening criteria) for parent education and awareness programs.

(3) To develop and implement guidelines governing selection, training, qualification, evaluation and ethical considerations for persons who conduct parent education programs.

(4) To monitor on an ongoing basis the operation of each parent education and awareness program.

(5) To take all appropriate steps to foster efficient operation of parent education and awareness programs, and to assess the effectiveness of such programs.

(6) To establish standard procedures for program evaluation and data collection.

(7) To periodically advise and make recommendations to the Chief Judge of the State and the Chief Administrative Judge concerning the number of parties referred to parent education programs by each court and the percentage of the parent education program's referral base that each court's referrals constitute; the percentage of parties who are so referred that complete the program, either in whole or in part; the availability and adequacy of parent education and awareness programs in all areas of the state; the parent education programs' experience with program administration and presentation; an analysis of the data to indicate the efficacy of each certified program; actions undertaken by the parent education programs to keep abreast of current research and to respond to feedback from presenters and the parent-attendees; an analysis of the impact of parent education programs on reducing litigation cost and delay; and the need for statutory or regulatory reform to realize those objectives. In accomplishing the foregoing, the Board may, where appropriate, request participation and assistance from any person, agency or association having experience in the operation or evaluation of programs in this state or any other jurisdiction having as their goal one or more of the objectives set forth herein.

(h) Within the guidelines established by the Parent Education Advisory Board, local parent education programs shall have broad latitude to develop their own unique parent education programs that reflect the needs and availability of resources in the community.

### **§ 1.3 Fees**

Upon application to and approval by the Parent Education Advisory Board, parent education programs may require payment by the parties of a fee. The



fee should be reasonably related to the cost of providing the services and should be subject to waiver if requiring a person to pay such a fee would work a hardship on the person or his or her immediate family.

**§ 1.4 Confidentiality**

Any communication made by a party as part of his or her participation in a parent education program shall be a confidential communication and shall not be available for evidentiary use in any action or proceeding.

s/Jonathan Lippman  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Dated: February 1, 2001

AO/145/01

## **APPENDIX B**

### **New York State Parent Education Advisory Board Members**

## NEW YORK STATE PARENT EDUCATION ADVISORY BOARD

Hon. Evelyn Frazee (Chairperson), Supreme Court Justice, 7<sup>th</sup> Judicial District

Hon. Damian J. Amodeo, Family Court Judge, Dutchess County

Francesca Adler-Baeder, Ph.D., CFLE, Assistant Professor and Extension Specialist,  
Auburn University, formerly with Cornell Cooperative Extension

JoAnne Pedro-Carroll, Ph.D., Director of Program Development, Children's Institute;  
Associate Professor of Psychology and Psychiatry, University of Rochester; Co-  
Chair, A.C.T. For the Children

Hon. Gloria M. Dabiri, Supreme Court Justice, 2<sup>nd</sup> Judicial District

Julie A. Domonkos, Esq., Executive Director, My Sisters' Place

Catherine J. Douglass, Esq., Executive Director, inMotion

Hon. Betty Weinberg Ellerin, Associate Justice, Appellate Division, First Department

Frank Fincham, Ph.D., Director of Clinical Training and Professor of Psychology, State  
University of New York, Buffalo; Chair, PACT Program

Sherry Frohman, C.S.W., Executive Director, NYS Coalition Against Domestic Violence,  
Adjunct Faculty of Sociology, State University of New York College, Oneonta

Ronald W. Heilmann, C.S.W., Children 1st Program

Martin T. Johnson, Esq., Johnson & Cohen, LLP, Past Chair, Family Law Section, New  
York State Bar Association

Sandra J. Kaplan, M.D., Professor of Clinical Psychiatry, New York University School of  
Medicine; Vice Chairwoman, North Shore University Hospital Department of  
Psychiatry

Victoria L. Lutz, Esq., Executive Director, Pace Women's Justice Center, Pace University  
School of Law

Sanford J. Mayer, M.D., Past President, American Academy of Pediatrics, Chapter 1 - New  
York; Clinical Associate Professor of Pediatrics, University of Rochester; Twelve  
Corners Pediatric Group

