Promoting co-operative parenting after separation: a therapeutic/interventionist model of family mediation

Edward Kruk*

With adequate therapeutic support, the ideal of co-operative shared parenting could become a reality for the majority of separated, divorced and remarried families. A therapeutic/interventionist approach to family mediation (as contrasted to the more short-term, future-focused, neutralist mainstream model, structured strictly towards the resolution of issues under dispute) may offer the most effective and efficient means to do this. Within this approach, mediation is used to introduce separating parents to shared parenting as a viable alternative, reduce their anxiety about shared parenting as a living arrangement deviating from the norm, enable them to consider a range of shared parenting options, help them work through the development of a shared parenting plan, and support them in the transition to post-divorce parenting. In its emphasis on parental responsibility and shared parental authority in the resolution of post-separation parenting disputes, the model reflects an orientation consistent with the philosophy of the Children Act 1989, and is ideally suited for use by family therapists working with parents during the divorce transition.

‘Co-operative shared parenting’ refers to a post-separation parenting arrangement that attempts to approximate as closely as possible the parent–child relationships in the original two-parent home, in which both parents have not only equal rights with respect to their children’s welfare and upbringing, but also active responsibilities within the daily routines of their children’s care and development.† It also

* Assistant Professor, School of Social Work, University of British Columbia, 2080 West Mall, Vancouver, BC V6T 1Z2, Canada.

† North American legislators and policy-makers are beginning to recognize that shared parenting after separation should include not only equal authority in decision-making with respect to children’s education, medical care, and religious upbringing, but also some degree of shared physical caretaking; the granting of parental rights
constitutes a situation where parents have not only accepted the termination of their marital relationship, but taken on the responsibility for separating their previous marital conflicts from their continuing parental responsibilities.

As the living arrangement most closely resembling the majority of pre-divorce families, and coinciding with emerging models of marriage and parenthood, shared parenting is regarded by many as the healthiest and most desirable arrangement for the majority of post-divorce families (Folberg and Graham, 1981; Irving et al., 1984). The two most salient factors associated with positive outcomes of divorce for children and parents are the maintenance of meaningful, active and ongoing relationships between children and both of their parents, and the parents' ability to minimize conflict and co-operate with each other in regard to parenting and decision-making. Co-operative shared parenting may thus be the key to ameliorating the negative impact of divorce on all family members.

Mediation, as an alternative method of dispute resolution, has considerable (and as yet largely untapped) potential in establishing shared parenting as the norm, rather than the exception, for divorced families. For the most part, however, mediators have avoided directly promoting and facilitating this post-divorce arrangement, for diverse reasons. Indiscriminately recommending shared parenting for those who are extremely poor candidates is highly problematic: there are clear contraindications to shared parenting, including cases of child abuse, neglect, or exploitation, the physical or psychological incapacity of a parent, chronic alcoholism or drug addiction, or a stated lack of interest in caring for the children; highly conflictual couples may never be able to exclude their marital conflicts from their ongoing negotiations in regard to parenting; abused spouses may continue to fear potential violence within a co-parenting structure. While these point to the need for careful screening of potential candidates, the notion of establishing shared parenting as an ideal is based upon the assumption that in the majority of cases, both parents are capable and loving caregivers and have at least the potential to minimize their conflict and co-operate with respect to their parenting responsibilities.

without a concomitant requirement for the assumption of active child care responsibility has the potential for considerable inequity and abuse (Fineman, 1988). While this does not necessarily entail a precise apportioning of a child's time on an equal or 'fifty-fifty' basis, it does connote both parents routinely caring for their children in separate households.

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The promotion of shared parenting in mediation is antithetical to the neutral stance adopted by many mediators (S. Roberts, 1988; M. Roberts, 1988); such a therapeutic/interventionist approach, it is argued, reduces client self-determination and may result in a lack of commitment to the mediated agreement, and undermines the parties' ability to undertake any necessary renegotiation of parenting arrangements by themselves (S. Roberts, 1988). This paper seeks to demonstrate how a therapeutic/interventionist model can in fact bolster the parents' ability to negotiate and make informed decisions, enhance their communication and problem-solving skills, and ultimately strengthen the durability of negotiated agreements. In addition, the model offers clients the benefit of interventions designed to enhance their negotiations and construct agreements that promote the principles of shared parental responsibility and authority which underlie the Children Act 1989, and thus maintain the welfare of the child at the forefront of parental negotiations. Mainstream neutral approaches have been particularly lacking in this regard (Bernard et al., 1984; Saposnek, 1983).

Research on shared parenting

A number of recent North American studies have supported shared parenting as a viable and optimal structural arrangement for families after divorce. Ahrons (1981) concluded that shared parenting in fact constitutes a wide variety of parenting arrangements and relationships among families. Luepnitz (1982) interviewed children as well as parents, and compared sole maternal, sole paternal and shared parenting arrangements, concluding that children are more satisfied with shared rather than with sole parenting arrangements. Shiller (1984) found that divorce causes less trauma and dislocation to children whose parents opt for shared parenting and that these children appeared to be more comfortable with the status quo, with a more realistic image of what the future will bring. Wolchik et al. (1985) discovered that children in shared parenting homes report a significantly higher number of positive experiences than children in sole parenting arrangements. In Britain, Lund (1987) compared children and parents in 'single-parent/father absent' families with those in 'conflicted co-parenting' and 'harmonious co-parenting' families and, utilizing independent teacher ratings in addition to interviews with both parents and their children, concluded that
children functioned best in harmonious co-parenting families and least well in single-parent families.

