CHAPTER 4

10:45am
Child Focuses & Child Informed Mediation

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Child Focused and Child Informed Mediation Pathways

“For children to adjust well to parental separation . . . What matters, unequivocally, is for parents to restore a parental alliance that is secure enough to support the weight of their developing child.” Jennifer McIntosh, Ph.D. 2004

Child Focused and Child Informed Mediation Pathways are designed to ground parents in the developmental needs and emotional experiences of their children.

- Parents are acknowledged as experts
- Unashamed child advocacy that sits alongside respect and support for the parents
- Focus is on reducing conflict and strengthening parental alliance and attunement
- Gentle but continuous redirection to the children’s needs

Child Focused Mediation – the foundation

- An agenda rich in developmental information and opportunities for reflection
- Reliance on parents’ reports of children’s functioning
- Intake done separately with each parent before proceeding

Child Informed Mediation – when appropriate (one of many possible referrals/resources for a family)

- What it looks like:
  - At least one child must be school aged
  - Child consultant meets with the children together and separately using multiple assessment modes to ascertain how each child is functioning and coping with the parents’ separation
  - Child consultant (in consultation with mediator) crafts feedback about repeated themes
  - Feedback is presented by child consultant in a mediation session – mediator is there to help parents digest feedback and use it in future mediation sessions
  - A good feedback meeting is supportive, compassionate, encourages reflection and works with the children’s material *within* the parents’ defenses – less is more.

- Goals:
  - To help the parents understand and think together as parents (not separating partners) about their children’s experience and developmental load related to the separation
  - To examine how children have adapted to change and stress
  - Leaving parents on a higher ground
  - “Getting parents into their children’s shoes and in those shoes getting to the highest ground possible.”
  - Opportunity to screen children and provide appropriate referrals

Indications for Child Informed Mediation – *A joint clinical and family decision*

- High conflict and hostility
- Impaired parent-child relationships
- Parents who genuinely want help figuring out the situation
- Parents who are able to consider and value their children’s viewpoint
- Children who might benefit from a sense of being heard and understood
- Parents who are able to consider and value their children’s viewpoint
- Children who might benefit from a sense of being heard and understood

Assessment – *Ongoing, tricky and essential*

- Capacity based – not issue based
- Can parents consider potentially difficult information and utilize it?
- What are parents’ expectations of the process?
- What is parent’s own history, ability to learn from mistakes?
- Can parents see their children’s experience as separate from their own?
Brief Summary of Australian Children Beyond Dispute Study

Outcomes compared for two groups of separated parents who completed Child Focused (CF) or Child Informed (CI) mediation.

Repeated measures study with data collected prior to mediation and three months, one year and four years following mediation completion. Original study group included 169 families. At the four year mark, 79% of study families participated.

At the outset, study families reported high to very high conflict with little success in resolving their own disputes.

Research question: “Does assessment and feedback by a specialist about their own children’s unique experiences and needs result in different outcomes than a divorce mediation process that helps parents to focus on their children through generic input about children and divorce?”

Highlights from One Year Post Separation

Results Common to both the Child Focused and Child Informed Mediation interventions:

- Major and lasting reduction in level of conflict
- Children’s distress in relation to parental discord decreased substantially
- Children’s mental health improved within both CI and CF groups over the course of the year after the intervention

Results specific to CI:

- Father’s reported more improvement in the parental alliance
- Children felt fathers were more emotionally available and felt closer to fathers
- For CI families, residential arrangements were more stable, developmentally appropriate and parents and children were more satisfied
- Father’s were more satisfied with “care and contact arrangements” despite initially lower levels of overnights than the fathers in the CF group
- Mother/child relationship was seen as stable or improved
- Both parents rated agreements as more durable and workable
- CI families half as likely to have initiated new parenting litigation

Highlights from Four Years Post Separation

Child Informed Results:

- Less new litigation over parenting
- Lower mediation return rates
- Higher number of overnights with father
- Greater stability in parenting arrangements

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1 Children beyond dispute: A four year follow up study of outcomes from Child Focused and Child Inclusive post-separation family dispute resolution. McIntosh, J.E., Long, C.M., Wells, Y.D., April 2009.
2 Children beyond dispute: A prospective study of outcomes from Child Focused and Child Inclusive post-separation family dispute resolution. McIntosh, J.E., Long, C.M., October 2006.
3 See footnote 1
• Fathers and children more satisfied with parenting plan
• Greater reduction in parent hostility (mothers and fathers)
• Greater confidence of fathers in their parenting ability
• Better management of post-mediation parenting disputes
• Father’s new partner less involved in parenting disputes
• More reports by parents that they learned something about their children
• Children perceived lower conflict between parents
• Children reported feelings less caught in the middle, less distressed about parents’ conflict
• Children reported feeling closer to their father
• Lower levels of conduct disturbance in children

Poor Outcomes

Parents with significant mental health issues and long term high conflict had the least success in either CI or CF highlighting the importance of a strong screening and assessment process

References


Editorial

Eight-year-old Samantha reflects on JFS  14(1)

Lawrie Moloney
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Journal of Family Studies  Volume 14, Issue 1, April 2008

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EDITORIAL

Eight-year-old Samantha reflects on JFS 14(1)

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I began this editorial in the way I have begun editorials over the past six years. It has become my habit to read through the printed copies of the papers to re-familiarise myself with their contents and to highlight the things that stand out for me. During this process, I usually find common themes in the papers, even though it has not been the practice of JFS to solicit papers covering specific topics.¹

On this occasion, a voice kept interrupting my train of thought. After resisting it for some time, I decided to listen and let the voice have its say. I realised it was the voice of a child. But then, I thought, children don’t read JFS. I went back to my task but the voice persisted. ‘Why don’t you produce a child-friendly version of the Journal?’ it asked. ‘A good question,’ I thought. JFS has published many articles that feature the voice of the child or that advocate listening carefully to what children have to say. It’s surely something of an irony that most of it is unreadable to children!

