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Additional Ideas for Legislation

1. I mentioned that the law would be a service to families if it incentivized arriving at their own physical placement schedule. An additional idea is to have two stage filing for divorce: stage one is filed at the beginning and is a relatively low fee; stage two is a second filing only made if the parties fail to arrive at their own agreements and require court intervention. Because this increases court expenses, this should be a higher fee. However, if the parties fail to reach agreements, rather than a second filing, they can enroll in a series of coparenting training classes topped off with mediation. This could be included in the initial fining fee. The coparenting training classes could be reduced to three two hour classes and a fourth two hour session would be mediation. This could be done by court connected personnel and the cost of this step could be included in the initial filing fee.

2. I have written a coparenting training manual that could be used to structure the coparenting training class. I will attach a copy to the email to which this note is also attached. If used, the coparenting training manuals are available through my publisher.

3. I mentioned a judge in California, Rex Sater, who sat on the family law bench for many years in Sonoma County, where I practiced. As a further incentive for settlement, lawyers and clients who settled the case and had a MSA to submit could walk into his courtroom at any time, no matter what was going on, and read the MSA into the record. I doubt that could be put into law, but is a local rule that might be suggested.

4. Cases that include a history of domestic violence need to be handled very differently. A question arose about this when I was presenting and so I have also included another social science review on the topic of domestic violence. I hope that this is helpful.

5. I provided information about physical placement schedules but did not reduce that to a conclusion. I am including a conclusion in this letter.

   a. A presumption of shared physical placement, meaning at least 5 of 14 days with each parent, if:
      i. Reasonable geographic proximity during the school year;

      ii.   Willingness to either co-parent or at least engage in parallel parenting;[1]
     iii.   No special needs that require placement in one home;

  b. A presumption of primary physical placement if:
       i.   Substance abuse;
      ii.   Domestic violence;
     iii.   Substantial mental health disorder that directly affects parenting;
     iv.   Substantial geographic, financial and relationship instability;
      v.   Substantial geographic distance between homes (can be shared in summer and other non-school times);
     vi.   Children under 5 years old and moderate to high conflict.
    vii.   Infants, unless high communication and cooperation.

  c. A presumption of equal physical placement if:
       i.   Low to moderate conflict; reasonably good communication and cooperation, including parallel parenting;
      ii.   Low geographic distance between homes (under 30 minutes travel);
     iii.   Relatively good parental availability and support systems in both homes;
     iv.   Moderately to very hardy children; no special needs unless high communication and cooperation.
      v.   Good enough parenting ability;

Respectfully Submitted:

Kenneth H. Waldron, Ph.D.

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[1] In parallel parenting, the parents have little direct contact with one another but engage in conflict free transitions; share information about the children (perhaps by email; can be a written list of information); and have a procedure for some flexibility in the schedule.

DivorceMapping™

A Social Science Research Review on Domestic Violence and Divorce: Violent Good Byes

BY

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Executive Summary

1. Estimates range but average around 25% of all marriages will experience domestic violence. Spouses who divorce have rates closer to 37%.

2. Domestic violence is relatively common in divorces in which there is a dispute over the custody/placement of the children. Although some estimates indicate rates at about 40% of females claiming being victims of domestic violence and 20% of males claiming being victims of domestic violence, when more rigorous inquiry is made, which includes behaviors like shoving and grabbing, the numbers leap to 75% of women and 61% of men. About 13% of spouses going through a divorce are likely making false claims. False claims are almost exclusively made by women.

3. In the majority of families in which domestic violence has occurred, the children are either aware of the violence, or have witnessed it, or both. Witnessing domestic violence is detrimental both in the short-term and long-term to the child.

4. There are five levels of domestic violence commonly used in current research:

   A) Verbal threats; intimidation.
   B) Violent Touching.
   C) Physical assault without injury.
   D) Physical assault with injury.
   E) Violence with weapons.

5. There are five domestic violence patterns in divorcing spouses that have been identified:

   A) Chronic wife beating: Ongoing episodic male battering (18-20%).
   B) Chronic husband beating: Female initiated violence (18-20%).
   C) Male controlling violence: both male and female initiated (26%).
   D) Psychotic and paranoid reactions: both male and female (8%).
   E) Separation engendered and post-divorce trauma: both male and female initiated (29%).

6. There are different interventions that are likely to prove most helpful for each type of violence.

   A) Chronic wife beating: Ongoing episodic male battering (18-20%).
   Specialized anger management treatment programs for male batterers are most likely to be helpful. The success rate with this group, however, is low. Because success can be very dramatic, however, it should always be tried and perhaps the final custodial decisions should be postponed until the treatment is complete.
   B) Chronic husband beating: Female initiated violence (18-20%).
   Specialized anger management treatment programs for females are most likely to be helpful. The success rate with this group, however, is low. As with Type a), however, successes can be dramatic.
   C) Male controlling violence: both male and female initiated (26%).
   Treatment programs for this group can vary, but must include long-term individual counseling. A thorough examination might be required to

understand the complicated interpersonal functioning of this type of male and the impact that functioning has on the children. The irony in this group is that while the dominant problem is the male controlling behavior, accompanied by violent behavior, the female will initiate some of the violence, even when putting herself at risk of injury.

D) Psychotic and paranoid reactions: both male and female (8%).
   Medications might prove helpful with some in this group.

E) Separation engendered and post-divorce trauma: both male and female initiated (29%).
   A specialized form of family trauma treatment by a treatment team familiar with this type of domestic violence is most likely to be helpful. Because the likelihood of further incidents of violence is very low, the treatment approach is aimed at the traumatic impact on the family of the incidents that occurred.

7. There is an immediate and serious danger of doing damage to children and to the entire structure of the family system if the Domestic Violence Patterns are not diagnosed quickly. This is particularly true of separation engendered domestic violence. If recognized and treated quickly, further separation engendered violence might be prevented and the effects of the violence on the child and the family structure minimized.

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Table of Contents

A. Introduction

This Review is not nor is it proposed to be a recommendation for or against actions in a specific case. The facts of each case are unique and a determination on the issues can only be made by the trier of fact. The purpose of this Review is to provide attorneys and their clients with helpful information from social science research that might be relevant to a specific fact situation.

The history of domestic violence in western cultures is not something to be proud of. In 14th century Europe, for example, a major debate in the Catholic Church at the time focused on the conditions under which husbands beating wives was justified and the conditions under which wives killing their husbands was justified. The use of violence with children also has a long unsavory history until the late 19th century and early 20th century when society began to treat children as a special class of citizens needing protections (e.g., child labor laws, child abuse and neglect laws). Many so-called primitive cultures (e.g., Zulu in South Africa) have and have always had severe restrictions on the use of violence within the family. Western culture has not only had a long history of tolerance, it has had a long history of encouraging such violence (e.g., "spare the rod; spoil the child"). Violence has been an acceptable relationship strategy and has been a tolerated response to stress within the family. Only recently, from a historical perspective, have those attitudes begun to change. Nevertheless, we still easily tolerate some forms of domestic violence (e.g., spanking; sibling violence) without any evidence of the usefulness of these acts and with some evidence suggesting that this tolerance prepares children poorly for their futures. For example, high levels of sibling violence correlate with the later use of violence in romantic relationships and yet as a culture we tend to not only tolerate but see sibling as normative.

When parties are going through a divorce, they are often in high stress situations, sometimes escalating as much as two years prior to the separation. In heightened states of emotional stress, the central part of the brain activates different parts of the brain, often accounting for what appears to be the shortsighted primitive reactions of the parents. Included in these lower brain functions are the *fight/flight* instincts. This often leads non-aggressive, non-violent people to engage in acts of violence with one another. These acts are sometimes one-sided and sometimes mutual. This type of violence pattern is sometimes confused for other domestic violence patterns that have entirely different dynamics and very different implications for how the case is dealt with in the courts and what types of treatment approaches are likely to be useful.

The concept that there are different types of domestic violence patterns is not common knowledge, even among professionals, in spite of the research that has helped identify these patterns being available for quite some time. We will not go into the political/financial/social reasons for this, for those by themselves could be the topic of a major article. A major problem in family law is that advocates for the inclusion of the presence of domestic violence in statutory law often assume that there is only one type of violence pattern. It took some time for including domestic violence in the lists of factors courts must consider in deciding custody, both legal custody and physical custody (placement). In a number of states, this one factor is being raised above others, in some instances even above the *best interests* standard, as a consideration, including making it a presumption that the victim of domestic violence shall be the custodial parent.

Like most formulaic approaches to families, this policy applies well to a share of cases, but by itself becomes damaging to many others. This is one of those dilemmas

in family court: some issues are of real import and yet any effort to create a cookie-cutter approach through law or rules seems to create as much harm as it does good. Advocates, however, fear leaving these issues to the wisdom and knowledge of individual judges, and in some instances for good reason. Judges, like the rest of us, are influenced by our culture and by our work. As a culture we have, and still do, take domestic violence much too lightly. It is not our purpose, however, here to look at laws and policies relative to domestic violence. It is our purpose to identify research findings relative to domestic violence in divorce situations in a manner that might be helpful to legal professionals and to the parties going through it.

