

P.E.A.C.E.

Parent Education and Co-parenting Effectively

A Guide to Mediation for Custody and Visitation



COMMON GROUND

YOU BOTH ARE THE EXPERTS
WHERE YOUR CHILDREN ARE
CONCERNED AND YOU BOTH
LOVE YOUR CHILDREN

EXPECT SUCCESS



THE PURPOSE OF THE CLASS

- To teach parents how to help children deal with the impact of the separation/divorce.
- To give parents communication skills to help them effectively co-parent.
- Help parents understand the mediation process.
- Review important legal terms.
- This class is sponsored by the Superior Court and mandated by law.



Reactions to Separation.

Stages of Grief for Parents and Children:

❖ Denial

Believing nothing has changed.

❖ Anger

Ongoing conflict and blame.

Anger at parents for changing the family

❖ Bargaining

I'll do whatever you want if you'll just come back

I will be good and do my homework if you come back

❖ Depression

Sadness and feelings of hopelessness

Withdrawal, anger or physical symptoms

❖ Acceptance

❖ Acceptance of the new reorganized family

Listen to the Children

- Remember to listen to children about separation and divorce.
- Assure your children that you will listen to them when they express their feelings.



Talking to children about Separation/Divorce

- If you can manage a joint announcement tell the children together. If not, the explanation should be similar so children will not be confused.
- Parents should avoid any blaming, regardless of circumstances.
- Tell the children what will change and what will not.
- Use an age appropriate and simple explanation.
- Reassure the children that they are not responsible for the divorce/separation, and that you both love them very much.
- Reassure your children that you will all be ok.



CHILDREN'S FEARS ABOUT SEPARATION/DIVORCE

- Where they are going to live and will their basic needs be met.
- Whether they will be able to attend the same school and have the same friends.
- Having to choose which parent to live with and whether they will be separated from siblings.
- Losing contact with extended family members.
- Wondering whether one or both parents will stop loving them.
- Wondering if neither parent will want them.



THE DO'S

- ❖ Do support your children and tell them you love them everyday.
- ❖ Do reassure the children that you will be all right.
- ❖ Do help your children identify their feelings.
- ❖ Do give your children permission to love and spend time with the other parent without feeling disloyal to you.

