

**Court-Ordered Intervention for High
Conflict Families:
*Reportable Therapy, Parent
Coordination, Early Systemic
Intervention***

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The Contentious Family

- Joe and Patti Contentious are in court for the fourth time in six months.
- They are parents of Janie, age 4 ½, who is a pre-kindergarten student. They have each presented a video showing the following:

The Contentious Family

- Janie was clutched in her mother's arms while Mother carried her to Father's waiting car.
- Mother's face was close to Janie's as she cried, saying, "I know it's scary Janie but Daddy is here to pick you up."
- Janie's father cheerfully greeted Janie but said nothing to Mother, other than, "put her down please Patti."

The Contentious Family

- Janie began to cry as her mother said to her father, "I told you she's too scared to go with you. She knows you're still a dangerous alcoholic. Why doesn't anyone listen to me."
- Father responded with hostility, "You're alienating her. She's fine when she's not around you. This is why I should have custody"
- The parents continued to execute the exchange for fifteen minutes in the same manner while Janie's distress escalated.

The Contentious Family

- This occurred one day before Father was scheduled to take Janie to perform in a program at her school. Janie is substantially overweight and has delays in gross motor skills, issues which are impeding her participation with peers.
- Her pediatrician has urged the parents to address these issues immediately by increasing Janie's physical activity and promoting healthier food choices. He suggests structured but non-competitive programs such as a local kiddie gym.

The Contentious Family

- Mother has reluctantly chosen a program, although she believes this issue can wait because Janie is so distressed and dislikes physical activity.
- Father has chosen a different kiddie gym program with which he thinks Mother should comply.
- Mother cites this as another reason for Janie's distress at parenting transitions.
- Father has filed an ex parte motion seeking to have his parenting time extended so that he always transitions Janie to and from school.
- Mother wants Father's parenting time monitored. Each is seeking sole custody.

The Contentious Family

- As the court
- As the court date approaches, both parents have been doing research on the internet
- Patti has concluded that Father perfectly fits the diagnosis of....

The Contentious Family

Narcissitic Personality Disorder

Joe has concluded that Patti should be diagnosed with...

The Contentious Family

Borderline Personality Disorder

How Do We Recognize Children in Trouble?

- *Are they meeting developmental expectations?*
- *Are they moving forward?*
- *How do they respond to intervention?*
- *How do they relate to others?*

Considering the possibilities can be overwhelming...



In these families...

- Multiple, conflicting, often unclear allegations
- Focus on blame
- Inability to modulate
- Poor response to child's distress
- Buzzwords and armchair diagnosis
- Resistance to problem solving

Most of these families need
SOLUTIONS
before they need
ANSWERS

Services Multiply

- Investigation
- Children's Contact Centres
- Support groups
- Parent education
- Behavior change programs
- Counseling

Often with little coordination or communication

What are the effects of fragmented intervention?







Impacts on Professionals

I'M THE
CHILD
ADVOCATE!



NO, I'M
THE
CHILD
ADVOCATE
!

The undermining therapist...



“I’m the advocate for the child, and my client doesn’t want to see her Dad...”

Problems with therapy in a vacuum...




- “I know my client is litigating custody, but (s)he would never lie or distort information”

This is such nonsense. Don't they know co-parenting doesn't work with personality disorders?



Which is more tempting?



My ex is an
incurable
Narcissist so
it's useless to
try to deal with
him

I need to do
my part to
make
peace for
my child

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)

Reduces opportunities for further conflict

Reduces Litigation

But What About The *Next* Day?

Problems with “picking a winner”

Both parents may have essential contribution



Critical perspective lost, single-hypothesis thinking



Marginalization of a parent



External professionals start engaging with only one parent



Less collaboration and information sharing



Resentment on both sides

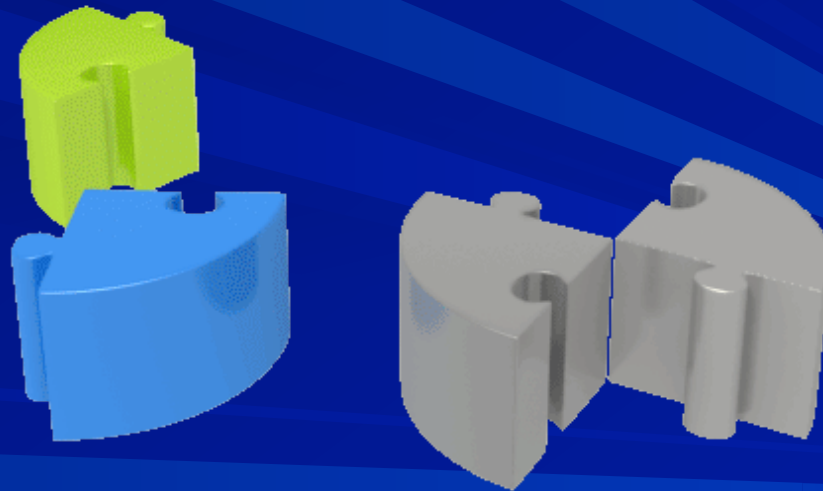


Gatekeeping



Stress, fatigue, respite issues

Chaos doesn't work – these families need *coordinated, integrated plans*



The Case for Early Systemic Intervention

Risks of delay

Difficulties of
intervening when
problems become
entrenched

Initial treatment
goals surround
universal issues

Opportunities to
send clear, early
messages to parents
and follow them up
if litigation continues

