

A NATIONWIDE SURVEY OF MANDATORY PARENT EDUCATION*

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In an effort to take positive steps toward coping with problems for families and children created by high levels of separation and divorce, ever increasing civil caseloads and the exposure of children to interparental conflict, court-affiliated educational programs have emerged in the United States for parents separating from their spouse or partner or going through a divorce. This article will provide an overview of the creation of such programs and their development, which includes a discussion regarding the numerous states currently mandating parents to attend. It will summarize some of the research which has been conducted as to the efficacy of the programs and will provide the results of our nationwide research for each state's parent education status. There is a discussion of domestic violence issues and sensitivities in the context of parent education programs and possible future directions for mandatory parent education.

Keywords: parent education; mandatory parent education; divorce; separation; children of divorce or separation; domestic violence; parental conflict; court-affiliated programs

Pain is inevitable, suffering is optional.
—a Hindu quotation

INTRODUCTION

The development and well-being of children of separation and divorce continues to be of paramount concern. At this point in the evolution of family services and interventions to address this issue, there are parent education programs in forty-six states throughout the United States.¹ Some of these programs mandate attendance by state statute (twenty-seven states),² others have county-wide or district-based mandates (five states),³ and some states have judicial rules and orders (six states).⁴ Some states mandate all parents to attend (fifteen states),⁵ while others leave it within the discretion of the judge (fourteen states).⁶ There are two states which provide parent education programs but do not mandate them.⁷ For purposes of discussion in this article, we will focus on the mandatory programs. In large measure, these programs seek to focus on the development and well-being of children and to encourage better outcomes for children and families resulting from parental attendance at the courses.

This article will provide an overview of the creation of parent education programs and their development. We will then discuss some of the research which has been conducted thus far analyzing selected programs. The next part includes the results of our nationwide research for each state's parent education status. In the next part we will highlight domestic violence issues and, looking toward the future, discuss possible directions for mandatory parent education.

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BACKGROUND OF PARENT EDUCATION

It has been widely acknowledged that caseloads in domestic relations courts are large and often unmanageable and that they are the "largest and fastest growing segment of state-court civil caseloads."⁸ According to research, as a result of "high levels of both divorce and non-marital child bearing . . . over 20 million children reside with only one biological parent."⁹ Statistics show that in a "typical year, over 1.2 million divorces occur in America . . . [and] it is projected that approximately 40% of children born to married parents will experience parental divorce."¹⁰ Furthermore, with respect to nonmarital childbearing, "in 2002, 34% of all American births were to unmarried women."¹¹

What has concerned both the legal and mental health communities are the studies which show "problematic child outcomes" for children of divorce or of unmarried parents. In a summary of the research it is stated that:

Numerous studies have documented outcome deficits in children who experience parental divorce . . . or who are born to unwed mothers . . . These include reports of poorer psychological adjustment . . . more physical health problems . . . , lower academic performance . . . , a greater likelihood to engage in antisocial or delinquent behavior . . . , reduced social competence . . . , lower self-concept . . . , and a greater likelihood to divorce as adults.¹²

Another concern, which is discussed in the literature, is that "[c]hildren exposed to high levels of interparental conflict are at risk for developing a range of emotional and behavioral problems, both during childhood and later in life."¹³ Studies have shown that children who witness parental hostility and aggression exhibit high levels of anxiety, depression, and disruptive behavior and "are more likely to be abusive toward romantic partners in adolescence and adulthood and to have higher rates of divorce and maladjustment in adulthood."¹⁴ Interestingly, however, only a minority of all divorces have high levels of chronic conflict, and children seem to benefit from their parents' separation in these cases.¹⁵ That the separation of parents may pose risks to adults' physical and emotional well-being, affecting their ability to function as a parent, has been documented in the literature as well.¹⁶

Researchers have found that children of divorce can have good outcomes if "their family has an adequate income, if their parents are competent, and if the children are able to maintain good relationships with their parents."¹⁷ Sadly, large proportions of these children face income problems, less time with both of their parents, and a "decrease in the quality of parenting."¹⁸ While there has been controversy in the mental health field over "the extent to which divorce is responsible for these long term problems," most would agree that divorce (and separation) is a public health issue and that children and adults going through it are at risk.¹⁹ At its extremes, when one parent denies the noncustodial parent parenting time with the children, it may result in "pass-along hate becomes a boomerang" once the children are grown and realize what has occurred.²⁰ Most of the literature supports the view that early intervention in working with the family is critical.²¹

In an effort to address these troublesome issues, court-affiliated educational programs emerged in the United States for separated and divorcing parents in the mid 1970s, and they proliferated in the 1980s and 1990s²² and have continued to do so to date. As of 2002, more than half a dozen states had statewide mandatory parent education,²³ according to one article, and another scholarly law review noted that, as of 2001, "twenty-eight states had enacted legislation or statewide court rules mandating or establishing divorce education programs. Of the remaining twenty-two states, at least seven have local court rules in effect for divorce

education programs."²⁴ At that time fifteen states mandated attendance, eight states allowed the court to exercise its discretion as to attendance, and five states allowed optional attendance.²⁵

As stated earlier, our research has revealed that there are now forty-six states with mandatory programs.²⁶ As was recognized by the early architects of parent education programs, they are a "positive step toward coping with the problems for families and children created by the revolution in family law and attitudes during the last generation."²⁷ It is believed that "interventions, such as parent education, can have a positive influence on the adjustment of children if such programs can increase parental sensitivity to their children's needs, reduce conflicts, and promote more cooperative approaches to parenting."²⁸ (Cooperative parenting should not be utilized where there are safety issues for the parent or children, a subject which will be discussed more fully below).