MORE DO'S

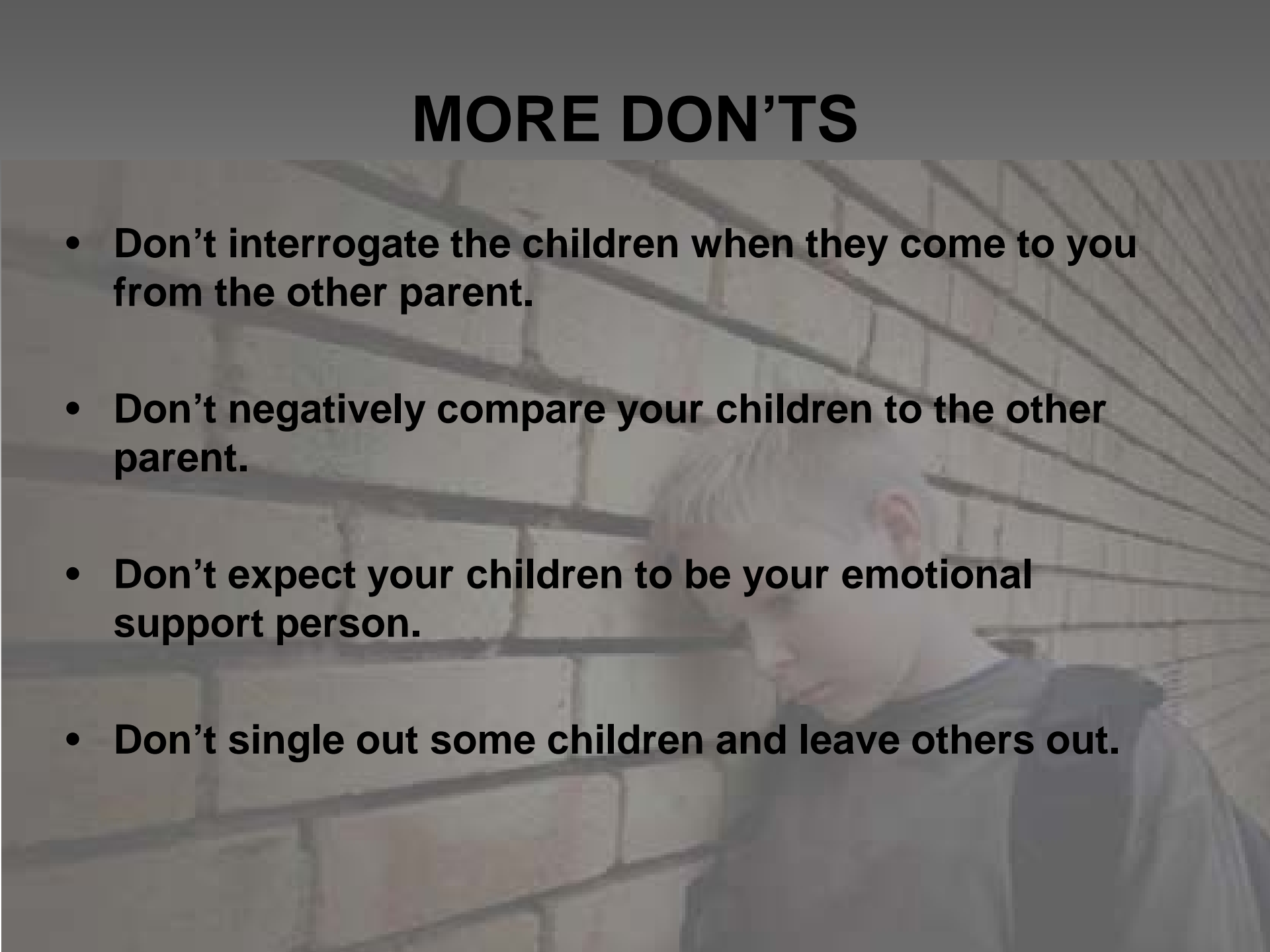
- ❖ Do keep your promises and be on time.
- ❖ Do respect your children's right to privacy with the other parent.
- ❖ Do be respectful of the other parent in front of the children.
- ❖ Do keep exchange times peaceful and neutral.
- ❖ Do share information about the children with the other parent.



THE DON'TS

- **Don't make negative comments about the other parent, nor allow others to do so.**
- **Don't use exchange times to deal with problems.**
- **Don't talk to the children about adult issues such as: custody, visitation or child support.**
- **Don't ask the children to carry messages between you.**

MORE DON'TS

- **Don't interrogate the children when they come to you from the other parent.**
 - **Don't negatively compare your children to the other parent.**
 - **Don't expect your children to be your emotional support person.**
 - **Don't single out some children and leave others out.**
- 
- A young boy with light-colored hair is looking down and to the left, standing in front of a brick wall. The image is faded and serves as a background for the text.

EXCHANGES/ TRANSITIONS

Exchanges are often difficult for children, some stress is unavoidable.