Available tools in
children's activities
and daily routines

Focus on Behavior

- Targeted interventions
- Early intervention to protect children
- Clear opportunities, tight agreements
- Cognitive and practical strategies
- Accountability
- Clear data for decision-makers

BEWARE

The “I didn't want it to work anyway” model

- Sealed treatment in a high conflict case may produce:
 - No treatment at all
 - An accountability-free acting-out zone
 - Unprotected children
 - Simple transfer of chaos from courtroom to therapist's office
- Sabotage of treatment by other professionals

Reversing Common Thinking

- The “little stuff” is really the most critical
- Daily issues critical
- If you can't improve it, create a clear track record
- Explain to the Court why it matters



“I know she didn’t drop off the football uniform or send you the practice schedule. But focus on the big stuff, like getting your week-about plan.”



“I know we have bigger goals, but your children need your help *NOW*. And taking these steps may help us reach the broader goals.”



Cooperating
with the
therapist is
your best way
of proving
that what
you're being
accused of
isn't true...

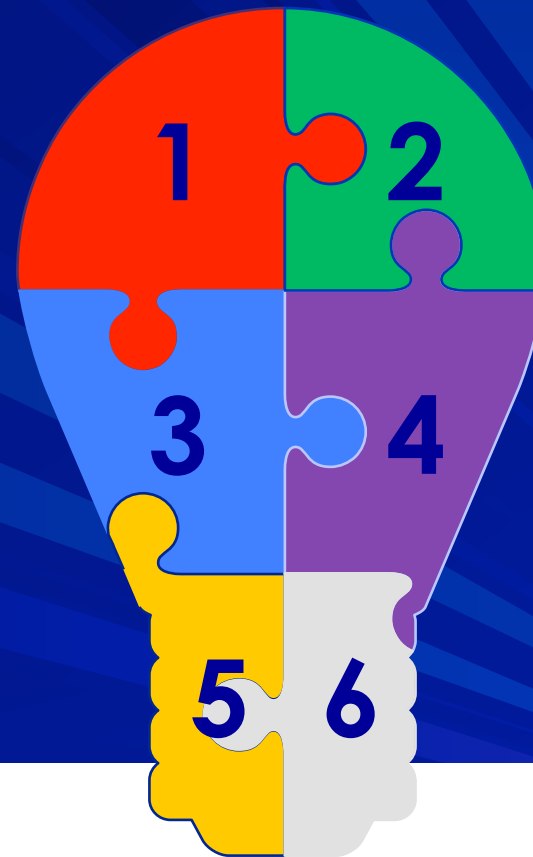
Models for Intervention

- Court-ordered “reportable” therapy
- Parenting coordination

Essential difference: Decision-making authority

The animation automatically begins.

1. Support for children's development
2. Structure
3. Behavioral Focus
4. Accountability
5. Tiered Information System
6. Integration with Daily life



