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CUSTODY MEDIATION: A TRAINING WORKSHOP FOR SOCIAL WORKERS

City University of New York

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CUSTODY MEDIATION:
A TRAINING WORKSHOP
FOR SOCIAL WORKERS

by

BARBARA P. ROTHBERG

A dissertation submitted to the Graduate Faculty in
Social Work in partial fulfillment of the require-
ments for the degree of Doctor of Social Welfare,
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1984

This manuscript has been read and accepted for the Graduate Faculty in Social Work in satisfaction of the dissertation requirement for the degree of Doctor of Social Welfare.

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Abstract

Custody Mediation: A Training Workshop for Social Workers

by

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The design, implementation and evaluation of a training program on custody mediation is described. The author sought to assess clinicians' attitudes on sole and joint custody options, comparing pre and post workshop attitudes. Post Workshop data indicated that social workers became open to more flexible visitation and joint custody arrangements. A distinction is made between joint physical custody, where children live with both parents in two households, and joint legal custody, where children reside with one parent, while both parents partake in major decision making.

Findings reveal that the training program was successful but clinicians had difficulty implementing the model due to the unavailability of interested clients. An analysis of the underutilization of mediation services is presented. The adversarial legal system has governed the divorce process for decades. Mediation services are new, and largely unexplored by therapists, parents and the general public. An educational program must be developed to illuminate the mediation options available to divorcing couples.

To Peter and Jessica,
who struggle with joint custody.

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CUSTODY MEDIATION:
A TRAINING WORKSHOP
FOR SOCIAL WORKERS

I. INTRODUCTION

Deciding upon an appropriate custody arrangement for a family in the process of divorcing is often a difficult and painful task. Both parents and each child have different needs, and during this period of stress, balancing everyone's needs is nearly impossible. Each person is invested in his or her own problems. Anger, hurt, sadness, resentment and other complicated emotions can obscure clear thinking.

In the past twenty years, the divorce rate has soared from 2.2 per thousand persons in the population in 1962 (Vital Statistics, 1970) to 5.5 per thousand in 1980 (Vital Statistics, 1981). In 1975, the divorce rate, 4.9 per thousand, exceeded one million in the United States. Three quarters of these marriages produced children. (Health Statistics, 1976). In the past decade, along with the increasing divorce rate, custody norms are changing and children no longer automatically reside with their mothers. With the high divorce rate and the need for clear custody decisions increasing, families are searching for help in solving these problems, however few find their way to social agencies.

Custody is sometimes easily decided when both parents agree which one will maintain primary care, but increasingly

it is a problematic decision. When parents are feuding, children often become caught in the middle and struggle with loyalty conflicts. The crisis of an impending divorce only exacerbates the issue.

In other cases, while custody is clear, visitation is not. The pragmatics of visitation arrangements must be spelled out in separation and divorce agreements. Whether the non-custodial parent visits for one hour on Sunday or has his/her children every other week-end becomes a major decision. Often this decision is affected by anger, jealousy or other conflicts between the parents and children become barter. Regardless of the particular decision-making problem, the victims are the children, torn between parents who have no clear models for solving custody issues.

The traditional legal system often intensifies this problem. The legal system is based on an adversarial model. In the traditional legal system when a couple decides to divorce, each spouse engages an attorney who is trained in the adversarial role.

Haynes, in his book Divorce Mediation, succinctly describes the ensuing process:

"The two attorneys represent one client against

the other. Much of the decision making is taken out of the hands of the clients, as the attorneys engage in battle within the legal system. This process serves to feed the destructiveness and anger already present in the dissolving relationship. Lawyers represent their clients to the best of their abilities, regardless of the possible effect on the other party. Thus, they tend to push their particular client to win every possible advantage. This tactic provides the couple with another arena in which to battle out the issues that led to the divorce, at the same time that they are trying to negotiate a settlement." (p. 5)

This approach often makes a difficult process close to unbearable. The conflicting feelings make settlements almost impossible to achieve. The adversarial approach focuses attention on the anger and stresses the conflicts. In contrast, the process of mediation focuses on letting go of the anger and compromising on material goals.

Divorce mediation, on the other hand, is the process by which spouses in a dissolving marriage try to resolve their disputes through compromise. With the assistance

of a neutral third party, they deal with issues such as the division of marital property, child custody, visitation, child support and alimony or maintenance, as it is now often called. In divorce mediation, both parties win. Neither spouse gets everything he or she wants, but neither side is "defeated." The aim is to achieve an outcome that will be satisfactory to both parties and particularly be in the best interest of the children.

Mediation is an alternative to the traditional adversarial legal system. In that process "couples will experience great frustration that will add to the anger and pain already present in the marriage dissolution. The nature of the legal system removes a great deal of power from the couple. Thus, one of the most important events in their lives, the dissolution of the marriage, takes place in large part outside of their control."
(Haynes, xi)

Bienefeld sums up the differences in the two approaches quite well: "The adversary process focuses on the past and encourages competition; mediation focuses on the future and encourage cooperation." (p. 3) See fig. I & II

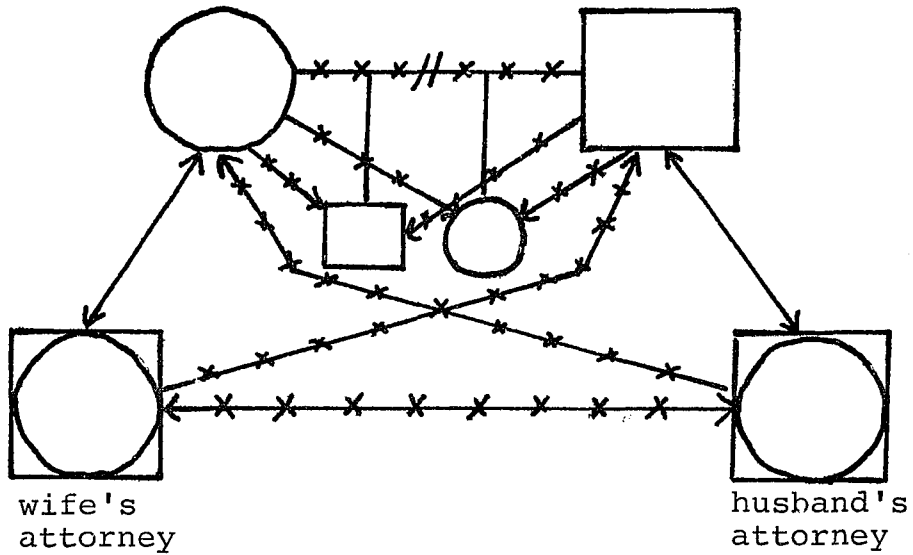


Figure I - Adversarial Model

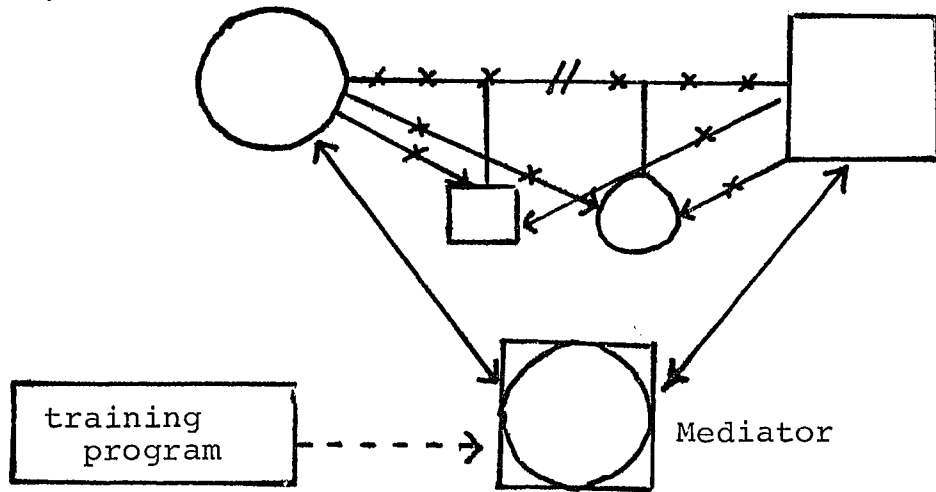


Figure II - Mediation Model

- Key:
- = female
 - = male
 - ◻ = either sex
 - // = divorce
 - xxxx = hostility
 - = positive interaction

PROJECT GOAL

The intent of this project is to train mental health practitioners to assist parents through divorce, and specifically to assist in the process of dealing with custody and visitation arrangements. Some clients will be in treatment, as either individuals or couples, when the separation crisis erupts, and others will seek help with the presenting problem of dealing with the separation/divorce or custody issues. This project seeks to design, implement and assess a practice model which can be applied in either of these situations. It is based on the assumption that if therapists are trained in the use of custody mediation techniques, then divorcing parents and their children will make better adjustments to their post divorce situations.

HISTORICAL PERSPECTIVE

An historical perspective is relevant to understanding the problem. Prior to this century, children were regarded as property and custody was awarded to fathers upon divorce, since males maintained property (Foster and Freed, 1978). In the early 1900's, with the advent of the industrial revolution, men increasingly worked outside the home while women maintained the children.

Concurrent with this strong division of labor between the sexes, was the advent of psychoanalysis which stressed the importance of the mother-child relationship and gave rise to the "tender years" doctrine. This resulted in a reversal of the historical trend and custody became the jurisdiction of the mother, unless she was proven unfit to care for her children (Roth, 1977). Until several years ago, this system prevailed.

The emergence of the Women's Liberation Movement in the past decade influenced women to explore independence and to secure and pursue careers. Men began to participate more in family life which led to a stronger equality of roles and more equal division of labor. During this time men discovered the pleasures as well as the responsibilities of parenting. Numerous books were published expounding the new experiences of fathers as nurturers (Atkin, Biller, Feigen-Fastau, Green, Levine), and articles were published in professional journals calling attention to the father's relationships with his children (Bartz, Gasser, Greif, Keshet, Orthner, Salk, Woody). The number of men seeking custody of their children at divorce has increased. This development, has created the need to separate marital and parental roles as parents become more aware of the need for mutual involvement with their children. Thus, new options are being sought to

resolve custody problems. It is not surprising, therefore, that joint custody is emerging as an option for many. In addition, for many non-custodial parents visitation has increased from an afternoon to several days a week. A review of the current literature, which follows, provides the underpinnings of this project.

REVIEW OF THE LITERATURE

Introduction

The review of the literature is divided into several sections. Beginning with the divorce research examining issues of parents and children, it leads into and supports the joint custody research which is explored in depth. The treatment literature follows, describing the therapeutic efforts which are being made in the field.

Divorce Research

Wallerstein and Kelly, clinicians from the Divorce Project in Marin County, California, have done probably the most extensive research on the impact of divorce on children. They studied 131 children from 60 families over five years to determine the effects of divorce.

(Wallerstein and Kelly, 1980). Categorizing children into pre-school, latency and later latency, to isolate specific effects that influence children at each developmental stage, they found that pre-school children have the most difficulty adjusting. Boys have more difficulty than girls during latency. Overall, they found that the greatest problem children experienced from the divorce was the sense of loss of the non-custodial parent. This

finding has been repeatedly used as the basis for justifying joint custody. Specifically they state, "The continuation of contact between the child and the parent who has not retained custody is a crucial issue. Mounting evidence indicates that the maintenance of this relationship between parent and child is of central importance in the psychological adjustment of children within the post-divorce family." (Wallerstein and Kelly, 1979, p. 471). They further state that the factors associated with the divorcing process itself and its effect on the divorced parent have central influence on the parent-child relationship. The main flaw in the Wallerstein and Kelly study is the fact that all children interviewed were current clinic patients, and it is questionable as to the generalizability of these findings to non-clinic cases.

Benedek and Benedek support both parents' involvement post-divorce with an argument favoring child's rights (1977). They put forth the thesis that each divorce situation should be treated individually with the dynamics of each system analyzed. This argument supports their later thesis of the superiority of joint custody arrangements.

Michael Lamb reviews the effects of divorce on

children's personality development and finds little support for the idea that divorce is necessarily harmful to children (1977). In addition, he finds little support for the notion that custody should always be awarded to mothers.

Ahrons presents an interesting conceptual framework for the family's reorganization after divorce (1980). The divorce is viewed as a crisis of transition causing structural changes in the family system. Two sub-systems evolve, composed of the divorced spouses and their relationships with their children. Thus, she conceptualizes the divorced family as the "binuclear family." The relationships between the sub-systems vary, depending on the parental conflict. Ideally, a mutually supportive and cooperative parental relationship is in the best interests of the children. In order to achieve this (or work towards this goal) it is necessary to "reduce the contamination of parental roles by spousal conflicts, the boundaries between the two sub-systems need to be clarified. This is one major task of the divorcing family..." (p. 438). Ahrons believes that parents can continue to share child rearing tasks after divorce and is thus, a strong proponent of joint custody.

As mentioned earlier, considerable research has been

done on fathers, much of this supports fathers' role as a competent and nurturing being, fully able to care for his children. Probably the most comprehensive study on this issue was done in Virginia by Hetherington, Cox and Cox (1976). They studied 48 divorced parents and examined responses of the family to the divorce crisis and the patterns of reorganization of the family on a continuum of two month, one year and two years following the divorce. They utilized a family systems approach understanding that a change in one area of the family produces changes in other areas. While recognizing that most mothers were over-burdened, this study concentrated on the fathers. This research team used interviews ratings scales, self-reporting and standardized tests in their work. The researchers identified three types of problems divorced fathers experienced: (1) Practical Problems, (2) Interpersonal Problems, (3) Changes in self-concept and identity.

The conclusions of the study pointed to the continuity of father-child relationships as a salient factor in facilitating a smooth post-divorce transition. The sustained father-child relationship helped to ease the trauma of divorce.

Keshet and Rosenthal (1978) studied fathering after marital separation. The focused on men who had been separated at least two years and had consciously chosen to remain fully involved in their children's upbringing. They studied 128 men on parental role development who had care of their children for at least two days a week. They then chose ten men from the larger sample who had child care responsibilities at least three days a week to study in depth. These men were studied through interviews and questionnaires.

They sought to answer questions dealing with pragmatic issues such as jobs and household responsibilities in conjunction with carrying out child caring functions. The researchers were also interested in assessing the correlation of rewards of parenting with the father's personal growth and development. They found that men were increasingly able to handle the demands of child care: "... feelings of inadequacy are gradually replaced by a sense of confidence and accomplishment..." (p. 12). In addition, they concluded that being active fathers contributed to the stability and personal growth of the men.

Several other studies were done establishing the effectiveness of fathers as custodial parents. Fast

studied 15 fathers raising their children alone and found that "fathers were committed and capable parents" (1979). Bartz, after interviewing 34 single parent fathers concluded that fathers face similar problems as other one-parent families and generally feel satisfied (1978). Gasser found in her study of 40 single fathers, that role adjustments were necessary but nevertheless accomplished (1976). Orthner and Brown, in examining the growing number of single fathers, recommended supportive services (1976). Woody (1978) and Bernstein (1977) present information needed to aid fathers in obtaining sole custody, and Salk (1977), agreeing with Roman (1978), believes that granting custody to the mother deprives children of their fathers, and has negative implications for everyone in the family.

