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We are grateful to Chief Judge Kaye for her caring and creative vision, commitment, and continuing support of the parent education program, a much needed resource for the parents and children of this state.

The New York State Parent Education and Awareness Program

By Evelyn Frazee and Susan L. Pollet

The court system is often criticized as being insensitive, overly complex, costly, and slow – particularly in the areas of matrimonial and family law. While the litigation process can be polarizing, for many the courts present a last chance for positive change, redemption, and a better life. The New York State Parent Education and Awareness Program (PEAP or the “Program”) is a court initiative offering research-based information that can provide help and hope to parents, and their children, who are embroiled in custody litigation.

The divorce or separation of parents can be a traumatic experience for children, one that affects them not only at the outset, but for life. The PEAP is designed to educate divorcing or separating parents about the impact of their breakup on their children. The primary goal is to teach parents ways they can reduce the stress of family changes and protect their children from the negative effects of ongoing parental conflict, in order to help foster and promote their children’s healthy adjustment and development.

Background

You do not have to know someone who is undergoing a separation, divorce or other child-centered litigation nor do you have to be personally involved in such an experience to recognize that putting children in the middle of parental conflict can be detrimental to their health and well-being. For years studies have documented an increased risk of adverse outcomes for children from such conflict, including poor psychological adjustment, greater incidence of behavioral problems, higher utilization of mental health services as adults, and higher rates of disruption in their own marriages, to name but a few.¹

Many parents have not been educated about these issues, however, and some, despite their awareness, are unable to change their behavior because they do not have the tools to do so. Experience has shown that if parents are educated to better understand the psychological and legal process they are undergoing, the breakup and its aftermath can be less traumatic for both parents and children.² Indeed, some experts have advocated requiring

parents to attend parent education, describing it as “mandating an opportunity,” with the goal of “empowering” parents with information and resource options.³

The recognition that such intervention could produce better outcomes for children affected by divorce led to the first court-affiliated parent education program in 1978. By 2001, “thirty-five states had established them by legislation or court rule.”⁴ Institutionalized parent education now exists in all but six states in the United States.⁵ While the benefits of parent education inure to the parents and their children, these programs also recognize that divorce and separation may have “social and economic costs for society as well as for the individual.”⁶

New York State joined the movement to provide parent education on a statewide basis in 2001, under the direction of its Chief Judge, Judith S. Kaye. In her 2001 State of the Judiciary address, Chief Judge Kaye announced the initiation of the New York State PEAP and the appointment of a 19-member, multi-disciplinary Advisory Board to recommend standards, guidelines and requirements for establishing and conducting parent education in New York State. The Program was implemented by a 2001 Administrative Order of former Chief Administrative Judge Jonathan Lippman.⁷ In October 2003, the Advisory Board released its report and recommendations for uniform standards and procedures for the certification and monitoring of parent education programs. The Board’s recommendations, which were adopted, set minimum standards to ensure that program content and administration reflect current research and best practices, including a child-centered approach and protocols for the safety of victims of domestic violence. The order was amended in 2004.⁸