The child was beginning to take shape in my mind. She was about eight or nine years old and for no reason that I can think of, she was called Samantha. Samantha reminded me of articles published in JFS (Moloney 2005; Moloney 2006) in which children of her age, as well as children younger and older, had said some extraordinarily insightful things. I decided, therefore, to imagine that Samantha had grasped the conventions of academic writing. I decide to seek her views on the papers in this issue.

Let me introduce myself. My name is Samantha and I am eight, well almost nine years old. I want to tell you about a very strange thing that happened last night. I started to read the May 2008 issue of the Journal of Family Studies and I found I could actually understand it – or most of it – even those tables and diagrams and those strange things at the end they call ‘references’. I was very excited to see how much fuss was being made over us children. The Journal even contains other people’s thoughts about books and DVDs on families and children and summaries of articles in other journals. It was nice to think that so many adults are spending so much time worrying about us.

Take those two articles by Bruce Smyth and his friends. What a lot of effort has been put in to figuring out how children get sort of divvied up

¹ We will be breaking with that tradition in our next special issue guest edited by Rae Walker and Margot Schofield, which is devoted to the topic of family violence. Beyond that, we have an issue on work and family balance planned for 2009, to be guest edited by David deVaus.
when their parents separate I noticed that most children stay mainly with one parent – usually their mums – and spend maybe a couple of days with their other parent. Sometimes it goes on like that for years; sometimes arrangements move around quite a bit. Quite a few dads don't see much of their children and a lot seem to disappear completely.

I hope my parents don’t separate. I think of it a lot. A few of my friends have parents who don’t live with each other. I think the happiest one is Susan. Happy isn’t really the right word. She isn’t happy that her parents separated, but she’s happy that she still sees them both a lot. They have what Bruce Smyth and his friends call ‘shared care’. Susan says that sometimes she just wishes she lived in one house. But if she did that, she wouldn’t see as much of either her mum or her dad. She says that wouldn’t work.

I think things got hard for Susan and her brother last year when their dad told them he would like his girlfriend to move in. Susan wasn’t happy about it and neither was her brother – and neither, she told me, was her mum. Susan thought it was really selfish of her dad – busting up the family like that. Things had been going okay up until then – sort of like her mum and dad had only half split up and just lived in different houses.

It got a bit messy for a while. Susan came to school one day and told me she and her brother had decided that if their dad was going to be so selfish and hurt their Mum like that, they just wouldn’t see him any more. Her dad came to the school. I saw him go into the principal’s office and then come over to Susan in the playground. At first he was very nice, but Susan kept walking away. Then he started to shout at her. I thought to myself, ‘That’s a bad move.’ And it was, because Susan ran into the toilets – and after a while her dad just left. I felt a bit sorry for him, but really it was his own fault.

I remember it wasn’t a good time. Sometimes Susan would be late for school. Sometimes it looked like she hadn’t even combed her hair. I didn’t know what to do. Once when I tried to help, she really bit my head off. Then one day Susan said she was back living with her dad and with her mum again – like nothing had happened. I thought I deserved an apology for how she had treated me but I honestly don’t think she remembers it. Anyhow it seems to be working OK again. One day Susan was going on and on about Catherine and how they had been shopping together and then had lunch. ‘Who’s Catherine?’ I asked. ‘Dad’s girlfriend,’ said Susan. ‘Didn’t I tell you she lives with us?’

There’s a boy in the class below me who’s always getting into trouble. Last week he dug all the cement out between some bricks – until two bricks became so loose they fell out. He was suspended for the rest of the day. His mother had to come and pick him up. I heard her say, ‘Why do you do these things, James? I don’t know what I’m going to do with you.’ I wanted to call back, ‘I know why he does stuff like that. Can’t you see he’s sad – and he’s really angry.’ I don’t know why James doesn’t see his dad. I heard his dad only lives a few kilometres from the school. I heard there was some sort of court case that went on for days. But if you ask me it didn’t seem to solve much. James looked sad before the court case and he still looks sad now.

At first I thought Richard Fletcher’s article was about fathers getting engaged to be married. But then I got it. It made me start thinking about my own dad. I wondered how he would cope if we all had to go to see a counsellor. My dad is great fun. Sometimes my mum gets worried about the things he does with us – like the time he helped steer me and my brother down a really steep ski run. I said I wasn’t ready for it. But he said I could do it – and I did. And so did my brother.

‘But what if she’d broken her leg?’, I heard my mum say. It’s always hard to know how to answer questions like that. I’m not sure what dad would say if mum asked something like that in front of a counsellor.