Irving et al.'s (1984) study of shared parenting utilized a large data base and a longitudinal design. Contrary to expectations, they found that shared parenting is a realistic consideration for all economic groups, an idea that was obscured by the preponderance of middle- and upper-class families in earlier studies. Also, parents with initial doubts and some reluctance about opting for co-parenting were able to negotiate shared parenting plans, and reported positive long-term outcomes. It was not necessary for co-parents to be favourably disposed to each other for the arrangement to work, although most respondents reported a change in their feelings towards their former spouses, typically becoming more positive; nor was it necessary for parents to have had a high level of co-operation in sharing parental responsibilities during the marriage. In almost all cases, the initial consideration of the possibility of a shared parenting relationship was first raised by one of the parents rather than by solicitors, mediators, family therapists, or other professionals. Overall, nearly 90% of co-parents were in favour of the arrangement. The authors concluded that shared parenting is a viable option for a range of divorcing couples, but not for everyone. Good predictors of outcome success included a commitment to parenting, reasonable communication skills, flexibility, the ability to separate previous marital conflicts from matters concerning the children, and good faith with regard to agreements made; conversely, intense and continuing conflict, weak commitment to active parenting, and irrational hope of reconciliation were all predictors of failure.

An important caveat must be made in interpreting the results of studies of shared parenting as most involve parents who have independently chosen to make such arrangements. Brotsky et al. (1988), however, reported on a study of a pilot mediation service in California designed to promote shared parenting in cases where at least one of the parties was opposed to the arrangement, in a jurisdiction where mandatory mediation is intended to promote shared parenting. When educated about children's needs in divorce and informed of the range of parenting options open to them, 80% of participants opted for a shared parenting arrangement. In a one-year follow-up of these mediated arrangements, the authors found that shared parenting provided stability (93%), parental satisfaction (68%), valuing of the other spouse (97%), and comfort for the children in relation to both parents (82%). When compared with
those in sole parenting arrangements, children in shared parenting homes, like their parents, were reported to the functioning significantly better in all areas.

**Primary caretaker presumption**

While research studies have provided substantial empirical support for shared parenting as a desirable post-divorce option for families, a number of concerns have been expressed among several US legal scholars. Fineman (1988) and Polikoff (1982), arguing in favour of a legal 'primary caretaker' presumption, question the degree to which shared parenting actually reflects pre-divorce family structures, and caution against an uncritical acceptance of the position that women and men make identical contributions to parenting during marriage.

It may be questioned, however, whether sole parenting after divorce is in fact more reflective of pre-divorce family structures than shared parenting. While mothers generally assume the lion’s share of responsibility for child care within two-parent families (although there exists a heterogeneity of parenting roles within families, including greater sharing of care than previously), in the majority of cases both parents form close and salient attachment bonds with their children and remain uniquely influential in their development (Lewis, 1986; Lamb, 1986). This is reflected after divorce, in sole parenting families, in children’s pervasive longing for their absent fathers, despite varying amounts of actual parenting involvement by fathers during the marriage (Kruk, 1991).

**Continuing hostility between spouses**

Another issue of debate regarding shared parenting concerns the ex-spouses’ ability to co-operate: it is argued that shared parenting can be calamitous if parents are unwilling or unable to co-operate and their relationship is characterized by high conflict, which typically attends divorce. As Folberg and Graham (1981) point out, however, it is more likely the adversarial nature of the legal system, when extended to the issue of post-divorce parenting, that polarizes parents and exacerbates hostilities; to the extent that the legal system casts divorcing parents in the role of enemies and expects them to be unable to co-operate, a self-fulfilling prophecy is created – legal processes not only exacerbate parental conflict, they often create an atmosphere of
hostility in cases where relatively amicable negotiation may have taken place (Kruk, 1991).

Whether the parents are able to isolate their previous marital conflicts from their continuing roles as parents may be the critical issue in the ‘parental co-operation’ debate. There is evidence that shared parenting provides an incentive for co-operation; what often begins as a ‘front’, an appearance of minimal conflict in the children’s presence, becomes in time a ‘normal’ pattern of relating, a self-fulfilling prophecy (Irving et al., 1984). When neither parent feels threatened with the possibility of loss, each is in a healthier position for co-operation (Calvin, 1981). Shared parenting, in providing for a combination of ‘time off’ and enhanced involvement in child-care, helps to overcome the problem of mothers feeling overwhelmed by sole responsibility for children and fathers feeling excluded from their children’s lives (Folberg and Graham, 1981).