Joint Custody Research

Joint custody first appears in the literature in 1976 when Carol Stack wrote an article entitled "Who Owns the Child: Divorce and Custody Decisions in Middle Class Families." This article is a response to Goldstein, Freud and Solnit's book In the Best Interest of the Child. The main point Stack refutes is the authors's contention that after one parent is awarded custody upon divorce, he or she has the right to refuse the other parent

visitation. Goldstein, Freud and Solnit wrote that "the non-custodial parent should have no legally enforceable right to visit the child and the custodial parent should have the right to decide whether it is desirable for the child to have such visits." (Goldstein et al. p. 38). Stack firmly believes that this is not in the best interest of the child arguing that the child will become isolated through restrictive relationships and will suffer from the loss of one parent. Although her argument is sound, she offers no references or studies to substantiate her views. She concludes with a recommendation of a uniform statute awarding "joint custody" to both parents unless there is an overriding reason to refuse it. She does, however, assume that one parent will take the primary physical responsibility for the child.

Benedek and Benedek wrote an article entitled "Joint Custody: Solution or Illusion?" (1977) in which they presented an exposition of joint custody. They discussed both the benefits and the risks of the arrangement. They comment early on in their paper that joint custody is a way in which fathers can maintain custody of their children explaining their belief that this surge for fathers' rights is a backlash to the women's liberation movement.

The Benedeks describe the following benefits of joint custody. In sum:

1. It prevents the profound sense of loss children experience upon divorce.
2. Both parents can love and raise the child and the child can experience the tangible benefits of two role models.
3. Neither parent experiences a total emotional loss or is uninvolved in child rearing tasks.
4. The sharing of child care is advantageous for both parents.

In terms of risks, the Benedeks discuss the following issues:

1. Inconsistency of rules and regulations; socioeconomic status, parenting styles and lifestyles can cause instability and confusion.
2. There is a problem of temporariness as either parent can remarry.
3. There are often economic problems attempting to maintain two households.

Their paper concluded with the acknowledgement that further study is needed, and that parents should know the pros and cons of the arrangement. But more important, they recommend that joint custody be considered and awarded only in appropriate situations. They believe it should not be recommended as a compromise to prevent one parent from losing the child, but rather as a commitment to shared parenting.

The approach of Mel Roman, a psychologist and

William Haddad, an attorney, who collaborated on a book entitled The Disposable Parent: The Case for Joint Custody (1978) is based on fathers rights. Their entire argument stresses the deprivation non-custodial fathers experience, and the solution of joint custody. The authors cite the Virginia Study (Hetherington, 1976) and the California Study (Wallerstein and Kelly, 1976, 1977), extensively to support the need for joint custody. The book discusses only the positive aspects of the arrangement using anecdotal material. Negative aspects of the arrangements are never mentioned, nor is there any regard for the mothers' feelings other than her being overburdened as a single parent, thus, supporting the need for joint custody.

Judith Greif surveyed 40 middle class divorced fathers as to their perceptions of their relationships with their children (1979). Her sample included non-custodial and joint custody fathers. She found that fathers who did not have custody suffered from additional stress and depression and a severe sense of loss. In contrast, fathers with joint custody, felt they were better parents and exhibited a higher degree of involvement and influence on their children, according to the rating scale in her questionnaire. In her conclusion, Greif reports that role loss leads to lesser involvement, and makes the statement that fathers

can be better parents when no longer in conflictual marriages, thus supporting the validity of joint custody. In addition, the author makes the generalization that "in joint custody arrangements parental power and decision-making are equally divided, so there is less need to use children to barter for more. More importantly, the fathers seem very satisfied with their degree of parental involvement, so there is less motivation to use the children in this way." (p. 318).

It should be noted, however, that Greif's position is a result of drawing a conclusion about a family system through interviewing only one member. It would be interesting to know the mothers' views as well.

Alice Abarbanel, in contrast to Greif, studies the whole family (1979). She interviewed four families in depth to understand the joint custody experience. She interviewed the children and each parent separately making visits to all eight homes. She used a questionnaire as an instrument to augment her interviews.

Abarbanel reported that none of the children she interviewed expressed severe loss of a parent and all appeared "well adjusted." All the children felt "at home" in both homes and felt joint custody was the way of life.

Only one child who was reported to be a "difficult" child had problems with the arrangement. Given this limited convenience sample of eight children it is difficult to accept that all the children with the exception of a problem child (who they try to dismiss with the label) are happy with the arrangement. In addition, Abarbanel reports that each set of parents agreed on child rearing values. In this sample of four it might have been so, but it is dangerous to make this generalization and unlikely that all divorced parents agree on child rearing values.

In supporting her hypothesis, Abarbanel believes that the following criteria are necessary for joint custody to work:

1. Commitment to the arrangement
2. Parents mutual support
3. Flexible sharing of responsibility
4. Agreement on rules

These findings are based on her very limited sample. Citing this limitation, Abarbanel states that broad generalizations cannot be made.

Ahrons studied 41 divorced parents with court awarded joint custody investigating the co-parental relationship (1980). In her study, however, only eight people (19%) were practicing joint physical custody, with children

living with both parents. The remainder of her sample (81%) had joint legal custody with children maintaining one residence and parents maintaining custodial or non-custodial roles.

She asked questions on a Likert-type scale as to the degree of co-parental involvement in various areas and found that major decisions constituted the most frequently shared area. A series of questions were also asked regarding non-parental dimensions in co-parent relating. Results indicated that co-parents most frequently conversed about mutual friends and families of origin.

The more relevant data from Ahrons' work indicates that more than half of the sample reported an involvement in their ex-spouse's life and satisfaction with that relationship. In addition, the majority of parents felt overall satisfaction with the joint custody arrangement. Each arrangement was different and Ahrons stresses that the significant findings of her study is that "joint" does not necessarily mean "equal".

Nehls and Morgenbesser in a recent publication (1980) explore the issues of joint custody elaborating on the potential positives and negatives. Based on a review of the divorce literature, the authors build a case in

favor of joint custody. The positive aspects are:

1. The importance of maintaining both parents which will lead to the development of a new family system.
2. Alleviation of loss for the non-custodial parent.
3. Both parents share in child rearing so important decisions are not made alone.

The negative aspects:

1. Lack of stability and confusion for the child.
2. The problems of moving back and forth.
3. The difficulty when parents do not get along.
4. The conflict of loyalty that children experience.

Three out of the four negative aspects are refuted with supporting sources cited earlier (Benedect, Abarbanel Ahrons) thus strengthening the argument in favor of joint custody. It must be noted that the supporting data, however, are studies with limited samples.

Rothberg, in a study of 30 joint custody parents, sought to uncover the problems and satisfactions of the joint custody arrangement (1983). In a semi-structured interview she asked questions in the areas of responsibilities, pragmatics, career, social life and feelings about parenting. A convenience sample of the joint custody parents from metropolitan private schools who put the

researcher in touch with other joint custody parents was used. The sample revealed a highly educated middle class population of professional people who have great flexibility in their jobs.

All parents valued parenting and 80% of the parents felt positively about the arrangement. Financial strains, transitions and adjustments of the children going from house to house as well as dealing with the co-parent were the most frequently cited problems. The greatest benefit reported by 60% of the respondents was that the children had both of their parents, though 25% of the sample stated that their free time was the greatest benefit. When asked if they would recommend the arrangement, 80% of the parents said "yes" though most qualified their response with "it depends on the couple". Rothberg concludes by stating that joint custody is a very complicated arrangement for parents and children, but it does work, particularly when parents can separate marital and parental roles and can maintain a fair degree of communication. Separating marital and parental roles is the key that enables couples to deal with their children without the interference of other feelings.

Miller, in a brief article, summarizes the advantages and disadvantages of joint custody (1981). He believes that criteria for joint custody involves an assessment

of logistical and physical factors, shared child care responsibilities, parental cooperation and accountability to the court. He further recommends an ongoing evaluation of parents and childrens' needs. Miller cites the advantages of joint custody as the prevention of parental loss and the discouragement of fantasies of the absentee parent which so often appear in children of divorced families. He cites the major disadvantages as being the lack of continuity and non-cooperation of the divorced parents.

Conclusions

The divorce literature cited points to the importance of both parents maintaining relationships with their children after divorce. Evidence indicates that children make better adjustments when they do not feel abandoned by one of their parents.

The research done on fathers after divorce supports this as well as its converse, that father's adjustment is also better when they maintain relationships with their children. It is notable that there is an obvious absence of research from the mother's perspective, probably because mothers are the traditional custodial parents.

The divorce literature discussed clearly substantiates the concept of joint custody. Each joint custody study described reports on the various arrangements, often citing the negatives as well as positives. The general conclusions are that joint custody is a viable option.

Treatment Issues

In assessing the problem areas related to joint custody, there is a small but growing body of treatment literature dealing with innovative approaches to problems of divorce and custody. Nichols and Troester in an article entitled "Custody Evaluations, An Alternative?" implemented a pilot project where parents helped negotiate their own custody agreements (1980). The mental health professionals aided the parents and stressed the importance of their involvement. Two couples out of 13 in the study chose joint custody and the others opted for maternal custody with flexible visitation from fathers. In a follow up interview the authors found many of the fathers unhappy about the arrangements, thus, they concluded that the program was unsuccessful.

Pearson, et al, interviewed over 300 people regarding their views on mediation (1982). Their survey revealed that mediation is more attractive to individuals with high

socioeconomic indicators. The decision to mediate also correlated with couple communication patterns. However, the key factor to choose mediation appeared to be encouragement from an attorney. The authors also commented on interesting sex differences. For women, mediation promised to be less impersonal than the traditional court system and more satisfying. It was seen as reminiscent of counseling by those who had been in treatment. For them, mediation was perceived as a better way of winning than in the adversarial process. They anticipated that mediation would be more responsive to their needs than the traditional system.

Musetto identifies sources of conflict in custody situations, utilizing a system theory perspective (1980). He suggests an intervention to provide the family with the opportunity to generate their own solutions to their conflicts, through therapy, rather than the legal system. He advocates strong cooperation between the legal and mental health systems.

Trombetta advocates for the use of custody evaluation consultants (1982). She suggests changes in the current divorce laws and procedures covering a wide spectrum from changes intended to improve existing family law courts to those that would take custody legislation out

of the courts altogether. She feels parents need to be helped to resolve their own custody disputes.

Several other articles were published highlighting the trend of involving mental health professionals in custody evaluations (Cleveland, Derdeyn, Duquette, Musetto, 1978, 1979, Solow). These authors also stress psychological values above legal ones and call for a mediating rather than an adversary approach. Haynes, Chiancola, and Goldman, suggest specific social work interventions to aid in the divorce process. They suggest a combination of mediation and joint therapy techniques. Storm feels conjoint therapy is the most effective modality during the divorce crisis. The techniques suggested all include helping family members make the transition, aiding them to express their pain and frustration and, in general, facilitating an emotional divorce using a therapeutic process to help spouses separate their marital and parental roles.

As indicated in the literature, the problem of divorce and custody is increasingly being addressed by the professional community. The mental health and legal communities are aware of the issues and are dealing with them. For example, Divorce Mediation, a technique for dealing with couples in the divorcing stage is

becoming increasingly popular (Haynes). Training sessions are given to attorneys, social workers and other mental health professionals to aid them in working with divorcing couples in a non-adversarial manner. Workers are trained in basic legal rights, custody options and visitation issues which can be used to move a couple through their divorce.

Realistically, however, divorce mediation or divorce counselling for that matter, is not for everyone. Couples need to be open to compromising and working together towards a "family solution." The educated middle class is the first group to utilize these services. This is in keeping with the "enlightened" attitudes held by the middle class and their comfort with therapy as an aid to problem solving. Part of this is pragmatic, as many of these services are offered to the public through private practitioners at considerable fees. Increasingly however, working class people are seeking therapy services offered at low fee clinics and counselling programs are cropping up in the workplace offering services to employees. For example, the Federal Employees Assistance programs offer free counselling to employees and guarantees them release time from their job to obtain these services. It is the author's view that if a good service becomes available it will be utilized. It is with this concept in

mind that the training program for therapists to deal with divorce and custody issues has been developed.

OBJECTIVES OF THE PROGRAM:

To meet the needs of divorcing parents, this project proposes a practice model for therapists working with divorcing parents. The seven-step model evolved from both theoretical knowledge of family systems and clinical experience of family therapy. It was developed to be used with couples in divorce situations, but is easily adapted for use with individuals.

In the treatment section of the Literature Review it is suggested that mental health practitioners are increasingly taking a role in assisting parents through the divorce process but the methods are not systematic and custody issues, which are often the most difficult issues to cope with, are not fully understood. This project involves didactic teaching of the custody options and the effects they have on parents and children, as well as helping clinicians with techniques to assist parents with separating the marital and parental roles. The process of "divorce therapy" will be explored, highlighting the custody issues.

The objective of this project is to teach mental health practitioners to work effectively with divorcing parents and primarily to assist their clients with the process of deciding upon custody and visitation. The need to separate marital and parental roles is the central concept that provides the underpinnings for the work. If this can be accomplished, decision making becomes clearer and easier.

The workshop intervention was designed to furnish therapists with background material on custody, teach didactic information on the effects of different custody and visitation options and to explore relevant clinical interventions. It was also hoped that through the workshop, the leader could influence therapists to form more liberal attitudes toward joint custody and flexible visitation. It was assumed that the therapist, as the general public, have traditional views, about custody and visitation. This assumption will be tested in the pre-workshop questionnaire.

The major question to be addressed in this project is whether the proposed intervention can make a positive impact on therapists who work with divorcing parents. Specifically, can the material presented to the therapists assist parents in making custody and visitation choices

with central regard to their children's and not their own needs? Can therapists, and thus, parents, become more open minded about joint custody and more liberal about visitation? Therapists' attitudes are crucial in this area and will have an effect on their clients. For example, if a therapist is unaware of the viability of joint custody it would probably not be introduced as an option. Other questions need to be answered: Will the training assist therapists in helping their clients to separate marital and parental roles? Will it help parents understand their marital relationship is terminated but their parental relationship is forever? These questions will be the basis for evaluation as the propositions of these questions are the project goals. The basic goal assumption that working with clients on custody issues will have a beneficial secondary gain of improving the entire divorce process by facilitating communication and reason needs to be tested.

The practice model presented at the workshop consists of seven steps which can be implemented in four to twelve sessions depending on the couples needs and their level of differentiation. It is assumed that these sessions can be incorporated into the treatment process or could stand alone as a model of short-term problem-focused therapy. The structure and content of these sessions and the manner

in which they become implemented compose the practice intervention that will be evaluated in this project. The structure and content of this model will be fully discussed later.

In sum, the purpose of this project is to train therapists to assist parents in deciding custody and visitation when they are divorcing. Through a didactic presentation to therapists and a process group using case material and discussion from the participants, the objectives of this project will be pursued.

UNDERLYING ASSUMPTIONS

This project is based on a systems approach to family therapy. Such an approach in family treatment implies that the whole family (or system) is being taken into account, rather than just the individual. The premise is that when one part of the system changes, it effects the other parts, thus, change in the whole system occurs. For this reason, the model being presented works best with couples, but can be adapted for use with individuals. It is sometimes necessary to see only the individual in treatment when the spouse is unwilling to cooperate. While this is not optimal, it is often workable because, as stated above, one person can impact upon a system.

It is assumed that therapists can impact upon divorcing parents during therapy and help them make positive custody and visitation decisions, separating the marital and parental roles. This assumption is derived from the fact that the researcher, in clinical situations, has used methods of family treatment in divorce counselling and help parents to make decisions about custody. With a systematic planned approach, considerable material can be covered and feelings about issues can be explored. The practice model developed for this project will test this assumption.