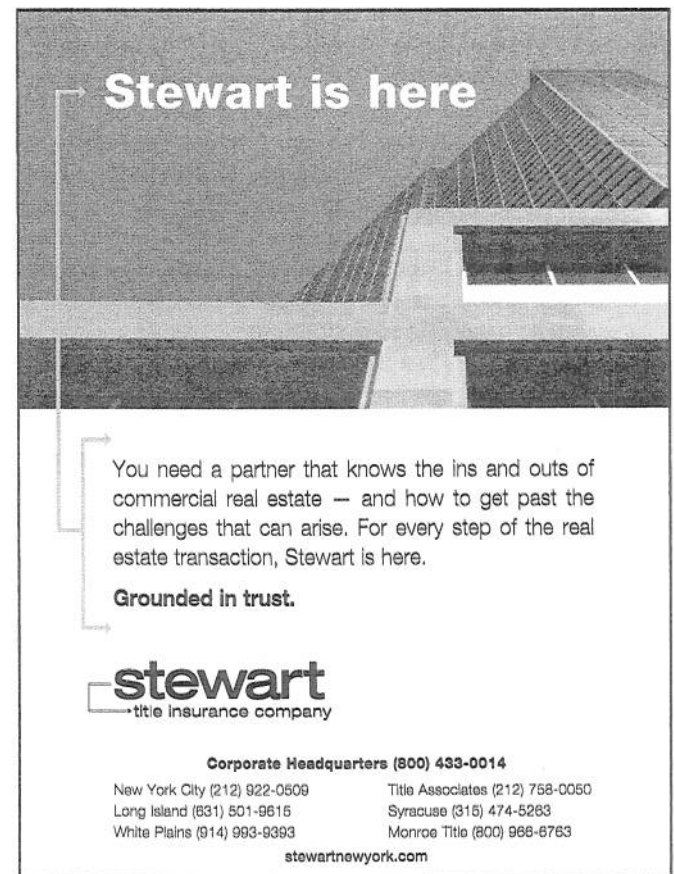
By Court Rule of July 24, 2006, Family Court Judges and Supreme Court Matrimonial Justices were empowered to order, in their discretion, parents of children under the age of 18 years who are involved in custody, visitation, divorce, separation, annulment or child support court actions or proceedings, to attend PEAP-certified parent education programs. The Court Rule was subsequently revised on May 15, 2007, to clarify that judges cannot order parents to attend parent education where there is any history, or specific allegations or pleadings, of domestic violence or other abuse involving the parents or their children.

Features of the Program

Unlike many states, New York’s parent education program is provided for separating parents who may not have been married as well as for divorcing parents. In addition to being ordered or referred to parent education by the courts, parents are free to self-refer and attend voluntarily; they may be referred to parent education by their attorneys, mental health professionals or other entities and individuals with an interest in them and their children.

In order to accept court referrals, a parent education provider must be certified. The certification process is carried out under the direction and oversight of the Program’s counsel and director. First, a provider must submit a written application. After the application is satisfactorily reviewed, a full class cycle is observed and critiqued to ensure that the applicant’s program complies with both the administrative protocols and curriculum requirements. Certification is for a three-year period; programs are subject to review at the end of that period, to qualify for re-certification. To promote best practices, annual training for program provider administrators and presenters is also conducted.

The Program recognizes the unique, and often dangerous, circumstances of domestic violence victims and has undertaken several measures, both in the administration and presentation of parent education, to foster safety and the dissemination of appropriate information. A child’s parents are not permitted to attend the same class session. Enrollment information is confidential and will not be revealed. Providers are required to have a safety plan and security measures. In addition to the Court Rule prohibiting courts from ordering parents to parent education when domestic violence is present, victims of domestic violence are able to “opt out” of attendance. A domestic violence



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victim who opts out is provided with the *Parent's Handbook* distributed in class and a certificate that can serve to counter any inappropriate attempts by the other parent to use parent education attendance as an issue in litigation.

The curriculum is sensitive to domestic violence and the possibility of inadvertently sending a domestic violence victim messages that could be harmful or compromise the victim's safety. Thus programs are required

in 2007, as of October 30, there were approximately 4,334 attendees. It is anticipated that with continued outreach efforts these numbers will keep growing.

PEAP offers ongoing assistance to help foster the efficient operation of existing programs and to encourage new providers to establish programs so quality parent education is available to all parents in the state. A Web site¹⁰ is maintained as a resource for parents, providers

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to teach parallel parenting – how to parent with an abusive former partner or spouse or when there is high conflict – as well as cooperative parenting. The curriculum is “skills based”; it incorporates skills for conflict management, such as adopting a more businesslike approach, and disengaging from inflammatory verbal exchanges and interactions with the children's other parent. This provides parents with exposure to behaviors that can alter often entrenched and dysfunctional ways of relating to each other and gives them the opportunity to practice these techniques.

The required curriculum addresses parenting issues and the legal process.⁹ In the Parenting & Child Well-Being portion of the curriculum, four broad topics are covered: creating and maintaining supportive parent-child relationships; providing a stable, supportive home environment; maintaining healthy parental functioning and psychological well-being; and protecting children from ongoing conflict between parents (this includes a discussion of parallel and cooperative parenting).

The curriculum also includes a short overview of the legal process. It covers legal terminology in the area of custody and visitation, the various options for resolving disagreements, information about how the court makes a custody/visitation decision, the importance of the timely payment of child support, and the necessity of obeying court orders.