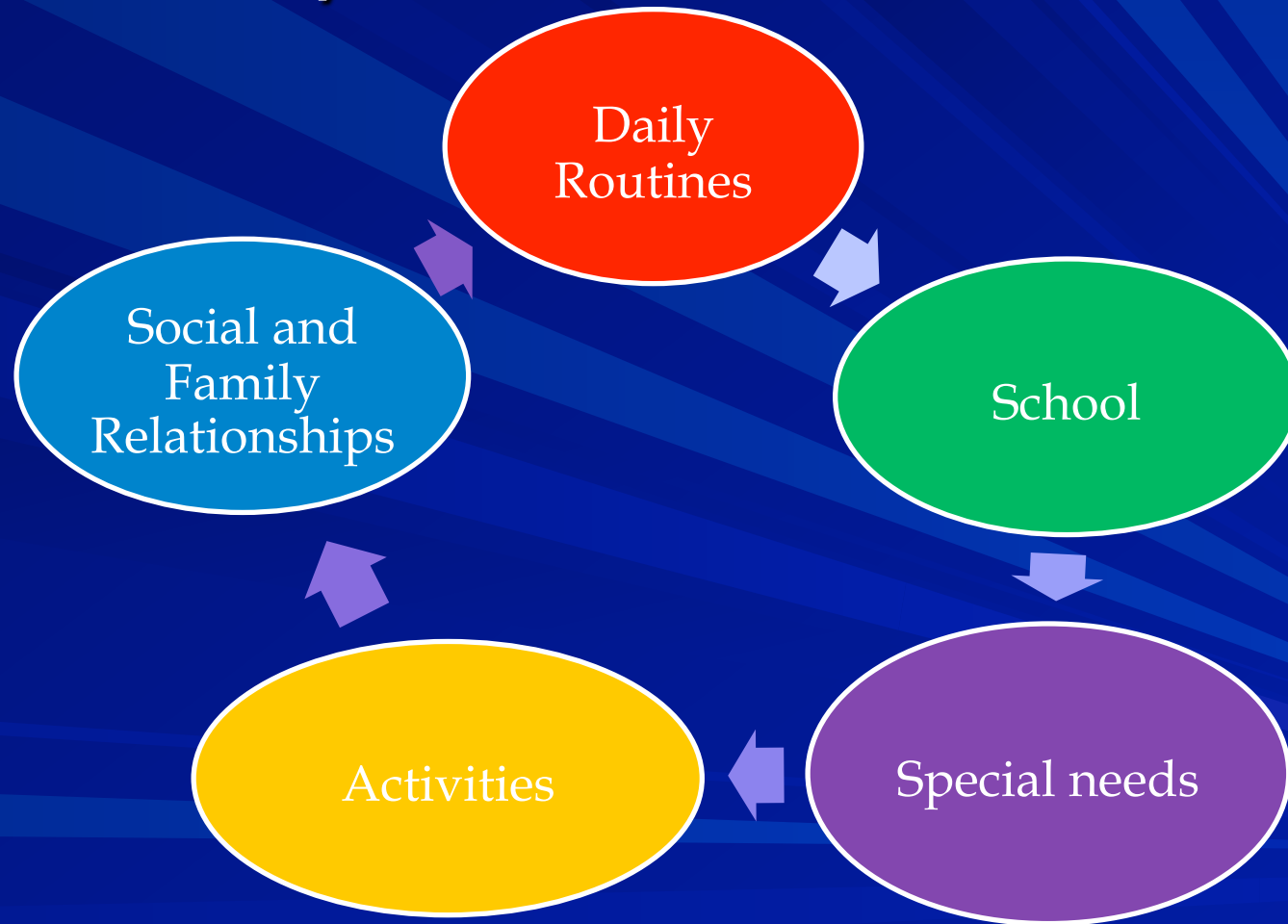
Essential Elements

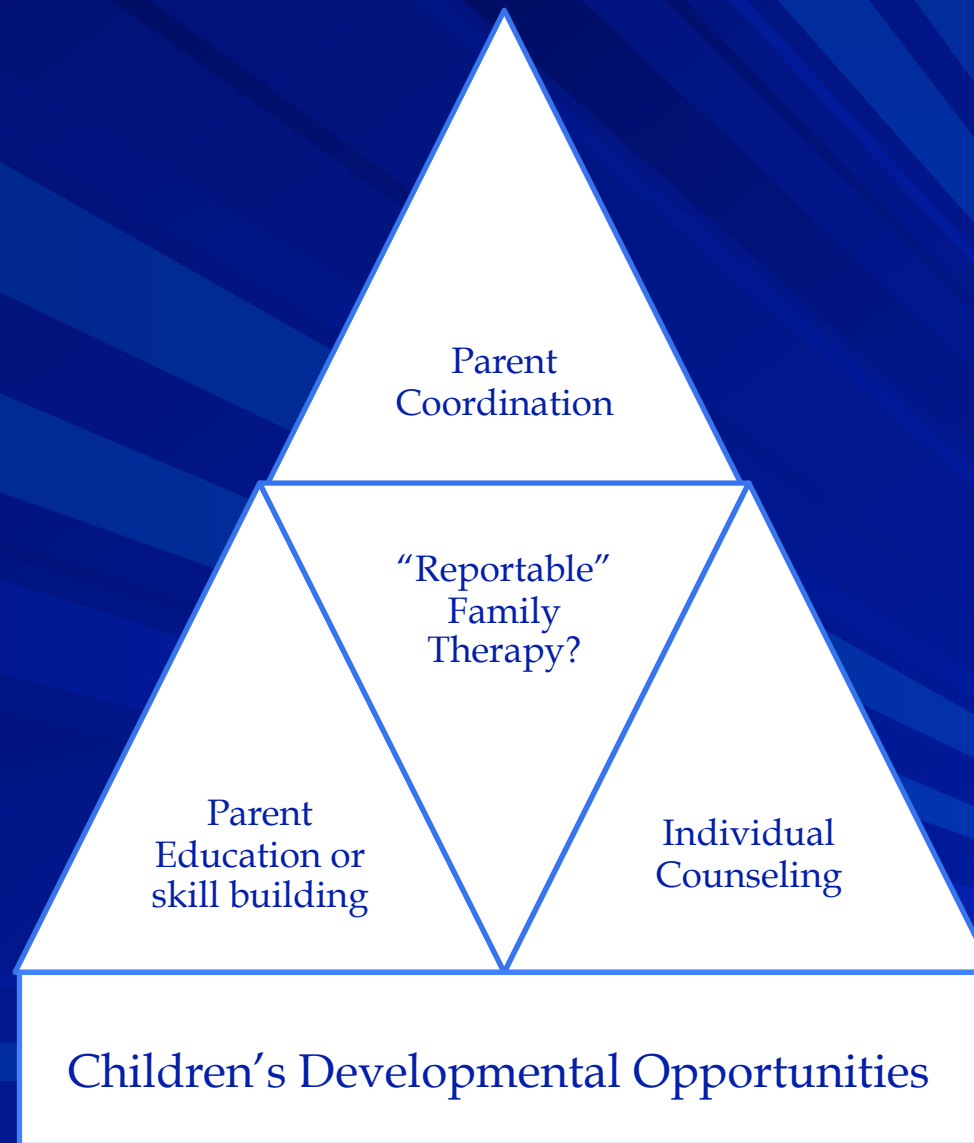
Julie Jackson, Director Family Law Division at Legal Aid of Western Australia

“We’re going to put some rules in place, so you (both) can show us you can follow rules. Either way, we’ll learn something about you.”

