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The Challenge of Providing Family Therapy for Family Court

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Half of the children in the United States today will have lived in a single parent family before they reach age eighteen. We all have adults in our practices who are struggling with issues of divorce and separation, yet our graduate training programs often do little to prepare us for the complexities of these cases. Fortunately, there a range of specialized services available today for divorcing adults and their children and families which can be a lifeline to the right individual or family if offered at the appropriate time.

Individual counseling: Divorce or relationship breakup is likely to be a common presenting problem in all of our practices. Having specialized knowledge about divorce issues and some knowledge of family law can very valuable in informing our approach to these cases. *Mrs. J., who has a long history of litigation (against neighbors, former employers, etc.) comes into therapy complaining of marital problems. She says that her husband is stingy, and she is planning to divorce him and take full custody of the children to teach him a lesson.* One could formulate a psychodynamic approach to help Mrs. J. identify and explore the possible unmet needs which she was seeking to satisfy through legal remedies. Or one could take a divorce-centered approach and begin by educating Mrs. J. about the California Court's position on joint custody and help her come to see that dealing with Mr. J.'s stinginess in a custody battle may be far more challenging than dealing with him within the context of a marriage. Once she begins to explore her

options, this may include identifying and exploring those unmet needs which have led her to pursue multiple lawsuits.

Couple's counseling. *Mr. and Mrs. W. were referred by a particularly savvy Family Law attorney. Mrs. W. had filed for divorce because her husband, a wealthy businessman who did not expect his wife to work outside the home, complained that she was exploited by family members because she provided free babysitting services for her many siblings. Mrs. W. complained that Mr. W., a first generation Chinese immigrant, put his mother ahead of her, and would often go to his mother's home after work to eat dinner rather than coming home to his family. The couple, who had two children in private school had never discussed any of these issues but agreed to do so in my office. Mr. W. was astonished to learn that his wife enjoyed babysitting for her nieces and nephews and did not consider this work exploitation. Other issues led to improved communication and a desire for reconciliation. The couple was able to talk about their cultural bond to extended family and negotiate the number of nights per week Mr. W. would have dinner with his mother and how many evening he would dine with his wife and children. The family law attorney, because of her psychological mindedness and relationship with the therapist, was able to head off a divorce in a couple whose culture had stood in the way of their being able to talk about these issues.*

Child counseling. When divorcing parents bring their children to psychotherapy, the range of presenting problems in the child can range from none (a parent is reacting from guilt about the divorce or is in need of support or parent education) to severe. *Mrs. A. was*

referred by her company's Employee Assistance Program (EAP) and called to make an appointment for her twelve year old son Jeffrey who was bothered by his father's marijuana use during visits with father. Her only request was that Jeffrey's therapy be kept a secret from his father. Most parents in California have joint legal custody (the right to jointly select medical providers, make educational decisions, sign permission to get a driver's license, and so forth), as opposed to physical custody which specifies where the child lives. Licht and Younggren discussed in an excellent article, "Guidelines for Treating Children in High Conflict Divorce," just how essential it is for therapists to obtain written consent to treat from both parents who have joint custody. In Jeffrey's case I was able to work with the EAP counselor and with the Family Court mediator to help Mrs. A. see how harmful it would be to Jeffrey to keep the fact that he was in therapy from his father. In this case Mr. A. would not consent to treatment. But Mrs. A. was able to present her case to Family Court. Given Jeffrey's distress about his father's alleged marijuana use, Family Court overruled Mr. A's objections and not only issued a court order for Jeffrey to participate in psychotherapy but ordered that Mr. A. pay half the cost of treatment, which he did.

Parent Education: Some parents may bring children for individual counseling after a divorce when the children are essentially symptom-free. Often parents are feeling guilt about the divorce and are in need of support themselves or want information about how the divorce will affect their children. Parent guidance and information, including information about long term outcome studies by Mavis Heatherington and Judith

Wallerstein, can be helpful to parents. Moreover, divorcing families can frequently benefit from psych-educational support groups such as **Kids' Turn**.

Kids' Turn and similar programs have both parents and the child(ren) attend a series of 6 classes which offer information on coping with different aspects of divorce. The children's classes do this through the use of games and stories. Ideally both parents attend with their child, although parents are in separate co-ed classes which focus on co-parenting and meeting children's needs in ways which keep children out of parents' battles with each other. Most of us in the divorce community find that families get more out of these programs after the crisis phase of the divorce has passed and parents are better able to focus on children's needs.