Lack of continuity in children’s routine

Another important concern about shared parenting is that it may be disruptive and confusing for children to have two homes, where they encounter two different lifestyles and value systems; shared parenting, it is suggested, inherently creates an unstable, impermanent condition for children. In rebuttal, it has been shown that children have strong attachment bonds and relationships with both parents, and show remarkable tenacity in continuing these under a variety of conditions (Richards, 1982). Shared parenting exposes children to two lifestyles and two points of view, offering a larger array of positive characteristics to model, and a greater variety of cognitive and social stimulation; while sole parenting can sever a child’s ties with an entire set of relatives, shared parenting permits the child’s support group to expand (Folberg and Graham, 1981). In providing for active parenting by two nurturing figures, shared parenting may contribute to a breakdown of gender differentiated character structures in children (Richards, 1982). Thus, while critics of shared parenting point to the child’s vulnerability and need for a consistent and predictable world, proponents emphasize the child’s resilience and need for emotional support and stimulation from diverse sources.

Proponents of shared parenting have stated their ‘case’ from the perspective of both parents and children. It is argued that most sole parenting mothers feel their children largely overburden and imprison them, and mothers became physically and emotionally exhausted, as
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well as socially isolated (Wallerstein and Kelly, 1980; Sev'er, 1992); it is not surprising, then, that in studies of shared parenting, mothers reported that the greatest advantage of the arrangement is the sharing of care for their children and relief from the sole responsibility of parenting (Nehls and Morgenbesser, 1980). Whereas non-custodial fathers are effectively disqualified as active caretakers of their children (Kruk, 1991), co-parenting fathers report that the greatest advantage of sharing care is the opportunity to maintain an active and meaningful role in their children’s lives, in ‘normal’ day-to-day living situations (Greif, 1979). Finally, shared parenting spares children the disruption and feeling of rejection following the departure of one parent; it ensures the preservation of attachment bonds with both parents in a continuous, secure and protected relationship (Folberg and Graham, 1981).

Mediation and shared parenting

It is now generally accepted that it is not divorce per se that results in the difficulties experienced by separated family members; rather, certain critical mediating factors stand between separation and post-divorce outcome for family members (Wallerstein and Kelly, 1980; Hetherington et al., 1978; Hess and Camara, 1979). These include the extent to which both of the parents and their children are able to maintain meaningful relationships, the level to which the parents are able to support each other in their continuing parental roles, and the extent to which informal social networks and formal judicial, educational and social welfare institutions are supportive in regard to both. It may be argued that there is an implicit ethical responsibility for mediators and therapists to promote parenting agreements and influence settlements that take these factors into account. Therapist-mediated with expertise in the expected effects of divorce on children and parents can be instrumental in helping parents to recognize the potential psychological, social and economic consequences of divorce and, on that foundation, promote arrangements conducive to children maintaining meaningful, positive post-divorce relationships with both parents within a non-conflictual atmosphere.

One of the most debated aspects of the role of mediators is the extent to which they should actively shape the outcome of the agreement – should they assume a neutral or a therapeutic/interventionist role? Neutral mediators seek to avoid influencing the outcome of the negotiations and accept any decision the parents agree

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on that is not obviously harmful to either. The therapeutic/interventionist mediator, on the other hand, is actively involved in shaping an agreement that includes those factors known to contribute to positive post-divorce outcomes.

In my view, mediation needs to include a much stronger educative and advocacy component, and to assume an affirmative stance in promoting and facilitating the development of co-operative shared parenting arrangements. Mediators are in a unique position to expand the range of possibilities available to divorcing families. A basic assumption of mediation should be that termination of a marriage necessitates a restructuring of family life that enables as many children as possible to have a meaningful and active relationship with both parents, free of inter-parental conflict. If mediation does not exercise its educative and advocacy function, stressing the desirability of active parenting by both parents, detailing the range of shared parenting possibilities open to families and, where appropriate, actively facilitating and working through the logistics of a shared parenting arrangement, it fails to live up to its true potential.

Mediators also need to pay greater attention to the durability of parenting agreements, and the need for parents to continue to improve their ability to co-operate and negotiate with each other after divorce. The challenges facing divorced co-parents are numerous; once in place, shared parenting requires an extremely high level of organization, co-operation and commitment. Therapist-mediators can play a key role in helping parents to meet these challenges; to add to its educative and advocacy function, mediation should also include a support and troubleshooting component, a period of follow-up to assist parents not only to share the parenting of their children, but to do so in a co-operative manner.

A therapeutic/interventionist model of family mediation

Given the desirability of co-operative shared parenting as a post-divorce arrangement, the challenge is how to implement this new ideal as effectively and efficiently as possible. A therapeutic/interventionist approach to divorce mediation – as contrasted to the more structured, short-term, future-focused, and neutral mainstream model – may offer a means of doing so. Within such an approach, mediation is used to introduce the option of shared parenting as a viable structural alternative, reduce parents' anxiety about a living arrangement deviating from the norm, help parents work through the
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development of a shared parenting plan, and help them implement the plan in as co-operative a manner as possible. A 'therapist-mediator' guides the process, which consists of five distinct yet overlapping phases:

1. **assessment** to determine whether the parents are both ready to enter into shared parenting mediation, and whether shared parenting mediation is indicated;
2. **education** involving didactic presentations about the divorce (and mediation) process, children’s needs and interests in divorce, and effective communication and problem-solving skills;
3. **advocacy** in the form of actively promoting shared parenting (where indicated) as meeting the children’s needs first and the parents’ second;
4. **facilitation of negotiations** towards the development of an individualized co-operative shared parenting plan, which outlines specific living arrangements, schedules, roles, and responsibilities;
5. **continuing support/troubleshooting** during the implementation of the shared parenting plan.