There is little doubt that domestic violence is more common, that more people are harmed by it and that more damage is done to children exposed to domestic violence than we would like to think is so. While there are many estimates, good research suggests that about 25% of all marriages will experience domestic violence.[1] The vast majority of domestic violence reported to the police involves a male perpetrator and female victim[2] but this masks a much large problem. In studies that look at families in which there might or might not have been a report of violence, we find that women often initiate violence against their partners and that the measures we have to date might understate this facet of the problem. Men are much less likely to be as severely hurt or killed as women. In one year, domestic violence was the chief cause of injury to women in California.[3] Moore reports that one third of murdered women are killed by their spouse.[4] Nevertheless, the use of violence in relationships by both men and women appears to be high.

Domestic violence is a particular threat at the time of a separation. In 1983, FBI statistics identify domestic violence occurring at the time of a separation as accounting for more than 50% of violent crimes in the United States. That same report states that 75% of the separation violence occurred after the physical separation. Barnard found that 57% of the women killed by their spouse are killed at the time of a separation.[5] Some authors have found a correlation between contested custody cases and increased rates of domestic violence[6] but this ought not to surprise us in that people who are weak on conflict resolution skills are more likely to engage in violent behavior.

A couple of studies have identified higher rates of domestic violence in marriages that end in divorce in general[7] than those that remain intact. Findings, however, in two studies are much more shocking. The study by Newmark, Harrell and Salem[8] best exemplifies this. Applicants (i.e. petitioners) with custody disputes were screened for domestic violence. 38% of the women and 20% of the men reported domestic violence. However, when asked if there was intimidation (with and without a weapon), shoving, slapping, and grabbing, 75% of the women and 61% of the men

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[1] See for example, Straus, *et al*, (1980) Behind Closed Doors: Violence in the American Family.

[2] In 1984, the FBI reported in the Uniform Crime Reports for the United States, that 95% of domestic violence charges were against males who victimized females.

[3] In Levy, J. (1984) Skills for Violence Free Relationships.

[4] Moore, B. (1979) Battered Women.

[5] Barnard, *et al*, (1982) Till Death Do Us Part.

[6] E.g. Geffner, R. & Pagelow, M.D. (1990) *Mediation and child custody issues in abusive relationships.* Behavioral Sciences and the Law, 8: P. 151.

[7] E.g. Levinger, G. (1966) *Source of marital dissatisfaction among applicants for divorce.* Amer. J. of Orthopsychiatry, P. 804.

[8] Newmark, *et al*, (1995) *Domestic violence and empowerment in custody and visitation cases.* Family and Conciliation Courts Review, 33: P. 30.

answered in the affirmative.[9] The studies reported by Johnston and Campbell indicate that in high conflict divorces, the rate of violence is as high as 75%.[10]

A high percentage (59% - 85%) of the children in these families have been exposed to at least one incident of violence and 85% of mothers report that their children are aware of violence that they, the children, had not witnessed.[11] We cannot possibly hope to cover the disastrous effects of witnessing domestic violence on children here. We refer the reader to other material, especially Henning, *et al,* and Johnston & Kelly.[12] In simple terms, the effects are terrible. Not only are there obvious effects on the psychological development of the child, there are neurological and physiological effects. Children who witness violence experience damage to their immune systems, for example. Children who witness domestic violence are more likely to be violent themselves as adults than children who are the victims of violence. Other effects on children that have been documented by research are the following:

1) Increased levels of generalized fear and anxiety;
2) Because of persisting heightened neurological state, including constant anticipation of more violence, there are physical effects, including delays in neurological development, smaller limbic systems development, poor functioning emotional regulation systems, lower levels of immunity and resistance, and the potential of more severe delays (e.g. psycho-social dwarfism);
3) Shame and guilt – this latter being a major problem. Children who witness violence often feel responsible to do something to assist the victim and yet find him or herself frozen and helpless. This leads to major guilt reactions.
4) Persisting ambivalence in relationships;
5) Higher risks of conduct disorders in the child, including violent aggressive behavior, delinquency, substance abuse, behavior problems in school, and truancy;
6) Disrupted relationships, including high instances of sibling violence and conflict, ambivalent relationships with both parents, isolation and withdrawal from peers, and sexual irresponsibility;
7) Interference in other developmental tasks, including but not limited to learning delays, immature peer relationships, and under developed moral systems;
8) Higher frequency of suicide;
9) Higher risks of domestic violence as the child reaches adulthood, including high risks of date rape and date violence.

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[9] Some caution is warranted in these types of cases. In their sample, Newmark, *et al,* concluded that 13% of those reporting violence were probably lying. All but one of these were women.

[10] Johnston, J.R. & Campbell, L.E.G. (1988) Impasses in Divorce.

[11] Dobash, R.E. & Dobash, R.P. (1979) Violence Against Wives: A Case Against Patriarchy. Stacy, W.A. & Shupe, A. (1984) The Family Secret: Family Violence in America.

[12] Saunders, D.G. (1994) Child *custody decisions in families experiencing woman abuse.* Social Work, 39: P. 51; LaTaillade, J.J. & Jacobson, N.S. (1997) Domestic *Violence: Antisocial Behavior in the Family.* In Stoff, *et al,* (eds.) Handbook of Antisocial Behavior; Kilpatrick, K.L. & Williams, L.M. (1997) *Post-traumatic stress disorder in child witnesses to domestic violence,* Amer. J. of Orthopsychiatry, 67: P.639; Kolbo, *et al,* (1996) *Children who witness domestic violence: A review of empirical literature,* J. of Interpersonal Violence, 11: P. 281; Henning, *et al,* (1997) *Long-term psychological adjustment to witnessing interparental physical conflict during childhood,* child Abuse and Neglect, 21(6): P. 501; Johnston, J.R. & Campbell, L.E.G. (1993) *Parent-child relationships in domestic violence families disputing custody,* Family and Conciliation Courts Review, 31: P. 282.

One author has proposed that given the research we now have on the effects on children of exposure to domestic violence, the exposure itself ought to be considered a form of child abuse. We agree with this assessment.

We also cannot do justice to the debate about how domestic violence should be handled in the courts. For example, should mediation be used in cases of domestic violence? Numerous authors have addressed this. We do believe that given the known detriment and risks to children and adults, a general policy of zero tolerance makes sense. However, we also believe that increased knowledge in the family court system of the types of domestic violence and the importance of assisting a family towards zero tolerance as soon as possible might help. Although the court is often helpless because the court is discovering the violence after the fact, two studies indicate that a majority of separation engendered violence occurs AFTER the separation. In these cases, the court and attorneys have a reasonable chance of preventing many family tragedies.

What we do propose to do here is highlight the work chiefly of one set of authors, Jan Johnston and Linda Campbell, who looked closely at domestic violence patterns in divorce cases, enriching the picture with the work of other important authors and researchers. In two well-managed research projects with relatively large samples, Johnston and Campbell identified five different "profiles" or what we shall call domestic violence patterns. Bill Austin wrote about a sixth type, which I will just mention, but the findings are not yet supported by research and so we will wait. He identified a type of mutually initiated and oddly mutually enjoyed violence in some marriages. There was rare hitting, but there was some wrestling, throwing things, and rarely injuries. These rarely involved the control/power dynamics notable in other forms. Authorities rarely see these cases, because neither party reports it. Our focus will be on the other five types of domestic violence.

Before proceeding, I should mention that our focus on such a broad topic, including the presence of different types of domestic violence, especially the focus on female initiated violence, has the potential of creating controversial reactions. There is a large segment of the population that believes in only one type of domestic violence in which the man is the batterer, the woman is the victim, and the dominant dynamic is "control." To broach the topics of female initiated violence or of types of violence patterns that do not have at their core males controlling females can challenge this limited view. When presenting on this topic, we have been accused of understating the importance of the male controlling violence by placing it on a list with other types of violence. This could be an accurate criticism, i.e. that the inclusion of so serious a problem in a list diminishes the importance of the problem at least in appearance. If this report does have that effect, we apologize. We do not take domestic violence in any form lightly but do have a professional responsibility to cover the scope of the problem, which does include other types of violence behavior in relationships, including violence used by women.

We are a strong advocate for the family law system to: develop quicker and better assessment of this problem in a family; have structures and procedures that promote a policy of zero tolerance; promote the treatment of correctable domestic violence patterns; and take the action necessary to protect the victims and children in the family from future acts of violence.

We feel that this position is strongly supported by the research on the prevalence and disastrous effects of this common family problem.

B. Organization Of This Research Review

The Review is organized in a point-by-point format. The factors that have been found relevant in social science research are listed individually. Strategies for dealing with each type of domestic violence pattern are suggested. And in some instances, arguments relative to custody and placement are also introduced. If a factor is asserted as a risk to children's adjustment, the cooperative strategy is posed as a means of mitigating those risks.

C. Relevant Facts Of The Family Situation

The reader is advised to be cautious when applying the findings listed in the following sections to the specific facts of the family situation. Some findings will not apply to all fact situations. Additionally, some fact situations might be dominated by facts that make the findings in this Review irrelevant. This could be particularly true when dealing with domestic violence because lives might be at stake.