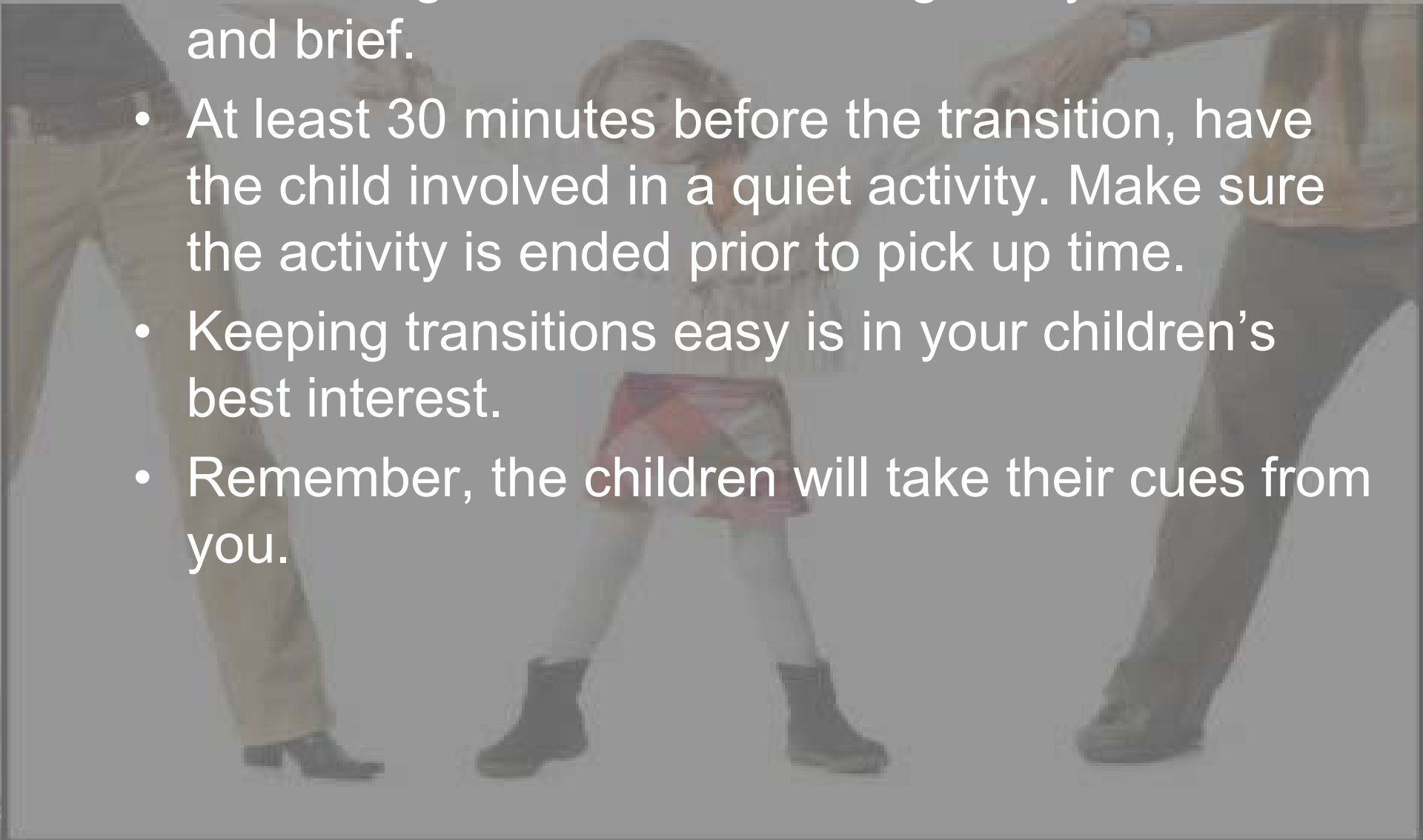
A child may resist leaving or returning to each parent.

There is both happiness and sadness for the children in every transition.



EXCHANGES/ TRANSITIONS

- Don't cling to the child, make goodbyes warm and brief.
- At least 30 minutes before the transition, have the child involved in a quiet activity. Make sure the activity is ended prior to pick up time.
- Keeping transitions easy is in your children's best interest.
- Remember, the children will take their cues from you.





COOPERATIVE PARENTING

- Discuss the child's needs with the other parent – be polite and business-like.
- Obtain the other parent's approval before making any decisions that affect their time with the children.
- Give the other parent the benefit of the doubt and ask questions about the situation.
- Discuss one issue at a time, focus on what is important now, not past history.
- Make all agreements clear, specific and follow up in writing.
- Be flexible and willing to consider options to see what works best for the children.
- Consider the benefits of using e-mail rather than telephone.
- Treat the other parent as your children would want you to.



DOMESTIC VIOLENCE AND ABUSE

- Domestic violence is not uncommon, it might increase at the time of separation.
- Children who experience or witness abuse feel vulnerable and insecure.
- Children who experience violence may be angry, fearful, inhibited and withdrawn, these children may have more school and health problems.
- This may be your opportunity to break this cycle of violence for your children.

– IF YOU ARE EXPERIENCING DOMESTIC VIOLENCE, THERE IS HELP.