My dad is good to talk to, but he’s even better at doing stuff. With my mum, it’s sort of the
other way around. I hope we never have to see a counsellor, but if we did, I think my dad might find it a bit difficult. The counsellor would really need to get on his wavelength first. After that it would probably be OK. I don't really know what counsellors do, but I have a feeling my mum would really sort of go for it.

Then there was the article by Jenn McIntosh and Richard Chisholm – wow! I can't remember what it was like being really small. I suppose even when everything is going in your direction, you don't really have much say. Once when I was shopping with my mum I saw two parents screaming at each other in the middle of the street. They had a baby in a stroller and they were just ignoring him. At first he just put his hands out, like he wanted to be picked up. They kept on ignoring him. One of the parents started to walk away, but was still screaming. That's when the baby started to cry – but they still didn't notice. The baby started to cry harder. He went red in the face. The parents kept screaming at each other. Nobody did anything. It was horrible.

I don't know what happened in the end because my mum wanted us to keep walking. I must have gone quiet because my mum asked me if I was OK. 'Sometimes parents just lose it with each other' she said. 'But what about the baby?' I said. 'Do you think he’ll remember it when he is older? Do you think he might have thought they would both leave him?' 'Parents don’t just leave their children’ said my Mum. ‘But how would a baby know that?’ I said. ‘And what if they keep fighting like that? Maybe the baby would start to feel like he wasn't wanted. And anyhow, I know a boy at school whose father dumped him when he was six.'

That article by Dr McIntosh and Professor Chisholm really got me thinking about stuff. It seems like the law wants parents who separate to work things out like the way Susan's parents have done things. I suppose that's often the best thing – but it's not always a picnic for Susan. So far so good I suppose. But who knows what will happen if Susan's mum gets a boyfriend? What if the boyfriend has his own children? What if Susan's dad and Catherine decide to have children? I really hope that the parents think a lot about it before they do something so important.

The only time I've seen Susan cry was when she told me how her mum and dad got divorced and her brother to sit down with them and sort of apologised for what they called their 'unthinking behaviour'. Susan cried when she told me – but it wasn't angry crying, and afterwards she told me she was happy again. Maybe I did what counsellors do. I just listened hard and tried to understand. I hope it works for Susan. And I hope her parents understand it if one day she tells them she needs a break from all the going backwards and forwards.

I think some children kind of know that whatever happens with their parents, it will be OK. That's how it is with my mum and dad; and I think that's how it is for my brother as well. I wouldn't hate it if they split up – but in some ways I don't think things would change that much between us. It's just that life would be much more complicated. Maybe that feeling is connected to what the three researchers from Canada have been studying – attachment. I thought all parents would be attached to their children, but after reading this article, I can see that if a parent is too stressed out – like if they are too young or don't have enough money or if people are giving them a really hard time – they don't really have a chance to get attached. Maybe sometimes other people, like grandparents, have more time to get really attached to children. My grandparents are really cool. They never seem to be in a hurry.

It must be really hard to figure out how to do it right as a parent if you are not completely grown up yourself. I can see how a baby might not get enough attention and might start to feel that their life is not important. I can see how a baby might decide it's better not to try to sort of reach out, or might try to reach out and then stop, or might try to get close to almost anybody, even strangers. I'm impressed that adults work so hard to try to figure out how to make sure that
attachment happens because if it doesn't happen, I think life would feel sort of empty. That's what Jenn McIntosh and Richard Chisholm seem to be talking about ... How to make sure that there are not too many distractions! How to make sure that at least one good attachment happens! It's not easy to know what to do when parents separate but somehow can't stand the sight of each other -- especially when their children are really young. For the sake of their children, they should know better. But I have learned that adults can sometimes be less mature than children. Otherwise how could those parents at the shopping centre not even know that their baby desperately needed them?

I think I understand how attachments need time to get going -- and that if you become too distracted, children will come to think that other things are more important than they are. That's why I found the article on families and work really interesting. Both my mum and dad work. Sometimes my dad goes away for a few days. My mum does too -- but not as often. It's kind of OK when that happens. When mum is away, dad says we have to work like a team, but it doesn't always pan out the way we plan. Sometimes dad works from home. I like those days because he is there when my brother and I get back from school and he always stops what he is doing for a while. Some days we have after-school care, which is usually OK. On Thursdays and Fridays, mum is home in the afternoon. Fridays are best. Everybody seems a bit more relaxed.

I hadn't thought about what it will be like when I am a teenager. It's such a long way off! I won't need mum or dad to be there when I get home, but I'd prefer it if one of them was there. And I hope they will be able to be there if I am sick, even when I am a teenager. When I am an adult, I will only work in a place where I can ring my children if I need to, or be home on special days, or go home if they are sick or need me. My friend Susan says she thinks you should never put your work ahead of your children.

I was really interested to see how life in India is the same and really different to where I live. This part of India seems very poor. Wondering if there will be enough food or how to make ends meet must make it harder to concentrate on being good parents. I felt a bit sorry for these parents -- like maybe they have a better excuse than the parents at the shopping centre or James' dad. Even though I don't know James' dad, I can see what an effect not being around has on James. But screaming at your kids or hitting them, the way it seems to happen in some of the Indian families in the article! That can't ever be good, no matter how bad things are. I suppose it's a problem that keeps going. You get hit or screamed at so you do stuff yourself. Then you get hit and screamed at some more. Then one day you become a parent and it all happens again. You'd think by now adults would have sorted out how to stop it.

