

NEVER MARRIED WITH CHILDREN:
DEVELOPING EFFECTIVE PARENTING PLANS
Washington DC
May, 1998

Never married parents bring distinct dynamics to disputes over custody and parenting time. The parent's relationship may have been brief. Reunification issues are often involved. Important differences exist between conflicts involving never-married parents and those of married parents.

In never-married cases, you may have short-term relationships or long-term relationships, similar to a marriage. In short term relationships, there are significant issues that must be addressed. These have been fragmented to assist the evaluator in specific areas of concern:

Circumstances of parental relationship:

- *likely casual with possible multiple sexual partners
- *likely did not live together
- *less than six months, maybe only days or weeks
- *parents are often young and immature, although these two don't always fit together

Dynamics of the parental relationship:

- *little connection between parents
- *there never was much trust and probably none now
- *communication is impaired or there is none
- *high hostility from both parents
- *rarely remorse about the termination of the relationship
- *cultural differences are emphasized and exaggerated
- *child's welfare may be subordinated to the parental conflict
- *concern for child's emotional well-being as transfer/exchange could be distressful event

Circumstances of birth:

- *often has been little participation or even awareness by the father
- *birth of child possibly revealed only as part of the support action

Extended family matters:

- *each parent lacks knowledge about the other's extended family
- *extended families are often hostile and resentful
- *likely directly involved in the parental conflict

Mother and child:

- *child only lives with mother, or, quite likely, mother and the maternal grandparent(s)
- *mother believes that she has all the rights to the child (may be supported by law)
- *mother is unsupportive of father's relationship with child and is supported by extended family

- *As there is little available information about the other's past, evaluator must actively look for indications of chemical, psychiatric and other problems
- *Safe transfer arrangements must be considered and utilized
- *A gradual parenting time arrangement may be best
- *Evaluators may need to involve or muster support systems for the parties (family/friends)
- *There will be more of a need for these parents to utilize parenting education classes
- *More referrals may be necessary for supportive services and social work (finances, chemical abuse treatment, living arrangements and family/child services)

In considering the development of a parenting education plan for never married parents, the following are suggestions to be considered:

- What are the children's needs or the importance of focusing on the children:
 - *all children require basic needs, such as food, shelter, love, attention
 - *their developmental needs and understanding of appropriate parenting for children of different ages (dealing with inappropriate expectations)
 - *their school issues and other concerns
 - *need of children for sharing of attention from both parents
 - *self-esteem must be built for the children
 - *children have a right to have consistency in their lives; to know what to expect and when to expect it from each parent

Co-Parenting:

- *benefits and recognition of contributions both parents can make in the lives of their children (also benefits to one parent of involvement of the other parent)
- *self-esteem building for parents
- *parenting can be seen as a learned behavior
- *Fatherhood issues (the importance of quality and normal involvement with children with suggestions for ways to spend quality time with children)
- *connecting and maintaining relationships (also other kinds of contacts i.e telephone, letters and videos)
- *communications-learning how to communicate with the ex-partner and also strengthening the parent-child communication around issues of other parent)

Common and Exceptional Co-Parenting Issues (potential conflict areas):

- *third party issues
- *extended family issues
- *stress and anger management toward the other parent such as dealing with past feelings regarding other parent and learning to establish a business-like relationship for the sake of the child. Also stress management issues surrounding being a single parent.
- *special concerns regarding domestic violence, child abuse or neglect

Development of Parenting Plans-Types of Custody/Parenting Time Sharing Arrangements

Recommendations of Services and Resources In The Community for Further Assistance

Father and child:

- *little or no contact between child and father
- *father-child bond is weak or non-existent
- *reality of parenting time problems due to history of little or no contact
- *father may have tried unsuccessfully to establish a relationship

Parenting/child care

- *parenting skills are likely to be fair to poor (for both) which may result in developmental delays for child(ren) as parents don't realize importance of a stimulating/rich environment
- *parents may have different ideas about child rearing practices
- *both parents are likely to be deficient about awareness about child-development, school matters, special needs
- *there is much reliance on grandparents or other extended relations
- *lack of parenting skills and related knowledge may result in increased feelings of inadequacy and frustration which may result in child abuse

Child support

- *likely a significant problem
- *low or no award and hostility about that
- *possible inability to pay minimal child support
- *mothers may end up on welfare, which is below the poverty line in substance, because they dropped out of school after having the child

Presenting problems:

