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EDUCATION FOR DIVORCING PARENTS: A NEW DIRECTION FOR FAMILY COURTS

*Peter Salem**

I. INTRODUCTION

This Article provides a brief overview of the emergence of court-affiliated education programs for separated and divorcing parents in the United States.

The recent growth of education programs for separated and divorcing parents has been widespread in court systems throughout the United States. Most programs are designed to provide parents with information about children's needs, divorce adjustment, and post-divorce parenting. In addition to providing important information to divorcing parents, parent education programs may serve to mitigate the acrimony between parents so often associated with divorce.

Almost 500 programs have been identified in the United States through two recent surveys.¹ Many other programs doubtless exist. Interest in parent education programs extends well beyond U.S. borders. In late 1994, representatives of Australia, Scotland, Canada, and Puerto Rico convened in Chicago to attend the First International Congress on Parent Education Programs sponsored by the Association

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1. K.R. Blaisure & M.J. Geasler, *Establishing a Parent Education Program: Results of a Survey of U.S. Court-Connected Divorce Education Programs (May 17-20, 1995)* (presented at the Conference of the Association of Family and Conciliation Courts, on file with the *Hofstra Law Review*); Association of Family and Conciliation Courts, *Survey of Participants, First International Congress on Parent Education Programs (Sept. 29 - Oct. 1, 1994)* (unpublished manuscript).

of Family and Conciliation Courts ("AFCC").² AFCC has received subsequent inquiries from South Africa, France, Great Britain, Italy, and Argentina.

II. RATIONALE

Parent education programs are widely viewed as a positive response to help cope with the trauma created for children by the widespread growth of divorce and separation.³ The causes of children's poor post-divorce adjustment are numerous; among them are parental conflict,⁴ loyalty pressures,⁵ adjustment to life in a single parent household,⁶ and the failure of parents to meet financial support obligations.⁷

Parent education programs are not intended to cure all of these ills for all divorcing families or to replace the broad range of services required. They do, however, provide an early intervention for parents who want to act in the best interests of their children but need education to do so.⁸ This early intervention may help parents become oriented to the legal system, provide awareness and receptivity to collateral services (e.g., counseling, mediation, free or low cost legal assistance),⁹ and encourage cooperation before truly adversarial behavior begins.

III. BACKGROUND

Parent education programs are rooted in the divorce adjustment and support groups traditionally provided by mental health agencies.¹⁰ Over the last decade, many programs have begun to operate

2. See generally ASSOCIATION OF FAMILY AND CONCILIATION COURTS, CONGRESS PROCEEDINGS AND PARTICIPANT DIRECTORY, FIRST INTERNATIONAL CONGRESS ON PARENT EDUCATION PROGRAMS (1994) [hereinafter AFCC CONGRESS PROCEEDINGS] (on file with the *Hofstra Law Review*).

3. Andrew Shepard & Stephen W. Schlissel, *Planning for P.E.A.C.E.: The Development of Court-Connected Education Programs for Divorcing and Separating Families*, 23 HOFSTRA L. REV. 845, 859 (1995).

4. Andrew Shepard, *War and P.E.A.C.E.: A Preliminary Report and a Model Statute on an Interdisciplinary Educational Program for Divorcing and Separating Parents*, 27 U. MICH. J.L. REF. 131, 139-40 (1993).

5. *Id.* at 146.

6. *Id.* at 140-41.

7. *Id.* at 141-42.

8. *Id.* at 149-152.

9. See *id.* at 134-35.

10. Conversation Corner: Dr. Isolina Ricci, AFCC NEWSL., Summer 1994, at 5.

out of, or in conjunction with, the courts.

The first court-affiliated parent education programs began as divorce workshops for parents and children in Kansas in the mid-1970's.¹¹ By 1986, programs such as "General Responsibilities as Separating Parents,"¹² "Sensible Approach to Divorce,"¹³ and the "Children of Divorce Program"¹⁴ were among the first mandatory education programs for separated and divorcing parents in the United States.

The growth of parent education programs in the 1980's was also associated with the increasing number of court-based mediation programs.¹⁵ Parents mandated to attend mediation are often required to attend a pre-mediation orientation session. Although typically shorter in duration than a parent education class, the pre-mediation orientation generally focuses on similar content.¹⁶ A recent survey of California Family Court Mediation Programs found that more than sixty percent were operating parent education seminars, with most between one and two hours in length.¹⁷

The proliferation of parent education programs in the late 1980's and early 1990's has been dramatic. The variety of programs and high level of interest were evident at AFCC's First International Congress on Parent Education Programs, which was attended by approximately 400 people.¹⁸

Importantly, interest and enthusiasm in parent education programs are not limited to providers. Judges, lawyers, court administrators, counselors, and parents have attested to the value of parent education

11. Mickey James & Carol Roeder-Esser, *Parent Education in Divorce: A Simple Tool for Effective Results* (1994) (unpublished manuscript).