D. Relevant Social Science Research Findings on Domestic Violence in Divorce

1) **Levels of Violence:** Violence can occur at several different levels. Although there are lengthier lists, and shorter ones, the following list appears to be commonly treated as the rankings of seriousness.[13]

   a) Verbal threats; intimidation.
   b) Violent touching.
   c) Physical assault, without injury.
   d) Physical assault, with injury.
   e) Violence with weapons.

Professionals working with divorcing spouses would do well to ask about domestic violence. Many people going through a divorce will not report violence unless asked and it might well be an important factor to consider in the case. Additionally, after asking, the professional would do well to ask specific questions about behaviors that some people do not consider violent (e.g. shaking a fist and threatening to hit; shoving; holding and shaking; etc.). The prevalence of the problem suggests that probing inquiry ought to be done in every case. Many people, for example, will deny the presence of domestic violence because no one has actually been hit, but further inquiry might discover that there has been physical intimidation, shoving, choking and other violent acts. This will assist the professional in numerous ways, but most importantly, will signal a need for further assessment and /or protections.

2) **Domestic Violence Patterns:** Johnston and Campbell identify five domestic violence patterns in divorcing spouses.[14] We will provide these below, with the percentage of their samples in their two major studies. Keep in mind that the percentages below are the percentage of cases in which domestic

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[13] Johnston & Campbell, *supra* note 10; Newmark, *et al, supra* note 9; Straus, *supra* note 1.

[14] Portions of this information are published in several sources. I had the good fortune to see much of the data in its original form.

violence has occurred, not the population in general.[15]

a) Chronic wife beating: Ongoing episodic male battering (18-20%).
b) Chronic husband beating: Female initiated violence (18-20%).
c) Male controlling violence: both male and female initiated (26%).
d) Psychotic and paranoid reactions: both male and female (8%).
e) Separation engendered and post-divorce trauma: both male and female initiated (29%).

Each of these types has its own character, pattern, and effects on the victim and the children in the family.[16] The typical social view of the battered woman, stemming initially from the work of Walker[17] and others is a combination of Type a) and c) and in combination certainly forms the largest group of spouses. We know now, too, especially from the work of Jacobson and Gottman, that within these two groups, there are sub-groups. There is the male who goes through the episodic cycle of abusing, being contrite and loving, building back up, abusing, and so on. However, there is also the male who establishes control, sometimes very early in the marriage, with a single incident of frightening violence, and then never has to resort to violence again to maintain control. It might seem counter intuitive that females initiate violence with a male controlling violent husband, yet they do. It is the male who usually ends up controlling the female with a violent response, and will often put it in terms of self-defense. Experts, however, familiar with especially the work of Gottman and Jacobson, will recognize this for the falsehood that it is. Because these two types are often grouped together by authors, we get a misimpression of the nature of the psychological driving forces behind the behavior.

In the one form, the chronic wife beating, the male might or might not be engaging in a pattern of control, except as it relates to triggers for traumatic reactions. Jacobson and Gottman describe two major types of physiological reactions in male abusers: in one, there is an escalating arousal pattern in which the man simply shifts from cortical control of behavior and choices to brain stem management. In the brain stem, the primitive fight flight mechanisms reside. In this type of violence, under conditions in which intense emotional reactions are *triggered* in the violent male, he literally loses control. Part of the reason for this is that the brain stem only has a handful of functions and more importantly, does not have other functions that operate in the cortex. The brain stem does not *remember*, for example, so the man in this state does not think about what happened last time; the brain stem does not measure *time*, so the male cannot think about what will happen the next day if he loses control. The brain stem does have *mating* drives, so sexual arousal during these incidents is not uncommon; the paradox of the violent man insisting on sex with an obviously unreceptive woman, or even raping her during the violence, is explained in this neurological dynamic. This is all much more complex on a neurological level than we are presenting here, but our key point is that in this type of violence, the male suppresses emotional reactions to *triggers* for awhile, knowing the disastrous effects of becoming violent, but the emotional pressures from this approach to the problem build to the point back into his cortex, he can see the damage. He can also see that he has actually increased the chances that his worst nightmare, i.e. loss of an attachment figure, might actually come true and the woman might leave him. In the face of this threat and his genuine recognition of the

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[15] Also keep in mind that the percentages give reflect two separate studies and might not equal exactly 100% because of the composite nature.

[16] Johnston & Campbell, *supra* note 10.

[17] Walker, L.E.A. (1984) The Battered Woman Syndrome.

harm he has caused, the man is sincerely guilty and remorseful and will do anything to retrieve the love object, the woman, including begging and promising. One of the reasons so many women suffer through this cycle of violence is because of the recognition that the remorse and guilt are sincere at the time, for the man, that his love for her is genuine, and that when in his cortex he might truly be a generally good person and husband.

The driving force behind this form, then, is the cumulative pressure of repeated exposure to *triggers*, which eventually overcome the cortical control of the behavior in an episode of violence. What are these *triggers?* This is where assessment by a qualified professional comes into play. *Triggers* can vary from abuser to abuser, but there are common themes. Exposure to trauma experiences can lead to *triggers.* If the male was exposed to domestic violence, for example, or was the victim of child abuse as a child, situations in the man's current life might from time to time *trigger* what is called a regression to the trauma. The man is psychologically back at his own traumatic experiences. Another common theme is attachment distortion. The male will often find sharing his wife's attention and affection with others an extreme threat of loss; he will be "insanely jealous," for example, or be unable to tolerate her engaging in friendships even with other women.

He might have an enormous difficulty balancing the closeness in the marriage with the closeness she might have to the family of origin. Because the man will attempt to prevent these anxiety provoking experiences by trying to limit the woman's involvement in these threatening situations, he might look like a "control freak," but in reality, he is an "anxiety freak." Successful management and treatment must include a good assessment, including identifying the *trigger* system AND teaching means of controlling the outbursts.

The second type of domestic violence often confused with the chronic wife beating type is the male controlling domestic violence pattern. Many authors have concentrated on this type, often defining this type as:

> A pattern of coercive control that might be primarily psychological, economic or sexual, but that is reinforced by one or more acts of frightening physical violence, credible physical threat or sexual assault.

Although the lists vary somewhat in the literature common characteristics of these male batterers include:

1) Controlling personality – likes to dominate social situations;
2) Employs *Errors in Thinking* in his view of the control and violence; i.e. denies, minimizes, rationalizes, blames the victim, portrays himself as victim, feels entitled, and in other ways externalizes responsibility for his behavior;
3) Self-centered – sees wife as an object, either as a potential gratifier of his needs or as an obstacle in the way of gratification;
4) Can present well, create a good social image, be manipulative and dishonest, and often socially charming;
5) Can be vengeful, punitive, and retaliates;
6) Demeaning to the woman in many ways in order to establish superiority and dominance in the relationship;
7) This is an enduring pattern, resistant to any form of treatment, and is likely to occur in serial relationships AND is likely to include violence to children. Ironically, often the violence to the children does not occur until after the separation, or sometimes not until the child begins to show some autonomy (e.g., holding him or herself in opposition to the father).

This last point deserves some attention. There is research that indicates that the woman in these types of relationships is MORE LIKELY to physically abuse the children than the man, but for the most part this is an extension of the male control. Often the woman is trying desperately to control the children to prevent the man from asserting needing to exert control over her or over the children. This is not a justification for mothers using violence on their children, but is an explanation of the pressures on such mothers to do so. Once separated, the risks to the children change dramatically. The male is much more likely, as a single parent, to exert direct control over the children, including using physical violence, whereas the female, after a time of recovery,[18] is substantially less likely to use physical violence with the children. One can see the conundrum this creates in the family law system. The father looks so much better on the surface and has been less violent with the children than has the mother, but in the long run is a great deal more dangerous as a parent. We often see the courts make the mistake of assuming that because there is no history of violence to the children in such cases by the father, he is safe.

If representing a woman in this type of domestic violence pattern, focus on assisting your client into recovery treatment as soon as possible with a counselor familiar with this pattern and capable of assisting your client in recovering as soon as possible. A counselor can also help coach your client through the legal process.

Chronic husband beating is less familiar to most people. These are often wildly emotional women who can be as seductive as they can be violent. Because males do not experience the same level of injury, these cases are not reported to the police often, or if they are, the police might even dismiss them because it the perpetrator is a woman. Most police forces are becoming more sophisticated but some are not. Often the women in these patterns have one or more sets of personality traits that are resistant to treatment.

Type d) speaks for itself. Both men and women suffer from serious psychological problems that sometimes include violent behavior towards their spouse. These might include diagnoses of conditions that do respond to treatment (e.g. bipolar disorder) and others that do not respond well to treatment (e.g. paranoid schizophrenia).