In the article on refugee families and children, there was a word I didn't understand - 'resilient'. I looked it up on the internet and now I think I know what it means. I think being resilient is what makes us try again, even when things look really bad. My cousin Peter was knocked off his bike last year. Everybody was shocked when the doctors said he might not walk again. I was nervous about going to see him, but when I did he winked at me. He said, 'You know what? I've had the best time I've ever had with my friends and family.' He said things would be OK and I didn't need to worry about him -- just keep coming to see him. He said he had read about a pilot whose legs were so badly smashed, they had to be amputated. When he got out of hospital, he learned to fly all over again -- even without his legs.

I don't know why the refugee children were locked away. They must have been resilient to get here in the first place. Then they had to be resilient all over again. I think Fun Days Out sounds like a great idea. When Peter had the accident, he still had his family and friends. But when you don't have a family, or when your whole family needs help, you need other people to act like a family with you. I think that's what
they mean in this article by children connecting with caring adults who help them to stay brave, even when things are difficult. I’d like to do Fun Days Out. I’d like to swap stories with the refugee children.

I see that the next issue of the Journal of Family Studies is a double issue on family violence. I didn’t know there was so much violence in families. I must be lucky, because nobody in my family is violent and nobody in the families I know is violent. Then again, maybe if somebody in another family was violent, I wouldn’t know about it. Maybe everyone would be ashamed and just stay quiet. There is a boy in Grade 5 who is the school bully. So far I’ve never had to talk to him. I don’t think he even knows my name and I’d rather it stayed that way. I wonder if his father or mother is violent? I wonder if he will be violent to his wife or his children when he grows up?

I found reading the Journal very interesting. I like thinking about ideas that can help children and families. Maybe I’ll be a family researcher when I grow up.

References
A Position Statement prepared for The Australian Psychological Society

By Jennifer McIntosh, Susie Burke, Nicole Dour and Heather Gridley

July 2009
RESEARCH SUMMARY

Introduction

Separation and divorce are common phenomena in the community today, but still represent a major life stressor for the individuals involved. Approximately 43 per cent of all marriages in Australia will end in divorce (ABS, 2000). Remarriage following divorce is common, but these marriages have the highest risk of divorce (ABS, 2000). In Australia, it is estimated that 50,000 children will experience the effects of separation and divorce each year (ABS, 2004). Approximately 50 per cent of all divorces involve children under the age of 18 years (ABS, 2004). These figures are likely to be even higher when you consider the numbers of children in Australia born to people who are not actually married (cohabiting). Of all Australian families in 2003, 84% (4.6 million) were couple families and 14% (799,800) were one parent families. Families with children made up 60% of all families (ABS 2003).

How do we as an organisation of professionals support families to make this life transition less stressful for all concerned, especially children? This paper summarises current research relating to parenting in the context of separation and divorce, and considers some of the services, policies and community-based interventions that might be supportive of positive parenting functions during such major life changes.

Although children’s resilience should not be discounted, and the majority of children who experience parental divorce adjust well and do not exhibit severe or enduring emotional or behavioural problems (Amato, 2001; Kelly & Emery, 2003), children of divorced parents are still at twice the risk of problems as the non-separated community (McIntosh, 2003).

The association between intense marital conflict and children’s poor adjustment has been repeatedly demonstrated, and children are found to have more psychological problems when their parents are in conflict, either during marriage or following divorce. We know that children who live with violence between their parents are at risk for psychological and behavioural problems. Separation and divorce can protect children from ongoing exposure to within-marriage conflict (and violence), but also have the potential to expose children to increased interparental conflict, particularly during the transition from marriage to separation.

Children need a secure emotional base after their parents separate, exactly as they needed before (McIntosh, 2005). Separation and divorce have the potential to disrupt vital parenting functions (Kelly, 2000). The major protective factors that facilitate children’s adjustment to divorce are low inter-parental conflict, effective and constructive resolution of conflict between the parents, the quality of the parent-child relationship, nurturing, authoritative parenting from at least one parent, and cooperative co-parenting with good communication (McIntosh, 2003). Recent reviews of the literature show that it has become increasingly clear that it is these family processes that contribute to determining children’s well-being and ‘outcomes’, rather than family structures per se (such as the number, gender, sexuality and co-habitation status of parents).
Key research findings

Impact of divorce on separating partners

The stress of separation and divorce places both men and women at risk for psychological and physical health problems such as alcoholism, drug abuse, depression, psychosomatic problems, and accidents (Hetherington, Stanley-Hagan & Anderson, 1989).

Separation and divorce invariably involve financial changes and economic stress, and different residence arrangements require different financial costs (Smyth, 2004). Women and children are more likely than men to experience financial hardship after divorce (Smyth & Weston, 2000).