12. See Anita R. White, Note, *Mediation in Child Custody Disputes and a Look at Louisiana*, 50 LA. L. REV. 1111, 1127-30 (1990).

13. See John T. Dauner, *A Prized Program for Sad Children: District Court's Divorce-Mediation Plan Wins National Honor*, THE KANSAS CITY STAR, Mar. 31, 1994, at 1; Tamar Lewin, *Divorcing Sensibly: Courts Are Requiring Classes So Marital Breakups Won't Tear Children Apart*, CHICAGO TRIBUNE, May 7, 1995, at 9.

14. See Wendy Hudley, *Special Class Now Law For Divorcing Parents*, DAYTON DAILY NEWS, August 9, 1993, at 3B.

15. Larry Lehner, *Mediation Parent Education Programs in the California Family Courts*, 30 FAM. & CONCILIATION CTS. REV. 207, 208 (1992).

16. See, e.g., Hugh McIsaac, *Orientation to Mediation in Portland, Oregon*, 32 FAM. & CONCILIATION CTS. REV. 55 (1994).

17. See California Family Courts, *Parent Education Programs* (1994) [hereinafter CA Family Courts] (on file with the *Hofstra Law Review*).

18. See AFCC CONGRESS PROCEEDINGS, *supra* note 2, at 107-18.

programs¹⁹ and many have taken the lead in implementing such programs in their own communities.

IV. NO TYPICAL PROGRAM

Existing programs are varied, ranging from statewide initiatives, such as New York's "Parent Education and Custody Effectiveness (P.E.A.C.E.)" Program,²⁰ to a New England based program which operates from a corner in the provider's dining room. Some programs are exclusively for adults and require parents to attend together. Connecticut guidelines require programs to offer parents the choice of attending separately or together,²¹ while Massachusetts requires spouses to attend separate sessions.²²

"Kid's Turn" in San Francisco is designed specifically for children with separate workshops for parents.²³ Parents and children may attend together at "They're Still Our Children" in Maui, Hawaii.²⁴ "Families in Transition," a program based in Louisville, Kentucky, holds sessions for one parent with a child and a separate session for the other parent.²⁵ Other programs have been designed specifically for parents who have never married²⁶ and post-divorce parents.²⁷

Programs also vary in length and in number of participants. Arizona's "New Beginnings" consists of eleven sessions²⁸ including individual and group meetings. Family Court Services in California found one program as long as twelve hours and another as brief as

19. See Schepard & Schlissel, *supra* note 3, at 855.

20. See generally Schepard & Schlissel, *supra* note 3.

21. See Susan Campbell, *There's Help for Parents Who Divorce But How Many Take Advantage of It?*, THE HARTFORD COURANT, May 6, 1994, at C1.

22. Mary C. Fitzpatrick, *Parent Education Programs: A Report to the Legislature by the Probate and Family Court Department* app. B at 3 (Dec. 30, 1994) (on file with the *Hofstra Law Review*).

23. David Holmstrom, *'Divorce School' Helps Kids Cope Better with the Difficulties of Breaking Homes*, CHRISTIAN SCI. MONITOR, Dec. 13, 1994, at 1.

24. See Joan Conrow, *Program Helps Parents to Soften Blow of Divorce on Kids*, HONOLULU ADVERTISER, Aug. 9, 1993, at 1.

25. Joe H. Brown et al., *Families in Transition: A Court-Mandated Divorce Adjustment Program for Parents and Children*, 45 JUV. & FAM. CT. J. 27, 28 (1994).

26. Miriem Hutchins & Anna Yee, *Parent Education for Never Married Parents* (Oct. 1, 1994) (presented at the AFCC First International Congress on Parent Education Programs, Chicago, Ill.).

27. Interview with P.K. Parker, Director of the Focus on Children of Chicago, Ill. (Feb. 9, 1995).

28. Irwin Sandler & Sanford Braver, Address at the AFCC Annual Conference in Maui, Haw. (May 1994).

thirty minutes.²⁹ The most popular length appears to be four to six hours over a period of two to three sessions. Classes may have as few as ten participants³⁰ or as many as 150.³¹

In addition to court-connected agencies, programs may be found operating out of public, not-for-profit, and private mental health agencies, universities, churches, community-based social service agencies, neighborhood centers, and schools.³² Many of these providers contract with the court while others operate independently. Fees are often between \$20 and \$30 per parent. Some programs charge up to \$100 while others have no user fee.