Hon. Sondra Miller, Associate Justice, Appellate Division, Second Department

Robin Rosenberg, M.S.W., Administrator, P.E.A.C.E., Westchester County

Hon. Jacqueline W. Silbermann, Supreme Court Justice and Administrative Judge  
(Supreme Court, Civil Branch), 1<sup>st</sup> Judicial District; Statewide Administrative Judge,  
Matrimonial Matters

Paul Sartori, Esq., Directing Attorney, Law Guardian Office, Sullivan Trial Legal Society, Inc.

Antonio Galvao, Esq., Counsel to the Board, NYS Unified Court System

# **APPENDIX C**

## **References and Resources**

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## **APPENDIX D**

### **Summary of Essential Curriculum Content**

# **SUMMARY OF ESSENTIAL CURRICULUM CONTENT**

## **OVERARCHING GUIDELINES**

Programs should convey a message of hope and empowerment to parents that long-term problems are not inevitable in the aftermath of a breakup and that much depends on the quality of family life and parent-child relationships. A balanced overview of the diversity of outcomes for children whose parents divorce or separate should be presented with an emphasis on the protective factors that parents can provide to buffer risk and promote positive child outcomes.

A variety of delivery methods should be used (*e.g.*, didactic, videos, slides, Power Point, or overheads) with a strong emphasis on active involvement of participants through a variety of role play scenarios, small group discussion, and skills practice.

Programs should focus on a strengths-based model, not an assumption of pathology, *i.e.*, what parents *can* do, their strengths, and their control over factors that can affect their children's outcome.

## **SESSION 1**

### **I. Introduction**

Before receiving the substantive information, parents should be made aware of the purpose and focus of parent education and advised that certain information is not appropriate for parents for whom domestic violence is a concern. It must be recognized that parents involved in domestic violence – both abusers and victims – will be present in parent education classes. While information and skills for parenting post-divorce or separation, such as self-care, recognizing age appropriate behaviors in children relating to the family restructuring, creating a supportive environment for the children, and effective parent/child relationships, can be helpful to victims of domestic violence and their children,

there are aspects of the curriculum that must be sensitive to the special issues presented by domestic violence. Introductory remarks should convey to parents that

1. The purpose of parent education is to help parents through the unique circumstances of separation or divorce. The program is intended to provide them with additional information to supplement and enhance the skills they already have. The program is preventive, with a focus on fostering children's resilience and healthy adjustment.
2. Parent education is child-focused. The material will be primarily concerned with helping parents understand what their children are experiencing and how they can help them through the transition, with emphasis on the parent-child relationship, rather than the relationship between the parents. The program will focus on what they can do to strengthen their relationship with their children and improve the chances for their children's well-being.
3. One parent cannot control the other parent, but how a parent conducts him/herself can have a positive impact on the child(ren). Since the material focuses on self-care and the parent-child relationship and support systems, it is beneficial for the child if even only one parent tries to follow it. In other words, it is better to have one parent following the guidelines than to have neither parent engaged in healthy parenting practices.
4. Parent education is educational and not therapeutic. General principles and guidelines will be set forth and specific situations cannot be addressed. Active participation by the parents is an important part of the learning process and is encouraged. The Administrative Order establishing the parent education and awareness program recognizes this and provides that all communication