- *parenting time (few fathers with much chance for custody at this time)
- *domestic abuse, stalking may be high probability
- *possible threats or the fear of a parent absconding with the child
- *father possibly married
- *new partner(s) interfering with parenting time, participating in the conflict or displacing the biological parent
- *either parent or both may resist the establishment of paternity
- *parents may be quite transient in their living arrangements

Potentially unidentified problems:

- *parties unaware of the other's alcohol or other drug usage
- *parties unaware of the other's psychological problems

As noted above, unmarried couples in long-term relationships operate much like married couples and can be worked with similarly to married couples. Adjustments must be made for unmarried couples who have been involved in short-term relationships:

- *Focus must be more on the problems rather than the relationship
- *Evaluator must be aware of and be able to adjust for the low level of cooperation between these parties
- *Some form of communication system must be developed between these parents

Family Court Disputes Involving Never-married Parents

Short-term Relationships

Circumstances of parental relationship

- ◆ likely casual, possibly multiple sexual partners
- ◆ likely did not live together
- ◆ less than six months, maybe only days or weeks
- ◆ parents young, immature

Dynamics of parental relationship

- ◆ little connection between parties
- ◆ never much trust, probably none now
- ◆ impaired or no communication
- ◆ high hostility both ways
- ◆ rarely remorse about end of relationship
- ◆ cultural differences emphasized, exaggerated
- ◆ child's welfare may be subordinated to parental conflict

Circumstances of birth

- ◆ often little participation, even awareness by father
- ◆ birth possibly revealed as part of support action

Extended family matters

- ◆ each parent lacks knowledge about the other's extended family
- ◆ extended families are resentful, even hostile
- ◆ likely directly involved in parental conflict

Mother and child

- ◆ child lives with mother only or, quite likely, mother and the maternal grandparents
- ◆ mother believes (possibly supported by law) that she has all rights to child
- ◆ mother unsupportive of father's relationship with child

Long-term Relationships

- ◆ likely an exclusive relationship
- ◆ likely resided together for at least a while
- ◆ possibly several years duration
- ◆ likely somewhat older, more mature

- ◆ established relationship between the parties
- ◆ trust damaged but there was some at one point
- ◆ able to communicate in past, maybe still
- ◆ little to lots of hostility, but generally less
- ◆ likely more sadness, grief about relationship end
- ◆ cultural differences likely accommodated during intact part of relationship
- ◆ child's welfare likely a high priority for both parents

- ◆ fathers know of birth and pregnancy, father likely participated in birth to some degree
- ◆ not applicable

- ◆ parties generally know extended family

- ◆ extended families usually involved, supportive
- ◆ unlikely to be directly involved in parental conflict

- ◆ child likely lives with both parents

- ◆ less likely, and some states support father's relationship
- ◆ parents more likely to acknowledge and support other's relationship with the child

© 1997 David Manville, Wayne County Friend of the Court
Doneldon Dennis, Hennepin County Family Court Services

Father and child

- ♦ little or no contact between father and child
- ♦ father-child bond missing or weak
- ♦ possibility of visitation problems due to history of little or no contact
- ♦ father may have tried unsuccessfully to commence a relationship

Parenting, child care

- ♦ parenting skills likely to be fair to poor (both)
- ♦ parents may have different ideas about child-rearing practices
- ♦ likely deficient awareness of child development, school matters, special needs
- ♦ much reliance on grandparents (especially maternal grandparents)

Child support

- ♦ likely a significant problem
- ♦ low or no award (possibly because paternity never established) and hostility about that
- ♦ possibly inability to pay support

Presenting problems

- ♦ visitation (few fathers with much chance for custody)
- ♦ domestic abuse, stalking are high probabilities
- ♦ possibly threats or fear of absconding with child
- ♦ father possibly married
- ♦ new partner(s) interfering, participating in conflict or displacing biological parent
- ♦ either or both may resist establishment of paternity

Potentially unidentified problems

- ♦ parties possibly unaware of other's alcohol or other drug abuse
- ♦ parties possibly unaware of other's psychological problems

- ♦ both parents likely to have had regular contact
- ♦ strength of father-child bond not a function of level of contact
- ♦ not applicable

- ♦ not applicable

- ♦ varies, generally satisfactory
- ♦ parents likely aware of these matters

- ♦ parents likely to be informed about these issues

- ♦ grandparental involvement like with married couples

- ♦ may or may not be a problem – like married couples
- ♦ child support likely determined, amount may be resented by one or both parents
- ♦ less likely a problem but could be