It is anticipated that teaching the therapist to focus on the interaction between the couple will stimulate and enhance communication enabling them to work together toward a common goal. The effect on the system will be stressed with "the best interest of the children" doctrine in mind. The focus on communication in a family system approach is summarized succinctly by Fisch et al:

"A focus on communication and interaction within the family leads to much more emphasis on actual behavior, what is observably going on in the present, rather than on the past, the internal, and the inferential. Viewing problem behavior not in isolation but in relation to its immediate context - the behavior of other family members - means more than just a specific change of viewpoint, important as that is. This change exemplifies a general shift in epistemology from a search of linear cause-and-affect chains to a cybernetic or systems viewpoint..."
(p. 8 - 9).

In the case of dealing with the individual parent, the systems model becomes even more important. The goal is to help the parent see beyond him or herself. The parent will be helped to see how the custody arrangements will effect the spouse as well as him or herself, and primarily how the children will be effected by parental

decisions. Parents will be counselled on separating their marital anger and other disappointed feeling from their parental responsibilities.

The design of this program, as stated above is based on theory and techniques of family therapy, and specifically on the divorce, joint custody and divorce treatment literature. The central concept of separating marital and parental roles cannot be overstressed as parents needs to understand that the marriage is over but that their mutual parenting roles continue. Understanding the need for that separation is a central aim of this training. As the separation is quite difficult to achieve with spouses who are furious, overwhelmed, scared and depressed, stressing the needs and best interests of the child is the basic vehicle of success. The program is designed to incorporate mechanisms such as this to facilitate the process. Through a didactic lecture and group discussion participants will have the opportunity to learn how to use the material presented.

The importance of both parents maintaining a relationship with their children will be dealt with in the didactic section of the training. It will be suggested that therapists take a firm, directive position encouraging parents to nurture their relationships with their children.

The directive role of the therapist is an issue that will be raised for discussion, as will the predicted response of clients to the therapist using herself/himself as an authority. The authority role of the therapist, who is seen as the "expert", has proven to be effective in therapeutic situations. The attitude of the therapist, thus, carries considerable weight.

The main difficulty therapists can anticipate in manipulating variables will be the expected resistance from the couples and even more so from the individuals in treatment. Resistance is expected from parents' anger, resentment and disillusionment with each other and their reluctance to "give in" to each others' demands. If the couple have attorneys working for them, the resistance may even be greater towards working on a compromise. The legal system is traditionally adversarial, and, thus, antithetical to the objectives of this project. Further resistance may be expected from extended family, where, for example, a maternal grandmother, angry about the divorce, may pressure her daughter to withhold the children from their father.

As is commonly done in systemic therapy (Haley, 1976) therapists will be instructed to "join" the resistance rather than fight or analyze it. In other words, parents'

feelings will be validated and the therapist will not try "to change" or "to convince" anyone, but rather will accept their feelings and present alternative ideas and choices. As the therapist joins the resistance, the parents will feel better understood and less defensive. The therapist joins with both members of the divorcing couple to facilitate a custody plan that benefits the children, while an attorney has the best interest of the client, not the children in mind as he facilitates the divorce.

It is expected that the therapists enrolled in the training workshop will be open to the new material and not resistant to the concepts, since attendance will be voluntary. On the other hand, some resistance is expected, particularly, from therapists traditionally trained in the analytic model. A comparison of trained family system therapists, and psychoanalytically trained therapists using the practice model presented will be made in the final analysis of this project. These two models were chosen as a basis for comparison as they represent opposite paradigms. The family system model incorporates treatment of the whole family or marital sub-system focusing on the interaction between family members. The psychoanalytic model, on the other hand, concentrates on treatment of the individual and focuses

on intrapsychic issues. Therapists trained in each of these models work with divorcing parents.

OVERVIEW

Following this introduction and review of the literature is the second chapter which explores the background and methodology of the project. The design, implementation and sample are fully described. The third chapter explicates the findings, beginning with a process recording of the workshop. It is followed by the workshop evaluation and the utilization of the workshop material. The final chapter addresses the implications of the research. The unanticipated problems are explored, a summary is offered and conclusions are drawn.

II. METHODOLOGY

Background

Prior to the development of the present project, a training workshop for therapists dealing with custody and divorce issues, an original project proposal aimed at working with divorcing parents, themselves, was designed. The rationale for the early project was similar: the high divorce rate; post-divorce problems with children relating to the areas of custody and visitation and the dearth of services directed specifically at the divorcing population. The goal of the project was to expand the knowledge of program participants (divorcing parents) in the area of custody and visitation enabling them to make better decisions in their time of crisis. The workshop was directed toward couples to help them with their communication and problem solving.

The workshop design involved a didactic portion and an experiential process group. It was conceived as a program for four-to-six couples beginning with a didactic presentation by the workshop leader. This presentation was to include some historical background information and a thorough description of each custody option. Sole custody, for mothers and fathers, joint legal and joint physical custody were on the schedule. The positives

and negatives of each arrangement for mothers and fathers as well as for the children were to be fully explored. In addition, an understanding of the issues involved for non-custodial parents, highlighting the sex differences was planned. Visitation was also to be discussed in depth.

After the didactic presentation, the group was to be divided into two mixed sub-groups, each composed of men and women, but with couples separated among the sub-groups. Each sub-groups or "work group" was to be led by a therapist. The task of these work groups was to integrate the material presented at the didactic session with their own issues.

At the conclusion of the work groups, the entire group was to re-convene for a wrapup and questions. It was hoped that this structured workshop could facilitate parents' decision making around custody and visitation. It was also anticipated that a secondary benefit could be gained by parents who might enhance their communication around these volatile issues.

As a follow-up to the workshop, individual interviews were planned with program participants to assess their use of the workshop material. It was anticipated

that several workshops would be run gathering a sample of 24 couples.

To obtain a sample, extensive outreach over a period of eight months was done. Initially, the sample was to be gathered from District Council 37, from a legal program, in which many matrimonial cases are handled. The constraints of this agency were numerous, with the legal staff initially feeling threatened by the planned intervention. For example, there was initial discomfort with "an outsider" facilitating a workshop. To compound the uneasiness was the lawyers ambivalent feelings about a "Mediation Model," and further the lawyers were uncertain as to the appropriateness or necessity of social work intervention in general. But after several meetings with the legal director of the project, the supervising attorneys and the staff, approval for the project was obtained. Publicity was done, and the lawyers agreed to refer clients to the workshop. After four months with no referrals forthcoming, additional outreach to other agencies was planned.

The lack of referrals was particularly attributed to the ambivalances and uneasiness of the lawyers, specifics of which are stated above. The antithetical goals of mediation vs. the adversarial system of divorce

are hypothesized as a reason for the lack of support for the program. As will be described later in this paper this is a common problem in divorce mediation programs.

Lutheran Community Services, the Jewish Board of Family and Children's Services and the Ackerman Institute for Family Therapy were chosen as possible sources for a sample for this project. Outreach involved numerous meetings, xeroxed statements and summaries and phone calls to various people in each agency. While the response, initially, was always a positive one, each agency representative cautioned me about the constraints he or she faced dealing with his/her agency bureaucracy. For example, approval from agency executives was always needed and was, at times, a complicated procedure. Conflicting interests with in-house programs was cited as a problem in one agency and the possible uneasy feelings of workers referring cases to an "outsider" was cited in two agencies. With patience and perseverance, however, approval was finally gained in each of the three agencies. That meant they would distribute flyers and refer clients to the project. To increase the sample still further, ads for the Divorcing Parents Workshops were placed in local newspapers, and approximately one hundred letters were sent to private practitioners explaining the project

and requesting referrals to the workshops. The host of "The Jewish Home Show" picked up a press release about the workshop from the Jewish Board, and invited the researcher to be a guest on her radio talk show.

This outreach occurring over a period of eight months proved futile. A few calls were received in response to the newspaper ads. Most of them were inappropriate. A few calls were received in response to the radio show; many calls requested services not offered by the Divorcing Parents Workshop.

After almost a year attempting to gather a sample for this project, the target population was abandoned and the proposal was rewritten aimed as a workshop for clinicians. Clients at the critical stage of divorce are unable and unwilling to reach out to a new service. Therapists are insecure about referring "their" clients to another therapist for service and in general the public is not educated as to the mediation system of divorce. The adversarial system still prevails.

Analysis of Failure

While the original project was initially met with support and encouragement, failure to gather a sample

was unexpected. The project was conceived as a needed service gap to a population in crisis and was thought to be theoretically sound. The question is, then, why was it impossible to obtain a sample? Certainly, the outreach efforts were strong. This question cannot be answered with certainty, but some hypotheses can be explicated.

First, the original workshop was aimed at divorcing parents, at the point between their decision to separate and their making final custody and visitation arrangements. Therefore, for a workshop to be successful, several couples, at a specific point in time were needed. In this analysis phase, the researcher checked caseloads of a few clinics and it was reported that one clinic had no such cases at present, another had one or two, but for various reasons they were inappropriate referrals to the workshop, and the third clinic surveyed had no divorcing couples at present, though they had a few women in the process of divorce. A survey of private practitioners revealed similar findings, or reported cases that were "too complicated" to refer to this kind of informational workshop.

It quickly became evident that private practitioners were threatened by "another therapist" handling their cases, and felt they could do the work better themselves. Since private practice is built on referrals, practitioners

want to keep clients for themselves. This is another reason for the change of the target population for the workshop, from clients to therapists.

Another factor that was hypothesized, which contributed to the failure of the early project was the attempt to see couples, rather than individuals in the workshop. The researcher had an idealized vision that divorcing parents would want to get together with other couples who were in the same situation to decide what would be best for them and their children. This notion came from the middle class clientele who have entered short term therapy for divorce counselling, divorce mediation, or to deal with custody conflict. The reality is that most parents who are divorcing do not get along, and are reluctant to get together to discuss anything, particularly with a group of strangers.

The final factor involves the idea that the couple in the process of divorce is in a period of crisis. At this stage, it is unreasonable to expect the rational thinking that enrollment in the Divorcing Parents Workshop requires. Even if one couple was ready to engage in this process, would there be another couple to join them?

A workshop geared for therapists seemed to have

much more feasibility. What follows is an introduction and rationale for the workshop for clinicians, the project that was later implemented.

Introduction and Purpose

An escalating divorce rate indicated the need for services to assist people who were going through the divorce process. Now that half the people who marry also divorce, it can be viewed as a life cycle stage, usually occurring after the inclusion of children in the marriage and before middle age. Statistics show that two-thirds of couples who divorce are composed of women under thirty, with children under seven (Vital Statistics, 1981). All life cycle transitions cause stress, but the divorce/separation transition usually precipitates a crisis because of the dissolution of the family (Carter and Mc Goldrick, 1980). This project is directed toward one aspect of this crisis.

The principles of family therapy provide the underpinnings for this project. Family therapy has increasingly become accepted in recent years and basic systems theory upon which family therapy is founded has become the dominant basis for treatment. In addition, divorce mediation services are becoming more available and people

are recognizing and requesting help at this crucial life stage transition. As the need grows, private practice therapists have begun doing "divorce work" and social agencies are beginning to develop and implement new services to meet this need. This project addresses the informational and practice needs of therapists, who work in a variety of settings, to better serve the divorcing population.

Project Objectives

When individuals and couples go for help to their therapists to deal with these issues they get a variety of responses based on the therapists' orientation and knowledge. It is believed that through the training workshop, therapists will gain a better understanding of the problems and issues involved in custody and visitation and a broader exposure to the problems and satisfactions of the various custody options.

To this researcher's knowledge, no such program has been established in any setting to train therapists in dealing with custody and visitation issues for divorcing parents.

Implementation

The Post-Masters Program in Advanced Clinical Social Work at the Hunter College School of Social Work was chosen as an appropriate setting to offer a training workshop for therapists to deal with custody issues. Particularly because of the strength of the family therapy sequence, this offering fit within the goals and scope of the program, being grounded in family therapy theory.

In order to implement this project, however, it had to be approved by the Post-Masters Clinical Program's program committee as a one day training institute. It was proposed as a free workshop; an idea which was met with a mixed reaction from the program committee. While several approved of the idea of a free program, others felt it might set a precedent that would be detrimental toward future one-day programs offered for a fee. After discussion, a decision was reached that the training workshop could be offered as a free service to current students and alumnae of the Post-Masters Program and that the flyer advertising the workshop must clearly state that the workshop was being offered "free for research purposes." (Flyer in appendix.) In addition, if an adequate sample was not obtained through this means, the workshop would be advertised to staff working with divorcing

clients at the Jewish Board of Family and Children's Services, where the researcher holds a supervisory position. Since a sufficient number of participants was not obtained from the Post-Masters Program the outreach was extended to the staff at the Jewish Board. (Memo in appendix.)

This workshop was designed for and directed toward experienced therapists who are in practice. The workshop was to include clinicians who have divorcing parents in their caseloads. Thus, the participants could use the material taught in the workshop and at the same time enable the researcher to evaluate the training program. A group of therapists with a varied background in terms of orientation and work setting was sought in the outreach efforts.

The all day workshop, entitled "Working with Custody Issues in Divorce" was offered on Saturday, December 3, 1983. Pre-Workshop questionnaires were completed at that time, and Workshop Evaluation questionnaires were distributed with self-addressed, stamped envelopes for returns. Interviews with the participants were scheduled to take place in January and February, enabling participants time to utilize material from the workshop with their clients. The content of these interviews is analyzed in the findings

of this project, and the interview schedule along with the questionnaires are included in the appendix of this paper.

Design

The workshop format was chosen to train therapists in the practice model developed to work with divorcing parents on custody issues. It was chosen for several reasons. Primarily it is an optimal training ground for experienced therapists who have an interest in a particular topic. Second, an all day workshop permits an indepth exploration of the subject.

A questionnaire was developed to assess therapists' attitudes to the various custody arrangements pre and post workshop participation. The purpose of this instrument is to assess any changes in attitudes and knowledge about custody options. Therapists can only raise issues of which they are aware and this workshop sought to introduce new options, broadening the traditional conceptions with custody and visitation. Establishing clarity on therapists attitudes helps determine baseline data about their feelings and perceptions of various custody and visitation arrangements which was later compared and contrasted with the evaluation questionnaires. The post workshop evaluation questionnaire also aimed to evaluate the

material presented in the program itself.

The workshop began with an introduction stating the purpose of the training. The pre-workshop questionnaires were then distributed. This ensured a 100% response rate and set the tone for the session. There was a brief presentation on background information on divorce in general, and on custody, specifically. The various custody options were described in-depth with the positive and negative aspects of each arrangement spelled out. The effects of each option on mothers, fathers, both custodial and non-custodial parents, and on children was reported.

As a central concept, the instructor stressed the importance of both parents' maintaining a relationship with their children after divorce, and that visitation arrangements can be flexible allowing continued contact with both parents. Emphasis was on the fact that each couple must explore the options and that no single option is inherently right or wrong; each couple with the help of the therapist, can design an arrangement best suited for them.

Prior to presenting the practice model, the instructor discussed theory and techniques for working

with individuals and couples who are divorcing. Case vignettes were given for exemplary purposes. The practice model was then presented and the workshop concluded with a case presentation. (A detailed workshop outline is in the Appendix.)

In the workshop participants were encouraged to share their experiences and feelings and engage in a dialogue with the instructor. With permission of the group, the workshop session was audio taped to enable the researcher a second chance to hear participants' reactions to the material presented. A process recording of the workshop is included in the evaluation of the project.

At the conclusion of the workshop, evaluation questionnaires were distributed with self-addressed, stamped, return envelopes. It was requested that participants complete and return the forms within the week. This decision was made, rather than asking participants to complete the questionnaires at the conclusion of the workshop for two reasons. First, it was hoped that clinicians would want time to synthesize the material, and second, it was felt that if the questionnaires were completed that afternoon they would be hastily done. The purpose of this questionnaire was to assess the perceived value of the material presented at the workshop and to compare and

contrast therapist attitudes with the pre-workshop questionnaire.