- surrounding parent education is confidential and is not to be used in court proceedings. Since confidentiality cannot, however, be guaranteed, parents should not discuss the specifics of their case during parent education classes.
5. None of the statements made in class or in the materials are meant or intended to make parents feel that, for the sake of the children, they should continue in relationships in which they are abused, or that they should acquiesce to the demands of abusive partners or cooperate or interact with abusers. Additionally, there should be a statement that safety for children and parents must always come first.
  6. Define domestic violence at the beginning of class as, for the purpose of parent education programs, “a pattern of coercive tactics, which can include physical, psychological, sexual, economic and/or emotional abuse perpetrated by one person against an intimate partner with the goal of establishing and maintaining power and control over the victim.” Also, give a *caveat* both at the beginning of class and at certain critical points throughout the class that some of the content is not appropriate for domestic violence victims, e.g., anger management skills, cooperative parenting and forms of negotiation, particularly mediation. Make reference to domestic violence service providers, as set forth in resource manuals provided to parents and/or materials on site, and encourage participants who identify as victims to contact these resources and to talk to their attorneys.
  7. Acknowledge that families are different and that some information will be more relevant for some parents and their children than other information.
  8. Note that references will sometimes be made to divorce, separation, spouse or marriage and that, regardless of the particular term used, the intention is to cover

all situations in which parents may be involved. Many of the concepts are applicable regardless of the parents' relationship, *i.e.*, whether they are married and divorcing or separating, or they are separating after cohabiting without marriage.

9. Give a message of hope and empowerment that long-term problems are not inevitable in the aftermath of a breakup or family reorganization and that much depends on how each parent handles the situation and the quality of family life and the parent-child relationships going forward. Note that parent education focuses on the things that parents can do to promote positive outcomes for their children.
10. Provide a brief overview of the content and structure of each class.

## **II. Parenting and Child Well-Being**

### **A. *Creating and Maintaining Supportive Parent-Child Relationships***

1. A discussion of the importance of a healthy parent-child relationship as a protective factor during the divorce or separation process. Such relationship includes as many of these elements as possible:
  - a. Engaging in pleasant activities one-to-one with the children (*e.g.*, reading together, playing board games or sports);
  - b. Engaging in effective communication and active listening;
  - c. Discussing family changes with children and recognizing and accepting children's feelings, but not emotionally burdening them with too much adult information;
  - d. Giving children appropriate opportunities to experience some sense of control (*i.e.*, structured choices);

- e. Setting reasonable limits, providing structure, and supporting and monitoring children of all ages with consistent non-punitive guidance; and
  - f. Reinforcing positive behavior by noticing it and commenting or complimenting the child.
- 2. Coverage of possible child reactions to separation/divorce presented within the context of normative developmental issues and behaviors (e.g., ages birth to 2 years [infants and toddlers], 3-5 years, 6-8 years, 9-12 years, and 13-18 years)
  - a. Address ways in which parents can support their child or children and take steps to lessen or prevent the development of problems;
  - b. Include warning signs that professional help may be needed for children, such as if they are hurting themselves or talking of hurting themselves; have a marked increase in problem behaviors, such as acting out or becoming sad/withdrawn; significant gain or loss of weight; decrease in grades; any severe impairment of functioning with friends, family or at school; and duration of a “typical” (*i.e.*, expected) reaction to the family disruption for six months or longer; and
  - c. Note area programs for support and assistance as set forth in a guide of local resources for parents provided by the parent education provider.
- 3. Skills practice for listening and talking with children, e.g.:

- a. Addressing the child not wanting to go with the other parent;
- b. Recognizing when the child is caught in the middle between parents and remedying the situation; and
- c. Role play common scenarios for better communication between parents and children.

B. *Providing a Stable, Supportive Home Environment*

1. The negative effects of multiple emotional and/or physical transitions/changes (*e.g.*, in residence and school) on a child's healthy development and the importance of keeping the child's world as much the same after the separation/divorce as possible.
2. Changes that can occur in children's lives as a result of the family reorganization, the importance to children of stability, and strategies for maintaining daily routines and family traditions, such as
  - a. Continuity of health care and providers;
  - b. Maintenance of a relationship with both parents, especially if the child was accustomed to time with both parents pre-divorce or separation. EXCEPTION: This may not be the case where one parent has abused or been violent to the other parent and/or child;
  - c. Importance of timely exercise of visitation/access/residency times as scheduled;
  - d. Need for safe, private space in both homes;
  - e. As much as possible, maintenance of similar lifestyles and rules and resources in both homes; and