For our purposes, separation engendered domestic violence is of some interest. This is defined as one or two incidents occurring at or shortly after the physical separation in marriages without a history of violence. Although these often include relatively non-aggressive parties, the level of violence is nevertheless as severe as or more severe than for the other Types of violence, including injury and murder with weapons. It would be a mistake to minimize the importance of this type of violence and the impact of the violence on the parties and their children. It would also be a mistake to think that because it is occurring in relatively non-violent people, it is not dangerous. The research indicates that the probability of serious injury and death is as high if not higher in this type of domestic violence than other forms.

Separation engendered violence is nevertheless a stress related reaction to the separation, was not a historical problem in the marriage and is not likely to be a problem in the future. It likely does not reflect long-standing patterns of other types of abuse nor does it likely reflect long-standing patterns of pathological control. Women reportedly initiate this type of violence as often as do men, although as is true with other forms of domestic violence, the risks of injury and death to women

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[18] Recovery times for women coming out of male-controlling violence marriages vary, in large part because of individual differences, but one often sees the estimate of one year. However, intense treatment interventions might speed this process of recovery up dramatically.

are much higher. In this and all forms of domestic violence, men tend to do more damage and have a higher level of responsibility, because of physical superiority in many instances if nothing else.

The implications of separation engendered violence are simple: it is likely to respond well to treatment; the whole family requires treatment for what is a traumatic family event; further incidents can be prevented with structured disengagement (e.g. temporary restraining orders); and, parties can be cautioned to avoid provocative behavior (e.g. moving in a new romantic partner immediately after the separation).

3) **Education and False Reports of Violence:** The influence of education is not always positive. As parties and attorneys become more aware of the problem of domestic violence and as courts appear to be giving domestic violence increasing sway in decision making, we have seen an increase in the frequency of false reports. This also is a sad commentary on the competitive pressures of conventional family law that seem to encourage exaggerations and lies in order to obtain an advantage in the system. Johnston and Campbell, for example, point out that in their first study of violence, only about 3% of the reports were likely false, those solely by women.[19] Yet, in their second study done several years later, 13% were false, again almost exclusively false reports by women (only one male appears to have made a false report in that study). This latter figure matches that in another study.[20]

This creates a very serious problem in the diagnosis and treatment of domestic violence in families. If there are pressures to both exaggerate and lie, while at the same time there are pressures to minimize and deny for the perpetrator, the system that is creating these pressures is doing a great disservice to families. This is even more complex because in some instances the perpetrator is dangerous to the children and an accurate diagnosis really is at odds with that person's interests, if he or she is interested in maintaining an involvement with the children. Additionally, many cases involve mutual violence, some of which includes serious male controlling violence, but in the context in which the woman is initiating the violence and might be the one who is arrested and punished with limiting contact with the child. It is a terrible mistake in these cases for the woman to be penalized solely on the basis of the act of violence if in this pattern of male controlling violence, without looking at the whole context. A zero tolerance policy would dictate taking measures to eliminate violent behavior, but punishment in this type of case could be much less effective than creating disengagement, safety for the children and woman, and treatment.

The key solution here is for a *fast track* diagnosis of the domestic violence pattern and the production of a treatment plan by an experienced professional familiar with these different patterns and the treatments available. A secondary aspect of this is to have local policy reflect a *zero tolerance* for domestic violence, in any pattern. Remember, even with separation engendered violence, some people die. The cooling off periods provided through restraining orders can be extremely helpful and can be constructively presented to parties as, rather than an accusation, a safety step to prevent parties from saying or doing things they would likely later regret anyway. The relationships of the child with each of his/her parents can be maintained in this context with neutral zone transition points until a full treatment plan can be developed.

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[19] Johnston & Campbell, *supra* note 10.
[20] Newmark, *et al*, *supra* note 9.

4) **Treatment and Outcomes:** Treatment plans for different types of domestic violence patterns vary in their success. Most communities now have anger management programs in some form. The broad range of literature and research on the success of these programs suggest that they are extremely successful in some cases and very unsuccessful in many others. The key appears to be the psychological and personality basis of the violent person. Treatment approaches to the male controlling violent person tend to fail to produce any substantial reduction in the detrimental aspects of interpersonal functioning. The male might substantially reduce or eliminate the violent behavior, but intimidation and interpersonal control continue to be dominant patterns of behavior, including with the children.

The treatment of episodic violence patterns are mixed in results. A smallish percentage of males appear able to make great use of the techniques and skills learned in treatment and substantially reduce their violent behavior. A larger percentage, however, are highly likely to engage in further violent episodes. Of some concern, after the divorce is over, the probability that a male with this type of problem will become violent with the children increases, even when there is no history of violence towards the child prior to the separation, and the probability that the child will be exposed to violence with new romantic partners is also at a high risk level.[21] However, the remarkable success with some males with this pattern makes this a treatment approach well worth trying in all cases.

Treating females who are violent is less studied and the outcomes of treatment are unknowns. Those who do this form of treatment tend to describe success rates similar to the episodic male batterer, that is, remarkable success with a small group but on average little or no change. Again, the factor that seems to make the difference is the presence of a personality disorder that undergirds the problem. If the violent woman has a personality disorder, the violence is likely to repeat in new relationships.

Treating the psychotic and paranoid forms of violence depends most often on how responsive the person is to medication treatment. In many instances of bipolar disorder, for example, medication treatment appears to be very successful, as long as the person remains on the medication.

Treatment outcomes with the situational stress reaction and the post-traumatic reactions of the injured party and the children in separation engendered violence patterns are also unknown. It simply has not been systematically studied. Extrapolating from research on other types of stress reactions and trauma reactions seems reasonable, however. If we do so, we can expect a high degree of success in a relatively short treatment regimen. Treatment should include building in temporary protections, until the stress level is reduced, and also treat trauma reactions in all of the family members.

5) **Other Dangers:** One final note has to do with other dangers posed by domestic violence in divorce. Several authors have pointed out the dangers to attorneys, for example, in divorce cases in which one of the parties is violent.[22]

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[21] A good article on the post separation patterns of abusive behaviors, in both men and women, is that by Daniel G. Sanders, *supra* note 12.

[22] E.g. Kaser-Boyd, N. & Mosten, F. (1993) *The violent family: Psychological dynamics and their effect on the lawyer-client relationship,* Family and Conciliation Courts Review, 31: P. 425.

There are other dangers involved that are quite subtle. For example, in a relatively high percentage of cases in which the female is the victim of male controlling violence, she is violent with the children pre-separation and might even have initiated violent incidents with the husband, but is substantially less inclined both to violence with children and with other men post-separation. One of the victim's symptoms of male controlling violence patterns, therefore, is a higher risk of violence on the part of the mother towards the child. Additionally, other symptoms might make the mother in these families appear unfit. Yet the reverse is true after the separation and after a period of recovery by the woman (especially if treatment and other supports are provided). The probability of abuse by the father increases post-separation and by the mother decreases. Maternal functioning also increases in quality with time, and treatment, following a separation in these male controlling dynamic families.

6) **Domestic Violence Myths:** There are many myths surrounding domestic violence. Assuming that all domestic violence is the same is one of those myths. Another has to do with a subtle process of blaming the victim, especially females. There are complex and subtle social and cultural underpinnings at work here, some with a historical element that we sometimes forget. It was not long ago in western culture that beating your wife and children and killing your husband were openly debated, even by religious groups, not in terms of whether or not it should happen, but under what conditions it was acceptable. One of the subtle blame mechanisms that remains with us is blaming the female victim of violence. A common myth, for example, is that some women are simply the "type" of person who picks violent men, as though she is attracted to the role of victim. Research clearly disabuses us of that notion, showing that the relative probability that a woman victim coming out of an abusive relationship will enter into another abusive relationship is about 25%, the same as a woman entering a relationship without any history of abuse. In other words, a female victim of abuse is about as likely to choose another abusive male as any other woman. There are subgroup exceptions, of course. A woman with conduct problems who has alcohol/drug problems to boot is highly likely to end up in a series of relationships with men with conduct and substance abuse problems, substantially increasing the chances of violence. We do need to be careful of these subtle prejudices, however. A woman victim in almost all cases, was not "asking for it."

E. Conclusions

Domestic violence continues to plague mankind. We have as a culture increasingly demonstrated a critical attitude towards domestic violence and have placed increasing limitations on the tolerance of domestic violence. Many police departments, for example, have a "must arrest" rule when it comes to investigating incidents of domestic violence. We have also become more sophisticated in recognizing different patterns and developing treatment approaches to reduce the victimization of adults and the exposure of children.

When we have a domestic violence divorce case, we need to be particularly careful to obtain an accurate understanding of the degree of violence, the risks of further violence, and the type of domestic violence pattern. An astute attorney can use this information to obtain advantage for his or her client, but can also use this

information to assist his or her client in producing the best, and safest, post-divorce outcome for him or her and for the child. These situations are particularly complex and at times misleading. In some situations, for example, the woman will have been arrested for initiating violence and appear to have diminished capacity to care for the children, yet the real danger to the children in the family is the man. Good early assessment is key to planning.