The content of the programs varies. By way of summary information,

[t]hese programs are generally short (mode of 2 hours for court-provided programs and 4 hours for community-provided programs), and may either be mandated for all families or be widely available but not required. *These programs are generally rated as positive and helpful by parents and court personnel* (Geasler & Blaisure, 1999). . . . Geasler and Blaisure (1999) report that many programs target reducing children's exposure to conflict (64%), improving parenting skills (55%) and decreasing legal complaints (32%). Braver et al. (1996) report that three of the most intensively covered topics involved interparental conflict (i.e., benefits of cooperation vs. conflict, impact of badmouthing, conflict resolution skills). Parenting skills received somewhat less coverage and legal options for dispute resolution received still less coverage.²⁹

The content of these programs has continued to evolve since these summaries were created, as will be discussed more fully below.

With respect to techniques to decrease interparental conflict, programs may provide information about how such conflict negatively affects children and can lead to increased adjustment problems for them, information about resources, motivational video-taped vignettes describing how conflict affects children, and teaching problem-solving and communication skills to help parents resolve the conflict.³⁰

With respect to techniques to improve parenting, programs use different approaches including focusing on increasing contact between the children and the noncustodial parent (when it is safe to do so), improving the quality of the relationship between the child and the parents, and teaching parenting skills including helping parents plan family activities, limit setting, and developing a specific behavior plan for the child.³¹

For example, the Assisting Children through Transition (ACT). For the Children program, given by a certified provider of the New York State Parent Education and Awareness Program, is designed to help parents "reduce the stress of a breakup on their children."³² "The goal of the program is to provide information and skills to parents to strengthen relationships with their children and protect them from the toxic effects of ongoing parent conflict."³³ It should be noted that the "feedback from parents has been consistently positive, with participants indicating that they learned skills for keeping their children out of the middle of the conflict."³⁴ Positive parent evaluations were also found for the Parent Education and Custody Effectiveness (PEACE) program in New York State.³⁵

The next section will address, in more depth, the literature about the efficacy of mandatory parent education programs.

RESEARCH REGARDING MANDATORY PARENT EDUCATION

Mandating attendance at parent education programs "makes a strong social policy statement of the court's intent [and] allows the program to reach many parents who otherwise would not avail themselves of the service."³⁶ As stated by the architects of the PEACE program in Nassau County, New York, and pioneers for the development of these programs, "a required educational program for divorcing parents is a moral statement . . . Just as the driver who drinks or speeds puts lives at risk, parents who divorce put their children at emotional risk. Both should learn how to prevent harm to others from reoccurring before being granted a privilege by the state."³⁷

In the 1990s, there were studies conducted and articles about them as to various states regarding their particular programs, and we will highlight a few, as well as studies conducted thereafter. Because the parent education programs may "vary considerably in content, style, and theoretical basis" it is difficult to generalize about their effectiveness, because some may be effective, while others may not, and the mixed outcomes of the studies reflected that.³⁸ Research has provided evidence that:

[t]he overall effectiveness of parent education programs may vary according to: (1) the level of conflict that parents report . . . , (2) the timing of a parent's attendance at the divorce education program . . . or (3) the content and teaching strategies used in the program.³⁹

Another difference with respect to evaluations of programs is that some studies look at "brief informational programs," while others look at multisession interventions which may target specific groups, such as programs for primary residential parents.⁴⁰ We will mention some of the research, recognizing that it is not conclusive for all programs and that some researchers have questioned the design of the evaluations and the conclusions which can be drawn from them.⁴¹ It has been noted that evaluation evidence for parent education programs with divorcing parents is "still in its early stages," but that there is "modest evidence for the efficacy and effectiveness of parents' programs, and only meager ideas about the possible cost effectiveness of these programs."⁴² In addition, it has been noted that "[t]he primary evaluation tool that court-connected parent education courses use to determine the effectiveness of their programming is the customer satisfaction survey."⁴³ One commentator maintains that more evaluations need to be conducted which give "meaningful information about the program's impact on parent-child interaction, interparental conflict, child adjustment, or litigation rates, which are the primary objectives of such programs."⁴⁴

With respect to the brief informational programs, a review of the research indicated more positive evaluations, as follows:

Three evaluations of brief informational programs have been conducted. Shifflett and Cummings' evaluation demonstrated that, relative to parents who attended a general parenting class, those who participated in a program specifically for divorcing parents reported a decrease in conflict with their ex-spouses. Parents in a program based on the *Children in the Middle* video reported putting their children in the middle of conflict less frequently at six-month follow-up than a comparison group who had filed for divorce before the program was instituted. Finally, an evaluation of the Children First program showed that, compared to a group of divorcing parents from a county without a mandated program, parents who were more conflicted prior to participation reported declines on a measure that included conflict behaviors.⁴⁵

Another summary of studies as to the efficacy of post separation education programs report the following core findings:

- Parents like these programs and recommend them;
- Participation in separated-parent education programs results in reduced conflict between ex-spouses and less exposure to conflict for children;
- Relitigation rates are maximally affected by early attendance at a parenting program;
- Programs have been found to improve communication between ex-spouses, increase cooperation, and create a greater focus on the needs of their children;
- The skill level of the group facilitator is an important predictor of improved coparenting relations;
- More durable outcomes are evident from attendance at skill-based programs;
- A focus on a smaller number of themes over a longer period of time appears to be more effective than coverage of a greater number of issues within a shorter time frame;
- Most separated-parent programs did not include children and very few provided child-minding facilities. Professionals cited this as the most desired modification to their existing program. Many argued that children benefit through involvement in specialist children's groups and in appropriate groups with parents. One context allows for the safe expression of feelings while the other enables parents and children to practice skills together.⁴⁶

Kansas had one of the first mandatory divorce programs in the country beginning in 1976. The condensed program came into being in 1986, and by local court rule, it became mandated for every parent with minor children seeking a divorce in Johnson County and subsequently in numerous other counties in Kansas.⁴⁷ The two-hour program given in the courthouse was entitled "General Responsibilities as Separating Parents." It was directed at "helping parents understand the emotional and behavioral components of divorce," to "give parents the knowledge necessary to keep their children out of the middle of their battles, and reinforces the fact that children will continue to have an ongoing relationship with both parents."⁴⁸

An article was written about the mandatory parent education program in Ohio, called "The Helping Children Succeed After Divorce" seminar, which was established by administrative rule for all parents with children eighteen years of age or younger who file for divorce, dissolution, or legal separation in Franklin County.⁴⁹ The authors described the mandatory nature as "mandating an opportunity" with the goal of "empowering" parents with information and resource options.⁵⁰ They discussed the fact that mandating parent education for all parents going through separation or divorce is a "major social policy step" for the courts and that it "reflects the growing recognition that divorce may have social and economic costs for society as well as for the individual."⁵¹ The two-and-one-half-hour seminar is described as a "ritual" to assist in easing a difficult passage⁵² and mentions a hallmark of these programs that the parents learn not only from the material presented, but also from being with other parents and learning that they are not alone with respect to the challenges they face.⁵³ Their evaluation resulted from 600 initial seminar participants and indicated, among other things, that 86% of the parents said they would recommend the seminar to others.⁵⁴

In a study in Ohio involving the "Children in the Middle" program, which was operated by the local office of the statewide Children Services agency, two groups of parents were tracked for two years following their divorce.⁵⁵ One group of eighty-nine attended a mandatory divorce education class and a comparison group of twenty-three did not.⁵⁶ The study found that "the parents who attended the class had relitigated (over all issues) less

than half as often than those who had not attended the class."⁵⁷ Other researchers have argued that relitigation is a "crude measure" of how well a parent education program is working in that "many post divorce families who are having significant difficulties may not return to court to settle disputes," and "some forms of relitigation may be beneficial for families."⁵⁸ It should be noted that Ohio's mandatory parent education program started from a "single, grant-funded parent education program" in 1992, and as of 2004 "more than 50 of Ohio's 88 counties require parents to complete a parenting course before a divorce is granted."⁵⁹

An article was written about a program in Maryland called "Making it Work," which began in 1992. In 1993 all divorcing parents in Montgomery County had been mandated to attend it. The study had a pretest and a six-month follow-up posttest. The study found, in part, that the parents observed improvement in their own adjustment to the divorce, as well as improved communication skills with their children, and the parents recommended that this course should be mandated.

A follow-up study of the "Children First" program in Illinois found that it was most helpful for high-conflict families as their frequency of relitigation over a six-year period was lower than the control group, but the authors opined that the relitigation rates may not be the best way to assess the effectiveness of that program, or any other.⁶⁰

In a multisite study involving parent education programs in Phoenix, Arizona; Camden, New Jersey; statewide in Connecticut; Tulsa, Oklahoma; and Grand Rapids, Michigan, the authors found, in part, the following, which they contend justifies the continued provision of parent education services:

About two-thirds of all participating parents say that programs should be mandatory. About 70 percent credit the programs with helping to sensitize them to their children's needs, and six months later, a similar proportion of interviewed parents report using information gleaned in the program to help their children cope and to make visitation more successful and enjoyable. Program attendees are also somewhat more apt than their counterparts in the comparison group to report decreases in the amount of fighting over decisions about their children and better compliance with the child support and visitation terms of their divorce decrees.⁶¹