Divorce also affects the couple’s relationship as parents and the way in which they fulfil their parental functions (Baum, 2003), and a period of less effective parenting is often found following divorce, for both emotional and practical reasons (Amato, 2000, Astone & McLanahan, 1994; Hetherington & Clingempeel, 1992; Simons & Associates, 1996). For example, changes in living arrangements and household economics can directly affect parenting functions. Both residential mothers and fathers tend to feel overburdened by their parenting and life responsibilities following separation and divorce (Baum, 2003).

Parental roles have to be reconstructed. Some divorced couples establish collaborative co-parental relationships; others are in perpetual conflict over their children (Baum, 2003). Still others disconnect from one another, not only as spouses, but also as parents.

Adjustment among divorced individuals is positively associated with education (Booth & Amato, 1991), employment (Booth & Amato, 1991; Demo & Acock, 1996) and large networks of supportive kin and friends (Aseltine & Kessler, 1993). Unhappiness, distress, depression and health problems largely subside two or three years after separation, and new relationships tend to predict adjustment to divorce (Amato, 2000). This finding is consistent with the adjustment of lesbian mothers post heterosexual relationships (McNair et al., 2002).

The impact of divorce on children

Children of divorce have been found to experience substantial distress (Laumann-Billings & Emery, 2000), and divorce is associated with an increased risk for a number of adjustment, achievement and relationship difficulties. However, resilience is the normative outcome for children, and most children who experience parental divorce adjust well and do not exhibit severe or enduring behaviour problems (Amato, 2001).

Divorce is related to a greater risk of externalising problems (Amato, 2001; Amato & Keith, 1991a). However, family processes, such as inadequate parenting and interparental conflict, not family structure alone, account for many of the externalising problems found among children (Emery, 1999).

Children of divorced families, compared with never divorced families are:

- More likely to have problems in social and close relationships, such as those with their mothers and fathers, authority figures, siblings and peers (Amato & Keith, 1991b: Hetherington, 1997).
- More likely to associate with antisocial peers (Amato & Keith, 1991a).
- More likely to use alcohol, cigarettes and drugs (Neher & Short, 1998).
- More likely to commence sexual activity earlier, to give birth to a child as a teenager, and to have more pregnancies outside marriage than children of non-divorced parents (McLanahan, 1999; McLanahan & Sandefur, 1994).
Divorce has also been associated with child internalising problems (Amato & Keith, 1991a). Children and adolescents from divorced and high conflict families experience:

- Higher levels of depressed mood in comparison with those from non-divorced or low-conflict families (Conger & Chao, 1996; Peterson & Zill, 1986).
- Greater incidence of anxiety disorders, although differences have typically been modest (Hetherington & Stanley-Hagan, 1999).
- More likelihood of receiving psychological treatment, having more illnesses and medical problems, and of visits to the doctor (Howard et al., 1996; Zill et al., 1993).
- Parental divorce in Australia has been found to reduce children’s educational attainment, particularly the chance of completing secondary school (Evans, Kelley & Wanner, 2001).

Gender differences in response to divorce are not pronounced (Amato & Keith, 1991a). However female adolescents from divorced and remarried families are more likely than their male counterparts to drop out of high school (McLanahan & Sandefur, 1994).

Some girls in divorced, mother-headed families emerge as exceptionally resilient individuals following divorce, but this does not occur for boys following marital transitions, or for girls in step-families (Hetherington, 1989). For some girls in divorced families who have been overburdened with responsibilities or emotional support of a parent, there is an increased risk of depressive symptoms, low self-worth, and a sense of inadequacy and failure, despite their achievements (Hetherington & Stanley-Hagan, 1999).

Boys are more likely than girls to benefit from being in step-father families (Amato & Keith, 1991a; Hetherington, 1993). Close relationships with supportive step-fathers are more likely to reduce antisocial behaviour and to enhance the achievement of step-sons than of step-daughters (Amato & Keith, 1991a; Hetherington, 1993; Zimiles & Lee, 1991).

**Developmental differences**

Parental divorce can have differential effects across infancy and childhood, impacting on the differing developmental goals and age related needs of children at different stages of their psycho-emotional development. Chronic or frightening conflict beginning at an early age has significant developmental consequences, by virtue of its long term impact on parenting and thus on a series of vital developmental processes in young children (McIntosh, 2003).

Infants (under 3) have biologically grounded needs for continuous, reliable care from a primary caregiver. Enduring parental conflict can disrupt attachment processes in infancy and toddlerhood in a number of ways, through parents’ pre-occupation with the conflict, parenting schedules that disrupt predictability of care, and direct witnessing of conflict by infants. All are associated with higher rates of disorganized and insecure attachments (Solomon & George, 1999; Sroufe, Egeland, Carlson & Collins, 2005).

