

# Reconstructive Co-Parenting Mediation

*A mediation process used as an alternative for Parent Coordination.*

Mediation practitioners from all professions of origin are invited to learn more about this unique method of service, which has been practiced and refined in Hamilton County for several years. Application of this process serves post-litigation parents and organizations who have an ongoing work-related relationship and who are recovering from a conflict crisis.

**Agenda:**

**3-4 PM October 11, 2019**

- **Introduction**
  - ADRC disclaimer
  - Materials and use credit
  - Limitations of content
- **Historical review**
  - How this started and overall case reviews
  - Recognition of Hamilton County Circuit and Chancery Courts innovative pilot projects
- **Handout 1**
  - Comparison and review of existing services for post-conflict litigants
- **Why is this program needed?**
  - Exercise 1**
  - Handout 2** (Emotional stages of grief)
- **Mediator and client consideration for the job**
  - Models of mediation styles
  - Client behavior patterns
  - What makes a good match
- **Tapping into creativity**
  - Homework, tools, web sites etc.
  - Handout 3** Clause list
- **Q and A group exercise**
  - Consent form and question generation
- **Close**

*Developed by Mary Ann Zaha, rule 31 listed mediator in Chattanooga, Tennessee.*

## Handout 1: COMPARISON OF EXISTING SERVICES

Rule 31 Appendix A: Standards of Professional Conduct Section 1C	RCM	Parent Coordinator	Family Therapy	Guardian ad litem
1. Needs and Interests of Participants	YES	?	YES	?
2. Fairness	YES	YES	?	?
3. Procedural Flexibility	YES	no	no	no
4. Privacy and Confidentiality	YES	?	?	no
5. Full Disclosure	?	?	?	no
6. Self Determination	YES	no	?	no

### NOTES – Things to Consider

1. Parent Coordinators are listed with requirements in some states. States vary regarding Self-Determination and Confidentiality.
2. Limitations of Reconstructive Mediation:
  - Must have support of legal community and courts.
  - RCM does not operate alone, especially in cases with participants' Mental Health concerns. Therapists should be involved; however, they must be educated on the process to prevent inadvertent sabotage.
3. Expense:
  - Rule 38 reduced fee may not be applicable because of the on-going basis of RCM sessions. Check with state regulators. It is suggested mediators reduce their established rate to offset the expense of the multiple sessions required for success.
4. Scheduling:
  - Mediators must allot extra time for educating themselves on specific conflict topics as they arise.
 

*"You don't have to know much about pigs to mediate the division of a pig farm."*  
*Jose Worzburg, Mediator-Attorney*
  - While this sentiment may be true in short-term mediation sessions, for longer-term Reconstructive Mediations the practitioner will need to self-educate.

## Handout 2: EMOTIONAL STAGES OF GRIEF

### 1<sup>st</sup> Wave (Tidal) 2-3 Years



1. Period Before Separation
2. Period During Actual Separation
3. Strong Emotion
4. Adult Adolescence
5. New Life



Umbrella Emotion:  
Anger

Guilt    Fear  
**Shame**    *Anxiety*  
Sadness    **Loneliness**

### 2<sup>nd</sup> Wave (rolling) 2-3 Years



6. Deeper Re-Evaluation
7. Other/Ex Remarries / Recouples / Divorces
8. You Remarry / Re-couple
9. Birth of a Child (you or other)
10. Change in Legal Status, Income, etc.
11. Move
12. Eventful Life Experience

Much	Shock/Denial
Like	Bargaining
Stages	Emotional upheaval
of	Sadness
Grief	Acceptance

## Handout 3: CLAUSE LIST

- 1. Communication- Direct:** Parents will not allow others, especially their child, to communicate for them. Parents will communicate directly with one another.
- 2. Communication- Phone/Talking/Text:** Parents will only discuss the needs of their child. Parents will treat each other with respect during these conversations and at all other times.
- 3. Communication- No Quizzing:** Parents will not allow themselves or others to quiz their child about the other parent, parent's household, family, or friends.
- 4. Communication- Children Out of the Middle:** Parents agree they will not allow their child to be placed in the middle of this parenting time dispute.
- 5. Communication- Parent/Child Conflict:** Parents will direct their child to the other parent if the child has a conflict with the other parent.
- 6. Communication- Support Parenting:** Parents agree they will support each other's parenting to their child. If either parent has issues with the other parent's parenting, they agree to address the issues directly with that parent and not bring the issue up in front of their child or other parties. It is both parents' wish to present a unified parental front to their child.
- 7. Communication- Negative Commentary:** Parents will not allow themselves or others to say or insinuate negative or derogatory things about the other parent, parent's household, family, or friends in the presence of their child. If parents are unable to silence an offending party, they will remove their child from that person's presence.
- 8. Communication- No Adult Issues Discussed:** Parents agree that they will not allow themselves or others to discuss adult issues in front of their child (e.g. child support, financial issues, custody, etc.)
- 9. Communication- Events in Child's Life-** Parents will notify one another of any planned or unplanned out-of-the-ordinary events that may take place in their child's life within the day that they are made aware of any given event (i.e. emergencies, appointments, etc.).
- 10. Communication- Email Updates:** Parents agree that they will forward a parenting update email meeting one time per week by Sunday at 9:00 PM and respond within 24 hours (if only to inform each other that they received the email).
- 11. Communication- Phone Updates:** Mother and father will call one another at least once per week to provide one another with an update of their child's activity, health, and general well-being.
- 12. Other- Major Decisions- Joint:** Parents will make all Major Decisions Jointly.
- 13. Other- School:** Both parents agree to ensure their child arrives at school on time, fed, and with any due homework completed.
- 14. Other- Overnight:** Parents will not have an overnight guest of an intimate nature or be an overnight guest of an intimate nature while they are parenting their child.
- 15. Other- Alcohol or Drugs:** Parents agree not to have or use any alcohol or drugs while parenting their child.
- 16. Other- Physical Discipline:** Parents will not allow anyone to physically discipline their child under any circumstance.
- 17. Other- Therapist- Child:** Parents agree to seek counseling for their child and attend the first scheduled appointment together. Parents agree to follow the therapist's advice. Both parents agree that the therapist is there for the benefit of their child and for their service only. Parents agree to modify their parenting plan, within reason, according to the therapist's recommendations.
- 18. Other- Uncovered Medical Expenses:** Parents will split all uncovered medical expenses for their child in a 50/50 manner. The parent initially receiving/paying the bill will forward it to the other parent within 15-days. The other parent will pay their portion/reimburse within 30-days of receipt.