Structured Coparenting Training Group

By

Eileen McCarten and Kenneth H. Waldron

A highly structured coparenting training group model was designed to take advantage of group dynamics and to provide coparenting training to separated parents stuck in intractable conflict at lower cost than traditional coparenting counseling. Parents participated in four weekly two-hour classes. Pre- and Post-group data was collected for ten years, and follow-up data was collected from participants from three to six years following the classes. Pre- and Post-group comparisons suggest significant positive effects of the classes on coparenting functioning. Follow-up results indicate that 38% of the participants retain gains or continued to improve following the training. 62% of the participants remained in or regressed to pre-training levels of intractable conflict. Those results also indicate weaknesses in the model relative to long-term functioning, specifically minimal emphasis on how to avoid future regressions when inevitable problems arise. Modifications to the training format to improve long-term outcomes are suggested.

Key Points for the Family Court Community:

- Providing training in a group format reduces cost and increases efficacy
- Structure in the training reduces fear and anxiety and presents modest reachable goals
- Premises, preliminaries and preconditions, undergird the approach
- Five tasks are defined for training
- Pre- and Post-measures suggest a high success rate
- Follow-up measures suggest a good success rate long-term, with regression to intractable conflict for many of the participants
- Modifications to the approach are suggested

Keywords: Coparenting; coparenting counseling; intractable conflict

Introduction: In 2004, Eileen and Ken modified a structured coparenting counseling model to a group format. We conjointly ran three groups of four two-hour sessions each and discovered that the group format appeared to enhance the positive effects of the model. The referrals were from the parent education class offered by Eileen, the Winnebago County judicial system and attorneys. Each group contained four or five sets of parents. The referred parents tended to be those stuck in intractable conflict. Eileen, continuing the groups with new co-leaders, designed a pre-group and post-group research tool and has accumulated ten years of information about the impact of the group on parents. More recently, a follow up with past participants was conducted in order to discover whether or not the approach had lasting effects on the coparental relationship and functioning. Our ambitious purpose in this article is to outline the structure of the program and report on the results of her research. First, read letters written by a mother and a father who participated in one of the groups.

To Whom It May Concern:

Before the Coparenting Training: "About a year and a half ago, my now ex-husband and I were court ordered to take a co-parenting class instructed by Eileen McCarten and Norman Dasenbrook.

I would like to share a bit of our history and explain what a turning point the class was in our lives and that of our children. Bob and I were in divorce court for over 2½ years. About an hour into our first mediation session, we were asked to leave and told there was no reason to come back for additional sessions because there was nothing she could do for us because we were both so absolute on our positions.

Our divorce was as unpleasant as everyone else's. We were stuck in a rut of accusations and inability to communicate in any way without it erupting into a very ugly argument. I was at a point to where when my email or text notification went off with his ringtone it made me physically sick. Often times I wouldn't even read what he had sent. We used the children to transport items between us and often times to communicate for us, "Tell daddy . . ." I avoided all conversations with my children about their father when they would ask questions. We only attended the same events when we had no other choice. We sat on opposite sides of the room at their events, in school and outside of school. We made no eye contact.

Our kids would ask why we wouldn't say "hi" or "bye" to each other. My then 6 year old at one point asked why mommy and daddy hated each other so much. We communicated through attorneys instead of to each other. We went through all the drama of saving every single text in case you could use it against the other person later and choosing your words so carefully so that they couldn't do it to you, not enter each other's homes we sat in the car and let the kids take themselves to and from the door carrying their bags of belongings.

The effects that our behavior was having on the children were detrimental and obvious. There were stressed out. They felt insecure. It affected their sleep, their schooling and their overall mental health. We were stressed out and I know for myself the effects of the stress caused me to be very short-tempered with my children and time I should have been spending with them was spent diffing through ten years of emails looking for "that one time he said . . .

I alone spent $137,000 in attorney's fees between the Guardian ad litem and my own attorney."

After the Coparenting Training: "In November 2013 we were ordered to take the class. We had 'homework' we had to do prior to the first class and part of it was reading and watching videos of children talking about how much their parents' horrible divorce affected them. The whole time I was watching I was thinking to myself "I know, I know but I am a great mom and I love them so much they'll be fine.

After the very first class I realized that my children were in fact NOT fine no matter how much I loved them. We went through basic communicating skills and throughout the entire 4 week class the entire focus was about actually co-parenting our children. Not just parenting unilaterally as a dictator and not caring how their father did it when it was his time because in my mind clearly I was so superior as a parent.

I realized that very first day that our children's entire childhood was going to be solely defined by the divorce and all of our adult issues and no matter how wonderful I was with them or he was with them, the memories they would have of their childhood wouldn't be all of the wonderful times we had, it would be the animosity between their parents. Because at the end of the day children need their parents on the same page in order to function themselves. They need them to communicate and be amicable.

I, like most parents, say I will do anything for my children. I will walk through fire, take a bullet or kill for them. But could I swallow my pride for them? Put my love for them above my feelings for their father and rise above to give them what they needed?

The class showed us how to do exactly that. It started slow. Forcing ourselves to at least say "Hello" when we saw each other at events. And when the kids noticed and would comment, "Wow, you

and dad said hi to each other" I was so ashamed of my behavior and how it had affected them and how long I let it go. We wasted years of our children's childhood with our own selfish petty behavior. W spent thousands and thousands of dollars that should've been spent on them.

I believe 100% that if the Co-parenting class had been ordered in the beginning we could have saved all of that time and money for our children. We listened and we learned how to put our children first and how to effectively communicate. We have come a long way. It was baby-steps but little by little we continued to use the tools we learned in the class and are able to offer our children what they deserve from divorced parents. It's hard enough for them to live in two separate homes without adding all the drama on top of it.

We are able to share a meal and both attend our children's birthday parties, even when it's at one of our homes. We always greet each other and can even talk and laugh with our kids together. I credit the class completely for where we ended up."

A mother (Name withheld

"To Whom It May Concern:

My name is Bob and along with my ex-wife, I took the 4-week CoParenting Training Class taught by Eileen McCarten and Norm Dasenbrook about a year and a half ago. The class was suggested by the Guardian ad litem in our divorce case and ordered by the judge.

As it turns out, the class marked the turning point in our divorce case, as it enabled by ex-wife and I to finally communicate with the best interests of our children at the forefront of our minds. The class taught us strategies and methods that we were able to use in order to succeed at co-parenting from two different homes."

Before the CoParenting Training: "Prior to taking the Co-parenting Training Class, our divorce had dragged on for over two years. We would attend court about once a month, and nothing was getting accomplished. In fact, as time progressed in court, the divorce became more complicated. As a result, my ex-wife and I were having less and less communication, and there was a great deal of tension and resentment."

After the CoParenting Training: "Within a month after taking the Coparenting Training Class, my ex-wife and I were able to finalize our divorce on our own terms. While we attended the Coparenting Training Class, my ex-wife and I sat together among a room of other struggling coparents. In that environment, we almost had no choice but to communicate with each other. I would venture to say that we had more effective and meaningful communication during that 4-week class than we had in the entire 2 year period prior to that. It was very beneficial to hear dialogue between other struggling coparents, and discussions with Eileen and Norm were very practical and applicable.

This 4-week class should become part of the divorce process . . . I believe had we taken the class within the first couple of months of the divorce case, we would have saved over a hundred thousand dollars in divorce costs and we could have avoided a tremendous amount of stress. Not to mention, the focus would have been on our children much earlier, which is where it should have been all along. Today, my ex-wife and I have an excellent coparenting relationship. There is a great deal of communication between the two of us, and we are both extremely involved in the lives of our children."

A father

THE GROUP STRUCTURE

Premises: The group is undergirded by several fundamental premises, without which the leaders might not have been as successful in helping transform the lives of suffering parents and their children.

1. Rather than view the group as "counseling," which presumes dysfunction, the group is viewed as "training." The difference is less pejorative regarding the participants, but the most important difference is that in training, the assumption is that people are starting something new and need training on how to do it well. When a person goes for piano lessons, one does not assume that they are dysfunctional and need piano counseling. For most parents, entering into the phase of their lives when they separated but are partnered as parents for the rest of their lives is simply a new experience requiring a new set of skills and tools.

2. The model assumes that parents would like to have a functional coparenting relationship and would like their children to come through the parental separation well. Although they might appear motivated by hate and revenge, beneath the surface they are motivated by love for their children and a desire for peace and relief in their struggle. People want to escape the pain of intractable conflict, but do not know how to do it. With this assumption, the task shifts from treating conflict to guiding parents.

3. A more challenging concept is with regard to how people gain control over a problematic relationship and change it into a functioning coparenting relationship. The frame of reference in this regard is seeing a relationship as having a personality. When we refer to a personality in an individual, we are describing patterns of thought, feeling and behavior. However, we only see the behavior, because we can only perceive thoughts and feelings if they are translated into behavior. Likewise, relationships have personalities that reflect the behaviors of the two people involved. Those behaviors might reflect the thoughts and feelings of the two people, but the personality of the relationship is manifest by behavior.

We know from social science research that feelings and thoughts follow, not precede, patterns of behavior. We do not trust someone, and then get into a relationship. We get into the relationship, and if we experience trustworthy behavior, we develop trust. If we are a quiet person with stage fright, we do not suddenly become brazen and confident. We engage in behavior, perhaps performing on stage for a while, and then our feelings and our personality changes.