The instructor announced that she would be contacting each of the participants during the next two months to arrange for an interview. The interview schedule (in appendix) asks questions as to how the material, particularly, the practice model, has been implemented in clinical practice situations. The time lapse of one-two months is to allow therapists the opportunity to synthesize the workshop material into their practice.

Specifically, data will be sought which reflect on the applicability of the material; how custody was decided and what custody and visitation arrangements were established in specific treatment cases. Attention will be focused on the process the therapist used with their clients to attain the goal.

As a trained family therapist with considerable experience in "divorce work" (helping parents separate, establish custody arrangements, etc.,) and a background of research on joint custody, the researcher was well prepared to develop the practice model and teach the workshop. For purposes of efficiency and to minimize other

difficulties, the researcher was directly responsible for the facilitation of the training workshop, the follow-up interviews and the data collection gathered from the questionnaires and interviews.

Sample Characteristics

The sample participating in this workshop was composed of experienced therapists who voluntarily registered for the program. All participants are MSW's who have had some advanced training.

The sample is neither representative of social workers in the community nor is it a random population, as the participants were self-selected. This indicates a specific interest in the subject matter. It also suggests that the workers who registered for the program had some experience in the area of working with custody and divorce, and therefore had some theoretical knowledge as well as formulated opinions involving custody issues. These opinions were sought through the pre-workshop questionnaire. A diverse population was sought, however, with an attempt to involve clinicians with both a family therapy as well as a psychoanalytic orientation. It was hypothesized that these differences in treatment orientation would have consequences for

participant attitudes and response to the workshop.

Given that a self-selected sample was used in this research, it effects the generalizability of the findings of the study. It, therefore, must be viewed as exploratory research that may shed some light on the area of custody decisions. The research attempts to broaden the view of clinicians and the sample used will be an indication as to whether this type of workshop can be an effective tool to this end.

Data Collection

Data collection was achieved both through questionnaires in a before/after or pretest/post-test design, and through individual interviews arranged a few months after the workshop intervention.

While most of the items on the questionnaires involved a Likert scale, where the clinician was asked to indicate his/her extent of agreement with a statement, some of the questions were open-ended, allowing the therapist to express his/her opinions freely. These responses were then coded, based on the material received. To test the reliability of the coding, inter-observer

rating was performed. Two other clinicians were asked to code the open ended responses into the fixed categories. An almost 90% level of agreement was reached, thus, indicating a high degree of inter-rater reliability.

In terms of validity, it can be said that the questionnaires had "face validity or content validity" in that it intended to measure therapists' attitudes towards custody, which was the basic material sought through the questions. For example, questions were asked seeking the opinion of "the best" custody option; questions asked participants' feelings about each form of custody etc. Other material obtained through the questionnaires involved biographical information, the practice setting of participants, and their theoretical orientations.

The interview was designed as a follow up to the workshop intervention. Through this instrument, the researcher sought to obtain information as to how the workshop material was synthesized in practice. A semi-structured open-ended interview instrument was developed requesting information on what material from the workshop was helpful and how the clinician's practice has changed, if it had, since the workshop intervention. There were no forced-choice items in the interview. Specifically, case material was sought from the participants by asking

them how they've applied the practice model. It is here that the data on practice is most relevant, and that the results can show implications for practice.

In addition, questions were asked about constraints in agency practice, dealing with supervisors and the general issue of introducing a new model of practice. The therapists' own attitudes and comfort with the model was also discussed.

The interviews lasted one hour, to one and one-half hours and were arranged at the convenience of the respondent. The interviewer maintained a focus and directed the questioning allowing a complete range of responses from the practitioner. Respondents were assured of confidentiality and told that case material used in final presentation of the research would remain anonymous. The researcher took notes during the interviews, as well as tape recorded the sessions.

Evaluation

Evaluation of this project has been performed at various levels. Based on the notion of "differential evaluation", the frame work espoused by Tripodi, Fellin and Epstein, (1978) the workshop evaluation was directed primarily toward the implementation stage of program

development. In this final stage, participants have been trained and they are using their skills. The outcome of the workshop planning can be evaluated as well as the efficiency of the workshop's strategies. The evaluation has been done through a feedback system implemented within the project's structure. It has been designed to operate on two levels: program participants' reaction and their assessment of the workshop (as shown in the post-workshop questionnaire previously discussed), and the clinicians use of the workshop material with their clients obtained through the personal interviews.

A content analysis of the material obtained from the interviews will be done. An attempt will be made to correlate the workshop material used with the resultant "success". Success will be judged based on the perceptions of the clinicians. They will be asked to compare their work prior to the workshop to the work gains made after the workshop. In this design, the group serves as its own control.

Based on the questionnaires, success will be defined based on the greater variability in attitudes about custody, as judged by comparing pre and post workshop responses. Clinicians will be asked about their clients'

reactions to their presentation of material on custody and visitation. They will be asked to judge whether they feel the "new" information was helpful in determining custody and visitation arrangements of their clients. If clients consider new and different arrangements that they did not consider prior to working with their therapists on these issues, the project will be considered successful. This is based on the evaluation concept of correlational knowledge which demonstrates a relationship between the intervention and the outcome, but does not firmly establish that one causes the other. The relationship it suggests however, is suggestive in the context of this exploratory research.

III. FINDINGS

Introduction

The following section describes the findings of this project. It is divided into several sections. First, a brief process recording of the workshop is presented to give the flavor of the workshop. A detailed evaluation of the workshop follows, beginning with the sample description. The pre-workshop attitudes are discussed based on the findings of the initial set of questionnaires, and the post-workshop questionnaires are analyzed in the workshop evaluation section. This material is correlated and explicated with the use of numerous tables. And finally, the utilization of the material is described. This last section was derived from the post-workshop interviews performed with the program participant.

PROCESS OF THE WORKSHOP

The researcher was given a roster of 28 people who registered for the workshop by the Post-Master's Program secretary. The workshop was scheduled to begin at 10:00 a.m., and by 10:15 there were only fourteen people present.

At 10:15 a.m., the training therapist began the introduction, after a woman suggested we begin "in respect to those who came on time", and within the next twenty minutes, two additional people arrived.

After the introduction, the leader handed out the information forms and then the questionnaires. The participants were cooperative about completing the forms, a process which took about 15 minutes. The late-comers were given forms to fill out when they arrived even though the leader was discussing the background information. (A detailed program outline is in the appendix)

Prior to the workshop beginning the leader asked one woman to assist by being responsible for taping the session. The participant was given the machine and numbered tapes and she agreed to be responsible for the recording of the workshop sessions.

The group was interested in and receptive to the material presented. In the introduction, people were told to feel free to interrupt with questions and comments and were encouraged to dialogue in sharing experiences. It was stated that there was specific material to present, but opinions and relevant case material were welcome.

The mix of participants was a positive factor in the workshop. It was composed of a varied group of family and individually oriented therapists (their orientations were asked for by a show of hands) and people who worked both in clinics and in private practice. The leader commented that the variety of settings and orientations would add richness to the dialogue. Clinic and private practice are primarily different in terms of the class differences that are apparent in the populations. Thinking about applying the model to both populations raises interesting questions. The different therapeutic orientations lend very different perspectives. Specifically, family therapists are systems oriented and take in account, to a greater degree, the importance of the interrelationships. Individual therapists are usually more psychoanalytically oriented, thinking primarily about the intrapsychic issues.

The morning session lasted from 10:15 a.m. to 1:00 p.m. The energy was high and the momentum was maintained

throughout the morning as the didactic material on my outline was covered. (I and II). There were lengthy discussions about the positive and negative aspects of each custody option. Many group members participated in the discussions. It was indicative of the interest level of the group that no break was needed during the long morning session. No one seemed too tired to continue. At 1:00 p.m., the morning material was completed and a one hour lunch recess was announced. Everyone was asked to return on time as there was a lot of material to cover in the afternoon.

Several participants questioned the workshop leader asking if specific interventions, and dealing with difficult and resistant clients would be dealt with in the afternoon session. They were pleased with the affirmative response. It was 1:05 p.m.

Everyone returned by 2:10 p.m. and the afternoon session began promptly. The support and interest of the participants was felt. The afternoon session was more interesting than the morning session as the didactic material was being applied. Judging by the verbal feedback received, the section on dealing with clients as individuals and couples proved to be one of the most

valuable pieces of the workshop. Participants were interested in the clinical application of the material and felt they gained considerable knowledge about dealing with problem and crisis situations. The techniques offered are transferable to problem situations other than custody, thus, participants gained valuable knowledge.

The presentation of the practice model was very positive. Several participants raised questions about specific cases and how to handle situations. Discussions ensued around these issues. It was stated that this practice model was developed and implemented in private practice with motivated clients and we discussed the feasibility of adapting the model to agency practice with a less motivated and less sophisticated population. Interest was expressed in knowing if this was, in fact, feasible. Follow up interviews with the workshop participants would answer this question.

After dealing with special problems the group was asked if they would like the workshop leader to present a sample case where the therapy was implemented within the model or if they would favor some role playing. The choice was a necessity as it was already almost 4:00 p.m. The group opted for presentation of the case. This took place and a discussion ensued. Then some

additional questions were answered.

Before the session concluded, again without a break, it was reiterated that the leader would be contacting people within the next two months to arrange appointments for interviews. The workshop adjourned at 4:30 p.m.

Several people offered feedback about the workshop, stating comments such as it was "very helpful"; "extremely interesting"; "I'm very glad I came" etc. It felt like a successful workshop.

WORKSHOP EVALUATION

Sample

Sixteen social workers attended the training workshop on Custody and Divorce. They were recruited from outreach efforts of Hunter's Post/Master's Program in Advanced Clinical Social Work and from the Jewish Board of Family and Children Services. The following is a breakdown of the biographical information of the sample population.

There were three male and thirteen female program participants, thus, 19% were men and 81% were women. Their ages ranged from between 29 and 52 with an average age of 40. Sixty-two percent were married; 25% were separated or divorced; 6% were single and 6% were remarried. The sample was equally divided in terms of participants having their own children, with 50% having children and 50% having no children. Three of the divorced participants or 19% had no children; one with maternal sole custody and two with joint legal custody, 6% and 13%, respectively.

Information was sought on the theoretical orientations, practice models and bases of practice of

the participants. In the preworkshop questionnaire 37% of the participants said they practiced with a family therapy orientation; 44% said they worked with a psychoanalytic psychotherapeutic approach; 19% said they practiced using both models.

Most practitioners, regardless of their theoretical orientation, primarily work with a client population of both individuals and couples. (See Table I).

The majority of clinicians who attended the workshop were agency based in their practice, (88%), with 6% in private practice and 6% in both agency and private practice.

ATTITUDES FROM PRE-WORKSHOP QUESTIONNAIRE

The first few questions on the pre-workshop questionnaire dealt with clinician's attitudes toward the various custody arrangements. Attitudes were sought to get a pre-workshop response for later comparison purposes and to determine the initial biases that workers had about custody. Each custody option was defined then participants were asked to rate their feelings about the arrangements on a Likert scale. One participant did not respond to these questions, noting that she (or he) could not make

TABLE I

THERAPISTS' ORIENTATION AND CLIENT POPULATIONS

ORIENTATION

TYPES OF CLIENTS	PSYCHO- ANALYTIC (N=7)	FAMILY THERAPY (N=6)	BOTH (N=3)
INDIVIDUALS	29%	0	33%
COUPLES	0	50%	0
BOTH INDIVIDUALS AND COUPLES	57%	50%	67%
NO "DIVORCE" CLIENTS	14%	0	0
	100%	100%	100%

these generalizations. Thus results will be based on N = 15. All other participants complied with the instructions.

The first two questions asked about mother sole and father sole custody. They were answered identically, with 63% of the workers feeling "positive" about sole custody, 25% feeling "negative," 6% feeling "very negative." These responses indicate that the clinicians maintained the same attitudes about fathers and mothers as sole custodians.

Legal joint custody was defined as "parents having joint responsibility for decisions in their children's lives, but the children reside with one parent and the other parent visits as is done in sole custody arrangements." Twenty percent reported feeling "very positive;" 73% reported feeling "positive;" 7% reported feeling "negative."

Joint physical custody was defined as "parents jointly maintaining responsibility for their children's lives in both decision making and care taking capacities. With joint physical custody the children split their time with both parents on an agreed upon schedule and reside in two homes." Twenty percent of the respondents felt

"very positive" about this arrangement; 33% felt "positive," 40% felt negative; 7% felt very negative.

The results of these questions are summarized in Table II. When asked to choose "the best" custody arrangement, respondents answered in the following way: 31% felt joint legal was the best as did another 31% who felt joint physical was the best. The remaining 38% of clinicians felt they "could not say" which option was best. (Results are recorded in Table III)

Table II indicates that clinicians overall favored joint legal custody (93%), as compared to sole custody arrangements (67%), and joint physical custody (53%). The most negative feelings were expressed about joint physical custody (47%).

When the same question was phrased slightly differently, later in the questionnaire focusing on the children, i.e. "What do you think is 'the best' arrangement for children?" The results were somewhat different; 6% felt that maternal sole custody was optimal; 57% felt that joint legal custody was the best and 31% felt that joint physical custody was the best. One respondent did not reply to the question.

TABLE IITHERAPISTS' FEELINGS ABOUT CUSTODY ARRANGEMENTS

(PRE-WORKSHOP)

ARRANGEMENT	VERY		VERY		
	POSITIVE	POSITIVE	NEGATIVE	NEGATIVE	
MATERNAL SOLE	0	67%	26%	7%	= 100%
PATERNAL SOLE	0	67%	26%	7%	= 100%
JOINT LEGAL	20%	73%	7%	0	= 100%
JOINT PHYSICAL	20%	33%	40%	7%	= 100%

For a third time the question was asked phrased in terms of a custody option the clinician would "recommend." Thirteen percent of the respondents favored maternal sole custody; 57% chose joint legal custody; 31% chose joint physical custody and 6% did not respond to the question.

It is interesting to note that in all three questions, 31% of the respondents chose joint physical custody, regardless of the slant of the question. When put in terms of the needs of the children, however additional favor towards joint legal custody was reported, revealing therapists' attitudes that involvement of both parents is beneficial for the children. But in terms of therapists's recommendations, in general, the traditional arrangement, maternal sole custody gained more favor. (See Table III for a summary of comparisons.)

Maintaining relationships with both parents after divorce was considered important by all the participants, with 88% believing it to be "important." In keeping with these feelings, all clinicians in this sample felt that involvement of the non-custodial parent was important, with 69% of the respondents feeling "frequent involvement, several times a week" was preferable and 31% feeling that "some involvement, once a week" was preferable. No one

TABLE III
COMPARISONS OF "THE BEST" and "RECOMMENDED" ARRANGEMENTS

	"THE BEST"	"THE BEST" FOR CHILDREN	"RECOMMEN- DATION"
MATERNAL SOLE	0	6%	13%
PATERNAL SOLE	0	0	0
JOINT LEGAL	31%	57%	50%
JOINT PHYSICAL	31%	31%	31%
COULD NOT SAY	38%	6%	6%
	100%	100%	100%

felt "total involvement, daily contact," or "sporadic involvement, less than once a week" was most desirable.

The question of the importance of one primary home for children was asked and 62% of the respondents felt it was important, with 31% feeling it "very important" and 13% felt it was "not important." The next question, relating to how well the clinicians felt children could manage living in two homes yielded consistent findings. Twenty percent felt children could adjust "very well" to having two homes. Fifty-three percent, however, felt children could do only "fairly well" and 27% felt children would not do well with this arrangement.

