



Memorandum in **OPPOSITION** to **Judicial Restoration of Parent Education (JROPE)** **Proposal to Mandate Parent Education**

NYSBA #25

March 7, 2018

The Office of Court Administration (OCA) has requested comments on a proposal developed by the Judicial Restoration of Parent Education (JROPE). The proposal would amend 22 NYCRR § 144.3(b), which currently provides that in contested actions for divorce, annulment or separation “...the court may order both parties to attend a parent education and awareness program... .” This proposal would “mandate parents to attend the program unless the court exercises its discretion and determines that the program would be inappropriate, due to the existence of domestic violence or other enumerated factors; and that the Court must require proof of attendance before granting judgment in matters requiring parent education.”

There is strong agreement that in certain circumstances parent education is useful and productive. However, we question whether making the proposal mandatory at this time is prudent. Prior to addressing the proper standard for ordering parental education, it is important to understand if adequate resources currently exist statewide to fulfill such a mandate. An examination of JROPEs materials in support of this proposal indicates that there are significant programmatic needs. These needs should be addressed prior to making such a program mandatory. For example, JROPE has requested OCA assistance with:

1. Establishing parent education programs in counties where **none** exists;
2. Approving and certifying new providers, including online programs;
3. Establishing administrative support for parent education within OCA as previously existed; 22 NYCRR 144.2(c)(f);
4. Coordinating with judicial and non-judicial personnel; and,
5. Maintaining statistical information on the programs.

We note especially that a significant number of counties have no parent education program available. Moreover, to date, no online programs have been certified. It concerns us that such services could be mandated if the services do not currently exist. Before mandating any such program, OCA should consider making available an on-line program that would be no-cost to litigants who are ordered to participate. Doing so would address concerns for those who cannot afford a program’s tuition. Moreover, an on-line program would alleviate the financial burden related to childcare if litigants have to attend a program outside of the home.

As to the proper standard, we question whether mandating parent education with narrow circumstances for exercising judicial discretion is better than the broad discretion

to order parent education the court currently has. Perhaps the current broad discretionary standard to order parent education could be bolstered by adding a provision requiring the court to provide a finding as to why parent education is not ordered when those circumstances arise.

There are also potential jurisdictional issues related to mandating parent education. A parent’s right to parent a child without government intrusion is a fundamental constitutional right.¹ It is only when a minor’s health, safety or long-term well-being is jeopardized that a court may exercise its *parens patriae* obligation to intrude on that relationship.² As a result, a court in a neglect or abuse proceeding, may not order a parent to accept services if the court determines that no abuse or neglect has occurred.³ The court loses jurisdiction to intrude in that parent-child relationship and must remain hands-off, no matter how advisable the court deems its intrusion to be.⁴

In addition, JROPE proposes that every court should have to “require proof of attendance [at such a parent-education program] before granting judgment.” Considering the large volume of petitions and actions filed in New York State, including uncontested matrimonial actions, that are covered by this proposal,⁵ preventing courts from moving cases off their dockets before the parent who is to be awarded custody or visitation presents proof of completion of such a parent-education class, would require either a massive number of adjournments or, unthinkable, the award of custody to a less suitable parent merely because that parent did attend the class. The requirement could also become a point of leverage for one parent to extract concessions from the other who is unable to attend such a class.

We support the goals of this proposal to restore and improve parent education statewide. We believe there are societal benefits to providing convenient and broad access to parent education. However, because of the programmatic needs and potential legal hurdles to making such a program mandatory, this proposal is premature at this time.

¹ *Matter of Marie B.*, 62 NY2d 352, 358 (1984) (“Fundamental constitutional principles of due process and protected privacy prohibit governmental interference with the liberty of a parent to supervise and rear a child except upon a showing of overriding necessity. (See *Santosky v. Kramer*, 455 U.S. 745, 753; *Wisconsin v. Yoder*, 406 U.S. 205, 232; *Stanley v. Illinois*, 405 U.S. 645, 651; *Pierce v. Society of Sisters*, 268 U.S. 510, 534.) Indeed, this court has repeatedly held that the State may not deprive a natural parent of the right to the care and custody of a child absent a demonstration of abandonment, surrender, persisting neglect, unfitness or other like behavior evincing utter indifference and irresponsibility to the child’s well-being. (*Matter of Male Infant L.*, 61 NY2d 420, 427; *Matter of Dickson v. Lascaris*, 53 NY2d 204, 208; *Matter of Bennett v. Jeffreys*, 40 NY2d 543, 544; *Matter of Spence-Chapin Adoption Serv. v. Polk*, 29 NY2d 196, 204; *People ex rel. Kropp v. Shepsky*, 305 NY 465, 468.) Legislation which authorizes the removal of a child from the parent without the requisite showing of such extraordinary circumstances constitutes an impermissible abridgement of fundamental parental rights.”)