The personality of a relationship changes when the patterns of behavior in the relationship change. The thoughts and feelings that the two people have about the relationship change after, not before, the behavior has changed for a sufficiently long time. The conclusion that this assumption makes is at the very core of coparenting training:

WE ADDRESS BEHAVIOR, NOT FEELINGS OR THOUGHTS!

When parents coming to a group speak of their thoughts or feelings, they are redirected to behavior patterns and reassured that if the behavior patterns change, over time they will feel and think differently. If a parent says something like, "I just can't trust him" the response is, "Of course not now, because trust is based on your experience, and your past experience warrants you to be skeptical and distrustful. If a year from now, all you have seen is trustworthy behavior, you will trust him." Not only is this the premise for the coparenting training leaders (i.e. that the focus is solely on behavior patterns), but also the participants must reach this same conclusion and focus on behavior. Coparenting training is not about straightening out feelings and thoughts, an unrealistic hope; it is about changing patterns of behavior.

4. Most parents coming into coparenting training are skeptical that it will work, not only blaming the other parent but also because they tried various measures to change each other before ending the marriage. Having failed, they feel hopeless and out of control. Focusing them on behavior that they can change, and that will change the coparenting relationship and put them back in control. Doing so as separated parents is much easier than in a marriage, because they are not emotionally dependent on one another anymore. A coparenting relationship is not intimate; it is teamwork.

5. The final premise is that structure is the antidote to anxiety, fear, impulsivity and chaos. Think of the difference between starting a complicated job without any training, no manual and no orientation, versus having an orientation week with a manual and trainer. Thus, the coparenting training program being suggested here is highly structured. The structure includes developing rules, lists and procedures.

Preliminaries:

a. **Empathic compassion**: most separating parents have lost their empathic connection to one another and have little compassion for one another. They likely have been treating each other as hated or feared objects. Being treated as an object promotes narcissism, and thus the parents likely enter coparenting training self-centered and selfish. The antidote is empathic compassion, and that starts with the group leader. This is not a room full of jerks; it is a room full of people suffering, unable to find relief, knowing that they are stuck with each other for the rest of their lives. From the beginning, the leader has to instill and sometimes encourage expressions of empathic compassion. The power of the group can play an important role, in that while spouses might not be compassionate with one another, group members can be. A frequent post-group comment by participants was about the comfort of not being the only ones stuck in their suffering. Many of the participants have experienced disdain by even their own attorneys, by court-connected mediators and even by judges. The group is an opportunity for them to give and receive compassion, which has a healing effect.

b. **Benevolence and referent authority**: people follow leaders who appear to be concerned about them and who seem competent and know what they are doing. In the early stages of the group, therefore, the leader has to demonstrate competence and benevolent intent. A leader, for example, can demonstrate competence by introducing the critical importance of a functional coparenting relationship to children, citing evidence from studies. The leader should explain that functional coparenting relationships have been studied and that the findings from those studies undergird the information that they will receive in the group. The leaders demonstrate benevolence and competence with every intervention.

c. **From past problems to a future vision**: most participants will enter the group with a laundry list of past problems. They need to see the problem: that they are facing the wrong way, because little can be done about the past. The leader has to refocus the participants on the future, by first introducing the notion of having a vision for the future. Questions like, "When your children are adults looking back, how would you like to them to describe their experience of their family after their parents separated?" Redirect participants to their future vision. This also unites the parents. When they speak of their future vision for their children, they will largely if not completely agree. They will see each other as having the same positive intent for the children. This begins team building.

d. **From the vision to goals**: once visions are fleshed out, those lead to goals for the coparenting relationship. What do the parents need to do in the coparenting relationship in order to reach their vision?

e. **From goals to objectives**: dialing down from the life goals, the leader helps the parents translate those into objectives for the class, such as open information sharing in the family, flexibility in the schedule and so on. Once participants identify their vision for their children and family and transform that vision into goals, the objectives of the group become clear and the structure of the group makes sense. If one of their goals is for both parents to be part of the children's lives outside of the family, such as school and activities, independent of the custody schedule, then the section in the group that covers flexibility and access is an obvious way to achieve that goal.

f. **Workbooks**: the coparenting training groups have used iterations of a workbook. The participants use the workbooks in the class, but also they do assignments between sessions so that they come prepared. The current iteration is a workbook written by Ken Waldron with input from Eileen McCarten and Allan R. Koritzinsky and sold by Unhooked Books, *CoParenting Training Workbook*. They can be purchased at the Unhooked Books website and are associated with the book, *Game Theory and the Transformation of Family Law*, by Ken K. Waldron and Allan R. Koritzinsky, *also published by Unhooked Books.*

Pre-conditions:

The first set of agreements made by participants occurs right after they finished establishing a vision, setting goals and fleshing out objectives. The workbook helps take them through this process. Those agreements are:

a. **A commitment to honesty**: in order for a coparenting relationship to work, the parents must be able to rely on the information they receive from one another. No relationship is functional without honesty. To address skepticism in relationships that have a history of dishonesty, it can be helpful to address the control that they have over their future behavior. It is made clear, however, that without rigorous honesty in the future, they will not reach their goals. Leaders give examples of how without honesty, problems have no solutions, and how with honesty, all problem can be solved.

b. **A commitment to keeping agreements**: establishing and maintaining a functional coparenting relationship is essentially accomplished by making agreements. The relationship will fall apart if parents make unilateral decisions or break agreements.

c. **What it means to love a child**: as in the letters at the beginning of this article, parents profess a love of their child, but might not understand the implications of that love. It is not just the gushy feelings one has looking at a sleeping child; it is doing the hard things necessary to have the child turn out well.

d. **Rules of conduct**: finally, whether we make them overt or not, all relationships rely on having rules of conduct. Some are obvious. We don't cold cock a friend in public, at least not with the expectation of maintaining the friendship. Others are subtle but generally understood. We are generally courteous with people, even strangers or people of whom we are not particularly fond. Other rules need to be made explicit. One person might come from a family in which swearing was accepted but be married to someone who takes great offense at swearing. That person needs to bring up a rule that there be no swearing for the relationship to work. In coparenting training, time is spent in the group discussing the rules of conduct that will be necessary to make the coparenting relationship emotionally safe. This is a critical point that parents need to understand. Families need to be the touchstone for children in a world that often does not feel emotionally safe to them. Their family must feel safe for this to work, and children cannot feel emotionally safe in a family in which the parents do not feel emotionally safe with one another. The method to achieve safety is to develop a set of rules of conduct, which is a work in progress for them that will last their entire lives.

Five tasks:

Once the preliminaries are complete and pre-conditions met, the group then moves to the five tasks of establishing a functioning coparenting relationship. Details of these five tasks are presented in the workbooks. The tasks include:

1. **Information sharing**: an open information system is self-correcting, and such a system between coparenting requires specific procedures for: general information sharing so that both parents know what the other parent knows about the child's life; emergency information so that both parents are included in emergency situations; paperwork; and transition information, that is, information about the child when he or she is going through a transition so that the other parent is prepared (e.g. homework).

2. **Access**: this is how flexibility is created in the schedule and includes: telephone access; parent-initiated changes in the schedule, including tradeoffs; child-initiated changes in the schedule, including tradeoffs; parent participation in the children's activities outside of the homes, independent of the schedule; and sometimes extended family access. The parents in the group discuss each of these and develop highly structured procedures for each.

3. **Managing transitions**: because transitions are stressful for children (and parents), the group discusses ways that parents can minimize the stress. Leaders contribute ideas from the literature, and each set of parents develops a transition plan. The plan includes not only specific procedures to deal with potential conflict (the obvious), but also subtler logistic issues such as clothing, toys and objects forgotten at the other home.

4. **Similarizing two homes**: the more similar the rules, routines, expectations, consequences, chores and responsibilities are in each home, transitions are easier life lessons are better taught. Parents in the group discuss these, and the sets of parents work on identifying similarities and differences. If the differences are substantial, closing the gap to make both homes more similar is the goal. Ongoing discussions regarding this task between the parents are built into the information sharing procedures.

5. **Taking action**: this of course is the most challenging task and involves making decisions, resolving parenting concerns, solving problems and resolving conflicts. When they agree on the action to be taken, there is little problem. Problems arise when they disagree, so the solution here is teaching parents the art of resolving disagreement. In the coparenting training group, six-step procedures, based on research, are introduced to the parents for each of these four areas of action. The workbook contains those six-step procedures. In addition to learning them, the participants practice the procedures on real disagreements in the class. Other group members become quasi-coaches in the process and thus also learn the steps.

Record of Agreements:

By completing the workbooks, the parents complete a written record of their agreements. For example, in the workbook, they have a specific time for their weekly parenting telephone call to exchange general information and a list of what information they will share. They have a written procedure for changing the schedule and under what conditions tradeoff times are made. In sum, they have a written behavior plan for their coparenting relationship.