Another study by Indiana researchers of the k.i.d.s. parent education program found that it had ameliorative effects on parents' understanding of conflict/divorce issues and their reports of conflict-related behavior and that they maintained these changes over time.⁶²

In a study conducted in Utah, the researchers were trying to assess the association between divorced parents and their attendance or nonattendance at a parent education program. They found "some association between participation in a divorce education program and lower levels of post-divorce conflict," however they were not certain why the association existed.⁶³

One can read about the development of a divorce education intervention program in the Ninth Judicial Circuit in Orange County, Florida, which is a mandatory program.⁶⁴ A legislative mandate in Florida required that "all divorcing parents attend a 4-hour education session as soon as possible after their initial filing with the domestic court (Clement, 1999)."⁶⁵ The program changed and developed a variety of interventions beyond legal and financial concerns after the formation of a multidisciplinary task force because it was felt that the original program did not change the interactions of "conflictual parents."⁶⁶

With respect to a program in Minnesota which mandates that parents attend a court-approved program in contested custody or parenting time cases a survey of the parents

revealed that "(a) parents value the program, (b) parents learn useful parenting and communication skills, and (c) there are encouraging findings that the program results in lowered exposure of children to parental conflict and greater tolerance for the parenting role of the other parent, with attendant positive changes in children's well-being."⁶⁷

In New York, one of the now certified providers of the New York State Parent Education and Awareness Program is the PEACE program. An evaluation study of its program was conducted in 2000, involving the responses of eighty-nine parents who had attended the program as compared to a control group of parents who had not yet attended the program.⁶⁸ The study found that parental satisfaction was "very high," and, compared to the control group at "levels of statistical significance," it was found that PEACE parents

had more knowledge of the divorce process including its legal aspects, potential effects on both parents and children, and coping strategies to help children; had more positive attitudes about their children, their children's behavior, and the parent-child relationships. As parents learned more about how divorce affects their children, their level of understanding, acceptance, and tolerance of certain child behaviors increased: and, reported fewer and less severe problems in the parent-child relationship at the three-month follow-up.⁶⁹

In New York, another of the now certified providers of the New York State Parent Education and Awareness Program is the ACT program in Rochester, New York, referred to earlier, which is "an interdisciplinary, educational, and prevention program designed to reduce the stress of separation or divorce on families."⁷⁰ The curriculum is based, in part, on the Hofstra University PEACE program.⁷¹ The study of the ACT program, which is skills based, revealed that "[p]arents reported overwhelmingly that they (a) found the program helpful, (b) have increased their understanding of their children's divorce-related needs and how to meet them, and (c) were planning to put into practice program principles and skills."⁷² A follow-up study was conducted via telephone interviews with eighty-five randomly selected parents assessing outcomes at six months and one year after participating in the ACT program.⁷³ The key results included "statistically significant decreases in conflict between parents (especially on child-related issues), increases in effective parenting practices, decreases in the need or desire to litigate and, more importantly, increases in children's healthy adjustment."⁷⁴ (Note, however, that the "findings are mixed as to the extent to which other brief programs promote better child and parent adjustment, or reduced conflict and litigation").⁷⁵

Some states have created special parent education programs for high-conflict families. For example, in Multnomah County Circuit Court in Portland, Oregon, they developed an "educational approach teaching conflict resolution skills."⁷⁶ The parents were referred by a judge, and they attended six two-hour classes.⁷⁷ The evaluation of the program which was conducted indicated that all twenty-six participants "rated the sessions 'very helpful' in their evaluations. They wanted more than six sessions, the majority reported that they resented having to attend but all thought that they should have had the classes earlier in their careers as parents."⁷⁸ The authors indicated that whether the training has had "long lasting effects needs to be established."⁷⁹

In another article and evaluation of the Oregon program for high-conflict families, they performed an evaluation with forty-four participants.⁸⁰ The parents were referred by the judiciary in either Multnomah or Clackamas counties.⁸¹ The evaluations mirrored the comments for the Oregon program set forth above.

Some commentators have advocated for lengthier parent education programs. The barriers cited include funding and attendance.⁸² One suggestion made is that "it may be that

a referral system that links attendance at the short mandatory classes with voluntary referral to more extensive parenting classes would provide a mechanism for parents who want these services to access them."⁸³

It is difficult to generalize about all of these findings. What seems to be clear is that parent satisfaction is high with many of these programs, and depending upon the curriculum, they are effective as well.

THE RESULTS OF OUR NATIONWIDE SURVEY

In conducting our nationwide survey of parent education programs, we contacted parent education directors, social workers and psychologists who lead the programs, and court personnel who are familiar with them. Through telephone conversations we asked the contacts about their program curriculum, who were required to attend, whether there were any ways for those required to attend to optout of the program, and the cost of attendance. We compiled our research into the chart attached as Appendix A.

