



## High Conflict Divorce: Mediating Parenting Plans

*(Please note – This article does not refer to women who may be experiencing verbal, sexual or physical abuse by their male partners.)*

Meeting with couples engaged in high conflict divorces, you are immediately thrust into an eye-for-an-eye battle. Such couples communicate with scripted monologues that presuppose both the opening statements and replies of the other. They each seek to redress the perceived imbalance of past wrongs and with each strike they heap more injustice on each other to add to their mutual discontent. They have secret code words and looks that are incendiary, causing the other to ignite without our perceiving the trigger.

The divorce process to these couples has less to do with negotiating financial and parenting plans and all the more to do with getting even. They each have an imagined value for the pain and suffering experienced in the marriage and look to the divorce to settle the score. They have lost sight of the best interests of the children even while using this catch phrase to couch their positions.

While some couples enter mediation in good faith, many high conflict couples enter mediation simply to avoid the high cost of the contested battle and in other cases to prove the inability of the other to negotiate. Mediation can be just another ploy in the battle to prove who is worse.

Put these couples in the same room for facilitative or communicative style mediation and watch them run roughshod over the mediator, particularly the uninitiated. The immediate response is a series of caucuses as the mediator recognises their inability to control the individuals in the same room.

But what of the children in high conflict divorce situations? The mediator cannot remain neutral with regard to the best interest of the children. High conflict divorce mediation requires the mediator to make clear this position – to inform the parents that they will advocate on behalf of the children such that their needs can best be met. The mediator should be commenting on parental behaviour and its impact on the well being of children. An objective with regard to developing a parenting plan is to inform, if not educate the parents on their destructive behaviour to the social-emotional development of their children while respecting the right for both parents to have meaningful relationships with

their children. Their role is not therapeutic per se with regard to the marriage. The mediator cannot hold any rescue fantasies and must fully accept that the marriage is over. The mediator must therefore accept the foibles of the parents and as such only seek to instil compensatory strategies, teaching or structuring ways to mitigate anger and the exchange of parental information when necessary. The process also cannot avoid issues raised by the parties, particularly when issues of drugs, alcohol, abuse or inappropriate discipline or care are disclosed. Rather, the mediator must bring these issues to the foreground to be addressed as part of the plan. While each complains of the parenting of the other, it may be that both should attend selective parenting courses and that this be written into the parenting plan agreement.

Therefore, to stand a chance of a mediated parenting plan, the mediator must; be able to enter a high conflict situation; keep the focus on the children; accept that the parents won't likely change with regard to each other; provide strategies to keep both parents meaningfully involved with the children; and address harmful issues. It's a tall order.

The process requires an active and seasoned mediator with knowledge and training on child development and this is definitely not for the faint-of-heart. A defining variable in choosing a mediator is finding one who is able to handle the intensity of high conflict couples and offers a structured approach to the mediation process itself. The actual structure may differ between mediators, but each mediator should none-the-less be able to articulate their process.

The goal? A parenting plan both parents can agree to that meets the children's needs and maintains relationships.

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