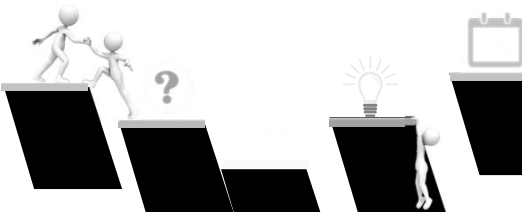


But What About the Next Day?

Essential Services to Support Working Parenting Plans



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With Thanks To...

- Eve Lopez, CFLS for Artwork
- Lynda Doi Fick, MA, MFT (1948-2017)
- And Thank you to the CO DR Best Practice Institute For Bringing me here!

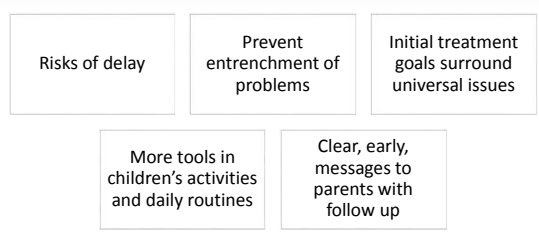
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Greenberg, Lyn R., Doi Fick, Linda, & Schnider, [Judge] Robert A. (Ret.) (2016). Catching them before too much damage is done: Early intervention with resistance-refusal dynamics. *Family Court Review*, 54(4), 548-563.

Winner of the AFCC 2017 Meyer-Elkins Award for best article in 2016

3

The Case for Early, Systemic Intervention



Risks of delay

Prevent entrenchment of problems

Initial treatment goals surround universal issues

More tools in children's activities and daily routines

Clear, early, messages to parents with follow up

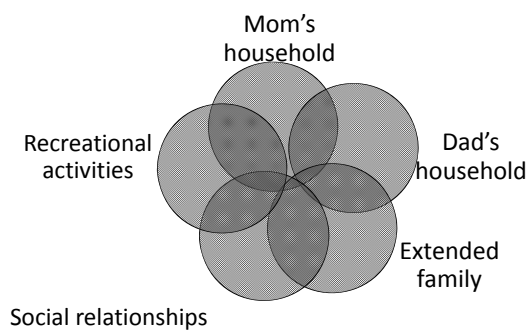
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Why Systemic?

- The World of a Child Extends Far Beyond the Litigation
- Issues that preoccupy adults often differ from what matters to children

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Simplified world of a Child



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Core Concepts

- Viewing from a developmental lens
- Broadening the range of knowledge we consider
- Identifying dysfunction early
- Viewing from multiple lenses

7

Core Concepts

- Building the case for early intervention
- Practical strategies
- Staying relevant without tainting external investigations

8

Assumptions to Question...

- In order to intervene, we have to first resolve every allegation and assign blame
- If we assess/investigate long enough and thoroughly enough, we will learn “the truth”
- Extensive assessments are always lead to better interventions

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Myths About Therapy

- It must be voluntary
- It must be verbal and lead to “insight”
- Confidentiality must be absolute
- It is fundamentally different from psychoeducation, coaching, or skill-building

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More Myths About Therapy

- If parents don't change, there's nothing we can do for kids
- The best way to reintegrate relationships is to limit conjoint counseling to the rejected parent and resisting child

And my very favorite –

- ***If a delayed or poorly planned intervention fails, we should conclude that the FAMILY is hopeless***

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That we don't have *perfect* evidence doesn't mean that there's *no* evidence

- There will never be perfectly controlled studies about any of these interventions *as a unit*
- There is considerable research on effective mental health intervention on many of the issues we target
- There are fewer excuses for doing what we know doesn't work, but we can build options more likely to succeed
- Risks of doing nothing

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What Do We Hear From Judges?

- Time stresses
- Reluctance to Micromanage
- “Need to Choose a Decision-Maker”
- “If the parents can’t agree, the answer is ‘no’”

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Appeal of Sole custody or compartmentalized decision making.....