The results of our research indicate that, overall, fourteen states have statutes that mandate all parents who file for divorce, separation, child custody, and/or visitation to attend parent education programs; thirteen states have state statutes that permit judges, counties, or districts to create their own mandates for parent education programs; one state permits local court rules to create parent education programs; one state makes mandatory parent education programs for all parents, but has not codified its mandate; four states have small areas in which programs are mandatory; six states require parent education programs through local court rules; five states have counties or districts that mandate the programs; three states do not have any statewide mandate, but judges sometimes require parents to attend a program in order to grant a divorce; one state offers a program in conjunction with an outside agency, but does not require it; and three states do not require parents to attend a program, nor do they offer a program.

DOMESTIC VIOLENCE CONCERNS AND FUTURE DIRECTIONS FOR PARENT EDUCATION

The question of whether there "needs to be a concern about domestic violence when the parties have separated" was answered succinctly by an expert in the field as follows:

Although divorced and separated women comprise only 10% of all women in America, they account for three quarters of all battered women and report being battered 14 times as often as women still living with their partners. Many divorcing or separating parents who are referred to parent education programs are victims or perpetrators of domestic violence. Indeed, domestic violence is the reason stated for divorce in 22% of middle-class marriages.

The period between the separation of husband and wife and divorce can be the most dangerous time for the victim. Separation may trigger abuse, even when domestic violence has not previously been present. Research has determined that 75% of spouse-on-spouse assaults occur after separation or divorce. Because the period of time during divorce or separation proceedings can be the most dangerous time for the victim because it is a time when the perpetrator feels as though her or she is losing control of the partner, it is imperative that victim's safety be a priority.⁸⁴

With respect to current issues in parent education, one ongoing area is the issue of whether victims of domestic violence should attend parent education programs. In the past, this had been described as a controversial area in that, traditionally, parent educators "favor their attendance," while "domestic violence advocates believe attendance should be waived."⁸⁵ Commentators have noted that "understanding that there are several types of violence could, possibly, unlock the domestic violence/parent education impasse."⁸⁶ Not every case rises to the level of "intimate terrorism." Currently, in ten states, all parents are mandated to attend, whether or not there is domestic violence. In thirteen states, there is an opt-out available for victims. There is still much work to be done and collaborations which must be developed in different jurisdictions to support the attendance of parents at parent education classes without putting them at risk.

It has been recognized that, while it "may be dangerous to encourage communication and cooperation if these behaviors lead to more frequent or more abusive confrontations," it has been suggested that parent education programs might teach victims communication skills that serve to intervene in the first stage of the cycle of domestic violence when tension is building.⁸⁷ In addition, it has been suggested that, because there is a relationship between conflict and violence, if there are reductions in reported conflict then logically that would "correspond to reductions in the frequency and severity of domestic violence."⁸⁸ In a pre- and postevaluation study with a control group to compare the effectiveness of two divorce education programs in Florida, "skill-based" Children in the Middle and "information-based" Children First in Divorce, rates of domestic violence were not affected by either program, while the control parents experienced "significantly more domestic violence" than did the other two groups.⁸⁹ It was found that "parents with greater divorce knowledge experienced better parental communication and less domestic violence, and better kept children out of conflict."⁹⁰ Further, the study found that the "skills-based approach was more effective than the information-based approach at improving parental communication."⁹¹

As a domestic violence advocate has noted, because screening for domestic violence and waiver provisions "will not eliminate the presence of domestic violence victims and abusers in these courses, [i]t is, therefore, necessary that parent education curricula and logistical protections encompass all situations. . . ."⁹² As was wisely stated, "simply precluding victims of domestic violence from attending parent education classes to ensure safety is not optimal, because the information concerning the harmful effects of exposure to domestic violence on children is especially important to separating or divorcing parents."⁹³

Some suggestions which have been made, and which were incorporated in large measure into New York's requirements, are that messages about cooperative parenting are dangerous and inappropriate for victims of "intimate terrorism," and the curriculum should therefore stress separate parallel parenting in that situation, provide detailed safety planning, and provide information about the "dynamics of abuse, ways that their partner may try to manipulate the divorce process and community referrals."⁹⁴ Other suggested special safety precautions for victims of intimate terrorism include requiring the parents to attend separate sessions, keeping the location of the classes confidential, and providing heightened security precautions.⁹⁵

Additional suggestions include having sessions at various locations and times, providing a location close to public transportation and parking that is well lit, keeping attendance lists and records confidential, and providing certain baseline information about domestic violence both orally and in handouts.⁹⁶ In sum, "[b]y weaving commonsense logistical, administrative and curricular recommendations into the fabric of every parent education program, the safety of victims and children will be prioritized as it must be, while all

attendees still receive the maximum benefit from these valuable programs."⁹⁷ There is an excellent description about how the Advisory Board of the New York State Parent Education and Awareness Program incorporated many of these suggestions in a multifaceted approach through the development of court guidelines with safeguards, administrative protocols that focus upon safety, and "guidelines for curriculum content and delivery that is based upon current research and is sensitive to domestic violence and its effective delivery."⁹⁸ Domestic violence advocates were part of the Advisory Board which developed these guidelines, and their continued input is welcomed.