- ♦ custody or visitation

- ♦ maybe – similar incidence to married couples
- ♦ less likely – more like married couples

- ♦ not common
- ♦ fewer new partners – problems similar to married couples when there are new partners
- ♦ likely not applicable

- ♦ parties likely to know about chemical abuse problems
- ♦ parties likely know about mental illness

Implications for Mediation and Evaluation

Unmarried couples in long-term relationships operate much like married couples and can be worked with similarly to married couples

Adjustments need to be made for unmarried couples in short-term relationships:

- ❖ more problem focus, less relationship focus
- ❖ be aware of and adjust for low level of cooperation by these parties
- ❖ develop communication system between parties
- ❖ actively look for indications of chemical, psychiatric and other problems
- ❖ develop safe transfer arrangements when safety is an issue
- ❖ establish gradual visitation arrangements, if needed
- ❖ more need to involve or muster support system for parties (family, friends, etc.)
- ❖ more need for supportive services and social work -- finances, chemical abuse treatment, living arrangements, family/child services
- ❖ more need for parenting classes

Dealing with Emotions in Mediation

Conflict and emotion go hand-in-hand. A mediator needs to deal with the emotions connected to the parties' dispute. A failure to recognize and address the emotional underpinning of a problem will often make resolution in mediation impossible. On the other hand, when parties feel their emotions have been acknowledged they have less need to constantly repeat themselves and can move forward.

Acknowledging Emotions

Acknowledging emotions involves naming the emotion you perceive the person to be experiencing. Until emotions are given an appropriate place at the table, parties may need to act out or repeat themselves. These barriers to resolution in mediation may melt away once parties feel understood.

Acknowledging emotions does not include agreeing with or sympathizing with a party's emotion, judging a party's emotions, or taking action to "fix" a party's feelings. The mediator should place the emotion on the party and not take it on personally. Examples of acknowledgement of emotion include:

Do say "You seem really upset."

Do not say "I would be upset, too."

Do say "It sounds like you have been frustrated for years."

Do not say "I understand how frustrating it is."

Emotionally Difficult Situations

Intense Anger

- Stay calm – check your response
- Acknowledge the emotion
- Don't reciprocate (even if directed at you)
- Allow venting
- Draw the line at destructive anger

Intense Anguish

- Stay calm – check your response
- Acknowledge the emotion
- Normalize the emotion
- Offer comfort (tissue, pause, break if party desires)
- Do not lose neutrality

Listening Skills in Mediation

Effective listening -- there is no substitute!

While mediation is very forgiving of mediator error, a mediator's failure to listen, rather than "just hear," may be fatal. When you hear, you take in sound. When you listen, you process the information received.

How to Listen

Prepare Yourself

- Consciously transition to role of mediator
- Quiet your mind

Engage in Active Listening

- Stop talking ✓
- Focus on the speaker ✓
- Take your time ✓
- Maintain eye contact/attentive posture ✓
- Acknowledge what is being said/suggested ✓
- Acknowledge emotions ✓
- Look for non-verbal cues ✓
- Empathize ✓
- Clarify ✓
- Avoid assumptions ✓
- Summarize ✓

Rewards for Effective Listening

- Parties feel heard ✓
- Parties trust the mediator, the process and, perhaps, each other ✓
- Mediator obtains a clear understanding of the conflict ✓
- Mediator obtains key information (what is said and not said) ✓
- Provides a model of appropriate communication skills for parties ✓



Communication Skills in Mediation

Effective communication is at the core of successful mediation. Many people take for granted the role of communication in relationships. Those who strive to become mediators need to approach communication as an area worthy of analysis and practice. After all, mediators not only need to use strong communication skills to understand a dispute and to connect to parties; they also need to help the parties to engage in a constructive exchange when their own poor communication skills may be at the heart of the conflict.

Key communication skills in mediation are:

- listening
- summarizing
- dealing with emotions
- effective questioning
- neutralizing
- reframing

Tell the parties which alternative you believe is fair and why. This should only be done if all other options fail.