Allows timely decisions when necessary

Appears easier to external professionals (although may be at the cost of bias)

Gets the family out of the courtroom

But What About The Next Day

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Problems with “picking a winner”

```

graph TD
    A[Both parents may have areas of competence and contribution] --> B[Critical perspective lost, single-hypothesis thinking]
    B --> C[Marginalization of a parent]
    C --> D[External professionals start engaging with only one parent]
    D --> E[Less collaboration and information sharing]
    E --> F[Resentment on both sides]
    F --> G[Gatekeeping]
    G --> H[Stress, fatigue, respite issues]
    
```

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Problems with “Defaulting to NO”

- Reinforcing Conflict Behavior
- Robbing Children of Critical Developmental Experiences
- No expectation that parents learn to solve problems
- Children don’t learn essential problem-solving skills

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There is a Middle Ground...

- Requiring more structured decision-making
- Selecting activities realistic to the parenting plan and level of conflict
- Developmental focus
 - What does this child need to learn/master?
 - What are the consequences of this decision for those tasks?

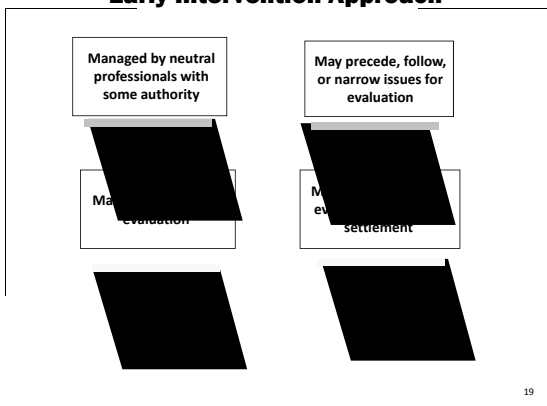
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Changing our Thinking in Light of Research and Experience

- The child's ability to cope effectively over time *IS* the ultimate issue
- Children learn those skills through the activities of daily life
- Skills and strategies are modifiable, "insight" can follow behavior change
- Children's ability to form independent relationships is critical
- Intervention enhances children's emotional independence
- If all else fails – leads to clear, behavioral evidence (that the court can understand) about risks to the child and parental cooperation
- Unexplored possibilities

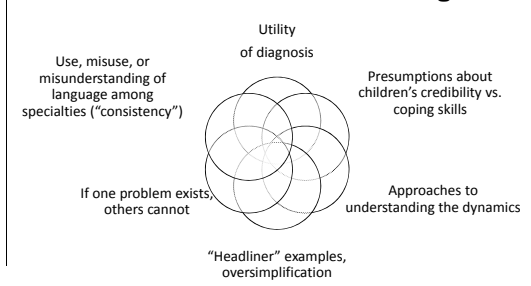
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Early Intervention Approach



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Issues / Controversies Complicating Assessment and Treatment Planning



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Goals of Early Intervention

- Minimize risks
- Maintain developmental progress
- Expand coparenting options
- Provide opportunities for parents to expand or demonstrate parenting and coparenting abilities
- Maintain integration of child and community
- Maximize resources

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Children's Outcome

Is Related To

- Coping *effectiveness* (healthy coping skills)
- Coping *efficacy* (belief that what one says or does will work)
- Access to healthy relationships
- Stability
- Authoritative parenting
- Access to normative activities
- Management of developmental risks

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Individual Factors We Can Impact, That Are Related to Outcome

(Adapted from Pedro-Carroll, 2005)