What are some future steps for parent education and related programs? According to a recent article, "[a] number of legal and family scholars have issued calls for a variety of court-affiliated support programs for families engaged in legal proceedings."⁹⁹ In addition to parent education programs, these include "court policies that are explicitly child focused . . . , educational and support programs for children . . . , supervised visitation services . . . , court-affiliated parenting coordinators . . . , alternative dispute resolution and collaborative approaches . . . , case managers and counseling interventions . . . , and greater monitoring and evaluation of family law reform."¹⁰⁰ One model which was discussed in the literature, in Maine, posits that

[f]or all divorces or other first-time custody disputes involving parents, the administrator would issue the court's standard order informing the parents that they will be required to: attend a parent education program; ensure that any of the family's minor children attend a similar program offering information and support about adapting to divorce; and develop and commit to a parenting plan as a condition for the granting of any divorce (or other final residence/access order). Thereafter, unless the parents, on their own or with the aid of counsel, were able to confect a parenting plan without further intercessions from the court, all conflicted parents would be required to attend a preliminary session with a mediator If after attending the preliminary instructional session the parents refuse to continue, then they would be redirected to arbitration and/or counseling.¹⁰¹

We will be seeing more and more jurisdictions using combinations of different interventions over time.

For purposes of this article, we will focus on the educational interventions. A list of suggestions for future program development was compiled by Geasler and Blaisure (1999) pursuant to a 1998 nationwide survey of court-connected divorce education programs.¹⁰² They include "(a) adoption of more active teaching strategies to assist parents in learning co-parenting and communication skills, (b) inclusion of a children's program, (c) adoption of written standards to guide the implementation of programs and ensure quality control, and (d) documentation of program effectiveness through various evaluation strategies, a process that is already commenced and is being carefully reviewed now that the program is reaching its initial operating goals."¹⁰³ One additional suggestion was "to design programs that serve all parents of minor children who are litigating child-related issues."¹⁰⁴ This would include parents not yet involved in a divorce and those that are not high conflict.¹⁰⁵ Because early intervention has been found to be most effective, all parents who want information and skill enhancements should receive them.¹⁰⁶

Some commentators have suggested that there be psycho-educational programs for the children as well.¹⁰⁷

Geelhoed, Blaisure, and Geasler (2001) identified forty-six different programs being utilized in 152 counties in the United States. Nearly all counties that had a children's program also had

a program for parents; in some jurisdictions child programs are linked to and integrated with parent programs, and in other cases they function independently. Like parent programs, most of the universal prevention efforts for children are brief in duration: on average, they meet for one to four sessions for a total of 4-5 1/2 hours.¹⁰⁸

According to one early about classes for children in Jackson County, Missouri, it was noted that they had been met with "considerable positive consumer response."¹⁰⁹

In an article which reported on programs for children with separating or divorcing parents, the authors looked at data from sixty-seven courts and eighty-one program providers throughout the country.¹¹⁰ They sorted the goals for the psychoeducational groups into six categories, as follows: "(a) facilitation of feelings, (b) development of coping skills, (c) adjustment to changes, (d) provision of information, (e) normalization of the experience, and (f) provision of support (Bloch & Crouch, 1985)."¹¹¹ The survey study revealed that

[o]f the 67 counties in which information was obtained from court personnel, 25 counties required children's attendance at a program, whereas 42 counties encouraged children's attendance. In some counties, judges required individual parents to enroll their children in a program on a case-by-case basis. Attendance policies issued by state statute may be interpreted differently by counties.¹¹²

The authors noted that "judges' support and advocacy were consistently a key in successful implementation of programs."¹¹³ They noted further that "[p]arents are responsible for their children's attendance, although courts did not report a problem with compliance when mandating attendance."¹¹⁴

Some of the literature suggests that there needs to be special educational programs for various groups beyond children, including never-married parents, various ethnic groups, and "high-conflict, violent, and chronically litigating families."¹¹⁵ With respect to high-conflict families, one program that has been cited as effective was "developed and tested in Alameda County, California" and involved "eight families meeting simultaneously for eight sessions in ninety-minute, mixed-gender groupings. A nine-month evaluation showed that program participants registered more cooperation, less dispute, and fewer court filings than a comparable group of high-conflict couples without treatment."¹¹⁶ One commentator maintains that courts need to provide legal information to pro se parents, either within the context of parent education or through other programs.¹¹⁷

Finally, a suggestion that is made frequently in the literature is that there needs to be better scientific evidence of program effectiveness, to help guide the future development of the programs, so that the most effective strategies are utilized to better address the needs of separating and divorcing parents.¹¹⁸

CONCLUSION

Mandatory parent education for divorcing and separating parents has been found to be an effective tool to improve the lives of parents and children throughout this country. It opens the door to accessing resources to continue the process of reorganization of families in a way that is most beneficial to all concerned. The sheer numbers of families who need this education is staggering—the goal now should be to get as many of them to attend as possible, while continuing to be vigilant to maintain the safety of parents while attending these programs.