They have also had practice at cooperatively parenting together. They will have discussed chores, how they will establish those in both homes and will coordinate the incentive plan for rewarding the children for complying. They will have worked together to help make transitions as smooth as possible. These practice sessions will lead to positive results: They will reduce the loss they each feel by creating flexible access to the children, independent of the custody schedule. They will learn how to resolve disagreements respectfully. They will understand how to be responsible for their own behavior by following rules of conduct, rather than blaming the other parent. These tasks are modest and do not require anyone to change who they are. They only need to follow the behavior plan.

RESULTS

Subjects:

1. 424 parents participated in groups over a ten-year period. Pre- and Post-group data was obtained from all of the participants. Makeup of the subjects:
   a. Length of separation prior to the group:
      i. None listed: 1.2%
      ii. 4 weeks-6 months: 10.1%
      iii. Less than 4 weeks: .07%
      iv. More than 6 months: 86.2%
      v. Not separated yet: 1.9%
   b. Already divorced: 33.7%
   c. Never married: 30.4%
   d. Divorce pending: 35.8%
2. 200 parents participated in the follow up. They were parents who had participated in the group 3 to 6 years prior to the follow up. Questionnaires were sent with stamped return envelopes. Of the two hundred questionnaires sent, 29 were returned.

Research Design:

1. All subjects completed a pre-group questionnaire.
   a. Ratings of current level of communication, cooperation and conflict.
   b. Ratings of level of agreement/disagreement on child-related issues (see results).
   c. Ratings of level of conflict in marriage regarding parenting decisions.
   d. Ratings of the "other parent" in terms of parenting skills.
   e. Ratings of level of optimism about the coparenting relationship after the group.
   f. Comments (see results).

2. All subjects completed a post-group questionnaire.
   a. Class ratings.
      i. Information provided.
      ii. Focus on the child.
      iii. Increased understanding of coparenting.

    iv. Useful procedures and tools.
   b. Ratings of optimism about using the tools learned in the group to improve the coparenting relationship.
   c. Ratings of optimism about coparenting relationship improving because of group.
   d. Overall ratings of the class.
   e. Comments (see results).

 3. Follow-up: Each subject selected was sent and some completed a follow-up questionnaire. The questionnaire Included the following:
   a. Is your coparenting relationship:
    i. Worse than before the class;
    ii. About the same as when we began the class;
    iii. About the same as when we finished the class;
    iv. Continued to improve following the class.
   b. How do you rate your coparenting relationship (communication and cooperation) since taking the CoParenting training? [Excellent; Good; Fair; Poor].
   c. Additional comments:

Pre-Group Results

Pre-Group Evaluation Detail Report Start Date: 1/1/2005
            End Date: 12/31/2015

1. Parents rankings of Current Coparenting Relationship:

Communication and cooperation "C C":
Conflict "Con":

	Very High	High	Fairly High	Moderate	Fairly Low	Low	Very Low
C C	0%	1%	3%	21%	16%	18%	36%
Con	27%	18%	17%	20%	10%	3%	2%

2. Level of Agreement/Disagreement Parents Believe Exists Between Them on Following Child Related issues:

	Mostly Agree	Somewhat Agree	Mostly Disagree	Don't Know
Education Goals:	49%	26%	9%	12%
Extracurricular Activities:	32%	36%	14%	15%
Child Care:	25%	29%	27%	13%
Household Routines:	14%	34%	23%	24%
Chores and Responsibilities:	14%	31%	17%	34%
Forms of Punishment:	17%	31%	27%	21%

| Custody Schedule: | 9% | 16% | 64% | 7% |
| How Much Say Children Should have in Decisions: | 9% | 29% | 25% | 33% |

3. How Much Conflict During Marriage Parents Had about the Children and Parenting Decisions:

Very Much	Much	Some	Not very Much	None at all	Not Applicable
9%	14%	25%	30%	7%	10%

4. How Would You Rank the Other Parent in Terms of Parenting Skills:

Great	Good	Fair	Okay	Poor	Terrible
7%	18%	19%	26%	20%	4%

5. Think We will be Able to Successfully Coparenting in the Future, After this Class:

Good Chance	Possible	Maybe/Maybe Not	Doubt It	No Chance
19%	32%	28%	15%	3%

6. Comments: A Non-Parametric Factor Analysis of 432 comments:[1]

Factors:	Weight:
Focus on the Child/Put Child 1st:	.25
Criticisms and Blame of Other Parent:	.22
Communication between Parents Important:	.17
Keep the Child out of the Middle:	.14
Parents are Models:	.06
Mending a Troubled Relationship:	.04
Personal Goals:	.04
Keep out New Romantic Partners:	.02
Keep out of the Legal System	.02

DISCUSSION

The participants appear to be a normal sampling of parents struggling with their separation. About a third are married, about a third were never married and about a third are post-judgment. The vast majority of the parents had been separated for more than six months

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[1] Some comments included more than one factor and some of the comments included no factors (e.g., "I don't know").

and likely had been referred to the coparenting training group because they displayed substantial difficulty establishing at least A moderately functional coparenting relationship. They self-rate as low levels of communication and cooperation and high levels of conflict. Their ratings of areas of agreement and disagreement are much as expected. They tend to agree on major decisions, disagree on the day-to-day parenting and greatly disagree with regard to the custody schedule.

A most interesting finding is how many of the parents do not know if they agree or disagree about the aspect of coparenting that likely has the most effect on children. They are well aware of the disagreement about the custody schedule. However, social science research informs us that of all the factors that predict outcomes for children after a parental separation, the custody schedule is among the least important and the coparenting relationship is one of the most important. Yet they have little information about important parts of that coparenting relationship.

Another surprising finding is that over one-half of the participants report either modest or not very much conflict during the marriage about child related issues, and only about one-fourth rate the level of conflict over children as "Much" or "Very Much." Additionally, only about one-fourth rates the other parent as poor or terrible. This posits the question: why are they having so much difficulty, if overall they perceive the other parent as at least okay and did not have much conflict over coparenting prior to the separation?

Could it be that as the legal system funnels parents into disputes over custody, parents end up in conflict over parenting?

Parents entering the coparenting training group appear to be optimistic, or at least hopeful. Only 18% are downright pessimistic. The factor analysis of their comments supports the premises undergirding this approach. The parents want to focus on their children, recognize that communication and modeling are an important part of that process, that it is important to keep their children out of the middle of their conflict but are stuck in the powerless position of blaming the other parent for the problems.

These results heavily support our assumptions that most of the parents are good people, who care about their children but are stuck in a form of conflict that is paralyzing. They would like to find a way out and are hopeful that the group can provide that exit strategy. Most important, they learn that they might have ended up with less conflict if they had not focused so much on custody schedules and so little on their family life goals. Lawyers focus on legal outcomes as goals of their representation. This can distract parties from their life goals and trick them into seeing legal outcomes as goals, rather than as tools to reach goals. Because the legal system also frames legal outcomes as zero sum games, in addition to getting distracted by legal outcomes, parties also compete for selfish outcomes rather than cooperate to reach mutual goals. Once locked into that competition, vilifying their perceived rival, they get stuck, suffer, blame one another and have a hard time seeing a way out.

Post-Group Results

1. **Class Ratings:**

		Excellent	Good	Fair	Poor
a.	Information Provided:	61%	36%	1%	0%
b.	Focus on the Child:	78%	19%	2%	0%
c.	Increased understanding Of coparenting:	60%	35%	3%	0%
d.	Useful procedures and tools:	58%	35%	5%	0%

2. **Odds that the parents thought they will use what they have learned to improve coparenting relationship:**

Good chance	Possible	Maybe/Maybe Not	Doubt It	No Chance
38%	30%	18%	9%	1%

3. **Degree parents think that the other parent will be able to successfully coparent in the future, after this class:**

Good chance	Possible	Maybe/Maybe Not	Doubt It	No Chance
30%	35%	21%	10%	0%

4. **Parents' overall experience of this class:**

Excellent	Good	Fair	Poor
47%	46%	4%	0%

5. **Comments: A Non-Parametric Factor Analysis of 448 comments.**

Most Valuable Thing Learned From Class:

Factors:	Weight:
Procedures for Taking Action:	.28
Information sharing procedures:	.22
Reflections on self (rather than blame):	.21
Structure (Rules and procedures):	.17
Important to control emotions:	.13
Focus on the Child/Put Child 1st:	.10
Cooperation is important:	.07
Criticisms and Blame of Other Parent:	.02
The class was emotionally difficult:	.01

Least Helpful about the Class:

Factors:	Weight:
Everything was Helpful:	.36

More (sessions, practice):	.28
Emotionally Difficult:	.18
Watching Other Parents Bicker:	.12
Some material not applicable:	.02
Logistics of the class (e.g., time):	.01
Too simple:	.01

If Parent Designed the Class, They Would:

Factors:	Weight:
More (e.g. an individual session):	.64
Everything Good:	.24
Focus on Blended Families:	.02
Focus on Non-Married Parents:	.02
Successful Coparents to Model:	.02
More about financial:	.01
More focus on ages of children:	.01

Pre- and Post-Group Comparison - Optimism

One useful comparison is the pre-group measure of optimism and the post-group measure of optimism.