An open-ended question was asked seeking a description of the conditions under which the clinicians felt each custody arrangement would be "the best." The question was divided into four sub-questions, deliniating each of the four arrangements. The open-ended responses from the participants were coded into categories based on the responses, and then collated. This yielded four to seven responses for each of the questions, with respondents occasionally noting more than one condition for each arrangement.

Five responses were chosen for the best conditions for maternal sole custody. The most popular response, "when the other parent is incompetent or emotionally or physically incapacitated" accounted for 50% of the responses. Thirty-eight percent of the sample answered that maternal sole custody was the best "when the other parent is abusive or psychotic." Twenty-five percent of clinicians felt that "when the other parent could not or did not want to provide care of the child" that maternal sole custody was the best. Six percent felt mothers should have custody when "mothers have the best relationship with the child" while 6% who felt mothers should have custody "when mother was the most competent parent." See Table IV for the frequency and percentages of the conditions.

Regarding conditions favoring father sole custody, the responses categories were the same except for the addition of a new category "when the mother changes the norms for the child." The frequency distribution of responses was almost identical; see Table V.

Fifty percent of this sample felt that joint legal custody was the best arrangement when both parents are 'good parents' and have a 'good relationship.'

TABLE IVCONDITIONS CONSIDERED BEST FOR MOTHER SOLE CUSTODY

N = 16

<u>CONDITIONS</u>	<u>FREQUENCY</u>	<u>PERCENTAGES*</u>
When other parent abusive or psychotic	6	38%
When other parent incompetent or incapacitated	8	50%
When other parent could not or did not want to provide care	4	25%
When mother has best relationship with child	1	6%
When mother is the most competent parent	1	6%

*percentages exceed 100 due to multiple responses

TABLE VCONDITIONS CONSIDERED BEST FOR FATHER SOLE CUSTODY

N = 16

<u>CONDITIONS</u>	<u>FREQUENCY</u>	<u>PERCENTAGES*</u>
When other parent abusive or psychotic	5	31%
When other parent incompetent or incapacitated	8	50%
When other parent could not or did not provide care	4	25%
When father has best relationship with child	1	6%
When father is the most competent parent	1	6%
When mother changes norms for child	1	6%

*percentages exceed 100 due to multiple responses

"Thirty-one percent felt that "high cooperation between parents is needed" and added that joint legal custody is preferable to joint physical custody when "one parent has a better living arrangement" for the child. Thirteen percent indicated that joint legal custody was the second choice to joint physical custody if the parents were unable to implement joint physical custody.

The best conditions for joint physical custody yielded the most responses. Seven categories were coded out of twenty-six statements expressing a full range of feelings about the arrangement. This sub-question had the most multiple responses dealing with custody conditions. Forty-four percent of the clinicians felt that joint physical custody was the best when "both parents were 'good parents': both wanted the kids, and they were able to resolve their parental issues." Nineteen percent felt that the parents must live close to each other in order for this arrangement to work well; 25% felt the children needed to be involved in the decision by wanting the arrangement and being able to tolerate moving back and forth. Twelve percent felt this arrangement is best when "neither parent wishes to take full responsibility for their child" and twelve percent felt it is important for "parents to have similar life styles." Six percent expressed "uncertainty" about

TABLE VIBEST CONDITIONS FOR JOINT LEGAL CUSTODY

N = 15

<u>CONDITIONS</u>	<u>FREQUENCY</u>	<u>PERCENTAGES</u>
Both parents are "good parents" and have a good relationship	8	54%
High cooperation between parents; one has better living arrangement	5	33%
Second choice to joint physical if parents unable to do joint physical	2	13%

the arrangement and 44% felt that under no conditions was this arrangement viable.

If the statements about joint custody are grouped according to positive and negative feelings about the arrangement, we can collapse the seven categories into three: positive, neutral and negative. The results show that although there are negative feelings about joint custody (56%) and some neutral feelings (37%), the majority of the clinicians responses (69%) indicate joint custody is a positive option. The frequency distribution is recorded in Table VII

WORKSHOP EVALUATION QUESTIONNAIRE

The evaluation questionnaire sought two types of information: an assessment of the workshop material and a post-workshop assessment of the attitudes about the various custody arrangements.

The first question asked participants what material presented at the workshop was most helpful, listing concrete information, information pertaining to effects of custody, specific interventions and other. Respondents were asked to number their responses in order of helpfulness, and to answer as many categories

TABLE VIIBEST CONDITIONS FOR JOINT PHYSICAL CUSTODY

N = 16

<u>CONDITIONS</u>	<u>FREQUENCY</u>	<u>PERCENTAGES*</u>	
Both good parents; work out parental issues	7	44%] positive 69%
Child wants arrangement and can tolerate moving back and forth	4	25%	
Parents live geographically close to each other	3	19%] neutral 37%
Parents have similar life-styles	2	12%	
Uncertain	1	6%	
Neither parent wants full responsibility	2	12%] negative 56%
None; not viable arrangement	7	44%	

*percentages exceed 100 due to multiple responses

as appropriate. Forty-four percent felt that the concrete information offered on custody arrangements was most helpful and 50% felt that the information pertaining to the effect of custody was most helpful. Forty-four percent of the group cited specific interventions as most helpful and two "other" categories were noted. Six percent of the population felt the model for working with divorcing parents was most helpful and 25% noted the information gained in dealing with the legal establishment was most helpful.

An open-ended question followed, asking program participants if anything else at that workshop was helpful. Thirty-one percent of the respondents did not answer this question, obviously finding question one sufficient for their answers. The remaining 69%, however, had more to say. Nineteen percent cited the "sharing of clinical material" to be helpful and 19% also added that the workshop "clarified the therapist's role." Twelve percent noted that "The presentation was well focused and organized" and 12% felt the material was helpful in that it gave them "motivation to delve into a new area." Six percent of the sample said the workshop assisted in defining the therapeutic contract."

The third question asked for any negative response

to the workshop, and again, was an open-ended question. Fifty percent of the respondents noted they had no negative responses and 31% left the question blank, also indicating no negative responses. Thus, 82% of the participants had no negative responses to the workshop. The 18% of negative responses were coded into three categories, with 6% of the respondents in each. One comment was that the material presented about the individuals' level of functioning was too simplified; one was that not enough new material was presented in the didactic portion of the workshop and the third was a criticism about the fact that the treatment model was developed with a select population.

The next question sought to determine the usefulness of the didactic material. Again the respondents were asked to check all that apply. First choice responses are reported here. Thirty-seven percent felt they became more aware of custody options; 25% became more sensitized to parents' and childrens' needs; 69% reported that the material will enable them to work better with divorcing clients; and no one checked the "was not particularly helpful" category. The "other, please specify" category yielded 25% of respondents saying the didactic portion of the workshop helped them to clarify the pros and cons of each arrangement.

Several questions evaluating specific portions of the workshop were then asked, each with Likert rating scales. The responses ranged from "very helpful to not helpful." This information was sought to get a clearer idea of which portions of the workshop "worked" and to corroborate the initial questions on the helpfulness of specific material.

The first of these questions asked for an evaluation of the information describing the various custody arrangements. One hundred percent of the participants felt the material was helpful, with 67% reporting it was "very helpful" and 31% reporting the information was "helpful." Regarding of the effects of the various custody arrangements, the results were quite similar, with 69% feeling the presentation was "very helpful;" 25% feeling the material was "helpful," and 6% reporting it was "fairly helpful." When the question was asked pertaining to the helpfulness of the material dealing with divorcing couples, the question was answered identically to the former question. When asked about dealing with individual clients, however, the responses were not quite as favorable, with 38% of respondents reporting the material was "very helpful:" 50% of the respondents reporting the material was "helpful" and 6% each reporting the material to be "fairly

helpful" and "not helpful."

The next question dealt with the interventions presented. Sixty-nine percent of clinicians reported that the interventions were "very helpful"; 25% reported that they were "helpful" and 6% reported they were "fairly helpful." When asked to rate the didactic information on setting up custody and visitation arrangements, 56% felt the information was "very helpful," 38% felt the information was helpful and 6% reported that the material was "fairly helpful."

The same question pertaining to the conditions under which each custody option would be "the best" was asked again in the evaluation questionnaire. The open-ended responses, though quite similar to the pre-workshop responses are somewhat more succinct, coded in three to six answers, and reflecting some of the material from the workshop. Participants cited more condition in the evaluation questionnaire than in the pre-workshop questionnaire as shown by 20% responses in the pre-workshop as compared with 28% responses in the evaluation. Forty-four percent of responses indicated that mother sole custody is best when the father is abusive or disturbed: 38% when the father incompetent; 25% when the father is not willing to be part of the care; 44% when the

parents can't communicate, and 25% when the mother is the most competent parent. Table VIII compares the pre and post workshop responses to this question.

The "percentage change" column in Table VIII shows the positive or negative attitude change that occurred after the workshop intervention. What appears to be most significant is an addition of a new category on communication which can be directly attributed to the material presented at the workshop. This indicates that clinicians feel that communication is an important criteria for shared custody arrangements, thus, when parents can't communicate sole custody may be warranted.

When asking about conditions favoring father sole custody, 44% felt it would be best if the mother was abusive or disturbed; 38% felt it would be best if the mother was incompetent and 38% also cited the corollary of the father being the more competent parent. Six percent reported that father would be the best custodian if mother changed the norms for the child and 31% cited that fathers should have custody when the parents can't communicate. The issue of communication was again added to both maternal and paternal custody in the evaluation questionnaire reaffirming the clinicians belief that in the event of a lack of communication, sole custody is

TABLE VIIIBEST CONDITIONS FOR MOTHER SOLE CUSTODY

CONDITIONS	PRE- WORKSHOP	POST- WORKSHOP	PERCENT CHANGE
When father is abusive or psychotic	38%	44%	+6%
When father is incompetent or incapacitated	50%	38%	-12%
When father did not or could not provide care	25%	25%	0
When mother has best relationship with child	6%	0	-6%
When mother is most competent parent	6%	25%	+19%
When parents can't communicate	0	44%	+44%

the more viable option. The results of these questions and percentages are reported in Table IX.

An interesting post-workshop finding in this table reveals a more positive attitude toward fathers as custodians. A +32% change in the category of "father being the most competent parent" as a prime condition for fathers having custody can be compared to the -25% change in the fathers having custody when "mothers could not provide care." Thus, in the pre-workshop analysis, fathers are chosen as custodians out of default in contrast to the post-workshop responses where fathers become the parent of choice.

The open-ended responses to the joint legal custody question were easily coded into three categories. When both parents have a 'good relationship can agree and communicate' was the choice of 56% of the clinicians. Twenty-five percent of the respondents said they would favor joint legal custody if the parents could separate the marital and parental roles, and 31% of the respondents favored joint legal custody, if joint physical custody was not possible. Table X has the compilation of this data. In the pre-workshop joint legal custody question, 31% of the respondents stated a condition to be "high cooperation between parents, but one parent has

TABLE IXBEST CONDITIONS FOR FATHER SOLE CUSTODY

CONDITIONS	PRE- WORKSHOP	POST- WORKSHOP	PERCENT CHANGE
When mother abusive or psychotic	31%	44%	+13%
When father has best relationship with child	6%	0	-6%
When father most competent parent	6%	38%	+32%
When mother changes norms for child	6%	6%	0
When mother incompetent or incapacitated	50%	38%	-12%
When mother did not/ could not provide care	25%	0	-25%
When parents can't communicate	0	31%	+31%

TABLE XBEST CONDITIONS FOR JOINT LEGAL CUSTODY

CONDITIONS	PRE- WORKSHOP	POST- WORKSHOP	PERCENT CHANGE
Parents can communicate and have 'good relationship'	50%	56%	+6%
High cooperation between parents - but has better living arrangements	31%	0	-31%
Second choice to joint physical	12%	31%	+19%
If parents can separate marital and parental issues	0	25%	+25%
No answer	6%	0	-6%

better living arrangements." In the post-workshop questionnaire, this response was eliminated. This seems to indicate that the workshop participants understood the concept of joint legal custody in a different, non-material way. Another significant change evident in this table, is the addition of the condition for parents to separate marital and parental roles, a theme that was stressed at the workshop.

The conditions under which joint physical custody would be the best promoted the most responses (six). The answers to this question were most different in the pre and post workshop questionnaire. Seventy-five percent of responses reported that joint physical custody would be best if both parents could agree and communicate; 6% felt it would be best if parents don't want full responsibility; 6% felt it best if physical and financial resources are available; 25% reported it would be best if the children could adjust; 12% reported the need for easy geographical access and 6% felt the arrangement is "rarely viable." The summary of results is offered in Table XI.

Several percent changes in this table are significant. Of most interest is the -38% change indicating that only 6% of clinicians felt joint custody was rarely viable

TABLE XI
BEST CONDITIONS FOR JOINT PHYSICAL CUSTODY

CONDITIONS	PRE- WORKSHOP	POST- WORKSHOP	PERCENT CHANGE
Parents have good relationship - communication	44%	75%	+31%
Parents live close together	19%	12%	-7%
Child can adjust wants arrangement	25%	25%	0
Neither parent wishes full responsibility	12%	6%	-6%
Parents have similar lifestyles	12%	0	-12%
Physical and financial resources available	0	6%	+6%
Uncertain	6%	0	-6%
Not viable	44%	6%	-38%

in the pre-workshop questionnaire. The +31% change in the 'communication' item also is directly attributed to the material stressed at the workshop.

The clinicians were then asked which custody option they would recommend. This was an identical question to one asked in the pre-workshop questionnaire. The comparisons are interesting. In the pre-workshop questionnaire, 13% reported they would recommend maternal sole custody in the post-workshop questionnaire. The percentages changed from 54% recommending joint legal custody in the pre to 56% recommending the arrangement in the post workshop questionnaire. The results are compiled in Table XII.

The researcher sought to determine how much practice was influenced by the workshop. The workers' perceptions were measured by a Likert Rating Scale. Eighty-eight percent of program participants reported they were influenced by the workshop, with 32% reporting they were "greatly influenced," 50% were "influenced" and 6% said they were "somewhat influenced." Six percent said they were "not influenced." The next question was open-ended and asked participants to state how they were influenced, if in fact, they were. Seven categories were coded from the responses expressing therapists' attitudes, under-

TABLE XIITHERAPISTS' RECOMMENDATION OF CUSTODY OPTIONS

ARRANGEMENT	PRE- WORKSHOP	POST- WORKSHOP	PERCENT CHANGE
Maternal Sole	13%	0	-13%
Paternal sole	0	0	0
Joint legal	54%	62%	+8%
Joint physical	33%	56%	+23%

*18% of the sample chose both joint physical and joint legal for their responses, hence, the total of 118%.

standing of this client population, therapeutic interventions, etc. Table XIII reports the responses and frequencies of each.

The final question asked for an overall evaluation of the workshop, again on a four point Likert Scale. Seventy-five percent of participants said the workshop was "very helpful," 19% of participants felt the workshop was "helpful" and 6% reported the workshop to be "somewhat helpful." There was space provided for "additional comments" three workers responded: "You established an extremely open atmosphere for discussion:" "I'm interested in further information, particularly on childrens' attitudes" and "Thanks"!

TABLE XIIIFACTORS INFLUENCING THERAPISTS' PRACTICE

<u>ITEM</u>	<u>FREQUENCY</u>	<u>PERCENTAGES*</u>
Obtained systematic way of exploring custody issues	4	25%
Enabled me to present options and educate parents	4	25%
Provided better understanding of custody issues	5	31%
Helped define needs for joint custody	1	6%
Changes attitude to favor joint custody	3	19%
Clarified role of therapist	2	12%
Interest in trying this work	2	12%

*percentages exceed 100 due to mutiple responses

DATA COMPARISON

Several cross-tabulations were made between the clinicians' background characteristics and their attitudes about custody options. Both pre and post workshop recommendations for custody options were compared with the clinicians' theoretical orientation.