NOTES

* The views expressed in this article belong to Susan L. Pollet and do not reflect the views of the New York State Unified Court System.

1. We are grateful to Samar Siyam, a Pace Law Student Intern and Zachary C. Robock, a University of Michigan student, for their assistance in compiling the information for Appendix A, in researching the state statutes, and speaking with key persons involved with the various programs.

2. See *infra* Appendix A.

3. *Id.*

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Appendix A
Current as of September 10, 2007

<i>State</i>	<i>Statute/Court Rule</i>	<i>Required Attendance</i>	<i>Opt-out provisions</i>	<i>Cost of Attendance</i>	<i>Curriculum</i>	<i>Misc.</i>
Alabama*	Mandatory in Calhoun County	By order of the court				
Alaska**	Local court rules					
Arizona	ARIZ. REV. STAT. § 25-351, 25-352, 25-353, 25-355 (LexisNexis 2007)	Parties in divorce, separation, annulment, paternity proceeding where custody, visitation, support or parenting time is an issue	None	Not to exceed \$50 per person	4-6 hours in person class	
Arkansas	ARK. CODE ANN. § 9-12-322 (2007)	Judge may require, after divorce decree but before custody, parenting or visitation issues decided	None	\$40 per person; fee waivers for indigent	Movie and lecture	
California**	Local Court Rules					
Colorado	COLO. REV. STAT. § 14-10-123.7 (2007)	Parties to a divorce or separation	May take other courses	\$50-55 per person; can be waived by court if indigent	Videos, simulated role playing, and a guidebook	
Connecticut	CONN. GEN. STAT. § 46b-69b (2007)	Parents filing for divorce, separation, annulment, or support	May take comparable courses	\$100 per person; court can grant fee waiver	2-3 hour class	
Delaware	13 DEL. CODE ANN. tit. 13, § 1507 (2007)	Must attend, unless court deems unnecessary	None	\$100 per parent; may ask for fee waiver from provider	6-8 hour class	
District of Columbia†	Judge's discretion					
Florida	FLA. STAT. ANN. § 61.21 (LexisNexis 2007)	Parties to dissolution of marriage or paternity action involving parental responsibility	Court may excuse	\$30 per person	4 hour in-person program	

Georgia	GA. UNIF. SUP. CT. R. 24.8	Judge's discretion; usually any party to a divorce or separation	May ask the court for an exemption	\$30 per person, although the court can supply fee waivers	4 hour class; lecture, video and role play
Hawaii	No codified statute, but mandatory	All divorcing parents with children under 18 and their children 6-18; anyone contesting custody or visitation	No. In instances of domestic violence, will schedule parents on different days	\$50 per family	In person class with video; will send video and handbook to those who cannot attend
Idaho	IDAHO R. CIV. P. 16j (permits local rules to require "mediation orientation"; this includes Parent Education Classes; Local rules)	Generally, all divorcing parents or parents contesting custody	No. In instances of domestic violence, will schedule parents on different days	\$25 to \$30 per person, with sliding scale for indigent	Two and a half hour class with instructor and video
Illinois	750 ILL. COMP. STAT. ANN. 5/404.1 (1993)	Judge's discretion	Can attend separate classes; ask court for waiver	\$40 per person	4 hour in-person class
Indiana**	Local court rules	Anyone filing custody or visitation dispute	Judge's discretion; past completion	\$30 per person with waiver available through the provider	4 hour class with handbook, video and interaction
Iowa	IOWA CODE § 598.15 (2006)	Judge's discretion		\$15-25 per person	2 1/2 to 3 hours small group class
Kansas	KAN. STAT. ANN. § 60-1626(4)(b) (2006)	Generally, parents with children under 18 and children 5-16	Generally, parents with children under 18 and children 5-16		2 videos with discussion
Kentucky**	Local court rules	Judge's discretion; courts offer programs	Judge's discretion; past completion		Judge may require children to attend counseling
Louisiana	LA. REV. STAT. ANN. § 9:306 (2007)	Judge's discretion; permits Court of Appeals to adopt rules			
Maine†					
Maryland	MD. CODE ANN., FAM. LAW § 7-103.2 (LexisNexis 2007)			Fee varies by program	6 hour in-person class