■ little girl on the stairs

What are they doing when they aren't with us?





Systemic Intervention Planning

- What does the child or family 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

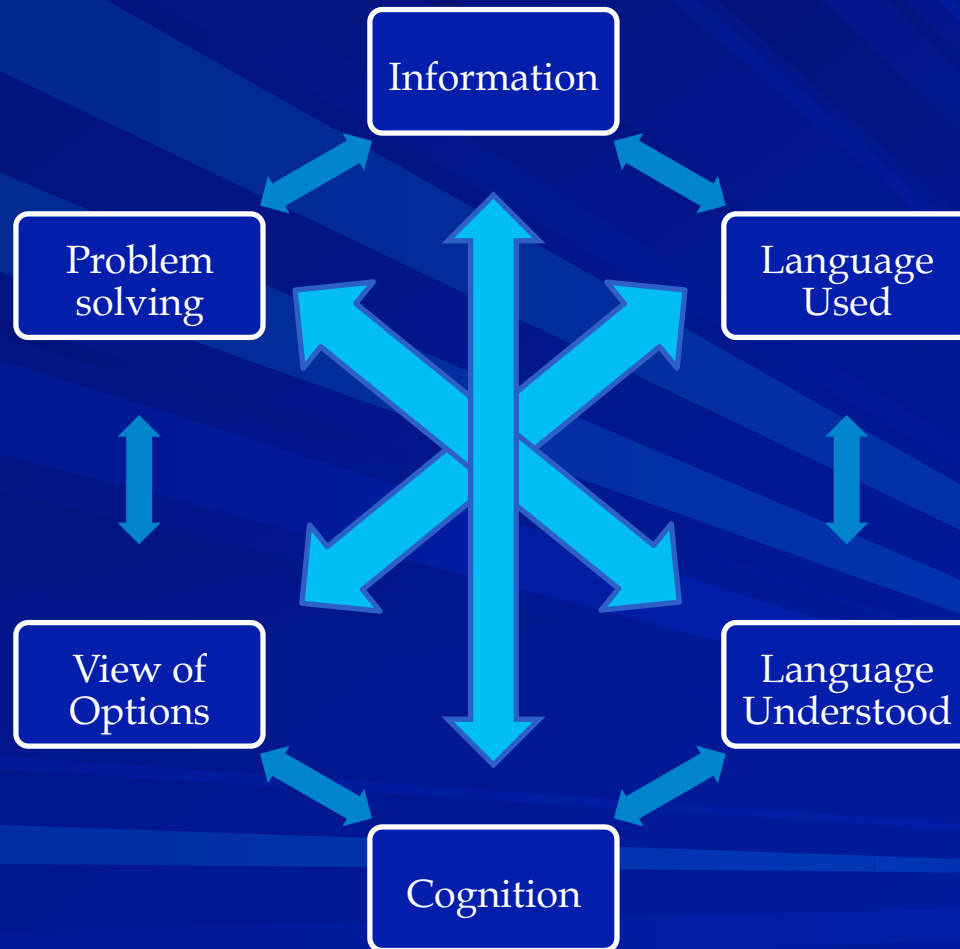
Systematic Intervention Planning (cont.)

- Recreation
- Focus on behavior
- Potential activities with parent
- Attention to daily issues
- Direct or Indirect Accountability

Precautions

- Role differentiation
- Consent and due process procedures

Communication Connections



Professionals, Roles and Boundaries

Knowledge gaps between legal and mental health professionals

Informed Consent, Respect for legal process

Role Boundaries and Ethical Issues

What can the coparenting counselor do?

Identify Communication Patterns

Clarify Language and Definitions

Assist information gathering

Facilitate Discussion of Options

Teach Skills for Shielding the Child from Conflict

Assist with real-life practice/application

What Can the Child's Therapist Do?

- Support *Developmentally appropriate, Active Coping*
- Emphasize management/mastery of
 - Emotions
 - Daily stressors
 - Resolution of trauma
- Support/teach *appropriate* communication, resolving relationship issues

■ Toddler reaction to mild adult conflict

Let's Talk About Confidentiality...

“Reportable Family Therapist”

- CCCT Model
- Child’s therapist with systemic focus
- Or designated family therapist
- Engage all parts of family system
- Interact with other therapists, systems, professionals

“Reportable” Therapy



| |
|--------------------------------|
| Clear, structured consent |
| Child-centered |
| Discretion to therapist |
| Behavioral data |
| Tiered information system |
| Managed sharing of information |
| |
| |
| |
| |