Parenting plans should aim to prevent increased challenge and risk for the infant at a time when social and emotional development are reliant on predictable, stable, responsive care (Klein Pruett, Ebling & Insabella, 2004). It is important for living arrangements post divorce to accommodate the developmental needs of infants, helping them to maintain their naturally occurring attachment hierarchy (Cassidy & Shaver, 2008), without undermining the infant’s psychological and neurological need for a continuous, reliable care-giving experience with a primary attachment figure (Solomon & Biringen, 2001). Extended overnight time away from a primary parent is one factor that may erode security of attachment to that parent (Solomon & George, 1999). Studies suggest that attachments to other caregivers may not be similarly affected by amount of time spent together (Ainsworth, 1967; Solomon & Biringen, 2001), but that other qualities, particularly emotional availability and responsiveness, strongly predict the infant’s security in these relationships. Maintaining relationships with others in the infant’s attachment hierarchy is optimal when appropriate and possible (i.e., adequate cooperation between the adults, emotional maturity and availability of the caregivers, geographic proximity and a care-giving plan that does not fragment the infant’s schedule). Where practical, regular day contact and limited over-night contact may be of benefit to maintaining secure and trusting relationships with other members of the infant’s attachment hierarchy (Kelly & Lamb, 2001).
Preschool children (3-4 years) are less able than older children to appraise accurately the divorce situation, the motives and feelings of their parents, their own role in the divorce, and possible outcomes. They may blame themselves for the divorce, may fear abandonment by parents, may misperceive parents’ emotions, needs and behaviours, and may harbour strong fantasies of reconciliation (Hetherington et al., 1989). In the right circumstances (parental cooperation, responsive care, clear care patterns and emotional facilitation of the separation), kindergarten aged children can often manage consecutive nights away from a primary caregiver (Klein Pruett, Ebling & Insabella, 2004).

For all infants and pre-school children, the pattern of care post-separation is best determined case by case, considering carefully the impact of all relevant factors, particularly the psychological capacity of each parent to maintain a care environment that supports the child’s core developmental needs (Smyth, 2004; McIntosh & Chisholm, 2008).

Older school aged children (9-12) are more able to understand some of the reasons for the separation, but often in simple black and white terms. Approximately 25 per cent will see one parent as the ‘good guy’ and the other parent as the ‘bad guy’, align with one parent (usually the mother or the residential parent) and blame or reject the other to reduce conflict and anxiety. These children tend to be most sensitive to whether an argument has been resolved or not (McIntosh, 2003). They may have a tendency to take responsibility for looking after their parents’ wellbeing. They are better able to talk about their feelings, so their concerns and how they are coping can be discussed. The primary feeling is commonly anger at one or both parents, but also shame, embarrassment, sadness, loneliness, fear, low self-esteem, powerlessness.

Adolescents experience considerable initial pain and anger when their parents divorce; however they are better able to accurately assign responsibility for the divorce, to resolve loyalty conflicts, and to assess and cope with additional stresses such as economic changes and new family role definitions. Adolescence is a particularly challenging time in terms of their development, and this may exacerbate problems in adjustment in adolescents of divorced parents (Hetherington & Stanley-Hagan, 1999). Many adolescents experience premature detachment from their families, which can lead to greater involvement with peers (Hetherington, 1987).

**Risk Factors affecting children’s adjustment to separation and divorce.**

The degree of parental conflict is a major risk factor associated with children’s adjustment to divorce. The association between intense marital conflict and children’s poor adjustment has been repeatedly demonstrated. Children have more psychological problems when their parents are in conflict, either during marriage or following divorce (McIntosh and Long, 2006, Amato & Keith, 1991a, 1991b; Grych, 2005; Grych & Fincham, 1990; Kelly & Emery, 2003). Such difficulties include higher levels of anxiety, depression and disruptive behaviour (Grych, 2005).

Recent research has also uncovered the risks that litigation presents to children. There is an elevated risk of poor outcome for children subjected to prolonged exposure to conflict from parents (McIntosh 2006).

Children exposed to multiple stressors and changes are at greater risk for poor adjustment following the separation or divorce of their parents (Hetherington, Stanley-Hagan & Anderson, 1989). Children who place some of the blame for the divorce on themselves tend to be more poorly adjusted (Bussell, 1995).

Children with pre-existing vulnerabilities such as social and emotional problems, are at risk of poorer outcome following parental separation (Amato & Keith 1991b).

There is also evidence of an increased risk for children with a parent with a mental illness or personality disturbance, and this is worst for borderline and narcissistic personality disorders (McIntosh & Long, 2006). Children with parents with a prodromal illness also had a poor outcome.
Children who become alienated (child unreasonably rejects one parent due to the influence of the other parent combined with the child’s own contributions) and estranged from the non-residential parent (child, for good reasons, becomes reluctant or refuses to see the parent, typically because they have experienced poor treatment, been overwhelmed developmentally by the visiting arrangements, or suffered family violence) are also at high risk of poor adjustment (Kelly & Johnston, 2002). Early intervention (usually specialist intervention) in alienation and estrangement is advocated.

**Protective factors that facilitate children’s adjustment to divorce**

The major protective factors that facilitate children’s adjustment to divorce identified in the research literature are the experience of low inter-parental conflict (Kelly & Emery, 2003), effective and constructive resolution of conflict between parents (Shifflett-Simpson & Cummings, 1996), the quality of ongoing family relationships, and in particular, the parent-child relationship (Davies & Cummings, 1994), nurturing, authoritative parenting from at least one parent (Hetherington, Stanley-Hagan, & Anderson, 1989) and effective co-parenting, with good communication and cooperation and little active undermining of the other parent (Hetherington & Stanley-Hagan, 1999).

Despite the fact that cooperative, mutually supportive and non-confrontational co-parenting relationships are advantageous to parents and children (Hetherington et al, 1998), research indicates that between only 25 and 30 per cent of parents have a cooperative co-parental relationship characterised by joint planning, flexibility, sufficient communication and coordination of schedules and activities.