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State	Statute/Court Rule	Required Attendance	Opt-out provisions	Cost of Attendance	Curriculum	Misc.
Massachusetts	MASS. PROB. AND FAM. CT. Order 1-03	Parties to divorce; judge's discretion in paternity, custody, visitation or support	Parents cannot attend together; no opt-out for same-sex parents	\$65 per person; fee waiver from Court	5 hour in-person class; video; simulations; discussion	
Michigan***	County-based mandates					
Minnesota	MINN. STAT. § 518.157 (2006)	Minimum requirements set by Supreme Court, but each district allowed to alter	Parents can attend separately, or upon showing of good cause, the court may excuse party	\$20-90 per person; parents deemed in forma pauperis may have fee waived	In person class; varies by district	
Mississippi*	Only mandatory in 16 th District					
Missouri	MO. REV. STAT. § 452.600 (2006)	Statute requires local rules; generally parties to dissolution	Parties can attend separate sessions or petition the Court for a waiver	\$35 per person	3 hour 15 minute session; video, powerpoint, role play, question and answer	
Montana	MONT. CODE ANN. § 40-4-226 (2005)	Requires the judge inform the parties of program; judicial discretion in "best interest of child"		Free to participants	90-minute program with various speakers.	
Nebraska	NEB. REV. STAT. § 42-349.01 (2007)	Judge's discretion; divorce, custody or visitation		\$50 per person, but fee can be waived by judge	2 hour in-person class	
Nevada*	Mandatory in 8 th District					
New Hampshire	N.H. REV. STAT. ANN. § 458-D: 1-9 (LexisNexis 2007)	Any parental rights and responsibilities action	No official opt-out, but may file a request with the court	Sliding scale: \$85-0	In person class with presentation	
New Jersey	NJ. STAT. ANN. § 2A:34-12.1-§ 2A:34-12.8 (2007)	Parties to custody, support, visitation	Parties with a history of domestic violence are exempt	\$25 per person	1 1/2 hour in person class	
New Mexico**	Local Court Rule					

New York***	N.Y. COMP. CODES R. & REGS. tit. 8, § 144.3 (2007)	Judges may order, in their discretion, unless there is a history, specific allegations or pleadings of domestic violence or other abuse involving the parents or their children	Not to exceed \$100; no fee for anyone whose income is at or below 240% of the poverty guidelines	Multi-modal; 6-8 hours minimum
North Carolina*	Required in 12 th District			
North Dakota	Not required			
Ohio**	Local Court Rule			
Oklahoma	OKLA. STAT. tit. 43, § 107.2 (2007)	Judge's discretion	\$30-40 per person	4 hour in person class 3 hour in person class
Oregon	OR. REV. STAT. § 3.425 (2005)	Allows courts to design and mandate programs	By motion of parties, or court's motion to waive requirement	Generally, 4 hour class with video and handouts
Pennsylvania***	County-based	Generally, parents filing for divorce with children under 18	Generally, \$50 per person with fee waivers possible through program	
Rhode Island‡	Not required	Voluntary, the Family Court offers the Divided Yet United program in cooperation with St. Mary's Home for Children		
South Carolina	Not required			
South Dakota	Not required			
Tennessee	TENN. CODE ANN. § 36-6-408 (2007)	Parties to any action where a parenting plan is or will be created	No set fee; set by provider	4 hour in person or sometimes internet class 1 1/2-5 hour in person class
Texas	TEX. FAM. CODE ANN. § 105.009 (2007)	Judge's discretion to send any party in an action affecting "parent-child relationship"	\$50 for non-resident; \$40 for resident; \$10 for parties receiving Legal Aid	Failure to attend does not preclude parties from divorce

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State	Statute/Court Rule	Required Attendance	Opt-out provisions	Cost of Attendance	Curriculum	Misc.
Utah	UTAH CODE ANN. § 30-3-11.3 (2007)	Mandatory for divorcing parents; Judge's discretion for unmarried parents	None	\$35 per person	2 hour in-person class	
Vermont† Virginia	Judicial discretion V.A. CODE ANN. § 16.1-278.15 (2007)	Judge may require on "good cause" only	Judge may exempt on "good cause shown"	Fee ranges from \$0 to 50 per person	4 hour in-person class	
Washington*** West Virginia	County-based Mandate W. V.A. CODE ANN. § 48-9-104 (LexisNexis 2007)	Parties to a divorce required; court may require parties to paternity, maintenance or modification of divorce	Exempt "for good cause shown"	\$25 per person	2 hour in-person class	
Wisconsin	Wis. STAT. § 767.115 (2006)	Parties to a divorce	None	\$45 early payment; \$50 regular	In-person video, handouts and book	
Wyoming***	District-based Mandate					

* Only a small area of the state requires parents to attend a parent education course. Thus, the chart reflects that, as a whole, this state has no mandatory attendance requirements (four states).

** Parent education courses are only mandated by local court rules. Thus, there is no uniform requirement throughout the state. Check your local court rules to see if a program is required and for course details (six states).

*** There is no statewide mandate, but many counties or districts in this state have county or district-wide mandates. New York has a judicial order that allows judges to mandate parents to attend upon judicial discretion. Check your county or district rules to see if a program is required and for course details (five states).

† Although there is no statewide, county-based, or local rule requiring parents to attend parent education programs, many judges are mandating parents attend a program before their divorce is finalized. This mandate varies by individual judge, so check with each judicial chamber for more details (three states).

‡ Although there is no requirement for parents to attend, the courts offer voluntary parent education programs (one state).