SOME HEART-BASED INTERVENTIONS

1. What kind of relationship would you like to have with each other?
2. What do you hope will happen as a result of/hope will get from this conversation?
3. What is one thing you like or respect about each other?
4. What part have you played in this conflict, either by action or inaction?
5. If you had 20/20 hindsight, what would you do differently?
6. Is there anything you would like to apologize for? Be acknowledged for?
7. On a scale of 1 to 10, how would you rank that apology/acknowledgement?
8. Is this conversation working? Would you like it to work? Why? What is one thing the other person can do that would allow it to work better for you? Are you willing to do that? Let's start over and do it now.
9. How would you evaluate the effectiveness of what you just said?
10. Will you ever convince him/her that you are right?
11. What would you have liked him/her to say?
12. Can I see a photograph of your child?
13. Would you like a moment of silence to just think about that?
14. Has anyone ever done anything like that to you before? When? Etc.
15. If this were the last conversation you were to have together, what would you like to say?
16. Could you imagine what happened to the other person happening to you? Etc.
17. What is one thing you would like the other person to acknowledge you for?
What is one thing you are willing to acknowledge them for?
18. Why are you here?
19. What would change if you reached an agreement?
20. What would it take for you to give that up?
21. What price have you paid for this conflict? What has it cost you?
22. What do you have in common?

TECHNIQUES FOR BREAKING IMPASSE

Every case which comes to mediation has reached impasse. The following are a few of the possible techniques which may create a breakthrough:

Break the issue down into smaller parts, isolating the most difficult issues and reserving these for later.

Ask the parties why an alternative is unacceptable, then look for narrow solutions tailored to the reasons given.

Go on to other issues, or take a break and ask the parties to think about the various alternatives presented.

Review the parties' priorities and common interests.

Caucus with each party to explore hidden agendas and willingness to compromise.

Split the difference.

Try to obtain agreement on what they originally expected the solution would be.

Look for possible trade-offs or exchange of services.

Encourage the parties to recognize and acknowledge each other's points of view.

Tell the parties you are stuck and ask for their ideas.

Ask the parties to indicate what would change or happen if they reached a solution.

Make certain the parties prefer mediation, as opposed to litigation.

Test for emotional investment in a given result by asking what it would take to get the parties to surrender it.

Compliment the parties on reaching earlier points of agreement and encourage them to reach a complete agreement and put this dispute behind them.

Remind the parties what will happen if they do not settle--what each stands to lose.

Create a minute of silence for the parties to think about it.

Ask more questions -- about the problem, feelings, priorities, alternative solutions, flexibility, hidden agendas, compromises, anger, etc., or return to agenda setting.

Generate options by asking the parties to brainstorm without considering the practicality of a suggestion.

Mediation Summarizing Skills

Summarizing is a mediator's compass helping to keep everyone on the same track. Summarizing involves reflecting back to a speaker the essence of the communication. In order to summarize, a mediator must focus carefully on the message.

Reasons to Summarize

- Allow parties to feel heard
- Transition to new topic
- Identify underlying emotions/concerns
- Focus parties on problem solving
- Encourage parties that progress has been made
- Point out different views
- Keep track of the deal

Summarization Tips

- Be concise
- Choose your words carefully
- Move beyond words
- Omit blame
- Leave your judgment out of the summary, be neutral
- Ask if you are correct
- Paraphrase only if sensitive issue or precise wording is key

Key Phrases for Summarizing

- "As I hear you . . ."
- "Let's see where we are . . ."
- "I've heard you say . . ."
- "We've resolved these issues . . ."
- "You've agreed on . . ."
- "We are still left with the issues of . . ."
- "What you are saying is . . ."

When in doubt, summarize!



Mediation can help you resolve your dispute without going to trial.

This court encourages parties to try to reach a resolution of their dispute without a trial, either on their own, or through mediation. Mediation helps parties find solutions to their conflict and can be effective in general civil, probate, or domestic relations/family conflicts.

What is mediation?

Mediation allows people to meet in a private setting where a neutral person (a mediator), helps them work out a solution to their problems.

The mediator is not a judge, and does not decide who is "right." The parties themselves make the choices that lead to a mutually satisfactory settlement.

How does it work?

Each party describes the dispute from his or her own point of view and offers possible solutions. The mediator helps the parties to focus on the real issues causing the problem, and then helps them to find a workable solution. When the parties arrive at an agreement, the agreement is put in writing.

How do I begin the process?

If you have an attorney, ask him or her about mediating your case. Your attorney can help you select a mediator, or you may contact a mediator or dispute resolution center directly (please see the box in the middle of this page). If the other party also agrees to try mediation, either the mediator or the dispute resolution center will schedule a mediation session.

Are there cases that should not be mediated?

While many problems can be resolved in mediation, you can discuss with your attorney or a mediator whether or not the issues in your case can be mediated. Cases involving on-going domestic violence should almost never be mediated.