DOMESTIC VIOLENCE AND ABUSE



- Emotional
- Grief for family and personal losses.
- Shame, guilt, and self blame.
- Confusion about conflicting feelings toward parents.
- Fear of abandonment, or expressing emotions, the unknown or personal injury.
- Anger.
- Depression and feelings of helplessness and powerlessness.
- Embarrassment.
- Behavioral
- Acting out or withdrawing.
- Aggressive or passive.
- Refusing to go to school.
- Care taking; acting as a parent substitute.
- Lying to avoid confrontation.
- Rigid defenses.
- Excessive attention seeking.
- Bedwetting and nightmares.
- Out of control behavior.
- Reduced intellectual competency.
- Manipulation, dependency, mood swings.
- Social
- Isolation from friends and relatives.
- Stormy relationships.
- Difficulty in trusting, especially adults.
- Poor anger management and problem solving skills.
- Excessive social involvement to avoid home.
- Passivity with peers or bullying.
- Engaged in exploitative relationships as perpetrator or victim.
- Physical
- Somatic complaints, headaches and stomachaches.
- Nervous, anxious, short attention span.
- Tired and lethargic.
- Frequently ill.
- Poor personal hygiene.
- Regression in development.
- High risk play.
- Self abuse



Listen to the Children



DISPUTE RESOLUTION OPTIONS

- Mediation through Family Court Services
(Required before going to court)
- Private mediation
- Co-parenting Counseling
- Collaborative law



LEGAL TERMINOLOGY

- **LEGAL CUSTODY**

- Legal custody of a child is the right and obligation to make decisions about a child's upbringing. Decisions would be made either solely by one parent or jointly by both parents with regard to health, education, and the welfare of the children.

- **PHYSICAL CUSTODY**

- Who the children live with. It can be joint or sole.



PARENT ACCESS TO RECORDS

FAMILY CODE SECTION 3025:

Notwithstanding any other provision of law, access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, shall not be denied to a parent because that parent is not the child's custodial parent



MEDIATION IN SANTA BARBARA COUNTY

- Mediation is Confidential
- Mediation can be court ordered or voluntary
- Scheduling: Call (805) 882-4660.
 - Only one party can schedule, but you should check with the other party prior to making the appointment. The scheduling party is the only one who can cancel the appointment.
 - Call before appointment if special needs exist, such as domestic violence, interpreter.
 - Children between 6 to 18 must attend. Bring someone to supervise them, or they may leave when the mediator is done speaking with them.
 - Mediations can last up to 4 hours.



WHY FAMILY COURT SERVICES MEDIATION?

- ✓ Keeps the focus on the best interest of the children.
- ✓ Develops a co-parenting plan unique to the family's needs.
- ✓ Reduces parental conflict .
- ✓ Keeps the power in the parents' hands.
- ✓ Is Required by law in California prior to court hearing.



WHO IS INVOLVED?

- Mother
- Father
- Mediator
- Children between the ages of 6 - 18
- Interpreters (language)
- Support person (if a restraining order)
- Attorney (before meeting with parents)
- Others as determined by mediator



THE MEDIATOR'S ROLE

- Assist parents to develop a parenting plan
- Improve communication between parents
- Suggest solutions and compromises
- Allow both parents to speak and be heard
- Prepare a document incorporating what the parents have agreed upon
- Mediators are required to report child abuse or neglect, and the abuse or neglect of the elderly and disabled to Social services.



WHAT IS A PARENTING PLAN?

- ✓ A written agreement for sharing time with the children
- ✓ A “work in progress”
- ✓ A means of reducing conflict and anger



GUIDELINES FOR PARENTAL BEHAVIOR



- Stay focused on the children's needs
- Be flexible and open to negotiations
- Consider the needs of the other parent as well as yourself
- Be respectful and businesslike when dealing with the other parent.
- No personal attacks or abusive language



TYPES OF AGREEMENTS

✓ FULL

✓ TEMPORARY

✓ PARTIAL

✓ NO AGREEMENT



IF YOU FAIL TO AGREE

- ✓ The mediator will send notice to court that no agreement was reached.
- ✓ Options after mediation include:
 - ✓ An additional FCS mediation/ or recommending mediation.
 - ✓ Private mediation, confidential or recommending
 - ✓ Co-parenting Counseling
 - ✓ Child Custody Evaluation
 - ✓ Minor's Counsel
 - ✓ Court – Should always be your last resort.