**Assessment**

Whereas the mainstream mediation model largely excludes psychological exploration and history-taking, focusing almost entirely on the future relationship between the parties (Coogler, 1979; Haynes, 1982), a therapeutic/interventionist approach begins with a detailed assessment process to determine whether mediation is appropriate, and to begin to examine the type of post-divorce parenting structure that is most likely to be in the children’s and parents’ best interests.

As illustrated in Figure 1, assessment focuses on four critical dimensions: (1) the degree of acceptance of the termination of the marital relationship by both spouses, which predicts the level to which the parents are able to separate past marital issues from continuing parental responsibilities, and the extent to which they will be able to co-operate in future; (2) the nature of existing spouse relationships, which includes the degree of overt hostility, the presence of spouse abuse, the extent to which one spouse will use mediation to manipulate, threaten or control the other party, and the degree to which mediation may be used to stall legal proceedings while planning for future litigation; (3) the nature of existing parent-child relationships, which includes the degree of involvement and

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STAGE 1

ASSESSMENT

1. Degree of acceptance of termination of marital relationship
   - LOW → Divorce counselling
   - HIGH

   2. Nature of existing co-parental relationship
      - Potential for co-operative co-parental relationship
      - Shared parenting contraindicated

   3. Nature of existing parent-child relationship
      - High conflict/abuse
      - Expressed desire for sole custody arrangement/logistical constraints to shared parenting
      - Draft sole parenting agreement

   4. Expectations and desires regarding post-divorce parent-child relationship
      - Desire for active involvement

STAGE 2

EDUCATION

1. The divorce process/mediation
2. Children's needs and interests in divorce
3. Communication and problem-solving strategies
   - Continue throughout mediation process
   - Continue throughout mediation process
Figure 1. A therapeutic/interventionist model of family mediation towards the settlement of post-separation parenting disputes.
attachment between each parent and the children, and the presence of child abuse; and (4) the parents' expectations and desires regarding the type of relationship they would like with their children following divorce.

At this stage, it is important to gather this information in the context of obtaining data about the pre-divorce family, as opposed to what the parents would like in the way of specific post-divorce parenting arrangements. The therapist-mediator's goal is to facilitate the process of building shared parenting agreements step-by-step; the task of the therapist-mediator during assessment is to obtain in general terms a statement from each parent as to the level of involvement they would like to have with their children after divorce.

The first goal of the assessment stage is to determine whether both parents are ready to enter into mediation. The therapist-mediator needs to decide whether to begin the mediation process or delay it, particularly when one partner has a continuing unrealistic hope for reconciliation, or has not come to terms with the reality of the divorce. Setting aside of negative feelings associated with the marital relationship is necessary to make best use of child-centred negotiations. Divorce counselling may be instituted by the therapist-mediator or referral made elsewhere before mediation can proceed.

The second goal of assessment is to determine whether shared parenting mediation is indeed appropriate. Contraindications to mediation include cases of physical and sexual child abuse or serious neglect, marked imbalances of power, and situations where abused spouses are unable to contemplate negotiating with their former partner; the option of legal proceedings to settle post-divorce parenting disputes in such cases must be retained. It should be noted that the issue of the appropriateness of mediation in cases involving spouse abuse continues to generate much debate (Corcoran and Melamed, 1990; Hart, 1990). Mediation proponents argue that the process can be highly empowering for abused spouses, enabling them to articulate their needs and interests and have these met within a safe forum of dispute resolution. However, while there are effective strategies to counter imbalances of power between the parties in mediation, continued marked imbalances are unlikely to produce fair outcomes.

Contraindications to shared parenting include the inability to care for children mentally, emotionally or physically, the physical, emotional or sexual abuse of the children or spouse, significant substance abuse, intractable hostility between the spouses, and an

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expressed desire of both parents for a sole parenting arrangement. There are a number of valid reasons for one parent to be opposed to shared parenting; however, opposition based on a lack of understanding of children's needs in divorce, a lack of knowledge about shared parenting, or pressure from family, friends or professionals to reject it as an option, should not be seen as sufficient reason not to consider it.

It is particularly critical to assess the nature of pre-divorce parent-child relationships, including the degree of involvement and sharing of parenting tasks and responsibilities within the marriage, competence in parenting, discipline methods used by each parent, the degree of attachment between each parent and the children, and the degree of influence each parent has in various areas related to children's growth and development. According to Gardner (1984), shared parenting is a viable option when three provisions are satisfied:

1. both parents are capable and loving custodians – their levels of involvement with and attachment to their children are high, and they wish to continue their child care responsibilities;
2. the parents have the potential to co-operate and communicate effectively in regard to parenting concerns;
3. geographical distance and other logistical constraints are not excessive.