Clear, structured consent

Child-centered

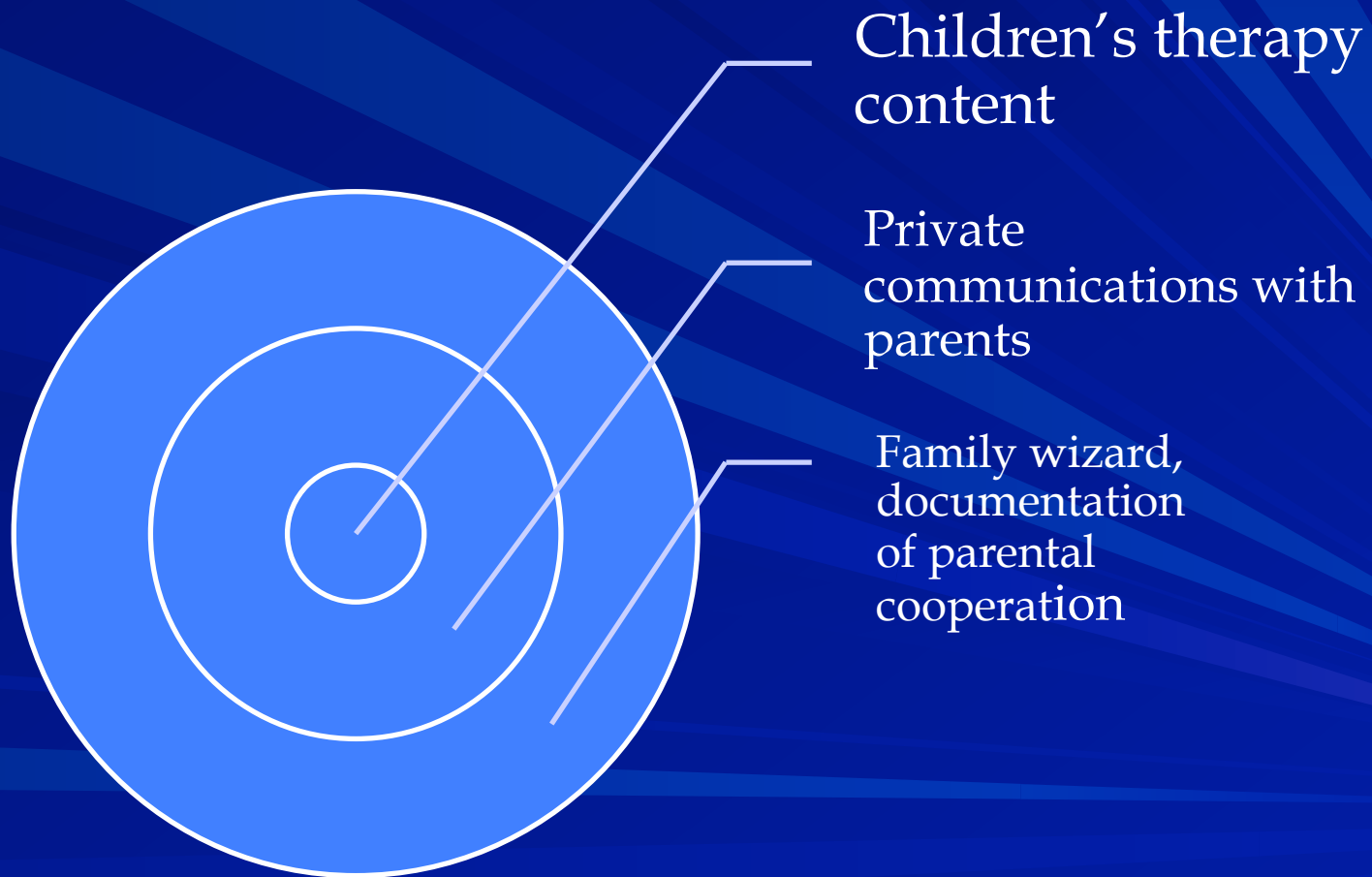
Discretion to therapist

Behavioral data

Tiered information system

Managed sharing of information

Tiered information system



Therapist Can't...

Make parenting plan recommendations

Make determinations on disputed issues

Express opinions on unseen people or relationships

*But What if Decisions Are
Needed?*

Parenting Plan Coordinator Can...

Direct Information Gathering Steps

Engage Coparenting and Problem-Solving Steps

Issue orders to resolve disputes within scope of authority

Requires Stipulation

Other Potential Providers, System Actors

*Including,
but not
limited
to....*

- Educators
- Individual therapists
- Recreation leaders
- Medical professionals
- Caregivers
- Family Members
- Social connections, friends

Skill Set

Knowledge of Case-relevant issues

Attention to Detail

Clear Procedures

Knowledge of Resources

Ability to Engage with Other Systems, Professionals

Structured Information Gathering



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

Teach Problem Solving

Seeking and evaluating information

Questioning assumptions

Temporary agreement on behavioral targets

Experimenting with an approach, providing feedback

Researching alternatives

Multiple hypothesis focus

Reminders that the child's needs will outlast the custody conflict

Case example #1

- Dr. Smith has been treating 10-year-old Johnny for two years
- During a regularly scheduled session, Johnny's father approached Dr. Smith and asked Dr. Smith if she didn't think that baseball camp would be a better choice for Johnny than music camp
- Johnny's mother had emailed Dr. Smith requesting that she find out what Johnny preferred to do, since she believed that he really liked music camp
- Dr. Smith emailed Dr. Jones, the newly appointed PC, to ask how they should coordinate

Johnny's summer activities (cont.)

- Dr. Jones directed Dr. Smith to refer the parents to the PC process to resolve this conflict
- He stated that the PC process was a fresh start for the parents to work together on this type of issue
- He asked whether Dr. Jones had further input that might aid this process

Johnny's summer activities (cont.)