What if parties don't speak English?

In many instances, bilingual mediators, translators or signers can be identified in cases where language presents a barrier to communication.

How to find a mediator

A list of mediators who meet training qualifications established by the State Court Administrative Office can be obtained from the court. To obtain a copy of the list, please call the court and ask for the list of qualified mediators.

The Michigan Supreme Court supports a network of Community Dispute Resolution Program centers. These centers provide low cost mediation services in many types of disputes. To reach the center nearest you, call 1-800-8RESOLVE.

Additional information about mediation can be found at the Michigan Supreme Court website:
<http://courts.michigan.gov/scao/dispute>

How does mediation affect my legal rights?

Whether or not you reach an agreement in mediation, your legal rights remain intact. You should know your legal rights before attending mediation. Mediators do not offer legal advice, represent parties, or testify at any subsequent hearings that may result if you do not resolve your case in mediation. You are always free to retain the services of an attorney to assist you.

Why try mediation?

- ✓ **It works.** About 65% of all mediations end in agreement, even when other attempts to settle have failed.
- ✓ **It's affordable.** Parties generally agree to split the cost of a mediator. Low cost mediation is available through the Community Dispute Resolution Program, and if you cannot afford a mediator, you may qualify for free mediation services. Cases mediated early may avoid additional litigation costs.
- ✓ **It's quick.** If conducted early, mediation may result in settlement far quicker than waiting until near trial to settle.
- ✓ **It's private.** Almost everything disclosed during mediation is confidential and cannot be used in a lawsuit.
- ✓ **It's cooperative, not adversarial.** Mediation provides a comfortable, safe and respectful setting for discussion. It is not combative as court cases can become.
- ✓ **There's nothing lost by trying!**



STATE OF MICHIGAN COUNTY OF WAYNE THIRD CIRCUIT COURT Family Division	PARENTAL COOPERATION ORDER	Circuit Court No:
Plaintiff Name:	V	Defendant Name:

THE COURT FINDS:

1. It is almost universally accepted by child psychologists and confirmed by everyday experience that:
 - a. Children want and need to love both of their parents.
 - b. Children also want and need to be loved by both of their parents.
 - c. A child's self-esteem is enhanced by the child's acceptance by both parents.
 - d. For the child's sake, parents must cooperate with one another regarding decisions, the discipline, and the rules each parent makes for their children.
 - e. All children attempt to manipulate adults as a method of getting their (the child's) own way.
 - f. Children who are successful in manipulating their parents generally harm themselves in the process.
 - g. Anger, hostility, and/or violence of the parents directed towards each other in the presence of the minor children is traumatic, confusing and a cause of great anxiety to those children.

2. Children of divorcing or divorced parents of the parents directed towards each other in the presence of the minor children is traumatic, confusing and a cause of great anxiety to those children.

THEREFORE, THIS COURT ORDERS:

1. Both parents must communicate, respectfully and courteously, with each other about the child(ren);
2. The parent who has knowledge of any school or sport activity of the child(ren) to which the parents are invited to attend must give notice within a reasonable time to the other parent so that the other parent may attend;
3. Each parent has the affirmative duty to promote a good relationship between the child(ren) and the other parent;
4. Neither parent may speak disparagingly about the other parent in the presence of the minor child(ren) and each parent must insist that their friends and family do not denigrate the absent parent in the presence of the minor child(ren) as well;
5. Both parents are prohibited from fighting or arguing with one another in the presence of the minor child(ren);
6. Both parents shall not question the child(ren) about the other parent;
7. Neither parent should overtly or subtly encourage the child(ren) to complain about the other parent;
8. Each parent should support the decisions, the discipline and the rules of the other parent to the child(ren).

Judge: _____

PARENTAL COOPERATION AGREEMENT

1. We agree to communicate respectfully and courteously with each other about our child, _____.
2. We agree to communicate with one another and not through a third party regarding our child, _____.
3. We agree to inform the other party of any school or sport activity with _____ to which we are invited to attend and will give notice within a reasonable time to the other parent so that the other parent may attend.
4. We agree to promote a good relationship between _____ and the other parent.
5. We agree not to fight or argue with one another in the presence of _____.
6. We agree not to question _____ about the other parent.
7. We agree not to overtly or subtly encourage _____ not to complain about the other parent.
8. We agree to support the decisions, the discipline and the rules of the other parent to _____.

Mother
September 30, 2009

Father
September 30, 2009

David Manville ACSW/LMSW, Witness
September 30, 2009