Where parents acknowledge the centrality of their children in their lives, and the importance of keeping children's interests at the forefront of their negotiations, the prognosis for shared parenting mediation is good. This is probably the therapist-mediator's most powerful lever in facilitating the parents' negotiations.

**Education**

If the parents are seen to be suitable candidates for mediation, and meet the criteria for shared parenting, mediation enters an educative phase. Here the therapist-mediator begins the process of helping the parents make an informed choice about the type of post-divorce parenting arrangement that is best for their children and themselves. This is accomplished by means of educating parents in regard to three major sets of issues: children's needs and interests in divorce, the divorce (and mediation) process, and effective communication and problem-solving skills.

During separation, in coming to terms with their own pain, grief and reduced self-esteem, parents often experience difficulty keeping
focused on the needs of their children; they also often lack adequate information about the impact of divorce on children at different ages and stages of development (Wallerstein and Kelly, 1980). Focusing on children's needs in divorce encourages parents to begin tuning in to the type of post-divorce parenting arrangement that will be in their children's best interests, and sets the stage for active consideration of a co-parenting arrangement.

The education phase also focuses on increasing parents' understanding of the divorce process generally, including the process of mediation, and the range of parenting options available to them, including shared parenting. Specific issues that may be covered, depending on the needs of the parents, include relevant divorce legislation, the mediation process and how it differs from legal resolution of parenting disputes, specific issues to consider in planning for parenting after divorce, and types of post-divorce parenting arrangements, including co-parenting arrangements.

The model also incorporates instruction in communication and problem-solving skills, which enables parents not only to make the best use of the mediation process, but to enhance their future negotiation and communication regarding parenting concerns. This teaching begins as soon as parents enter mediation, and a contract for ongoing service is agreed. An important first step in contracting is to establish mediation guidelines, and to obtain commitment from each parent in regard to same. Beyond this, however, Andes (1991) suggests that parents be told, 'It's our goal in mediation to reach an agreement. It's also my goal to help you enhance your communication and problem-solving skills so that you can effectively negotiate disagreements as they arise in the future. To that end, I'll periodically stop the process and provide some guidelines for communication and problem-solving. Are you willing to try this?' Steps in teaching these skills may include explicit instruction in regard to a particular skill, demonstrating or modelling the skill, enactment, debriefing, and extra-session assignments; these should be brief, minimal intrusions, and should be provided throughout the mediation process.

Advocacy

The advocacy phase is essentially an extension of the education phase, with the therapist-mediator assuming a more affirmative stance with respect to establishing the 'best interests of the child' as the objective criterion that will guide the parents' negotiations and determination
of the post-separation parenting arrangement and, where appropriate, promoting a shared parenting arrangement as best meeting that criterion. The benefits of shared parenting are first examined from the point of view of children and then of the parents. Specific information is given about the optimal types of shared parenting arrangements for children at different ages, and for families in different circumstances.

The therapist-mediator’s use of language is particularly crucial at this stage: the task is to move parents away from the legal notions of parents’ claim to child ownership, to the type of post-divorce relationship that serves the children’s (and family’s) best interests. Shared parenting should be presented as a ‘neutral’ position, allowing both parents an optimal relationship with their children. In advocating shared parenting, the therapist-mediator must be aware of the danger of being perceived by one parent as forming an alignment with the other; caution must be exercised in a situation when one parent wants a sole and the other a co-parenting arrangement. This may be preempted if the education and advocacy phases remain mediator-directed, taking the form of a monologue, in which the therapist-mediator educates the parents about children’s needs in divorce, stressing the importance of continuing regular involvement of both parents after divorce, and then informs them about the range of shared parenting options available. During this time, the parents are not (yet) given the opportunity to indicate their preferred post-divorce parenting arrangement. Rather, the therapist-mediator makes clear that the development of the shared parenting plan will be guided by the principles of maximum parental involvement, parental continuity, and mutual decision-making regarding child care.

The therapist-mediator should emphasize that shared parenting does not necessarily entail apportioning exactly 50% of a child’s time to each parent, a misperception that can interfere with the formulation of a flexible and workable plan. At this stage, avoiding the issue of percentage of time each parent spends with the children and focusing instead on types of schedules and scheduling options may make shared parenting more attractive and likely to be considered. The therapist-mediator may thus introduce the parents to a range of shared parenting schedules, while emphasizing that their shared parenting plan will be ‘tailor-made’ for them.

While the actual negotiation of the parenting schedule takes place in stage 4, during the advocacy phase the therapist-mediator orients the parents towards the development of a plan based primarily on the needs and capacities of the individual child, and away from what may
be convenient or expedient for the parents. The age and developmental stage of the child are central: pre-school children, who have a limited sense of time, in most cases need to see both parents on a relatively frequent basis; with school-age children, there are more shared parenting options available; adolescents may need the flexibility of not being tied down to rigid schedules so that they have the time available to pursue their own developmental needs and interests. For all children, consistency and (at least initial) predictability of schedule are important; the use of a monthly calendar, which is duplicated so that there is one for each household, gives children a clear sense of where they are going to be and when (and parents a clear picture of their parenting times for the month). The importance of children initially remaining in the same schools and maintaining the same friendship and neighbourhood ties should be emphasized.

