



Columbine Counseling Center

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A Systemic Approach To Entrenched High Conflict Divorce

Recent reformulations of adequate response to alienation by Janet Johnston, Ph.D., Joan Kelly, Ph.D., Margaret Lee, Ph.D., and Matthew Sullivan, Ph.D., has led to a systemic model of intervention for alienated families. The focus of this brief paper is the extension of that model to include all forms of entrenched conflict in post dissolution matters. The central paradigm includes the vigorous use of one therapist/case manager. That manager has often been termed Parenting Coordinator (PC) in Colorado.

The essential problem for the courts in high conflict divorce and post divorce matters is the polarization of opinion, which often emerges around a variety of ongoing allegations. These allegations often take the form of sexual abuse, domestic violence complaints, alienation, or some type of inappropriate parenting or parent behavior. In many cases multiple evaluations and interventions have taken place and the family has failed to resolve matters. All too often professionals, attorneys and/or mental health professionals, end up being pulled to one side of the family system. They begin to behave as advocates in a more or less ongoing standoff of experts.

A systemic approach to these problems circumvents the entrenched interests of domestic violence or child abuse advocates and/or others who seek to protect children from harm, but may not fully appreciate larger family dynamics. These comments should by no means be taken as an effort to diffuse responsibility in regards to either domestic violence or sexual abuse. The present approach seeks to involve all family members in a single, coordinated treatment effort whenever possible.

The PC bypasses the need to polarize issues and takes into account the concerns of each parent. In some cases, alienating or heavily aligned parents exist in the same family where there are contributing parental deficits by the alienated parent. Other parents may closely align themselves with their children in hopes of protecting them from perceived, yet unsubstantiated, deficits in the other parent. A PC managed approach takes both sides of the parenting equation into account when formulating a family-specific management plan.

The concept of protecting children can be broadened to include a proper understanding of parent- child relationship disruption or impairment. The PC engages both parents in a solution orientated focus on family conflict. This approach requires the participation of both parents in a collaborative effort to diminish conflict in the long-term best interests of the children. Skillful relationship engagement by the PC with each parent requires the development of dual alliances. It may also require the coordinated efforts of other professionals involved with the family (See ahead).

This emerging paradigm allows for due consideration of parental strengths and deficits on both sides of the polarity. It also allows for the protection of children in ways not likely to occur in a polarized environment. For example, a child abused, neglected or inappropriately parented by a parent of divorce now has the opportunity to develop a healthier connection to that parent. Under the old model, they may not have been required to receive parent-child treatment in a noncoercive atmosphere. Similarly, a concerned or angry parent can be heard and have their concerns addressed without being allowed to withhold the child from the other parent.

The goal of PC work is to maintain the continuity of each parent-child relationship and to address each family members concerns with detailed intervention. This often results in a specific, choreographed set of interactions, such as planned outings or scripted interactions. The overall approach is a gradual shift in attitude and behavior away from accusation and defense, towards more mature and differentiated coping. In short, we teach family members (and especially the children) how to have a more mature response to differences of opinion, perception and emotionality.

Therapists as PC's, even gifted ones, cannot facilitate recovery for every family. What can be accomplished however is for the therapist to rise above the family impasse and invite the family to do the same. The work is challenging and often involves decision-making which family members may resent. There are however many rewards to this approach including consistent and steady movement towards a different emotional climate among those who once loved, and now hold intense animosity towards, each other.

Below is a list of specific intervention strategies which can be combined in a variety of ways in working with specific high conflict families:

- Arbitration Power¹ – PC is best when the parents allow for alternative dispute resolution by agreement. In Colorado under C.R.S. 14-10-128.5 these awards are subject to de novo review. Decisions or “awards” made by the PC as an arbitrator should be forwarded to the court for the purpose of being made an order of the court.

Under current Colorado law, court imposed arbitration is not permitted. There are numerous issues raised when the court removes decision-making from a parent and/or delegates such decision-making to a third party. The court can order a PC to work with the family and actively manage conflict and communication. The issue remains however as to how much power can be given to the PC in managing parenting time and decision-making. Can the PC, for example, lawfully restrict parenting time? Is it appropriate for the PC to manage incremental increases in parenting time including the ever-argued overnights with nonresidential parents?

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Possible answers to this dilemma include communication between the PC and the court in regards to authority to make such “micro” decisions. Minute orders or review hearings could be used in such situations. Another possible answer is to write specific, stepwise parenting plans which are implemented in a timed fashion.

- Monitored Parent Communication – All parent communication (be it telephone calls, parenting log book or email) can be reviewed by the PC. Different levels of monitoring can be used, i.e. upon request of either parent, review of all emails between the parents, selected taped telephone call review. Parents can be taught how to avoid negative communication and how to build effective communication.
- Parent to Child Coaching – Resolution of parent-child problems often involves the development of positive interaction protocols which can be taught, rehearsed and reviewed. Another option is for “critical incidents” to be analyzed and each party asked to generate alternative responses for future similar incidents.
- Periodic Parent or Family Meetings – Meetings can serve the useful purpose of planning upcoming events or resolving nagging problems such as telephone calls and clothing exchange. Specifics of vacations, drop offs, pick ups, and other “nuts and bolts” procedures can be clearly spelled out and written down ahead of time to avoid conflicts.
- Micromanagement of Processes – Parent communication, exchanges, vacation-specific plans, and telephone calls are all subject to varying levels of PC involvement. Upcoming events can be choreographed so as to avoid past mistakes.
- Consultation – Therapists, attorneys, family members and parents can be kept involved through ongoing or periodic contact. A more difficult issue is whether or not the PC can communicate with the court. The view here is that the PC must be able to share information with the court because the PC is the most significant service provider for the family. Under a strict view of the PC as “mediator”, the PC must remain outside the court setting. This aspect of PC involvement should be specified in the PC service contract.
- Sanctions – A final element in the systemic approach is the appropriate use of sanctions. The PC can, and in most cases must, insist on certain behaviors such as the restoration of civility in communication. The PC must be able to decide on discrete changes to parenting time, exchange procedures, and restrictions to parenting time through the judicious use of sanctions. By prior agreement, the family allows for sanctions such as PC assessed payment for intensified services, make-up parenting time, or the modification and/or cessation of a specific parenting plan based on new information.

PC skill and experience should not be underestimated. In short the work of the PC is not for the faint of heart, nor the inexperienced. Professional PC's must be sensitive to the needs of competing and entrenched interests, while at the same time capable of providing a forum and mechanism for realistic change. They must be able to implement unpopular or opposed plans without losing the confidence of each parent. PC's can and should be appointed for a specific length of time. A two year time frame is recommended. After the appointment is up, the parents are free to select another PC.

The emerging PC role also involves the use of coordinated, supportive services with other therapists and attorneys. Often the PC has developed a meta-view of the family which can be useful to other professionals in working with their clients. In the future, emerging technology such as video-conferencing, will allow consultation to take place in a more or less seamless fashion. The current difficulty in coordinating schedules for perhaps three or four busy professionals can be circumvented by planned and periodic consultations.

The PC role, when combined with Colorado's Special Advocate investigations, mediation, parenting after divorce classes and Parental Responsibility Evaluations, offers a continuum of assessment/intervention strategies, which can be employed for most divorced families. The challenge is to offer the appropriate response to each family at the appropriate time.

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