Implementation and Current Status

The PEAP program began in July 2005. There are 50 certified providers that cover all 62 counties in New York State; classes are offered at 93 sites. As of October 2007, approximately 7,957 parents have attended parent education classes since the Program's launch. These figures also reveal increasing awareness and utilization of the Program: there were 575 attendees from July through December 2005; a total of 3,623 parents attended in 2006;

and the courts. The public portion of the Web site sets forth the protocols, procedures and requirements of the Program as well as an updated list of certified providers. Providers and the courts can obtain additional information and assistance in a password-protected portion of the Web site.

To ensure the delivery of appropriate information in a way that meets best practices, PEAP has obtained feedback via surveys of judges, judicial officers, and court clerks; parents' viewpoints and comments are obtained from a post-class survey administered to all attendees. Valuable insight is gleaned from the required reports filed by providers. Input is also solicited from interested individuals and groups, such as lawyers and domestic violence advocates. The information received from these and other resources has been applied to make changes and improvements to the Program.

Does Parent Education Make a Difference?

According to a study of the A.C.T. – For the Children (Assisting Children through Transition) program, which served as a model for the PEAP curriculum, “[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.”¹¹ A follow-up study was conducted via telephone interviews with 85 randomly selected parents to assess outcomes at six months and one year after participating in the A.C.T. program.¹² 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.”¹³ While much of the data upon which the survey relies is subjective and anecdotal, it does indicate that parents are finding value in

that program and their children are finding some relief as a result of their parents' heightened awareness of risk factors and the measures that can be undertaken to reduce them.

Similar sentiments are echoed by the majority of parents who attend the PEAP's certified programs. Parents repeatedly express gratitude for the information they receive, and the form in which they receive it. Comments frequently heard from parents who have attended parent education include, "I wish I had taken this class sooner – I had no idea that what I was doing could be harming my child, I would not have done things in the same way" or "All divorcing or separating parents should be required to take this course." This translates to children making healthier adjustments – one of the key outcomes of the Program.

Conclusion

The Parent Education and Awareness Program is a valuable resource that can reduce the polarization often engendered by litigation. It provides much-needed education and support for separating or divorcing parents, and in turn, helps make their children's lives more liveable. While still relatively new to New York State, a formal system of parent education is becoming part of the fabric of divorce or separation when minor children are involved. As a ser-

vice to clients engaged in divorce, separation or custody and visitation proceedings, practitioners should encourage parent education attendance. ■

1. See Joanne Pedro-Carroll & Evelyn Frazee, *Program Can Help Protect Children in Break-ups*, N.Y.L.J., Jan. 4, 2001, p. 1, col. 1; Brenda L. Bacon & Brad McKenzie, *Parent Education After Separation/Divorce – Impact of the Level of Parental Conflict on Outcomes*, 42 Fam. Ct. Rev. 85 (Jan. 2004).
2. See Stephen W. Schlissel, *Board Developing Standards on Parent Education Programs*, N.Y.L.J., Oct. 7, 2003, p. 16, col. 1.
3. Virginia Petersen & Susan B. Steinman, *Helping Children Succeed After Divorce. A Court-Mandated Educational Program for Divorcing Parents*, 32 Fam. & Conciliation Cts. Rev. 27, 28 (Jan. 1994).
4. Nancy Ver Steegh, *Book Review: The Unfinished Business of Modern Court Reform: Reflections on Children, Courts, and Custody by Andrew I. Shepard*, 38 Fam. L. Q. 449, 460-461 (Summer 2004).
5. See October 2003 Report of the Advisory Board, Appendix A.
6. *Id.*
7. Admin. Order 145/01 (Feb. 1, 2001).
8. Admin. Order 208/04 (May 12, 2004).
9. Curriculum content is set forth in detail in the October 2003 Report of the Advisory Board (pp. 23-48) and on the Program's Web site, address below.
10. The Program Web site address is <www.nycourts.gov/ip/parent-ed>.
11. October 2003 Report of the Advisory Board at 387, 388.
12. JoAnne Pedro-Carroll, Ph.D. & Evelyn Frazee, J.S.C., A.C.T. – *For the Children: Helping Parents Foster Resilience and Protect Children from Conflict in the Aftermath of a Break-up*, N.Y.L.J., Jan. 4, 2001, col. 1, p. 1.
13. *Id.*

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