Before they enter the negotiation phase, it is important for parents to know that, as there is a wide range of family patterns and dynamics, they will be able to select from a range of shared parenting alternatives. Further, whatever shared parenting plan they formulate will not be irrevocable: they will need to consult each other about their children’s changing needs at different ages and stages of development, and are likely to have to modify the arrangement several times during the forthcoming years.

Facilitation of negotiations

In the negotiation stage, the feasibility of a shared parenting arrangement is examined from the children’s and parents’ perspectives, and practical needs and constraints in terms of day-to-day concerns and the realities of the entire family are considered. The goal is to help the parents design a shared parenting plan meeting not only their children’s and their own needs and interests, but also their particular schedules and lifestyles. The therapist-mediator’s tasks at this stage are to reinforce the parents’ concern for their children’s needs and interests as primarily guiding their negotiations, help each parent to listen to and validate the needs and interests of the other, and identify commonalities in their stated interests – including that of ensuring that the welfare of their children is paramount in whatever outcome they negotiate. Mediation becomes a process of building on areas of agreement, and assisting in the negotiation of issues around which there is disagreement. Each parent will be expected to modify some of his or her own personal desires, on the basis of the children’s needs,
those of the other parent, and the everyday realities of everyone's lives.

In addition, the therapist-mediator may wish to meet directly with the children, particularly those who are older, to explore their concerns and preferences regarding post-divorce parenting arrangements. It should be made clear that the parents shall ultimately determine these arrangements, but that it is important for them to have input from the children in arriving at their decisions. The involvement of children in the mediation process may also be helpful towards the goal of parental co-operation in parents' future dealings with each other.

Ricci (1980) outlines three time dimensions and two aspects of decision-making as central considerations in the formulation of a shared parenting plan. Time dimensions include overnight stays (how many will there be with each parent?), the actual time the child and parent spend together (time spent in the daily routines of caretaking and parenting), and activity time (time spent together in recreation and special activities). Difficulties are likely to arise if one parent has little activity time but the main responsibility for routine time, or vice versa, or if all overnights are with only one parent. Parental decision-making includes decisions made in the course of daily child-rearing, and major decisions (including schooling, religious affiliation and training, and major medical decisions). Again, a plan in which one parent has power to make major decisions without any responsibility for day-to-day decisions can be highly problematic.

The actual negotiations follow a set procedure, established by the therapist-mediator. Ware (1982) suggests a process of having each parent develop three lists, in sequence - one from their perspective of their children's needs, one on the basis of their own interests, and one from the point of view of the current realities of their lives - with respect to Ricci's (1980) five dimensions of shared parenting. Figure 2 provides a framework and the salient categories to which parents refer as they draft their three separate lists. After completion, the lists become the foundation for the negotiation and ultimately the final written agreement.

In addition to the three lists, a time survey - having each parent outline what a typical week would look like when the child is living with them - may also help the parents consider realistically what will be involved in parenting as separate entities, think about their strengths and deficiencies as caretakers, and identify the skills they will need to be able to carry through their shared parenting plan.

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Figure 2. Framework for negotiation of post-separation parenting agreements

Through the negotiation stage, proposals and counterproposals regarding various time-sharing formulae are made, and as agreement is reached on particular issues, a parenting plan begins to take shape. Plan formulation proceeds from a skeletal structure to the specifics of the actual shared parenting arrangement; the end product of mediation is a written plan for co-operative shared parenting. In many cases, considerable detail and specificity will be required to avoid initial confusion and conflict, including details of scheduling contact with the children, and a list of which responsibilities are shared and which are held by each parent. The need to keep dates and times absolutely sacred, until a degree of trust and co-operation develops, should be emphasized.

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The written agreement. While co-operative shared parenting plans take many forms, it is important to include the following in the written agreement:

(1) A general statement to begin the agreement – the parents will co-operatively share the parenting of the children, with co-operative shared parenting being defined as having two central elements: equal responsibility for sharing in important decision-making as well as the de facto daily parenting of the children, and parental co-operation with respect to same. This includes respect for one another’s parenting style and authority; the parents agree to say or do nothing that will harm the relationship of the other parent with their children. A helpful clause to include in this section is: ‘The parents agree to foster love and affection between their children and the other parent.’

(2) The sharing of parental rights and responsibilities – the parents agree to confer on all important matters affecting the welfare of the children, including education, health, and religious upbringing. They agree that each will have access to medical and school records. A clause may be added saying that day-to-day decisions are the responsibility of the parent with whom the child is living.

(3) The specifics of the actual time-sharing and residential arrangement.

(4) Details regarding holidays and special occasions.

(5) The agreement time period, and amendments to the agreement – a clause indicating the length of the agreement, and that the plan will be re-examined at a later fixed time, or from time to time. If no revisions are deemed necessary after the agreed time period, the agreement is automatically renewable. A clause specifying the manner in which parents will settle disputed issues in the future, with an emphasis on co-operation and a return to mediation if necessary, may also be needed.