Of those with a psychoanalytic orientation in the pre-workshop questionnaire, 57% recommended joint legal custody, 29% recommended maternal sole custody and 14% could not recommend an option. It is worthy of noting that no family therapists recommended sole custody options, but recommended joint physical custody as the option of choice. This fact could be attributed to the family rather than the individual orientation of the practitioner. Table XIV shows a compilation of these results.

Table XV reports the results of the comparison between therapist's orientation and custody recommendations from the post-workshop material. The first change is that one of the participants, who previously identified him/herself as a psychoanalytic psychotherapist changed orientation to the "both" category.

TABLE XIV

RECOMMENDED CUSTODY OPTION
BY ORIENTATION OF PRACTITIONER
(Pre-Workshop)

RECOMMENDED CUSTODY OPTION (Pre)	PSYCHO- ANALYTIC (N=7)	FAMILY THERAPY (N=5)	BOTH (N=4)
Maternal Sole	29%	0	0
Paternal Sole	0	0	0
Joint Legal	57%	40%	50%
Joint Physical	0	60%	50%
Cannot say	14%	0	0
	100%	100%	100%

TABLE XV
 RECOMMENDED CUSTODY OPTIONS
 BY ORIENTATION OF PRACTITIONER
 (Post-Workshop)

RECOMMENDED CUSTODY OPTION	<u>ORIENTATION</u> PSYCHO- ANALYTIC (N=6)	FAMILY THERAPY (N=5)	BOTH (N=5)
Maternal Sole	0	0	0
Paternal Sole	0	0	0
Joint Legal	83%	40%	80%
Joint Physical	17%	60%	60%
cannot say	0	0	0

*Two participants chose both joint physical and joint legal for their responses

Of the analytic therapists, 83% reported they would recommend joint legal custody and 17% reported they would recommend joint physical custody, as compared to 57% and 0, respectively. No one recommended a sole custody option unless extenuating circumstances demanded it. The opinions of the family therapists remained the same in the post-workshop data. There was a difference, however, in the "both" orientation category. Eighty percent, and sixty percent would recommend joint legal and joint physical custody respectively. These large percentages are accounted for due to multiple responses of two clinicians.

This data shows an increase in positive attitudes towards joint custody after the workshop, particularly in psychoanalytically oriented psychotherapists.

In sum, the post-workshop data indicates a successful intervention. Participants expressed positive responses to direct questions seeking feedback on the workshop and the comparisons of the pre and post workshop data clearly indicate clinician attitude changes favoring more openness to new custody arrangements. The next chapter will explore the utilization of the workshop material in clinical practice.

UTILIZATION

The questionnaire results gave a clear picture of attitude changes in the clinicians, but understanding how this material becomes translated into practice is of primary importance to this project. In order to assess the utilization of the workshop material an interview schedule was developed (included in the Appendix).

All of the workshop participants were interested in integrating the knowledge and interventions they learned in the workshop into their practices. The biggest obstacle, however, was the fact that many of the clinicians did not have the appropriate clients (who were in the process of divorce) in their caseloads. A few people anticipated that these cases would develop, and others were unsure as to how to obtain this population. A more complete discussion of this issue is in the implementation section of this paper.

The following section is a description of the utilization of the workshop material in the clinical practices of several of the workshop participants.

INTERVIEWS

All workshop participants were contacted by telephone between one and two months after the workshop to arrange personal interviews. Of the sixteen participants seven people expressed an interest in being interviewed. Eight participants reported they had not yet used any of the workshop material but would be interested in interviews at a later date if the material became relevant, and one person declined an interview due to a family crisis. The eight non-interviewed participants were called a second time two and half to three months after the workshop, but still said they were unable to integrate workshop material into their practices due to the unavailability of divorcing clients.

The interviews were open-ended, based on a semi-structured interview schedule. The general questions asked how the workshop material was integrated into the clinicians practice. Several of the clinicians interviewed had no cases to report on, but were able to discuss the effects of the workshop on their attitudes and practice. The interview format, varied from person to person, based upon their own experience in using the material.

The interviewer audio taped and took notes during each session. The duration of each session was between one and one and one-half hours. Following is a compilation of the data gathered from the seven participants, 44% of the workshop group.

The comments heard most frequently from all the workshop participants involved their frustration at not having enough clients in the "divorcing stage" to utilize the workshop material. Several of the therapists discussed this problem in terms of the need to educate the public. Extensive outreach is needed to let pre-divorcing clients know there are services available to help them through the initial stage of deciding upon custody and visitation arrangements. Thus, the "preventive piece" needs to be further explored in mental health clinics. This issue will be dealt with in the "implications" chapter.

In response to the specific question of what material from the workshop was found to be most helpful, the answers can be categorized as follows.

Five out of seven people interviewed felt that understanding the specifics of the custody arrangements

was most helpful to them. The differences between joint legal and joint physical custody were mentioned as "very useful" and one worker responded that he could better assist a father seeking joint custody now that he knew the realities of the arrangement. One clinician summed up her answer this way:

"Because of the workshop, I felt confident to get into issues about custody which I previously would have avoided. In a consultation session with a couple around their son's problems (she's a school social worker) I found out they were planning on separating so I asked them what custody arrangements they were planning on. I would not have asked that before the workshop... either assuming the mother would have custody, or maybe not even thinking about it. The parents response was that they hadn't really thought about it, so I launched into a description of the custody options and was able to discuss each option with them intelligently. The parents were pleased and I felt really good about the session."

"Thinking more in terms of the preventive piece" was also mentioned as most helpful, as was "focusing divorcing clients on specific issues and the need for the

therapist to be directive."

There were many different responses when workers were asked how they integrated workshop material into their practices. But most said that new knowledge was gained and it enabled workers to expand their areas of practice. For example, one woman said "the workshop had a definite impact on my practice. I clearly feel I have more knowledge now and I am eager to use it." More specifically, another practitioner, described a case she is working with -- a single mother of a five year old and the child's father who has a new wife. The mother had sole custody for the three years they were divorced, but now that the father re-married, he and his new wife were interested in obtaining joint custody of the child. Prior to the workshop training, this clinician reported she would have dismissed his request for joint custody. Now she explored his interest in changing the custody arrangement, more fully understanding the pros and cons of joint custody. She was able to help the mother understand the arrangement and project the effects joint custody would have on her son. The mother was uncomfortable with her son's relationship with her ex-husbands' new wife. After several sessions, it was agreed that the mother would maintain sole custody but the father would increase his visitation. this solution seemed satisfactory to all family members. The

worker expressed her understanding of the model this way:
"It helped me see the value of opening up the system to include other adults and not restrict the child to live within a tight, closed system."

An interesting case described involved unmarried parents of a two year old. The couple always lived apart, but the father established his paternity rights in court. He was referred to a court clinic for counselling because he was having problems with visitation. He told the worker that he wanted to return to court for joint custody. After several sessions, it became clear to the therapist that this father was quite limited in his social and organizational abilities. Knowing the pragmatics of joint custody from the workshop enabled him to explore with his client what he would need to do, if in fact, he had joint custody. Upon further discussion, the father decided that visitation was really all he could feasibly manage given his current resources. The therapist felt the workshop was very helpful in resolving this issue with this client.

Another clinician described a case with the presenting problem of an acting out child. The child was living with his mother while the father had been out of the house for a year. In assessing the problem of this family,

it was evident that the separation was not resolved for the mother or the child. Upon questioning them, the therapist found out that the father rarely saw his son. Prior to attending the workshop, this clinician stated she would have worked with the mother and child with the task of helping them resolve the separation. Now, she explained, she is adding the dimension of dealing with the father. She wants to bring him into treatment as well, and help the family establish regular visitation arrangements. She credits the workshop with her greater understanding of the role of the absentee father in the divorce situation.

This theme was echoed by another worker who described a case of a single mother who is a lawyer. She has custody of her five adolescent children and is constantly annoyed at her ex-husband. She has difficulty in separating the marital and parental roles and often sabotages her children's visits with their father. This worker feels that through the help of the workshop, she is better able to assist her client in separating the marital and parental roles and supports the father's involvement with his children in a way she previously would not have done.

Other issues were frequently mentioned during the interviews explaining how the workshop material becomes integrated into practice. They are summarized in Table XVI.

TABLE XVIWORKSHOP MATERIAL INTEGRATED INTO PRACTICE

<u>ITEM</u>	<u>FREQUENCY*</u>
Worker has more realistic knowledge to deal with clients who request joint custody.	4
Provides clearer assistance to help clients separate marital and parental roles.	6
Ability to clarify and discuss custody options.	10
Ability to help parents work on the importance of both parents maintaining relationships with children.	5
Get involved with custody issues which previously would have been avoided.	2
Material is even helpful "after the fact" (of the divorce.)	4
Concrete stages of model presented.	4
Have less reliance on lawyers.	2
Relate custody issues to children developmentally.	2

*Frequency refers to the number of times the item was mentioned in the interviews.

Several clinicians interviewed felt the workshop had specific impact on their attitudes. They described changes that they directly attributed to their workshop experience.

Our worker explained he now understood the concept of divorce mediation and credited the workshop with a referral he made to the divorce mediation clinic of his agency. Prior to his experience at the workshop he was skeptical about the process. Another clinician reported that "I have a different view of joint custody. Before the workshop I thought that when neither parent wanted the child they chose joint custody and I was very negative about it. Now I feel it's a positive option."

One therapist said that the workshop clarified why past situations hadn't worked. She felt it was helpful to understand how the clinician can keep from being triangled into a situation and not be intimidated by an angry couple. Previously, she said, she took on too much responsibility and now she feels more able to deal with these situations. She reported that she took the workshop information back to her clinic staff.

Another therapist passed on workshop information by xeroxing notes she took at the training session for a

colleague. She and her partner do peer supervision together and she discussed the material presented, which proved helpful in dealing with her colleague's case.

The therapists interviewed were asked if there were any constraints from their agencies in using the workshop material. For the most part, all respondents felt support from their clinics. The problems that arose, however, had to do with dealing with already established divorce mediation projects. For example, in one clinic four social workers who attended the workshop, were interested in beginning a preventive service program on dealing with divorce and custody issues. The problem, however, is that the agency has a divorce mediation service which is currently being underutilized and the administration was reluctant to approve a project that might "take clients away" from the already established service.

At a different clinic in New Jersey, a worker described a similar administrative problem. Her clinic did not have a divorce mediation service, but they are a referral service for a county divorce mediation program. The administration decided it would not be expedient, politically, to establish a new service that would conflict with the goals of the county program. Thus, in both

cases, same creative program planning has begun to develop new services with a focus on custody issues rather than the whole divorce process, which would not directly conflict with the existing divorce mediation services.

Asking program participants for the effects of the workshop yielded two categories of responses. One was the personal sense of interest and satisfaction gained, as expressed through comments such as: "It made me feel less hopeless and helpless in working with divorcing couples"; "My energy level went up"; "The work is exhausting, but exciting"; and "I'm more ready to deal with different problems and angry couples." Two different therapists mentioned that they felt the model presented was primarily applicable to high functioning middle class people.

The second effect of the workshop involved the generation of new ideas that resulted from the material presented. Several clinicians shared ideas for new projects that they wanted to implement within their clinic settings and others talked about their personal ideas and interests in working with divorcing couples. For instance, one therapist explained, "now that I feel capable of handling issues I previously couldn't deal with I am personally

more interested in working with divorcing couples."

Another worker who facilitates two Single Parents Groups said she has new material to draw upon for her groups.

In terms of agency programs, one practitioner described a new program, The Parent Consultation Center, which is being implemented at her agency. The goals of the program are to help parents deal more effectively with their children. While they certainly have plans for dealing with single parent issues, they did not think of engaging pre-divorced parents in a preventive service piece. Therapist discussed the workshop material with the project director and they are making plans to implement an outreach program to assist parents through the custody decision making process, prior to divorce.

In a different agency, where four practitioners attended the training workshop, they are discussing how to do outreach to assist the pre-divorcing clients who could benefit from these services. While everyone agrees on the value of these services the problem of engaging the "at risk" population to provide the necessary services becomes the great delimma. Discussion ensued on planning an informational educational meeting on custody and visitation for parents interested in the topic. The goal is to engage people in "pre-divorce counselling" in order

to assist them in making intelligent custody and visitation arrangements.

In summary, ideas and excitement were generated from the workshop and it appears to have had a significant positive effect on the workshop participants. The next chapter will discuss the implications of this workshop and deal with the limitations of the project. The unanticipated problems that arose will also be addressed in terms of the applicability of this material in clinical practice.

IV. SUMMARY AND IMPLICATIONS

Introduction

Although this training workshop for clinicians only reached a small sample, implications for practice can be drawn. The intervention should be viewed as an exploratory study which introduced new concepts into practice. This project, however, just scratched the surface. It raised new ideas, presented a treatment model and integrated techniques to be used in practice. As discussed in the previous chapter, clinicians who participated in this training are beginning to utilize this material, but further research and a later follow up would be helpful in providing data to determine the long term effects and usefulness of the integration of this material.

SUMMARY OF WORKSHOP AND INTERVENTIONS

From the evaluation of the workshop and the analysis of the utilization of the workshop material, it seems clear that the intervention was effective. The goal of influencing clinician's practice was reached. There were changes both in attitudes and in clinical work.

Attitude Changes

As was shown in the comparison tables of the pre and post workshop questionnaires, attitude changes can be identified. Objectives of this project included introducing the option of joint custody as a viable arrangement and helping practitioners understand the importance of both parents maintaining relationships with their children after divorce. Both of these objectives were realized. More flexible attitudes can be seen in the post workshop material. For example, one clinician, who initially viewed joint custody as an arrangement chosen when neither parent wanted the children, later understood the option as a positive choice.

Outcome Changes in Practice

The clinicians who were interviewed reported changes in their practice. To begin with, there was a change in the interest in dealing with divorcing couples. Several practitioners who did not previously deal with this population were attempting to branch out into the custody area. A few therapists spoke of cases where they would have previously not intervened in the custody issue, but did so, with confidence, after

the workshop. This suggests that although clients presented custody issues, the need would have previously been unmet, and probably ignored. Several clinicians expressed satisfaction with their new skills to deal with these problems.

In addition, many of the workshop participants brought the material back to their agencies, both formally and informally. It was reported to the interviewer that the material was talked about and well received. At two clinics meetings were organized and the social workers who attended the workshop presented the salient material. Both of these clinics are interested in beginning programs to reach the divorcing population and are developing outreach strategies. At other clinics, the workshop participants reported that they informally discussed the custody issues with their colleagues.

Organizational Obstacles

As reviewed in the methodology section of this paper, the original project involved obtaining a sample of twenty-four couples in the process of divorce. This sample was not obtained in large part because of the constraints of the agencies involved. At D.C. 37,

the original site for the workshop, there was an initial difficulty because the attorneys only represented one part of each couple. Thus, they could not request that both spouses attend the workshop; they could only make the recommendation. Given the larger problems discussed in a prior section of this paper, however, this became a moot point.

These organizational problems continue in one form or another. While clinicians are excited about developing and implementing new programs for divorcing clients, strategies need to be developed to deal with the agency administrations. For example, one workshop participant reported that her agency was interested in custody mediation, but the clinic administrator was concerned about "taking clients away" from the county's divorce mediation program. It seems like social workers are interested in providing services, but there is competition for clients! The question is: why are these services underutilized?