- Dr. Smith advised Dr. Jones that this was a longstanding conflict that was frequently discussed with Johnny, and that several weeks ago he had expressed a preference to attend a soccer camp with his best friend
- Johnny had told her that he had conveyed his preferences to the parents, but she was not certain that he had done so clearly
- Dr. Smith advised Dr. Jones that while she understood that Johnny's preferences would not control the outcome, it would be most therapeutically helpful if he did not believe that his feelings were being ignored

Johnny's summer activities (cont.)

- Dr. Smith and Dr. Jones agreed on a procedure whereby Dr. Jones would discuss the conflict with the parents
- Dr. Smith agreed to facilitate joint sessions in which Johnny could discuss his various activity preferences with his parents
- Dr. Jones would then complete the decision-making process with the parents and coordinate with Dr. Smith
- Dr. Smith would therapeutically address any feelings arising in Johnny as a result of the decision

Essential concepts

- Respect for the new beginning represented by the PC's appointment, but also the child's experience and history
- Redirecting the parental conflict to the PC
- Assisting the child in adopting healthy coping skills and directly communicating preferences to the parents
- Respect for parents' decisionmaking authority

What About Trauma?

Trauma Impacts...

- Perception
- Memory
- Development
- Health
- Emotional/behavioral control
- Coping ability

How we Engage with the World...



How we interact..



How Children Perceive Themselves...

- *What do they think they're capable of?*
- *What possibilities do they see?*
- *What will they try?*

The background of the slide is a solid blue color with a pattern of diagonal lines in a slightly darker shade of blue, creating a sense of depth and movement. The lines radiate from the top right towards the bottom left.

*How Children Perceive
Themselves...*



I'm a great
swimmer

I get good grades
because I'm really smart



A young child with dark hair, wearing a white shirt, light-colored shorts, and sandals, stands against a white background. The child is holding a large white rectangular sign in front of their chest. The sign has the text "I'm a Victim" written on it in a blue, sans-serif font. The entire scene is set against a blue background with diagonal stripes of varying shades.

I'm a Victim

How Do We Recognize Children in Trouble?

- *Are they meeting developmental expectations?*
- *Are they moving forward?*
- *How do they respond to intervention?*
- *How do they relate to others?*

Considering the possibilities can be overwhelming...



So How Do We Help Them?

- Early Intervention
- Promote resilience and effective coping
- Management of emotions/behavior
- Creative use of resources
- Educate, educate, educate

What Do We Want Them to Learn?

- How do we build resilience?
- How do we help them adjust going forward?

**I'm too
traumatized to
follow rules.**





“She hurt me
so I will be
angry
forever.”

I'm too fragile to deal with anything





“If I’m not comfortable, I shouldn’t have to do it.”

My feelings are too dangerous to tolerate...



Is anyone here teaching
avoidance?

■ head start trauma smart

OR..



I can use my words





One step at a
time



It's ok to
have fun
with....

I CAN DO HARD
THINGS



**“When I get
scared or
nervous I
can...”**





I can learn new
things

**“Everyone has
to follow rules,
just like in
school.”**



When they say mean things, I don't have to listen





I can say,
"let's take
that to Dr.
Lyn"

Everyone makes
mistakes



*When listening for the child's
voice....*

Seek Descriptions, Not Conclusions:

- Avoid asking children for conclusions, or to “keep score”
- Avoid “tunnel vision” on allegations
- Ask descriptive questions
- If the child volunteers conclusions, place them in developmental context

Seek Descriptions, Not Conclusions:

- Anchor in information about daily routines and activities
- How are daily tasks accomplished?
- What are the rules?
- What does the child like/disklike?
- What's important that has nothing to do with the divorce?