The aims of co-operative shared parenting mediation are twofold: to help the parents develop their own shared parenting plan, and to help them establish an atmosphere of co-operation with respect to parenting issues. Ricci (1989) emphasizes the importance of moving the parents beyond parallel parenting, where there is little or no interaction between the parents, communication is strained or non-existent, and the child’s loyalties are divided, to shared parenting within a business-like working relationship, where parents can talk with each other about parenting issues, and ultimately to co-operative
parenting, which builds on a spirit of forgiveness and easier give and take, flexibility, and following the 'spirit' of the plan rather than the 'letter' of the agreement. During the negotiation stage, the minimum expectation is that parents are able to achieve a business-like relationship; as parents begin the process of implementing the shared parenting plan, co-operative parenting may be established as an objective.

Continuing support/troubleshooting

The final stage focuses on the transition from parallel parenting to co-operative shared parenting. To this end, the therapist-mediator monitors the parents' progress and intervenes as needed, helping them work through conflict and reinforcing and consolidating the communication and problem-solving skills taught during the mediation process.

Explicit guidelines for co-operative shared parenting can be developed at the time the parenting plan is drafted. These may include: respect the other's parenting rules; avoid criticizing the other parent, directly or indirectly; avoid placing a child in the middle of an argument or using a child as a messenger; stick to the time-sharing schedule and keep promises, but also be flexible in a way that meets the children's and the other parent's needs (try to accommodate the other parent's request for changes, but the other parent should remember that even small changes to the schedule that occur with little forewarning can cause major problems); make transitions as comfortable as possible for the child (be positive about the child's stay with the other parent; be courteous with the other parent; once the child settles back in, let her talk freely about the other parent or the other home); and respect each other's privacy (keep contacts and communications restricted to set times, and to child-related matters).

Ideally parents should develop a communication system involving routinely scheduled and open forums or 'parenting meetings', to which they may bring their stockpiled child-related concerns. Transition times (when children are transferring between their homes) are not appropriate times to discuss important matters, and contacts during stressful times should be avoided.

While the shared parenting plan should generally be highly structured at the beginning, over time, flexibility, creativity, and compromise should be encouraged. In addition to teaching parents negotiation and problem-solving skills during mediation, the expecta-
tion that changes to the plan are inevitable should be established; it is inevitable that shared parenting arrangements will require re-evaluation and change over time, based on children’s changing developmental needs and the parents’ own changing circumstances. Future changes should not be regarded as indicative of failure of the original parenting plan, but rather as the growth and evolution of a living agreement over time. Therapist-mediators should attempt to ensure that parents have developed the tools to negotiate these changes.

Contingency planning sets the stage for needed future changes. Potential obstacles and areas of conflict regarding parenting can be anticipated and examined; issues such as changing job demands, relocation, and how to deal with children’s changing developmental needs need to be discussed. Remarriage or cohabitation and stepfamily formation may affect shared parenting in a significant way, as the problem of mistrust often re-emerges when new members join the family. Anticipating and preparing for such events can be an important preventative measure.

Once a shared parenting plan has been negotiated and drafted, it should be implemented for a specified trial period, lasting 6–12 months, along with therapist-mediator support during this period. This is particularly important when shared parenting was not the option of choice of both parents (or had not been considered) at the beginning of mediation. At the end of the trial period, the plan is reviewed and made permanent, modified, or abandoned. Knowing at the outset that the shared parenting arrangement will be reviewed formally after a specified trial period will help parents agree to try the arrangement, despite their anxiety about committing themselves to an unknown way of life. Parents are generally reassured in the knowledge that the plan they negotiate is not irrevocable.

Another important goal during the ‘troubleshooting’ stage is that of assisting the parents in their own and their children’s adaptation to living as two households. Establishing a routine and an environment conducive to children’s adaptation to the new shared parenting arrangement are critical tasks for both parents. Children are generally anxious to know the specifics of their new routine, and the predictability of a clear schedule facilitates adaptation. They also need to develop a sense of ‘belonging’ in both homes, and will adapt more easily if they have a place of their own in each house, which they have helped in creating. Other important considerations include deciding on children’s items that need to be duplicated (toothbrushes,
nightclothes, school supplies, baby supplies for infants), those that are divided between the two homes (shoes and clothing apportioned in measure with how much time is spent in each residence, toys, books), and those that will go back and forth between the two homes (cherished toys, bicycles, musical instruments) (Ware, 1982).

The troubleshooting phase will vary in length, depending on the needs of the parents, and their ease of adjustment to the new shared parenting routine and the boundaries of their new co-parenting relationship. Where conflict levels are high or when one of the parents is ambivalent about the shared parenting arrangement, continuing therapist-mediator support is critical.

In the future, parents may need the services of a therapist-mediator to assist in their ongoing parenting negotiations; they should be urged to return for mediation beyond the trial period, as future issues develop or past difficulties re-emerge.