Collaborative Divorce is a special program which involves a team of counselors, attorneys, an accountant, and other professionals working together to help families with children effect a divorce settlement and create a parenting plan which will be in everyone's best interests and make the fairest distribution of the family's assets. While this concept is a fairly new one and requires specialized training for the professionals involved, it appears to show some significant promise for those parents who can work together with this type of team and are interested in conserving their assets through these specialized programs.

Custody Evaluations. At the other end of the spectrum are 3-5% of divorcing parents who are unable to work out their own parenting plans on their own. (Research and

clinical practice strongly suggests that those arrangements which parents work out between themselves work out much better than any arrangements, no matter how superlative, which are imposed by outside authorities.) Those parents whom the Family Court sends for Custody Evaluations are frequently individuals with Axis II diagnoses or situations in which there have been allegations of domestic violence, sexual abuse, drug or alcohol abuse, or some other major dysfunction during the marriage. In these cases the Judge may appoint a psychologist or other mental health professional to conduct a thorough evaluation in order to provide the Family Court with additional information. Phil Stahl and Steve Frankel wrote a highly informative article, "Guidelines for Custody Evaluator in High-Conflict Cases," alerting custody evaluators to some of the pitfalls, and there are many, in doing this work.

Co-Parent Counseling involves helping divorced (or two household) parents talk to each other in order to work together collaboratively and plan for their children. *John and Mary were referred to me by their attorneys, both of whom know me well. Mary had been widowed with two children when she met John at their Evangelical church. They married and had three more children before Mary realized she could not tolerate John's attempts to control her and the children. She is a stay-at-home mother. John believes that divorce is not Christian and had been trying to use the children to win Mary back.* This couple does not communicate with each other enough to share information about scheduling appointment times with me, but we have developed procedures for them to communicate essential information with each other about the children, as well as basic strategies for planning vacations and holidays with the children. By supporting Mary's need for

autonomy, I have helped her see that John is doing basic household tasks like preparing meals for the first time in his life and have helped her be less critical of him when the children are spending weekends at his house. By supporting John, I have helped him see the children's needs as separate from his own so that he is allowing them to continue with team sports which are important to them (rather than making them stop these activities to punish Mary for divorcing him). He was able to attend two of the children's graduations last spring because he came to realize that the children needed him to be there even though this was an uncomfortable experience for him.

Special Masters are like co-parent counselors except that they are appointed by the Court and have legal authority. Both parents must agree in order for a Special Master to be appointed to a case, and Special Masters are usually appointed for a finite period of time, often two years. If, for example, parents are unable to resolve how to divide the spring break, the Special Master may step in and say, "Mother picks Johnnie up at school on Friday and keeps him until Wednesday noon when they meet Father at Starbucks. Father then has physical custody of Johnnie from Wednesday noon and returns him to school Monday morning." This saves everyone the expense of a trip to Court. A Special Master can be a mental health professional or an attorney.

Reunification Counseling is therapy provided to a child and a parent from whom that child has become estranged. Often this is a service which is ordered by the court in the case of adolescents who no longer want to deal with one or the other parent. Sometimes it can be therapy to help a child get to know a parent who has left the area or otherwise

been absent from a child's life for a period of time. A parent may abandon a child after a divorce or separation, then reconsider, and realize that they do want to be part of a child's life. Often the custodial parent can feel resentful in such cases. Sometimes, they can put a child's needs ahead of their own and feel that it might be useful for a child to get to know the other parent. Sometimes the Court will order reunification counseling if there have been charges of Parental Alienation. These cases can be complicated as the research (Kelly and Johnston) suggests that children usually don't reject parents unless there is a good reason for doing so.

Children today live in a complex world. While divorce rates are skyrocketing, and most children would prefer that their parents stay together, this is not always the case. Joan Kelly points out that divorce by itself does not harm children. It is how people handle divorce that harms children. There are many resources, ranging from children's books to books and support groups for parents, to Kid's Turn, to supervised visitations centers, to sophisticated mental health programs available to families who need this help. SFPA will be offering a dinner program early next year for psychologists who are interested in learning more about providing family therapy for Family Court.

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