This project raised many such questions and uncovered some unanticipated problems. They will be addressed later in this paper.

Unanticipated problems

Due to the difficulty in obtaining a sample of a client population, the project proposal was revised to address clinicians as the target group for intervention. No difficulty was anticipated in gaining an adequate sample of social workers. This proved not to be the case, however, even after extensive outreach.

It was initially anticipated that approximately thirty-five to forty clinicians would participate in the workshop. Post-workshop interviewing was to be based on a sample of program participants. However, twenty-eight social workers registered for the training program and sixteen attended the session. The researcher then decided to interview every participant to gather information on utilization. This altered goal, too, was thwarted, when only seven participants had material to offer in interviews. Thus, the self-selected sample became even more limited. This points to a central question of this project: If this program is such a valuable addition to working with divorcing couples, why aren't clinicians interested in attending the training program? And for those who are trained and enthusiastic about working with this

model with divorcing couples, why aren't the couples in need utilizing the services? The participation problem directly parallels the utilization of services problem; the issue is the same.

Discussion

The probability for lack of interest in this program lies in the traditional attitudes and norms of divorce in our society. Divorce, with conflictual and angry feelings is seen as an adversarial process. When a couple is divorcing the issues become blurred and any and all ammunition is used to further one's fury. The institution of marriage is a legal one, thus, the dissolution of the contract is also a legal process, and is handled as such by attorneys. By design and through training, attorneys learn to argue: their goal is to advocate for their client and to win their case. In a marital situation, particularly when children are involved, one parent "winning" the case is in fact, not winning at all, since the child, thus, loses a parent. William Haddad in The Disposable Parent, explains that "The court made me an ex-father as well as an ex-husband," (Roman and Haddad, p. 1.) If we consider the best interests of the children, this certainly cannot be interpreted

as winning. But according to the adversarial system, each parent must prove that he or she is the better parent and/or that the other parent is "unfit." This often prompts spouses to attack each other with insults and dredge up incidents to promote their cases. "Custody litigation proceedings aggravate family situations: they create more acrimony between parents, more pain for the children, and an escalating hostility that may never end." (Bienenfeld, p. 1)

So why do people, repeatedly engage in this process when the horror stories are well documented?

Our society is a competitive one, grounded in individualism, and each man (and woman) is taught that she or he can win! Attorneys encourage parents to fight for custody and they use whatever tactics they deem necessary to win their cases. Oddly enough, this feels supportive to angry parents. In addition, it must be recognized that when people are in crisis it is natural and more secure to chose options which are comfortable and familiar. Choosing the unknown is usually reserved for people who feel competent and secure. This adds to the difficulty of moving towards a new and different concept. In addition, the damaging aspects of custody fights are not realized in the beginning and when they become apparent, the parents are "in too deep" to get out.

What are the alternatives? The obvious answer lies in the realm of mediation, under which this project falls. The question remains, however, how to do outreach so clinicians can be trained and clients can partake in the services. An analysis of the problems faced in implementing this project point to the need for extensive work to be done in outreach and education. The public needs to know there is an alternative to the adversarial system, and that it can work. Parents need to know the effects of custody litigation on their children. It is a matter of reframing or redefining the problem. The problem as it is traditionally understood is that because the parents are divorcing, they must fight with each other to get what they want; They must win. The meaning of "winning" needs to be reexamined. Rather than one parent winning the kids, the kids need to win the parents and this can be done through reframing the custody battles.

In family therapy, reframing is a technique that is frequently used. Watzlawick et al. (1974) defined reframing as changing "... the conceptual and/or emotional setting or viewpoint in relation to which a situation is experienced and to place it in another frame which 'fits the facts' of the same concrete

situation especially well, or even better and thereby changing its entire meaning" (p. 95). Thus, parents need to be educated to the idea that they can "win" the custody battle through negotiation and arrive at a mutual settlement of custody and visitation, whereby both parents partake in parenting functions. On the contrary, custody litigation leading toward one parent winning and the other losing cannot be defined as winning. In a divorcing family the ties remain even though the marital dyad dissolves.

Disseminating this information is not an easy task and will take time and strategy to accomplish. Attorneys are a prime target to be educated as well as mental health professionals.

Implications for Practice and Further Research

This study, although limited clearly points to the value of using the model presented to deal with custody issues in divorce. Of equal importance, however, is the knowledge that the public, clinicians, attorneys as well as consumers of services, need to be apprized of the issues involved in the divorce process, and the various options available.

This raises the question of further research. It would seem that research is needed to better understand peoples' attitudes about the divorce process. In order to impact upon and change existing attitudes, one must first be clear as to what exactly the attitudes are.

Attitude studies could be done both through random samples of the general population as well as with the specific target (divorcing) group. It would be interesting to study two sub-groups of divorced parents, one which went through the traditional adversarial process and the other which took the 'mediation' route. An outcome study of these two groups would shed light on the differences that emerged during the process. The quality of the post-marital parental relationship and the differences (if any) in the parents' relationship with their children could be highlighted. As studies like this are done examining the divorce process and findings show that the adversarial model is not as effective in solving family crisis, attitudes will probably begin to change. But change comes slowly, and traditions die hard.

Conclusion

Deciding upon child custody after divorce is a difficult process. Life cycle and developmental stages influence both parents and children and effect custody decisions. Thus, arrangements need to be reassessed and renegotiated periodically.

As shown in the literature review, the traditional approach is no longer satisfactory; "Though opinion is practically unanimous that 'there has to be a better way,' such progress as has occurred or is developing has been at an evolutionary rather than a revolutionary pace." (Megen and Schlissel, p. 496.) This is because of the resistance to change in our established fields of law and mental health. This study is an example of a bit of the evolutionary process. Perhaps this project was premature and should have been preceded by an educational project to spread the word on divorce and custody mediation. New ideas always demand extensive study and research and take time to become part of the fabric of social consciousness.

Appendix A

CLINICAL INSTITUTEWORKING WITH CUSTODY ISSUES IN DIVORCE

This one day workshop will explore different practice models for work with parents in the process of divorce. Content will address interventions with the individual client as well as with couples.

Focus will be on:

- * How to help parents decide "the best" custody option
- * Concepts of joint, sole and no custody
- * Positive and negative effects of each custody option
- * Specific therapeutic interventions

This institute is being offered free as part of a research project. Participants in the workshop will be asked to complete a follow-up questionnaire and possibly have an interview with the instructor.

The workshop will be led by Barbara Rothberg, MSW, Clinical Supervisor, JBFCs; Faculty, Hunter Post-Masters Program in Family Therapy; Private Practice.

DATE: SATURDAY, DECEMBER 3, 1983

10 a.m. to 4 p.m.

at HUNTER COLLEGE SCHOOL OF SOCIAL WORK

Enrollment will be limited! Send tear-off to Post-Master's Program in Advanced Clinical Social Work, Hunter School of Social Work, 129 E. 79 Street, New York, N.Y. 10021; or telephone 570-5101.

I am interested in attending the Institute on Working with Custody Issues in Divorce.

Name _____

Address _____

Home phone no. _____ Work phone no. _____

JEWISH BOARD OF FAMILY AND CHILDREN'S SERVICES, INC.

Executive Office Memorandum

127

to All Professional Staff

Date Nov. 9, 1983

from Harry Blumenfeld

I want to call your attention to the attached flyer for a workshop for therapists treating parents in the process of divorce.

Barbara Rothernberg is a supervisor at our Tri Agency Project, and this workshop is part of her doctoral research.

The Agency has supported Ms. Rothernberg's research and your participation would be appreciated.

*HB
(mk)*

HB/mk

WORKING WITH CUSTODY ISSUES IN DIVORCE

This one day workshop will explore different practice models for work with parents in the process of divorce. Content will address interventions with the individual client as well as with couples.

Focus will be on:

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Address _____

Home phone no. _____ Work phone no. _____

Appendix B

INFORMATION ON PRACTICE

1. I am currently working with divorcing/separating parents
(please indicate number)

as individual clients _____ as couples _____ in both modalities _____

2. Have you worked with divorcing/separating parents in the past two years? If yes, check modality which applies.

No _____

Yes, as individual clients _____ Yes, as couples _____

Yes, in both modalities _____

3. I expect to be working with divorcing/separating parents in the next few months (check all modalities that apply)

as individual clients _____ as couples _____ in both modalities _____

4. The presenting problem of most of my divorcing/separating clients is:

issue of divorce/separation _____

other issues & separation issue emerges _____

both _____

5. My theoretical orientation is:

family therapy _____ psychoanalytic psychotherapy _____

other (please specify) _____

6. The best time for me to be interviewed is

daytime _____ evening _____ week-end _____

Name _____

Address _____

Home phone number _____ Work phone number _____

(1) (2) (3)

PRE-WORKSHOP QUESTIONNAIRE

This questionnaire is designed to assess the therapists' attitudes toward different custody arrangements.

For coding purposes, please follow the instructions below to fill in the blanks on the upper right hand corner of this page. Anonymity will be maintained.

- (1) the first digit of your address
 - (2) the last letter of your first name
 - (3) the first letter of your mother's first name
-

The first few questions will deal with different types of custody arrangements.

1. When mothers have sole custody it means that mothers have the responsibility for decision making and care taking of the children who reside with her. How do you feel about mothers having sole custody?

(very positive)	(positive)	(negative)	(very negative)
1	2	3	4

2. When fathers have sole custody it means that fathers have the responsibility for decision making and care taking of the children who reside with him. How do you feel about fathers having sole custody?

(very positive)	(positive)	(negative)	(very negative)
1	2	3	4

3. Legal joint custody or joint decision making refers to parents (mothers and fathers) having joint responsibility for decisions in their children's lives, but the children reside with one parent and the other parent visits as is done in sole custody arrangements. How do you feel about joint legal custody or joint decision making?

(very positive)	(positive)	(negative)	(very negative)
1	2	3	4

page 3

(1)
(2)
(3)

10. Under what conditions do you think each of the following would be "the best" custody arrangement?

Mother sole _____

Father sole _____

Joint legal _____

Joint physical _____

11. What do you think is "the best" arrangement for children?

mother sole _____ father sole _____ joint legal _____
 joint physical _____

12. All things being equal, if you had to recommend a custody option, which would you choose?

mother sole _____ father sole _____ joint legal _____
 joint physical _____

13. Do you have children?

yes _____ no _____

14. What is your marital status?

married _____ divorced _____ separated _____
 single _____ re-married _____ widowed _____

page 4

(1)
(2)
(3)

15. If you are separated or divorced and have children, what is your custody arrangement?

mother sole _____ father sole _____ joint legal _____

joint physical _____

16. Please indicate your sex.

male _____ female _____

17. Please state your age _____

18. From where is your primary client population?

agency _____ private practice _____ other _____
(specify)

19. With which population do you primary work?

individuals _____ couples _____ both _____

20. What is your theoretical orientation?

family therapy _____

psychoanalytic psychotherapy _____

other (please specify) _____

(1)(2)(3)WORKSHOP EVALUATION

For coding purposes, please follow the instructions below to fill in the blanks on the upper right hand corner of this page.

Anonymity will be maintained.

- (1) the first digit of your address
 (2) the last letter of your first name
 (3) the first letter of your mother's first name
-

1. What material presented at the workshop was most helpful to you?
 (Check all that apply; number responses in order of helpfulness)

_____ concrete information on custody arrangements

_____ information pertaining to effects of custody

_____ specific interventions

_____ other (please specify) _____

2. Was anything else at the workshop helpful to you? (please specify)

3. Did you have a negative response to any material presented at the workshop? (please specify) _____

4. How was the material useful to you?
 (Check all that apply; number responses in order of helpfulness)

_____ became more aware of custody options

_____ became more sensitized to parents' and children's needs

_____ will enable me to work better with divorcing clients

_____ was not particularly helpful

_____ other (please specify) _____

PAGE 2

(1)	(2)	(3)
-----	-----	-----

5. Please evaluate the information describing the various custody arrangements.

(very helpful)	(helpful)	(fairly helpful)	(not helpful)
1	2	3	4

6. Please evaluate material presented on the effects of various custody arrangements.

(very helpful)	(helpful)	(fairly helpful)	(not helpful)
1	2	3	4

7. How helpful was the material on dealing with divorcing couples?

(very helpful)	(helpful)	(fairly helpful)	(not helpful)
1	2	3	4

8. How helpful was the material presented on dealing with individual clients who are divorcing?

(very helpful)	(helpful)	(fairly helpful)	(not helpful)
1	2	3	4

9. Please evaluate the interventions presented.

(very helpful)	(helpful)	(fairly helpful)	(not helpful)
1	2	3	4

10. How helpful was the didactic information on setting up custody and visitation arrangements?

(very helpful)	(helpful)	(fairly helpful)	(not helpful)
1	2	3	4

11. Under what conditions do you think each of the following would be "the best" custody arrangement?

Mother sole _____

Father sole _____

PAGE 3

(1)	(2)	(3)
-----	-----	-----

Joint legal _____

Joint physical _____

12. All things being equal, if you had to recommend a custody option, which would you choose?

mother sole _____ father sole _____

joint legal _____ joint physical _____

13. How much do you feel your practice will be influenced by this workshop?

(greatly influenced) (influenced) (somewhat influenced) (not influ.)

1

2

3

4

14. If you feel your practice will be influenced, please state how.

15. What is the primary orientation with which you work?

_____ family therapy _____ individual therapy _____ other (please specify)

16. What is your overall evaluation of the workshop?

(very helpful) (helpful) (somewhat helpful) (not helpful)

1

2

3

4

Additional Comments:

Interview Schedule

1. What material from the workshop have you found most helpful in practice? Explain
2. How have you integrated the workshop material into your practice?
3. Has your practice with divorcing parents changed since attending the workshop? If yes, how?
4. If you work in an agency setting, are there any constraints or problems in doing this kind of work? If yes, please describe.
5. Would you please describe your work with a divorcing client (couple or individual) and tell me how you applied the workshop material?

couple or individual's presenting problem
contract for treatment
couple or individual's ideas about custody
your input
client's reactions to your work
summary of treatment
results
additional comments

6. How would you have handled the case differently prior to attending the workshop?

Additional comments:

Appendix C

WORKSHOP PROGRAM OUTLINE

I. INTRODUCTION

- A. Purpose of workshop
 - 1. For training
 - a. many therapists work with divorcing people
 - b. imparting information on custody options
 - c. teaching techniques
 - 2. For research
 - a. interest in assessing value of workshop using practice model
 - b. in exchange for free workshop - completion of questionnaires and some personal interviews
- B. Check group's orientation
 - 1. How many work within family therapy model?
 - 2. How many work within individual psychoanalytic model?
 - 3. Other models?
 - 4. My approach - family systems
some from analytic perspective may not be comfortable with my style i.e. suggestion of being didactic with clients in custody situations, but take what's useful (Encourage dialogue)
 - 5. Personal information re: divorce
- C. Overview of Workshop - how we'll spend the day
 - 1. questionnaires
 - 2. background on divorce and custody
 - 3. dealing with clients as individuals and as couples
 - 4. explanation of practice model
 - 5. techniques
 - 6. sample situations - role plays
 - 7. wrap up - questions

II. BACKGROUND

- A. General information
 - 1. divorce - becoming a standard stage in life cycle
 - 2. 1977 - 40% of all marriages -- divorce
 - 3. 1980 - almost 50% all marriages -- divorce
 - 4. most couples divorce before middle age

5. 3/4 of couples who divorce have children
6. 2/3 of couples who divorce are women under 30, with children under 7

B. Issues causing stress in divorce

1. breakup of family - psychologically - guilty, anger, resentment
2. physical break up of family - break up of household (structure, stability)
3. dealing with children and their anxieties
4. dealing with parents and their disappointments, angers, frustrations (grandparent generation)
5. dealing with own feelings of disappointment, expectations, angers, fears and anxiety of being single
6. lack of structure and issues of loneliness
7. financial concerns
8. dealing with ex-spouse and children - problems of triangulation
9. legal system - adversarial, which often exacerbates situation causing more stress and tension
10. societal issues of divorce, being single etc.