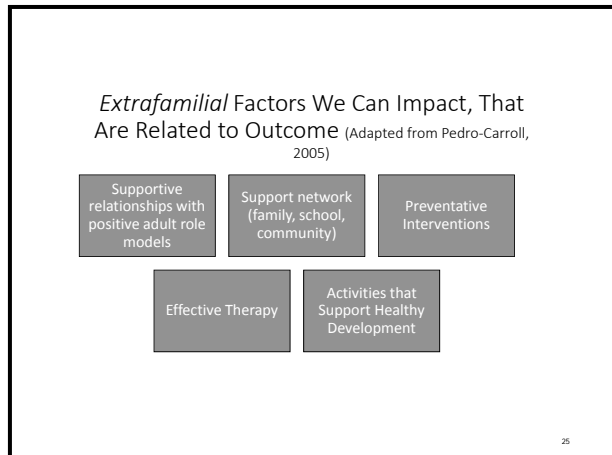
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Family Factors We Can Impact, That Are Related to Outcome

(Adapted from Pedro-Carroll, 2005)

Protection from Interparental Conflict	Psychological well-being of Children	Solid, supportive parent-child relationships
Economic Stability	Authoritative Parenting	Household Stability and Structure

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Importance of Daily Activities: Focusing Our Attention on the “Mundane” issues

- Details of daily routines and organized activities
- Collecting that information at every stage
- Coparenting is not enough
- Activity issues may be essential for resolving other problems
- Outcome studies suggest that these issues are critical

Johnston, Roseby and Kuehne (2010); Dunn (2001); Reed et al (2013); Sandler et al (2010), Pedro-Carrol (2005), Greenberg and Lebow (2016); Moran, Sullivan and Sullivan (2015) etc.

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Risks to Children of Conflicted Parents

“When the elephants fight, the grass gets trampled.”

- Impaired ability to handle frustration
- Poor social interaction and coping skills
- Poor ability to modulate affect
- Avoidance, internalizing disorders
- Impaired reality testing and social judgment

Fidler, B.J., Bala, N. and Saini, M.A. (2013), Kelly, J.S. (2012)

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So what can/should we expect from parents?

*Note: Several slides in this section have been provided or adapted courtesy of John Moran (one of my co-presenters from our AFCC Seattle 2016 presentation) or have been adapted from years of collaborative work with Matthew Sullivan.

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Creating a Positive Therapeutic (and Legal) Bind

Theoretically, parents are united by their desires that children have:

- Safety
- Loving home environments
- Protection from the harmful effects of the divorce
- An opportunity to develop into healthy adolescents and adults
- The best resources to support parents' mutual desire to protect and nurture the child

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Descriptors and Frequency of the Problem

- 3 types of co-parenting relationships: cooperative co-parenting (15%); parallel co-parenting (70%); and high conflict co-parenting (15%)
- 85% of families are struggling with co-parenting conflict, either low grade tension with occasional flare-ups, or chronic conflict with occasional instances of successfully negotiating a parenting problem

Kelly, J.S. (2012) Risk and Protective Factors Associated with Child and Adolescent Adjustment following Separation and Divorce; Social Science Applications. In Kuehnle, K. & Drozd, L. (Eds.) Parenting Plans Evaluations; Applied research for the Family Court. Oxford University Press.

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Systemic Intervention Planning

- What does the child need to learn/master?
- What activities or conditions can help the child get there?
- What developmentally regressive influences do we need to address, or protect the child from?
- How do we build resilience in the child?
- What assessment questions
 - MUST be answered beforehand
 - Can be addressed while intervention is ongoing

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Systematic Intervention Planning (cont.)

- Use of recreation and external activities
 - Activity analysis (Austin, 2012)
 - Detailed procedures
 - Organized activities lend themselves to common expectations
- Focus on behavior
- Are there joint activities that allow the child to access the strengths of a parent while minimizing negative exposure?
- Attention at every level – mediation, collaborative, evaluation and treatment intake
- Accountability can be direct or indirect

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Attorney Interests in Early Intervention

- Client Assessment and Management
- Turning global distress into concrete issues
- Identifying weaknesses before the court or an evaluator does
- The positive impression of sincere, verifiable effort
- And if you must litigate – gathering behavioral data on the response of the opposing party

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