**I have lots of
friends.
I'm in a club
every day after
school and
next year I'm
running for
class
President.**



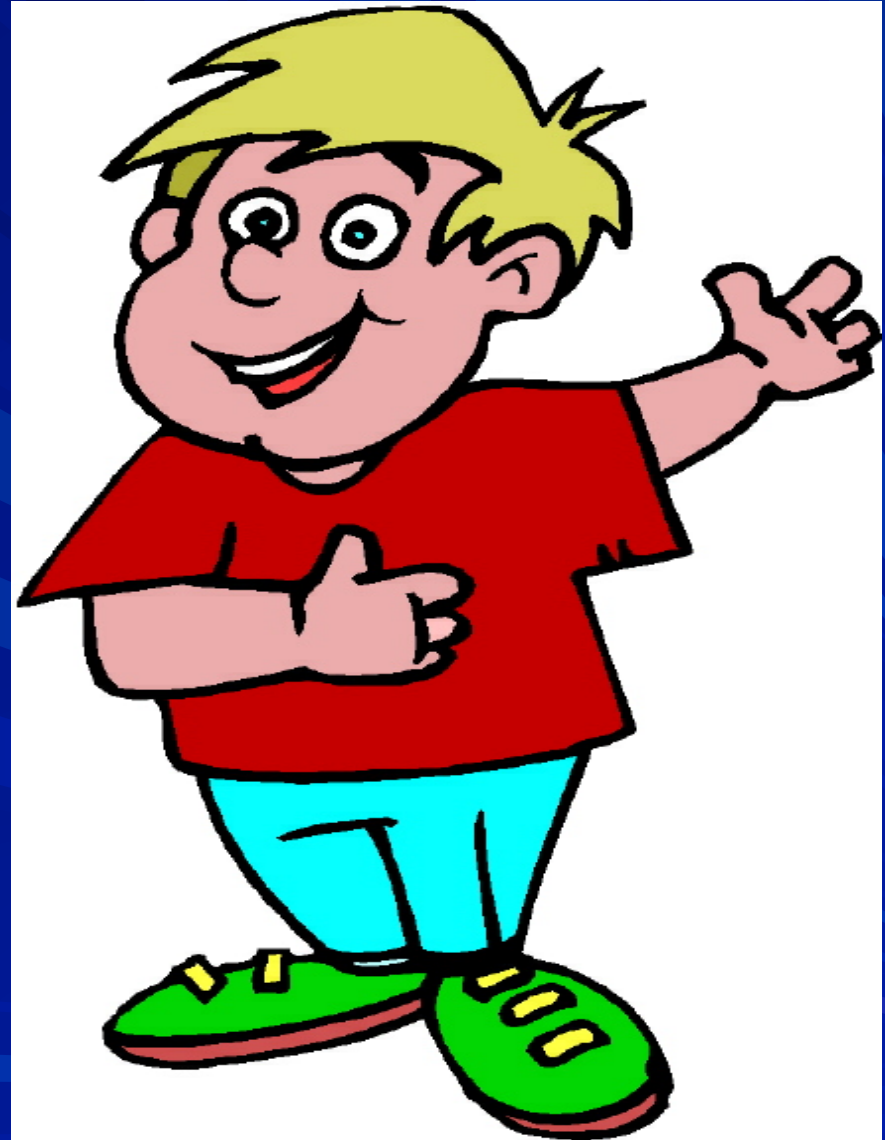
**I really hate
my Dad
because he
won't let me
move to New
York with
Mom...no, I
won't miss my
friends at all.**



“Why are you asking me all these stupid questions? Don’t you believe me?”



**“I really think
my
psychological
best interests
would be best
served by
50-50
custody.”**





“I hate my
Mom. I want
to live with
my Dad.”



“She’s mean.”



“She never lets
me do
anything.”



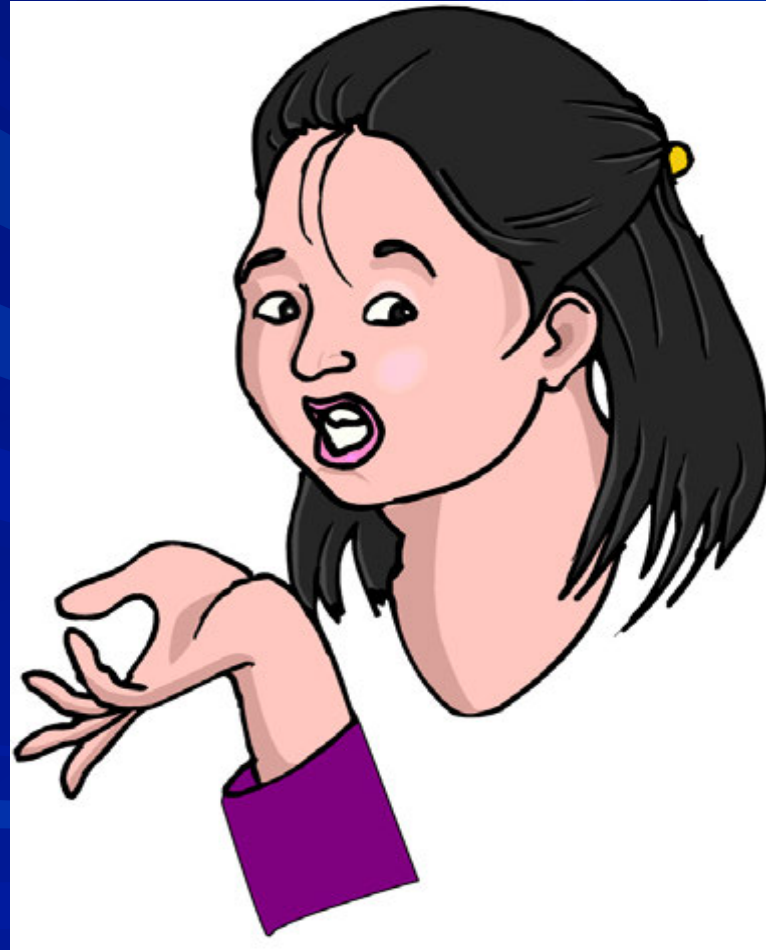
“Like last night, she made me turn off my computer game right in the middle, and she yelled at me too.”



“I was supposed to be doing my math. I hate math.”

Are the Choices Really Binary?

“I hate my Dad. He’s making me visit him this weekend. Now I’m going to miss Amanda’s party.”