- f. Regular and age-appropriate bedtimes, eating meals together, reducing the amount of television, video and computer non-educational use, and increasing parent-children time.
- 3. Avoidance of drastic downward changes in the standard of living, which research shows can result in negative outcomes for children (Amato, 2000; Peterson, 1996).
- 4. The importance of timely payment of child support and the research that demonstrates that dependable, timely child support payments and actively involved parent(s) are related to better academic, social, and emotional outcomes for children (Amato & Gilbreth, 1999).
- 5. Importance of environmental/community support of the child.  
Encourage sensitivity of the teacher/school, inform parents of support group programs for children, and support visiting opportunities with family of the former partner and the child's healthy, close relationships with other important adults or peers.
- 6. Recommendations for new relationships, dating, and the impact on children's adjustment. Note that having a new relationship may be healthy for the parent, but it is advisable to schedule time for adult companionship around the children's schedule. Ideally, the best time to date or pursue a new relationship is when the children are with the other parent. Children need the security of their parents' attention and reassurance after separation or divorce. Therefore, it is important to not prematurely introduce a new person in the parent's life to the children, as it can be detrimental to the children's emotional

development and ability to form lasting relationships if significant adult figures go in and out of their lives.

C. *Maintaining Healthy Parental Functioning and Psychological Well-Being*

1. Explain the importance of parent well-being, both physical and mental, for child outcomes.
2. Acknowledge and validate possible adult responses to the divorce, separation or family reorganization. Indicate normative reactions and warning signs and when a reaction may become a problem such that professional help should be sought. Note the distinction between temporary adjustment reactions due to stress associated with the breakup and long-term psychological problems.
3. Validate parents seeking professional assistance as a sign of strength, not weakness. Emphasize the importance of adults taking care of themselves so that they can best care for their children. A parent in distress should explain to the child that he/she is getting help and that the child is not to blame for the parent's condition. Advise parents of local resources for assistance and the information listed in the parent handbook.
4. Discuss challenges posed for parents and effective coping strategies, with the focus on strengths and opportunities for positive change. Describe effective strategies for stress management and for avoiding use of alcohol or drugs to soothe.
5. Discuss solvable versus unsolvable problems and the recommendation to focus on what the parent can control and to let go of uncontrollable

situations. For example, a parent cannot control a former partner's behavior but he/she can control how he/she responds.

## **SESSION 2**

### **III. Legal Process**

- A. Custody/visitation terminology. Terms to be covered are joint, sole, shared, and split custody, residency, decision-making, visitation, access, and parenting time, specifically noting language choices that do not have a “win/lose” connotation.
- B. Special visitation situations. Discuss what an order of protection is, how obtained, and visitation issues that may be encountered when an order of protection is in place. Discuss supervised visitation and, when appropriate, a monitored or neutral place of exchange, and the suspension of visitation in certain circumstances where high conflict, domestic violence or child abuse is alleged to be present.
- C. Negotiation or litigation. Provide a balanced, nonjudgmental presentation of the considerations in pursuing negotiation or litigation in the resolution of a dispute. The different forms that negotiation can take should be covered (e.g., just the parties, just the attorneys, parties with mediator, parties with attorneys and law guardian with or without a mediator, court involvement) as well as collaborative law, where available. Provide an overview of the litigation process. Discuss the pros and cons of negotiation and litigation, including the inappropriateness of negotiating or mediating with an abusive partner. Also cover the party's right to control how his/her case is handled and the importance of not signing any documents or agreements without first consulting with an attorney.