Individual factors that buffer the negative impact of divorce on children include intelligence, easy-going temperament, specific talents, physical attractiveness, and the ability to respond effectively when confronted with stressful events (McIntosh, 2003).

**Children’s needs following separation according to developmental stage**

Across all age groups, what children need after their parents separate is exactly what they needed before: a secure emotional base. They need help to solve their problems, encouragement to learn, routines that help them feel in control, firm and loving limits to be safely independent, a trusted parent when they need to be dependent, and protection from trauma (McIntosh, 2004). These needs are more likely to be adequately met in a low-conflict environment, with a parent who is not continually stressed about ongoing unresolved issues in their relationship with their ex-partner.

In particular, infants need parents who are tuned into their needs. They need predictability, and a lot of time with parents who nurture them. They need parents who play with them, listen carefully to their efforts to communicate, and keep their world small and safe.

Adolescents need the daily stress in their life kept as low as possible. They need their parents to be available on a daily basis to listen and give support. They need predictable routines, and consistent rules and expectations. They need parents who are able to supervise them, and take a real interest in their life. Adolescents also need time and space to work out their own reactions to their parents’ separation. If pressured, they are likely to react with anger and rejection. Adolescents typically need flexibility in arrangements to allow them to participate in normal adolescent social activities and school events (Family Court of Australia, 2001).
Impact of different care arrangements on children following separation

Studies focusing on residential arrangements following divorce tend to show that children can fare well under joint (not necessarily 50/50) arrangements (Buchanan, Maccoby & Dornbush, 1996) rather than sole mother or father residency, provided certain conditions within the family dynamic exist to support that arrangement. McIntosh and Long (2006) found that long term mental health outcomes for children in shared care are poorest for children under 10 years of age whose fathers had low formal education, who had a distant relationship with their mother, and whose parents remain in high conflict. It does not appear to matter whether children reside with a same-gender or opposite-gender parent (Downey & Powell, 1993). However, it is probable that especially cooperative and well-resourced parents are more likely to choose and be able to maintain joint residency than are other parents (Smyth, Caruana and Ferro, 2004).

Predictions about the nature of child adjustment following parental remarriage are unclear. Residential step-parents can add complexity to the adjustment scenario, but research shows that sensitive, emotionally available relationships that become forged between the adult and child can become protective (Musick, Meier & Bumpass, 2006; Smith, 2006).

Interventions to ameliorate the impact of divorce on children

Parenting programs following divorce have been shown to be effective in treating and preventing a wide variety of child adjustment difficulties. These interventions have essentially focussed on psycho-education and skills-based programs for parents following divorce, with program content based on demonstrating the links between divorce, parental behaviour and child adjustment (Kelly, 2000).

Prevention and early intervention parenting programs for ameliorating the impact of divorce on children have been supported throughout the literature (McIntosh, 2006, McIntosh & Deacon-Wood, 2003; Thones & Pearson, 1999), with outcomes including the reporting by parents of increased parental cooperation, restoration of parental alliance, improved children’s well-being, and a belief that early attendance at separated parenting programs will prevent or reduce enduring parental conflict. Research comparing collaborative forums for dispute resolution with litigation following separation, found that parents who mediated their dispute had significantly lower conflict with each other, and that both parents were significantly more involved in their children’s lives (Emery et al., 2001).

In cases with a heightened risk of domestic violence, the appropriateness of divorce mediation needs to be considered by policy makers as well as at the service delivery level. The complexity of such concerns requires careful screening for current and historical safety issues, and modified mediation practices if mediation goes ahead. It has been argued that power imbalances enhanced by domestic violence render mediation inherently unfair and unworkable (Pearson, 1999).
RESOLUTIONS

The impact of separation or divorce on parents and their children is far-reaching and complex. It impacts on all aspects of family life and the process of adjustment is important for individuals, their families and our society. The APS takes this issue seriously and sees it as a significant public health issue. Psychologists can contribute practice skills and knowledge of prevention approaches to separation, mediation of conflict, and social and practical supports for families in transition.

Statements of general principles

Children need a secure emotional base after their parents separate. There is a need to promote family processes that contribute to determining children’s well-being, particularly in times of stress and change in family structure.

The APS recognizes the heightened risk as a result of family separation of psychological, emotional and physical vulnerability for parents and their children.

The APS acknowledges the pivotal role of parents and parenting in the post-separation adjustment of children and recommends early and ongoing support for parents in their own management of this transition.

The APS acknowledges the role of social science and legal professionals in facilitating collaborative dispute resolution and the early reestablishment of a cooperative co-parenting relationship.