*What are the possible
explanations?*

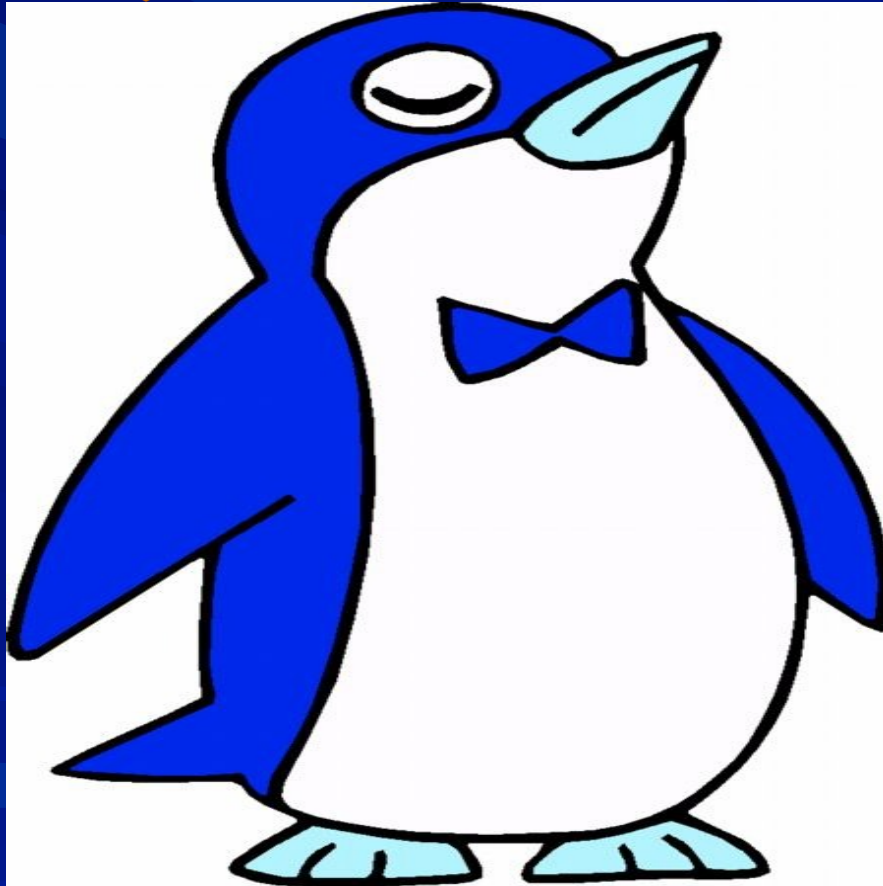
Are the Choices Really Binary?

**“No, I haven’t
asked my Dad
if he’d take
me.”**



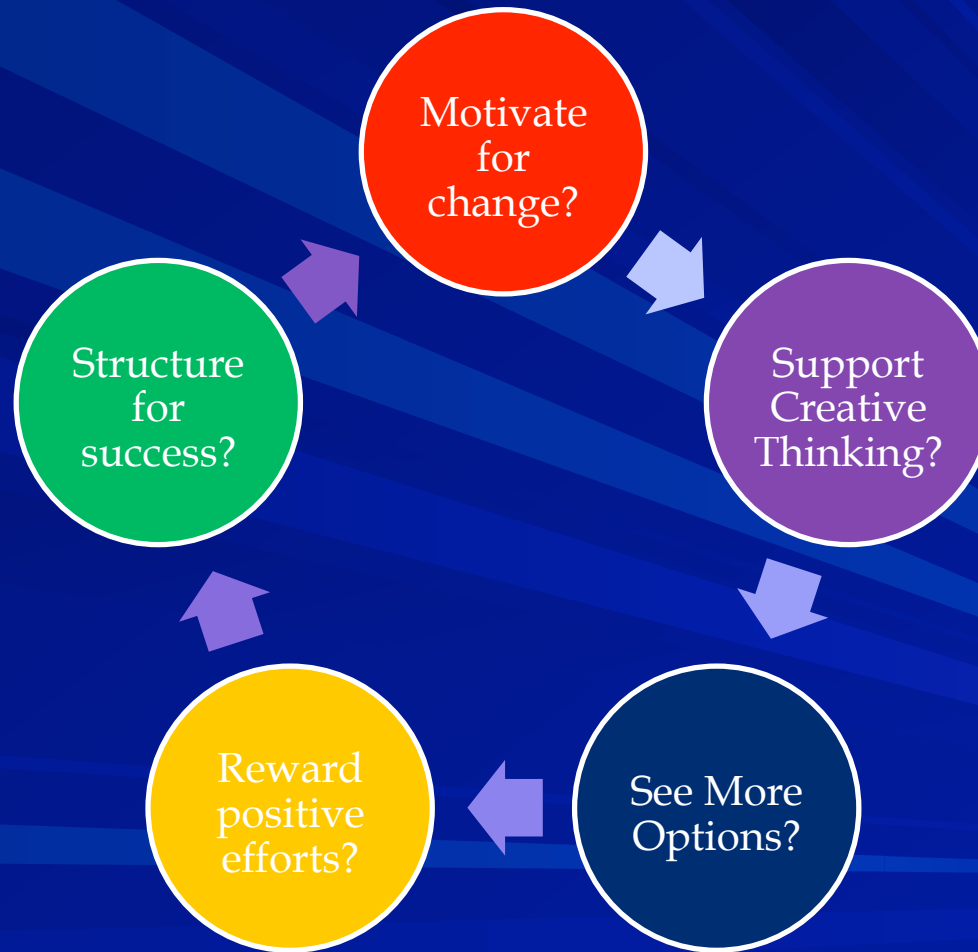
BEWARE

The expert who
denies being human..



“I know about
all that
research on
bias, but I’m
so
experienced
that none of it
applies to
me.”

So how do we...



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