Pre-group: Think we will be Able to Successfully Coparenting in the Future, after this Class:

Good Chance	Possible	Maybe/Maybe Not	Doubt It	No Chance
19%	32%	28%	15%	3%

Post-Group: Degree parents think that the other parent will be able to successfully coparent in the future, after this class:

Good chance	Possible	Maybe/Maybe Not	Doubt It	No Chance
30%	35%	21%	10%	0%

DISCUSSION

Like most groups/classes, the post-group ratings were pretty high. Because the ratings were so high regarding an increased understanding of coparenting and useful procedures and tools, this supports our assumption that parents are looking for concrete information and procedures on how to do what they inherently want to do. As we move down to the factor analysis, we see that the bulk of what parents leave with is an understanding of the structure of

a coparenting relationship, perhaps most specifically, specific procedures for sharing information and taking action; that is, how to communicate effectively.

The optimism/pessimism ratings suggest a generally optimistic perspective with some healthy skepticism. However, the pre- and post- group comparison shows a marked shift in the direction of optimism. It looks like all groups became more optimistic, but this might not be accurate. A few of the least optimistic might have stayed so (i.e. pessimistic). The biggest movement appears to have been from the "maybe group" into "possible and/or good chance group".

The group has a remarkable impact on parents who shifted from criticism and blame of the other parent to self-reflection. Many of the self-reflection comments included compassionate thoughts about the other parent. It appeared from the comments that at least for some participants, healing had taken place.

Observations of participants and some of the unranked comments attest to what we will call the group effect. Some of the comments were about the positive effects of the group, such as seeing other parents struggling and feeling more normal. Other comments focused on the distaste for listening to some couples bicker. Interestingly, while many comments suggested a follow up individual meetings to have more practice with the procedures on issues specific a particular family, there was only one comment in hundreds saying that the program should be for individuals, not groups. This is a critical, interesting and important finding.

Another observation of the group effect was the rule of 5. In investing, a rule of 5 means that if carefully selected, out of 5 investments, one will outperform expectations, one will underperform expectations and three will meet expectations. There is a similar rule in group therapy. Often, one person will respond dramatically and positively, one will stay stuck and the rest will have moderate gains. In most of the coparenting classes, we noticed that one set of parents would be a runaway success, one would be the holdout and the others would do fairly well. Both the runaway success and the holdout seemed to perform important functions. The runaway success served as encouragement and a model. The hold out displayed the futility of staying stuck and often served as an ugly model that other participants did not want to resemble.

Other group effects included that parents were able to brainstorm to help non-connected parents, without the emotional charge of dealing directly with the other parent. This process desensitized them to dealing more directly with one another. There were also some touching moments, when something kind was said or when the group shared some laughter over their foibles. Often, parents could not hear good feedback from one another but could hear it from other participants.

The real question is whether or not the class (i.e. the Group) can make a difference in the long run. The letters at the beginning of this article indicate substantial long-term positive effects for one set of parents.

Follow-up Results

Unfortunately, insufficient numbers of questionnaires were returned to obtain statistically reliable findings. Had the responses been random, the number reaches significance, but we cannot know if those returning the questionnaires accurately reflect all participants. However, the follow-up that we did receive provides helpful information. One set of parents found the class particularly helpful and reconciled their marriage. Of the remaining responses, the following results were:

Question 1: Is your coparenting relationship:

Worse than before the class:	34.5%
About the same as when we began the class:	27.6%
About the same as when we finished the class:	13.8%
Continued to improve following the class:	24.1%

Question 2: How do you rate your coparenting relationship (communication and cooperation) since taking the CoParent Training:

Excellent:	24.1%
Good:	17.2%
Fair:	17.2%
Poor:	37.9%

DISCUSSION

Our initial reaction to these findings was disappointment, but on reflection, we found these results somewhat optimistic. While 62% of participants benefited little, with a few appearing to have worsened over time, 38% not only had improved but also over 24% continued to improve following the training. Given the population of parents stuck in intractable conflict, this suggests that the training had a significant positive effect.

An analysis of the additional comments in the responses was revealing and suggests additional modifications in the group format. Most of the additional comments in the fair to poor groups had regressed to blaming the other parent. A typical response was, "Because of the issues the other parent has, I don't think anything could help. You need to be open to ideas for them to work." None of the comments were negative about the training. In fact, one comment from the improved group was typical; "We still refer back to the class when we disagree." Some blamed others, such as an "overbearing grandparent" for their failure. What was clear was that those who were fair to poor had regressed to intractable conflict coping mechanisms.

A model of Intractable Conflict is that offered by Vallacher *et al.*[2] In that model, a homeostatic system maintains the status quo- the conflict, with "attractors" that provide a coherent explanation for the suffering and serve as a platform for action. When people begin to move out of the intractable conflict trough, they are moving away from an attractor, in a sense, fighting the status quo in order to establish a new status quo, a functioning coparenting relationship. However, the attractor to conflict is like gravity. When a problematic incident arises, as is inevitable in all strategic relationships, people fall back into the conflict trough. People who continue to climb out of the conflict trough recover quickly from the problematic incident, and over time, create a new attractor, constructive relationships. John Gottman and his colleagues, in their studies of successful marriages, arrived at the same conclusion. They found that people in successful marriages do not have fewer problems than those in unsuccessful marriage; they just keep arguments cleaner and recover more quickly from problematic situations.[3]

The coparenting training groups gave passing recognition to the importance of maintaining the constructive patterns of behavior, but did not address the problem of regressing to the status quo of intractable conflict. There was no information given in the class on how respond constructively to the inevitable problematic incidents and defy the gravity of the negative beliefs undergirding intractable conflict. The parties might have ten positive interactions, but the one problematic interaction might "prove" that their negative beliefs were "right all the time."

The classes and the feedback from participants in pre-, post- and follow-up ratings also suggest a failure to address more directly the "sad" involved in the end of relationships.[4] All relationships end. Some end when one or both spouses die, some end shortly after getting together when a bad fit is discovered, some end with conduct problems such as affairs, and some end after years of trying to resolve the difficult problem of control and managing differences and disagreements. In fact, everything in life ends. A relaxing morning ends, and a evening of fun with friends ends. Every ending has sadness associated with it. Little endings have little "sads", like our relaxing morning example. Some endings are bigger, like the end of the sexual excitement at the beginning of a relationship, and have bigger sads and some endings are gigantic, like a death of a close friend or the end of a relationship with a loved one. Those endings have big "sads." Most of us are pretty good at processing little sads and even bigger, but expected sads. We have trouble processing the unexpected gigantic sads. Intractable conflict can be a way of clinging to each other, although painfully, and avoiding processing the sadness of ending the relationship and giving up on the hope for what might have been.

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[2] Vallacher, R.R., Coleman, P.T., Nowak, A. & Bui-Wrzosinska, L. (May-June, 2010) *Rethinking Intractable Conflict: A Perspective of Dynamical Systems*, American Psychologist, Vol. 65, No. 4, Pp. 262-278.
[3] Gottman, J. (1995) Why Marriages Succeed or Fail: And How You Can Make Yours Last. Simon & Schuster, New York.
[4] We are relying heavily on the, at publication, work of Ron Johnson, Ph.D. and Deb Broch, Ph.D., currently titled, Good Grief.

Another potential weakness in the class was insufficient time spent at the beginning reestablishing empathic compassion.   All healthy relationships have a balance of self-involvement (narcissism) and other-involvement (empathic compassion).   The "honeymoon" period is largely driven by narcissism but also a separation has a high level of situational narcissism. In healthy relationships, recovery from problematic interactions is driven by both. Narcissism focuses on protecting the self and restoring a sense of wellness, with avoidance, defensiveness and projecting the blame.   Empathic compassion focuses on self-reflection and repairing the harm to the other person.   Narcissism leads to taking a break to cool down and picking apart what the other person did to wound. Empathic compassion leads to thinking through what you did to wound the other person and a desire to repair. Without the empathic compassion, avoidance and blame dominate. Reflecting on the results of the long-term follow-up, more emphasis on restoring empathic compassion was seen as potentially helpful.

Addressing these three weaknesses in the model might produce better results for those who regressed following the end of the classes.   One suggestion is to have a fifth class. This allows more time in the first class to focus on restoring empathic compassion and more time at the end to focus on the sadness involved, on the dynamics of intractable conflict and on how to recover from problematic incidents to avoid regression. After the first four classes, the parents are armed with knowledge, skills and tools and are in a position to say good bye to each other as intimate partners and start their life as separated parents.   Good byes are sad even when there is relief involved.   They have a vision of a positive coparenting relationship, the new "attractor."   Armed with the knowledge that they will face set backs and skills for recovering quickly from those setbacks might keep them on the path to that new attractor.

The highly structured coparenting training group model appears to provide significant benefit to most of the participants. For about 24% of participants, those benefits continue to accumulate after completing the class and for an additional about 14%, participants maintained their gains from the class.   The group model offers the advantages of the power of group therapy and efficient, less costly intervention.   Modifying the classes to address three of the apparent causes of regression following the training for 62% of participants might improve outcomes.