SAFETY CONCERNS

During mediation, issues of **safety**, **health** and **welfare** of the children may be discussed. These issues may include:

- ✓ Substance abuse
- ✓ Child abuse
- ✓ Domestic violence
- ✓ Criminal history



CONTACT WITH THE MEDIATOR

- ❖ Once mediation is finished, the mediator's role is complete.
- ❖ If there are issues that need to be revisited, a follow-up mediation may be scheduled.



WHAT MEDIATION DOES NOT COVER

- Financial and property issues, even those that involve children; including but not limited to child support, health insurance, tax exemptions, daycare, travel expenses
- Whether or not restraining orders will stay in place. The judge will determine that issue.



WHAT CHILDREN NEED...

ALL children need two interested, involved, cooperative parents.

- Younger children do better with frequent contact with each parent
- Older children can usually manage longer separations.
- Children need to maintain their relationships with siblings and other close family members



CONSIDERATIONS WHEN DEVELOPING CO-PARENTING PLANS

- ✓ Children's ages/development/temperament
- ✓ Children's special needs
- ✓ The parent/child relationship
- ✓ Parenting strengths
- ✓ Stepfamily / blended family issues
- ✓ Sibling relationships
- ✓ Parents' work schedules
- ✓ Distance between parents' homes
- ✓ Children's schooling
- ✓ Children's childcare
- ✓ Children's extracurricular activities



OTHER SCHEDULING ELEMENTS

- Weekdays
- Weekends
- Holidays
- Birthdays
- Summertime
- Vacations
- Transportation



SUPERVISED VISITS?

Supervised visits may be necessary when:

- ✓ risk factors are present or
- ✓ there has been no substantial contact with the child making it necessary for someone familiar with the child to be present while the parent-child relationship is developed.



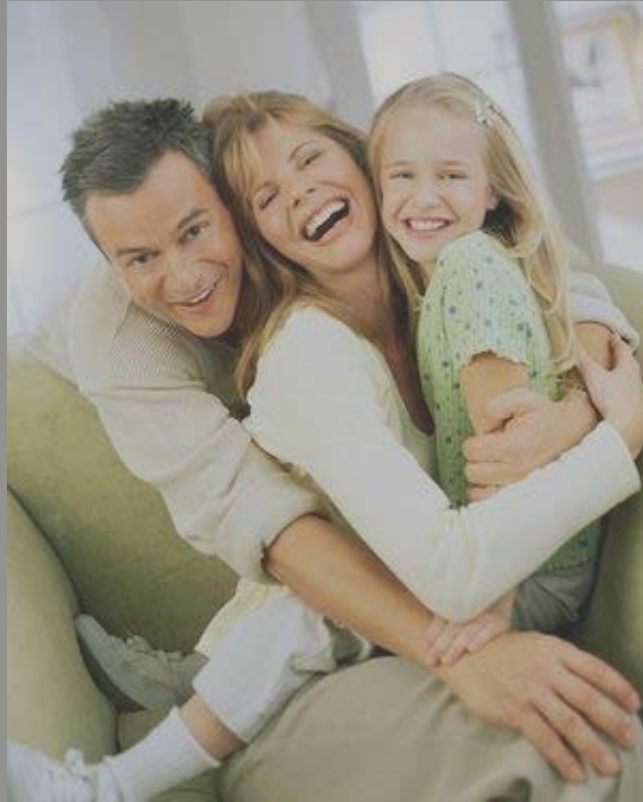
WHO MAY SUPERVISE?

- ✓ Professional supervisor
- ✓ Community agencies
- ✓ A therapist / counselor
- ✓ A relative
- ✓ A friend
- ✓ Any mutually agreed upon third party

****When requesting supervision you may be asked to suggest a supervisor.**



PARENTAL CONFLICT AND EFFECTS ON CHILDREN



Remember that exposure to continued conflict has been shown to be the aspect of divorce which is the most harmful to children.

Do everything you can to shield your children from conflict between you and the other parent.





**Listen to the Children
WRAP UP VIDEO
QUESTIONS?**

Final Review