Use of the model
The therapeutic/interventionist model of family mediation is designed as an adjunct to the service delivery of family therapists working with families during and after the divorce transition period, and represents an alternative to mainstream mediation models emphasizing a neutral orientation to the resolution of post-separation parenting disputes. I have incorporated the model in my own private practice with couples and families, and in work in Canadian non-profit community agency settings which offer mediation as part of a continuum of marriage-and divorce-related services.

The model has not been implemented in court-based mediation settings. In Britain, given the fact that time and resource constraints impose pressures to achieve quick agreements within court-based services (Robinson, 1991; Ogus et al., 1989), the model may be better suited to independent services, which allow divorcing parents more time to explore issues related to the dispute over reaching settlements. Compared to highly structured neutral approaches, the therapeutic/interventionist model requires a longer-term process; while the actual number of mediation sessions largely depends on the degree of conflict and extent of impasse between the spouses, the assessment, education, and advocacy phases, which set the stage for the negotiations, and the support/troubleshooting phase, which seeks to enhance the durability of the agreement, are additional stages to mainstream mediation approaches.
The model has been highly successful with couples who have voluntarily involved themselves in the mediation process. Given the reported success of therapeutically oriented legislated mediation programmes (in US jurisdictions where mediation is mandatory in cases of post-separation parenting disputes) (Brotsky et al., 1988; Johnston and Campbell, 1988), the model may also be effective in cases where one or both of the parents have not entered mediation on a voluntary basis. The model’s emphasis on assessment and education in the beginning stages is well suited to work with couples mandated by the courts to attempt to mediate their dispute, and provides an effective mechanism for determining the appropriateness of mediation and shared parenting through assessment of the nature of existing spousal and parent–child relationships. Consistent with the findings of Johnston and Campbell (1988), the model has also worked well with high-conflict couples who have reached an impasse in their negotiations. The model has been most effective with couples presenting at an early stage in the divorce process, prior to extensive legal involvement, before post-separation parenting patterns become established and consolidated.

In its exclusive focus on post-divorce parenting issues, the model goes counter to the prevailing (North American) trend in mediation towards assisting divorcing couples in their negotiation of all divorce-related matters, including the financial aspects of divorce (child and spouse support, and property division). Couples most benefiting from the process are those whose primary dispute relates to post-divorce parenting, and either concurrently or subsequently address the financial aspects of divorce within or beyond mediation. All parenting agreements reached in mediation are made ‘without prejudice’ and are subject to review by the parties’ solicitors, who assist towards legal formalization of the agreement.

In ensuring that children’s needs and interests and shared parental responsibility remain at the forefront of the mediation process, the therapeutic/interventionist model incorporates the primary intentions of the Children Act 1989. The process also sets the stage for a high degree of clarity in residence and contact orders made by the court, as negotiations focus on three distinct time dimensions of post-divorce parenting, and two aspects of parental decision-making: residence and contact are clearly delineated in terms of overnight stays with each parent, actual time spent together, and activity time; parental decision-making is broken down to include negotiation of both day-to-day and major decisions.
Conclusion

Co-operative shared parenting is a post-separation parenting arrangement comprising two essential elements: both parents retain an active parenting role and decision-making authority with respect to their children, and both have successfully negotiated the task of separating their previous marital conflicts from their continuing parental responsibilities. Such an arrangement is regarded as the healthiest and most desirable post-divorce outcome for all family members.

With adequate therapeutic support, the ideal of co-operative shared parenting could become a reality for a significant proportion of separated, divorced and remarried families. Such an outcome has largely eluded those practising traditional approaches to dispute resolution in divorce, including mainstream models of mediation. When applied to the divorce arena, the mainstream model, with its highly structured and neutral orientation, is extremely limited in its potential: a pure form of mediation which is strictly rule-governed and limited to dispute settlement does not permit the wealth of data related to positive post-divorce outcomes to emerge and guide the mediation process; avoiding influencing the outcome of the negotiations at all costs does not allow for active intervention which may ultimately benefit family members.

A therapeutic/interventionist approach to family mediation offers an effective alternative to the mainstream mediation model, and may be the key in establishing co-operative shared parenting as the norm, rather than the exception, for divorced families. The model represents a radical alternative to traditional approaches: its goals are therapeutic (facilitating the adjustment to divorce for all family members, restructuring the parents’ relationship, restructuring parent–child relationships, enhancing communication and problem-solving skills); the mediator’s role is highly interventionist (influencing a settlement that is in the ‘most adequate’ if not ‘best interests’ of the child as well as fair to both parents); assessment and detailed history-taking with respect to existing co-parental and parent–child relationships are emphasized; and interventions are geared towards the promotion and facilitation of co-operative shared parenting after divorce. The mediation process is transformed into a longer-term therapeutic endeavour, focused not only on the production of a shared parenting agreement, but on the durability of that agreement.

Mediation focused on the development of post-separation parenting plans requires a distinct approach; the neutral mainstream model,
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designed for use in vastly diverse arenas, has shown itself to be an unwieldy instrument in the realm of family transition attendant to divorce. The therapeutic/interventionist model is presented as an effective alternative, one that is ideally suited for use by family therapists working with families in transition and specifically designed towards the development of post-separation parenting plans, and that operationalizes the principle of shared parental responsibility underlying emerging developments in divorce law.

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