What programs appear to have most in common is the content. They typically focus on educating parents about the emotional, social, and economic impact of divorce, covering such topics as: (i) reducing parental conflict; (ii) facilitating divorce adjustment; (iii) co-parenting techniques; (iv) keeping children out of the middle; and (v) awareness of the impact of divorce on children.³³ Some programs include a component that explains the legal process without offering legal advice.³⁴

V. EMERGING ISSUES IN PARENT EDUCATION

The increase of court-affiliated parent education has led to inevitable questions: Should attendance be mandatory? Who is qualified to offer services? What is the impact of these programs? How can quality be assured?

VI. MANDATORY ATTENDANCE

Whether programs should be mandatory for divorcing parents is the subject of much discussion. Some argue that a mandate makes a strong social policy statement³⁵ that children's needs are better

29. See CA Family Courts, *supra* note 17.

30. Telephone Interview with Kenneth Waldron (Feb. 1995).

31. Virginia Petersen & Susan B. Steinman, *Helping Children Succeed After Divorce: A Court-Mandated Educational Program for Divorcing Parents*, 32 FAM. & CONCILIATION CTS. REV. 27, 30 (1994).

32. See Eleska Aubespain, *Putting Children First: Program Helps Parents Learn Effects of Divorce*, THE DALLAS MORNING NEWS, July 7, 1994, at 1F; Leonard Inskip, *Doing Better for Children of Divorce*, STAR-TRIBUNE, Nov. 15, 1993, at 13A.

33. See Margie J. Geasler & Karen R. Blaisure, *Court-Connected Programs for Divorcing Parents in Michigan: A Status Report 4* (1995) (unpublished manuscript).

34. See, e.g., Shepard, *supra* note 4, at 134-35.

35. Steinman, *supra* note 10, at 1.

served through parental education and that virtually all divorcing parents will benefit from participation.³⁶ Further, Jack Arbuthnot and his colleagues found that parents frequently will not attend unless ordered to do so by the court.³⁷ Parents who believed they are required to attend felt attendance should be mandatory and commented that the experience was worthwhile.³⁸

While viewed by some as critical to a program's success, mandating attendance may create concerns for the courts. Setting up and staffing a mandatory program can be cost-prohibitive. Mandates—especially those requiring user fees—may be unpopular with the bar and the public. At least one local mandate has been overturned by a circuit court as the result of a lawsuit.³⁹

As of February 1995, only Connecticut and Utah passed state-wide mandatory parent education statutes.⁴⁰ Other mandatory programs have been enacted under local court rules⁴¹ and permissive state statutes.

VII. RESEARCH AND EVALUATION

Research and evaluation of parent education programs are in the preliminary stages. Professor Arbuthnot notes that many programs have conducted "consumer satisfaction" surveys and parents are generally pleased with their experience.⁴² However, there is a need for research to determine whether programs produce lasting change in behavior of parents and children following divorce. Such research is critical for the continued improvement of parent education programs. Furthermore, as courts and legislatures decide where to devote their increasingly scarce resources, evidence of the effectiveness of education programs is needed to assure their continued support.

36. Shepard, *supra* note 4, at 137.

37. Jack Arbuthnot et al., *Court-Sponsored Education Programs for Divorcing Parents: Some Guiding Thoughts and Preliminary Data*, 45 JUV. & FAM. CT. J. 77, 79 (1994).

38. Elizabeth Hickey, Presentation at the First International Congress on Parent Education Programs (Sept. 30, 1994); Family Division Connecticut Superior Court, Survey of Parent Education Participants (Aug. 1995).

39. Schulp v. Mackoff, No. 94 CH 3853, 1994 WL 525526, at *5 (Ill. Cir. Ct. Aug. 12, 1994).

40. UTAH CODE ANN. § 30-3-11.3 (1995); CONN. GEN. STAT. § 46b-69b (Supp. 1995).

41. See, e.g., MASS. R. P. FAM. CT., Probate and Family Court Standing Order 1-95 (1995).

42. Jack Arbuthnot, Presentation at the Annual Conference of Family Mediation in Montreal, Quebec (Oct. 22, 1994).

VIII. THE FUTURE

For parent education programs, the future is now. Many issues are on the agenda for this emerging field of practice. Qualifications, standards of practice, program certification, continuing education, legislative initiatives, and domestic abuse cases are among the topics sure to spark enthusiastic discussion in the years to come. AFCC will continue to take the lead in providing a forum to share information and explore professional issues. Planning is underway for the Second International Congress on Parent Education Programs in early 1996. In addition, AFCC and the Family Law Section of the American Bar Association have created a Joint Task Force on Parent Education Programs to provide support and organizational credibility to the development of parent education as a field of practice.