- D. Custody determination by the parties. Explain parenting plans and settlement or separation agreements. Also emphasize that once the parties sign an agreement, it is very difficult to modify or void.
- E. Custody determination by the court. Explain the factors considered by the court in making a custody determination and how the weighing and consideration of those factors is unique to each case. Also address limits on the court, such as the case law that finds an award of joint custody after a trial to be inappropriate and the court's inability to be as familiar as the parties with their needs and circumstances and those of the children.
- F. People and procedures that assist the court. Identify and explain the functions of individuals who may have input in the resolution and determination of the matter, *e.g.*, psychological/forensic evaluator, substance abuse evaluator, and law guardian. Also address considerations and procedures concerning the court's interview of the child(ren).
- G. Child support. Emphasize the importance of paying child support in a timely manner, that child support is for the children, and that parents have a legal obligation to provide their children with the necessities of life until they reach age 21 years, unless sooner emancipated (*e.g.*, marry, enter armed services, work full time). It is important that the full child support amount be paid on time. The children should not be penalized for any conflict between the parents. Make parents aware of the following: visitation and child support rights are generally not related; child support cannot be given directly to the children, except in very limited circumstances; the parent receiving child support does not generally have to account for how the money is spent; and child support does not automatically

terminate if the children go to live with the other parent but must be changed by the court.

- H. Court orders. Explain the importance of complying with court orders/judgments and agreements between the parties.

#### **IV. Parenting and Child Well-Being (continued)**

##### **D. *Protecting Children From On-Going Conflict Between Parents***

1. An explanation of the importance of not exposing the children to parental violence or abuse and of the parents' modeling behaviors, including the following concepts:
  - a. Exposing the children to violence is psychologically harmful to them and that preventing violence is the responsibility of the parent who uses the violence and not of the victim.
  - b. Effective parenting depends largely on how one parent treats the other parent. Mistreating a partner, including any form of violence or abuse, is not responsible parenting.
  - c. Children need their parents to model mutual respect, equal responsibility for child care, and nonviolence.
  - d. Children need their parents to model accepting responsibility for one's own actions and not to model blaming one's behavior on others.
  - e. Children need their parents to model listening well to each other even when angry and not using anger as an excuse for insulting, demeaning, or intimidating (Bancroft and Silverman, 2002, p. 208).

2. An explanation of the effects of conflict on children:
  - a. It is related to behavior problems in children (*e.g.*, increased anger and aggressive behavior in children).
  - b. It disrupts effective parenting.
  - c. Ongoing high conflict in a family is the single most powerful predictor of poor outcomes for children.
  - d. Children benefit from their parents' separation or divorce when it provides an end to parental relationships in which there is high conflict and/or abuse (Amato, 2000; Hetherington & Stanley-Hagan, 1999).
3. An explanation and discussion of the importance of protecting children from being caught in the middle of conflict by:
  - a. Guarding against using children as messengers between parents or as an "informant" or to carry support checks;
  - b. Keeping communication business-like and respectful;
  - c. Being sensitive to a child's need to love both parents (*i.e.*, no "putdowns" of the other parent);
  - d. Not asking children to keep or tell secrets;
  - e. Not asking children intrusive questions about the other parent;
  - f. Listening and allowing children to express their feelings about their other parent, including the fact that they may miss the other parent;
  - g. Using interactive role plays to demonstrate ways to keep children out of parent conflict; and

- h. Supporting children in a healthy relationship with the other parent and avoiding loyalty conflicts (*i.e.*, children feeling they have to “choose” between parents), providing that child abuse is not an issue.
- 4. Suggestions for defusing conflict, managing anger, and disengaging from a hostile former partner:
  - a. Emphasize a message of safety: victims of domestic violence should not attempt to use anger management skills to deal with an abusive former partner.
  - b. Focus on behavior over which you have control- don't try to control the other parent's behavior.
  - c. Adopt a business-like style of interacting with former partner.
  - d. Seek professional help or support groups when anger and conflict become chronic.
  - e. Describe parallel parenting as a more appropriate option in situations of intense, ongoing conflict or abuse.
- 5. An emphasis on developing a workable post-separation relationship or as a challenging but important goal. Stress that ideal parenting relationships are those that protect children from conflict while being safe and tolerable to parents.
  - a. Explain that parenting relationships are on a continuum ranging from parallel and separate to cooperative with active communication between parents. Explore how parenting relationships may change over time or in relation to the topic.

For example, some parents may be able to be cooperative about issues of medical care but need to be parallel about religious practices. Many parents begin with parallel parenting and move, over time, to a more flexible and collaborative situation and cooperative parenting, or revert to parallel parenting when conflict levels become high.