Statements of general policy

In the light of the weight of evidence about the best way to provide a secure environment for children during and after parental separation and divorce:

- the APS supports developmentally appropriate care and parenting arrangements following separation. Arrangements must be tailored around parental capacity to provide stable and emotionally available relationships, which take into account the developmental stage and needs of the child.
- the APS supports care arrangements that minimize exposure of children to risk factors (especially high conflict), and which do not undermine attachment formation and security.
- the APS recommends sensitive interpretation of current legislation around shared parenting, and does not support an assumption of shared care post separation. Rather, the APS recommends a case-by-case consideration of appropriate arrangements tailored to the developmental needs of each child, and the parenting capacity of each parent.
- the APS advocates that shared care is contra-indicated in climates of high, on-going, poorly managed conflict and poor parenting, particularly for children under 10.
- the APS supports collaborative dispute resolution as a preferred forum for the mediation of parenting disputes.
- the APS recommends greater collaboration between the family law field and psychology, e.g. by cross representation at professional conferences, and joint working groups on appropriate care arrangements after separation.
- the APS supports early intervention and prevention programs that ameliorate conflict and promote cooperative parenting.
- the APS promotes the education of primary health care providers (and others) and legal representatives in key risk and protective factors for parents and children following separation, and education in appropriate referral pathways.
The APS recommends that separating parents:
• focus on building a secure emotional base for their children after separation, wherever possible through cooperative co-parenting
• do not expose their children to high levels of unresolved conflict
• carefully consider their children’s developmental and emotional needs when constructing visiting schedules or parenting plans.

The APS recommends that professionals working with separating families help parents:
• to focus on the needs of the child as separate to their own needs
• to understand their children’s developmental needs
• to focus on building a secure emotional base for their children after separation
• to reduce conflict
• to establish good co-parenting practices.

The APS supports the development of community education campaigns that educate families about the normative stress and strain of separation, and of the key risk and protective factors for children.

The APS supports the development of a guide to multi-media psychological resources for parents, and for individuals and organizations working with separating families.
References


Child Focused and Child Informed Mediation

Jayne Hulsey, MPH, LMHC
Kelly Shanks, M.Ed., LMHC

Children’s Risk and Resilience

- Increased risk of externalizing and internalizing problems.
- How does stage get set for resilience?

“What children need after their parents separate is exactly what they needed before: a secure emotional base.”

Jennifer McIntosh, Ph.D., Because it’s for the kids: Building a secure parenting base after separation, 2006.
Both CF and CI Mediation:

- Center on children's emotional well being
- Focus on reducing conflict and strengthening parental alliance and attunement.

Neutrality Shift

- "Unashamed child advocacy that sits beside respect for the parents"
- Respectful curiosity
- Acknowledge parents as experts

Clearing a space for thinking

- Self-reflection
- Considering how their experiences/needs are different than their children's
- Imagery to build on in mediation
Questions for Parent Reflection

- When your children are older and they look back on the separation, what do you want them to remember about this time in their life?
- What sort of bridge do your children need between you and their other parent?

Child Focused Mediation

- Generic focus on children’s needs - an enriched agenda
- Use of a developmental lens
- Reliance on parents’ reports

Child Focused or Child Informed

What’s the difference?
### Indicators for CI Mediation

- At least one school aged child
- High conflict
- Impaired parent-child relationships
- Parents genuinely want help figuring out the situation
- Parents can consider and value the views of the children

### Ongoing Assessment

- Capacity based not issue based
- Can parents consider potentially difficult information and utilize it?
- Can parents see their children’s experience as separate from their own?

### Focus of Child Consultant

- What it’s like to be that child right now
- Child’s experience of family relationships
- Child’s developmental needs, strengths, stress level and coping mechanisms
- Child’s messages and advice to parents
The McIntosh Principle

“Feedback should NEVER exceed the capacity of the parents to hear and make use of the material.”

Jenn McIntosh, Ph.D., 2010 Child Inclusive Family Dispute Resolution Clinical Intensive training, Melbourne, Australia

Research Outcomes - CF and CI

- Major and lasting reduction in parental conflict
- Children’s distress in relation to parental discord decreased substantially
- Children’s mental health improved


CI - One Year Post Mediation

- Parents were half as likely to bring new litigation.
- Residential arrangements were more stable, developmentally appropriate and parents and children were more satisfied.
- Fathers reported more improvement in parental alliance.
CI - One Year Post Mediation (cont.)

- Fathers more satisfied despite initially lower levels of overnights than CF group
- Parents rated agreements as more durable and workable
- Children felt fathers were more emotionally available
- Mother/child relationship stable or improved.

CI - Four Years Post Mediation

- Less new litigation.
- Greater reduction in hostility - both parents reported.
- More reports by parents that they learned something about their children.
- Children perceived lower parental conflict, reported feeling less caught in the middle.

CI - Four Years Post Mediation (cont.)

- Residential arrangements more stable, fathers and children more satisfied.
- Higher number of overnights with father.
- Children reported feeling closer to father and fathers reported greater confidence in their parenting.
- Fathers’ new partners less involved in parenting disputes.
Poor Outcomes

- Parents with significant mental health issues and long term high conflict had the least success in either CI or CF.
- Importance of a strong screening and assessment process.

“For children to adjust well to parental separation... What matters, unequivocally, is for parents to restore a parental alliance that is secure enough to support the weight of their developing child.”

Jenn McIntosh, Ph.D., 2010 Child Inclusive Family Dispute Resolution Clinical Intensive training, Melbourne, Australia

“Child Inclusion is designed to impact on the psychological adjustment and family re-organization following separation. It is not simply about aiding decision making.”

Jenn McIntosh, Ph.D., 2010 Child Inclusive Family Dispute Resolution Clinical Intensive training, Melbourne, Australia