C. Historical Perspective of Custody

1. Prior to early 1900's children regarded as property and custody awarded to fathers
2. Between 1920's and 1960's - "best interest of the child" usually maternal custody (unless mother unfit); tender years doctrine, introduced by psychoanalysis
3. Late 1960's - present. Changes occurring with controversy over women's and men's rights - women's movement; sex roles
 - a. men increasingly receiving custody
 - b. beginning of joint custody - parents share equally in making decisions; can be joint residential or not
 1. joint physical (residential kids live in two homes)
 2. joint legal - kids live in one home, but shared (joint) decision making
 - c. some states have joint custody laws

Presently - either parent can be custodial and arrangements can be tailor made to each situation - no "right" way

Research - both parents need to be involved with children after divorce to help with adjustment

D. Custody Options - None ideal; none "right"
(From parental perspective - explain)

1. Maternal Sole - single parent
 - a. children live with mother who has rights and responsibilities of care
 - b. balance work and child care
 - c. has control to decide issues with children
 - d. father usually has visitation privileges, "Sunday Daddy" - idealized
 - e. father usually pays child support
 - f. children's anger and frustration vented on mother - safer
2. Paternal Sole - single parent
 - a. children live with father who has rights and responsibilities
 - b. balance work and child care - usually more difficult - household responsibilities
 - c. has control to decide issues for children - emotional development
 - d. mother usually has visitation privileges
 - e. child support is not usually exchanged
 - f. often anger and resentment expressed toward father for mother's absence
3. Summary - Single Parent Issues
 - a. benefit of maintaining relationship with kids has rights and responsibilities for children; maintains
 - b. control
 - c. because maintain family and structure, not as lonely
 - d. usually overburdened and overwhelmed with too much responsibility and no help with parenting, physically and emotionally
 - e. decisions need to be made alone
 - f. little time for self - for career, relationships, friends
 - g. if non-custodial parent participates, has to deal with "treat" parent; or deal with anger at absence if parent unavailable
4. Summary - Non - Custodial Parent Issues
 - a. lonely - disruption of life; no longer with family; deal with changed structure
 - b. loss of continuity in relationship with children
 - c. cannot be part of major decisions for kids; does not have control; not part of daily decisions and problem solving

- d. more time for self - can pursue friends, careers etc.
 - e. can be "treat" parent - visit and not discipline; no responsibility for baths, homework etc.
5. Joint Custody or Shared Custody - both parents share rights and responsibilities for children. Can be joint legal or joint physical
- a. Joint legal - children live with one parent as in sole custody, but both parents have rights and responsibilities to make major decisions for the children's health, education and welfare
 - b. Joint physical - children divide their time living in both parents homes and parents both have rights and responsibilities for children's health, education and welfare
 - c. Issues in Joint legal custody
 - 1. one parent has responsibility for daily care of children, but not sole rights
 - 2. other parent has visitation as in sole custody - frequent visitation but has rights in decision making
 - 3. parents both function jointly in relation to their children's health, education and welfare
 - d. Issues in joint physical custody
 - 1. both parents share care as well as responsibility and decision making rights - kids have daily relationships with both
 - 2. both parents maintain some of "old structure" of family and life with children
 - 3. easier to balance work and childcare
 - 4. more freedom for self to develop new relationships, friends and career
 - 5. parents have to deal with each other to make joint decisions
 - 6. less independence and control for each parent in terms of children because of sharing decision making
6. Summary - Joint Custody Issues
- a. Advantages
 - 1. parents have benefits of being custodial parents but have help so that they do not maintain whole burden
 - 2. parents have free time for careers and relationships
 - 3. children have benefits of maintaining real relationships with both parents

4. studies show that joint parents don't "split scene"; both parents maintain contact and payments, contrary to single parent situations
- b. Disadvantages
 1. changing structure (being with and then without kids) can be very disruptive for parents and/or children
 2. control of children has to be shared as parenting is shared, which can be difficult in a split situation - different rules
 3. parents are tied to each other even though the marriage is over
 4. joint custody parents need to live within the same geographical area in order to share child care
 - c. Sex differences in parental attitudes
7. Children's Feelings About Custody Issues
 - a. Studies show most kids express satisfaction with their arrangements but most wanted an increase of visitation from the non-custodial parent
 - b. Three-quarters of kids in one study said they did not want to leave custodial parent, but wanted to incorporate non-custodial parent into their daily lives
 - c. Joint custody kids often express annoyance about moving back and forth, but express great satisfaction that they have both parents and would not want to change arrangements
 - d. children who only see one parent express pain and rejection at not having contact with the other
- E. Issues involved in custody decisions
 1. need to help parents separate marital and parental roles
 2. research - importance of maintaining relationships with both parents for children to do better with divorce
 3. reality of parents situations - balance needs and deal with pragmatics, i.e. work life, social life; abilities in dealing with kids
 4. differences between mothers and fathers - societal expectations, roles and patterns; family of origin issues and patterns
 5. family patterns that exist - how do they resolve problems? how do they deal with the divorce? - what custody options are feasible?

6. take childrens' needs and desires into account - consult on preferences, but not have burden of final decision
7. recognize that lawyers often escalate hostility
8. alert parents to potential problems of arrangements

F. Visitation

1. Individually determined by each couple - can be on a continuum of no visitation to several days a week - creative arrangements (caution against weekdays - mother; weekends - father)
2. According to studies, the majority of children see non-custodial parents only occassionally, even though agreements stipulate visitation
 - a. non-custodial mothers are more likely to maintain contact with their children
 - b. in many cases where non-custodial fathers visit rarely or never, the children have negative feelings about him
 1. parental feelings get in the way
 2. cycle perpetuates itself
 - c. in some cases ex-husbands don't see children to evade payments; in other cases mothers forbid visitation when payments are not made. In both instances children are victimized. The legal system supports this!
 - d. positive correlation with child support payments and regular visitations
 - e. some fathers report painful feelings at seeing their children so little and consequently stop seeing them because it's easier
3. Research emphasizes importance of continued involvement of children with non-custodial parent for childrens psychological well being
4. Children's Feelings about Visitation
 - a. in one study of children with frequent visitation, 60% content; 40% desired more contact with non-custodial parent
 - b. few children wanted less-those who did stated reasons involving parental antagonism where they were caught in the middle
 - c. problem with visitation - little real sharing; children get a "treat" daddy
5. Key to successful visitation is frequency and flexibility. (benefits parents and children)

III. Dealing with Clients

- A. As individual - work systemically (explain)
 - 1. individuals is separating from another person - 2 sides to every story - can't operate in a vacuum
 - a. need to balance support of feelings with reality of situation
 - b. what does individual contribute to situation
 - c. can she/he understand others' perspective
 - 2. therapists' feelings and reactions
 - a. who's right? - taking sides
 - b. supporting your client
 - 3. bring in the partner
 - a. in reality - best way and begin joint work - deal with client's resistance
 - b. in fantasy - use role play or empty chair technique to bring partner into session (Guide the fantasy)
 - c. through tasks, have client bring information and messages back and forth (may hook person to come in!)
 - 4. work towards separating marital and parental roles
- B. As couples
 - 1. Contracting and purpose of treatment
 - a. if individual client becomes couple, need to re-contract; deal with alliances and resistance
 - b. if presenting problem of "couple therapy" leads to separation issues, need to deal with anger and disappointment before divorce work can begin, i.e. change contract
 - c. if presenting problem is dealing with divorce and custody - much easier and cleaner - just establish contract; both will be clear - mutual concerns
 - 2. Need to help couple feel comfortable
 - a. establish "no blame" situation
 - b. establish fact that both partners contributed to problem
 - c. both have mutual goals for treatment
 - d. major task: to separate marital and parental roles
 - e. not to help couple resolve marital problems

3. Therapist's feelings and reactions
 - a. "who's right?" - taking sides
 - b. their arrangement - not yours
- C. Practice model with couples (adapt for individuals)
1. Expectations - check out couples expectations for custody and visitation
 - a. analyze source of expectations, aiming to help separate marital and parental roles (custody often clear; visitation, not)
 - b. ask couple for their perceptions of their childrens' expectations of custody and visitation
 - c. explore couples perceptions of expected reactions of children
 - d. ask couples perceptions of extended families feelings and their reactions (whole family divorces - system effected)
 - e. during discussions, attempt to assess and point out (if appropriate) projections (i.e. with their children and extended families) of their feelings onto others
 - f. use specific techniques
 1. circular questioning - good way to begin
 - a. ask wife's perception of her husband's expectations re: custody and visitation
 - b. ask husband's perceptions of his wife's expectations re: custody and visitation
 - c. function: unlocks stuck positions and checks out assumptions
 2. I-position
 - a. have each speak only from an I-position
 - b. function: forces clarity and avoids blame and projection
 - c. also excellent technique to explore feelings
2. Exploration of feelings
 - a. reactions to dealing with expectations
 - b. dealing with immediate problems with partner and with pragmatics
 - c. dealing with in relation to custody issues
 - d. dealing with family of origin " "
 - e. dealing with lawyers " "
 3. Parents' Needs - What are they? (in terms of custody and visitation)
 - a. mothers and fathers in terms of work
 - b. mothers and fathers in terms of childcare

- c. mothers and fathers in terms of housing
 - d. " " " social life
 - e. " " " family of origin
 - f. " " " money
4. Children's Needs - What are they?
 - a. keeping children together
 - b. in terms of specific relationships with parents
 - c. in terms of specific relationships with grandparents
 - d. in terms of housing/neighborhood
 - e. " " school
 - f. " " social life
 1. age crucial
 2. flexibility needed as kids grow older
 5. Didactic Information - based on assessment of couple
 - a. present options clearly
 - b. present options without bias
 - c. point out problems - always are
 - d. point out need to compromise - none perfect
 6. Problem solving - integration of prior expectations, new material, thoughts and feelings related to custody and visitation
 - a. ask couple in turn, for their feelings, relating to their needs and those of their children
 - b. use technique of role reversal (set stage)
 1. have couple argue the others' position if feelings are incompatible
 2. return to own positions and process experience
 - c. work on problem solving - "working through"
 1. if couple not in agreement - analyze source of disagreement
 2. if couple in agreement, but hard feelings ensue, individual sessions with each partner may be necessary to facilitate a working through
 - d. stress flexibility - needed for agreement to work well
 1. changes needed as kids grow -- part of developmental process
 2. parents will need changes - based on their own schedules; can make situation easier or harder
 3. opposite of legal/adversarial model where all conditions need to be written and definite

7. agreement - set up custody and visitation agreement
 - a. decide who has custody, if joint, spell out terms, days
 - b. if sole, spell out terms of visitation, times
 - c. put in writing
 - d. lawyer must finalize separation/divorce agreement

IV. Sample Situations

A. Special Problems

1. dealing with angry/tense couple
 - a. work on building alliance, allowing ventilation and offering support
 - b. several individual sessions possibly needed with each
 - c. be directive and authoritative about their need to work on issues together - in terms of "good of the children"
 - d. separate marital and parental roles
2. dealing with resistance from one person
 - a. join resistance in whatever way possible, i.e. reframe, use individual sessions
 - b. help spouse see difficulties
 - c. stress children - mutual concern
 - d. ask for friends/relatives' experiences; ask for ideal sought
 - e. doesn't always work!

B. Case presentation for discussion

C. Role Plays

V. Wrap Up and Conclusion

A. Questions

B. Distribute evaluation questionnaires

C. Discuss interviews

Appendix D

CASE EXAMPLE: THE G'SPRESENTING PROBLEM:

The G's were referred to the therapist to resolve a custody conflict by another therapist who did marital treatment with them for several months. Treatment terminated when the couple decided to separate.

BACKGROUND:

The G's are a middle class Jewish couple in their mid 30's. Mr. G maintained a low level managerial job which yielded an adequate income for the family. Mrs. G did not work outside of the home, and took care of their two sons, aged 8 and 10. The couple lived in a small, comfortable house in Staten Island. They had been married for twelve years.

The G's presented themselves as "good" parents, caring about their children. They were rational and civil to each other. They explained that Mrs. G was the initiator of the divorce as she got involved with another man. Mr. G was very hurt but still interested in trying a reconciliation. Mrs. G had refused. When this point was clear, we contracted to work on the custody and visitation issue. At this point, both Mr. and Mrs. G were

interested in obtaining sole custody of the boys.

The seven-step model to deal with custody issues was used with this couple. Work was accomplished in six sessions. The sessions were very focused and somewhat pressured as the therapist had informed the couple at their initial interview that she was going on a month's vacation in five weeks. They were told they could continue after her vacation, but expressed determination to resolve the issues in the six week period. The following is a summary of the treatment within the framework of the model.

1. Expectations:

- (a) began with circular questioning; each knew the other parent wanted custody and each felt they'd be the better parent; they each felt the kids were very attached to both of them.
- (b) Child's perceptions - both agreed they would think they'd be with their mother, based on societal expectations.
- (c) Mother felt good; father felt hurt.
- (d) extended families supported their child's expectations.

- (e) had some anger to separate out and mother's projections of her children needing their mother.

2. Explore Feelings:

- (a) Mother-extreme fear and pain of losing kids.
- (b) Father-extreme sadness and pain of losing everything.
- (c) Father some trepidations in dealing with kids.
- (e) Good feelings about extended families.
- (f) Lucky - no lawyers yet.

3. Parents' Needs:

- (a) Father - some problems in terms of work; mother - currently not working, but seeking employment.
- (b) Father - some problems in dealing with kids. Mother anticipates problems in dealing with kids.
- (c) Housing - mother wants to stay in house, father - agrees he'd move out if no custody.
- (d) Mother - new relationship
Father - no relationship presently.

- (e) Families of origin - both agreed kids would maintain strong ties with both families.
- (f) Financial problems - She wanted more than he's willing to give -
*separate issues - negotiate finances at later date.
- (g) Visitation - father asked, "if I don't have custody how much can I visit? (Therapist comment: Father seems to be assuming that mother gets custody)

4. Children's Needs:

- (a) No question of separating the children - they will be kept together.
- (b) Values are generally similar.
- (c) Problem: Mother involved with an Orthodox Jewish man and wants the kids to begin to attend synagogue. We negotiated around the kids' needs and the father's seeing the boys on Saturdays. Both parents made compromises and agreed on a solution.

5. Didactic:

(a) Since both seemed like good concerned parents and both wanted custody - therapist presented concept of joint custody.

Both parents rejected the idea as crazy.

(b) He reluctantly agreed to let his wife have custody as long as he had very flexible visitation.

6. Problem Solving:

(a) The importance of flexibility - integrating Little League practice (father a coach) with synagogue attendance.

(b) Discussed visitation schedules, stressing flexibility.

(c) Fairly easy with this couple.

7. Agreement:

(a) Spelled out terms with maternal sole custody.

(b) Father - alternating week ends from Friday night thru Sunday night, with the stipulation that he would take the boys to synagogue, if they wanted

to attend.

(c) Parents agreed that father would baby-sit for the boys one night during each week - a good transitional agreement which benefits all parties.

(d) Flexibility stressed.

A three month follow up revealed that the couple took this basic arrangement to a lawyer to be finalized, worked out their financial arrangements and were living satisfactorily with these custody and visitation arrangements.

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