- b. Parallel parenting is recommended and is appropriate when high conflict or issues of safety are present as, for example, when parents cannot resolve conflict on their own and repeatedly resort to the courts for resolution.

#### Define parallel parenting

- i. Each parent assumes total responsibility for the child during the time in his/her care.
- ii. In order to prevent confrontations, there are no expectations of flexibility of the schedule.
- iii. Each parent remains a part of the child's life while reducing opportunities for conflict.
- iv. Parallel parenting allows little or no face-to-face communication. Parents use e-mail, a third party, or a parenting notebook to communicate.
- v. Households are separate. Each parent makes decisions about the child when he/she is in his/her household.
- vi. Explain the value of a written parenting plan or strict adherence to the court order or judgment.



- vii. Discuss how to carry on a business-like relationship and the importance of using common courtesy.
    - viii. Remember the goal is to keep conflict to a minimum.
  - c. Cooperative parenting is appropriate when:
    - i. Safety is NOT an issue and there is low or minimal conflict.
    - ii. Parents are able to contain conflict and communicate in person or over the phone.
    - iii. Parents can work together as needed to resolve issues related to the child.
    - iv. Parents can work together in the best interests of the child.

Define cooperative parenting:

- i. Major decisions about the child are jointly discussed.
- ii. Allows smooth transitions from one home to the other.
- iii. Allows for schedule changes--can be flexible and negotiable.

Develop skills for cooperative parenting:

- i. Skills training in effective communication (*i.e.*, “I” versus “you” messages).
- ii. Steps for problem solving.
- iii. Effective listening skills.

## **V. Optional Additional Hour**

Parent education providers may choose to include an additional one- to two-

hour segment covering a topic that has been approved during the certification process. Research has shown that the opportunity to practice skills covered in the parent education presentation holds the greatest promise for producing better outcomes for children and reducing parent conflict (Kramer, *et al.*, 1998; Pedro-Carroll, 2001). These skills include use of “I” messages, keeping children out of the middle of the parents’ conflict, conflict management, skills for communicating with children, and addressing issues as if the parents were “business partners.” It is best if skills can be practiced in small groups of no more than 15 parents to one facilitator for at least one hour, provided the facility has adequate space for so doing. The types of information that providers may choose to provide in this additional hour segment are small group discussions or skills practice with facilitators, explaining the use of parenting plans, and family resource and financial management. These topics are illustrative only and should not be viewed as limiting. The appropriateness of the additional material for victims of domestic violence must be considered.

## VI. **Conclusion**

Concluding remarks should

1. Provide a summary of the program and information on other resources.
2. Emphasize that efforts to maintain or improve the quality of the individual parent-child relationship offer much to improve the chances for positive child outcomes.
3. Re-emphasize that the purpose of parent education is not to change the former partner but to focus on each parent’s relationship with the child(ren) and to try to give parents some ideas for reducing their child’s exposure to

conflict and for having a better relationship with their child(ren).

4. The goal is for each parent to leave the program with ideas about how to strengthen his/her relationship with the children.

## **APPENDIX E**

**2003 Poverty Income Guidelines Chart  
with Examples of Individual Parent's Income Levels  
that Qualify for Fee Waiver or Scholarship**

**U. S. Department of Health and Human Services**

Source: *Federal Register*, Vol. 68, No. 26, February 7, 2003, pp. 6456-6458;  
<http://www.aspe.os.dhhs.gov>

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No. in Household	1	2	3	4	5	6	7	8
* 100%	\$ 8,980	\$ 12,120	\$ 15,260	\$ 18,400	\$ 21,540	\$ 24,680	\$ 27,820	\$ 30,960
** 240%	\$ 21,552	\$ 29,088	\$ 36,624	\$ 44,160	\$ 51,696	\$ 59,232	\$ 66,768	\$ 74,304

\* For each additional person, add \$3,140.00.

\*\* Examples of the individual parent's income level at which the fee would be waived (or a scholarship awarded) using 240% of the poverty income guidelines.