² *Id.*

³ See F.C.A. § 841(a) (requiring “dismiss[al of] the petition, if the allegations of the petition are not established”).

⁴ *Id.*

⁵ In New York City Family Court alone, 36,644 original custody and visitation petitions were filed in 2016, and 19,650 supplemental (modification) custody/visitation petitions were filed. Overall New York State Family Courts outside the city, saw an additional 139,180 petitions. That year 45,150 contested matrimonial cases were filed and 12,090 uncontested ones were filed. While we don’t know how many of the matrimonial cases involved children younger than eighteen, between 195,474 and 252,714 cases (and couples) would potentially be effected by this rule change. Moreover, a significant portion of the almost 200,000 Family Court cases do not involve couples who were married or even cohabited together, so the segments of the program dealing with “the impact of parental breakup” “family change” or “family reorganization,” *Procedures for the Administration of the New York State Parent Education and Awareness Program I-B*, and it’s purpose to “help parents through the unique circumstances of separation or divorce,” New York State Parent Education Advisory Board, *Proposed Guidelines, Standards & Requirements for Parent Education Programs* at 24, would not be relevant to them.



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REPORT BY THE COUNCIL ON CHILDREN

**PROPOSED AMENDMENT TO 22 NYCRR § 144.3(2)(b)
TO MANDATE ATTENDANCE IN THE NEW YORK STATE
PARENT EDUCATION AND AWARENESS PROGRAM**

THIS PROPOSAL IS OPPOSED

The Council on Children of the New York City Bar Association submits the following comments to the Administrative Board of the Courts' Proposed Amendment to 22 NYCRR § 144.3(2)(b) which would mandate attendance in the New York State Parent Education and Awareness Program. The Council on Children is comprised of representatives of all the City Bar committees dealing with children, education, family and family court and the needs of lesbian, gay and transgender youth, as well as leaders from the child welfare, juvenile justice and legal communities. The Council opposes the proposed Amendment for the reasons set forth below.

THE PROPOSED RULE

The proposed amendment would modify the existing rule to require judicial officers to order all parents in cases involving custody or visitation to attend a parenting program. This participation would be required prior to any judicial decision on custody or parenting time in Family and Supreme Court cases involving children except where domestic violence is alleged. The proposed language reads:

“The Court shall mandate parents to attend the program unless the court exercises its discretion and determines that the program would be inappropriate, due to the existence of domestic violence or other enumerated factors; and that the Court must require proof of attendance before granting judgment in matters requiring parent education.”

While we respect the intent of the Judicial Restoration of Parent Education (JROPE) Committee to increase access to information for parents about the impact of court cases on children we cannot support the proposed Amendment.

ISSUES OF CONCERN

1. Parenting programs should not be mandatory.

Requiring all parents or other caretakers who are separating, divorcing or involved in any kind of custody or visitation proceeding to attend a parenting program constitutes an overly intrusive intervention in family life. Parenting programs interfere with an individual's work and family responsibilities and should not be imposed on all parents regardless of their individual situation.

2. New York families come to court with different issues and needs.

The JROPE proposal refers to requiring attendance at “the” parenting program. This response fails to account for the vast differences between families. For example, in Chicago, where parenting programs are mandated, program models are different for married and non-married families.¹ Any plans to increase access to parenting programs should include multiple types of programs which could be voluntarily accessed by interested parents/guardians.²

3. Requiring parents to complete parenting classes before an order is issued would cause unacceptable additional delays which would not be in the best interest of children.

There are already significant delays in cases involving custody and visitation issues in Family and Supreme Court. The proposal would add to these delays without any clear benefit to children. The sheer volume of cases in family and Supreme Court involving children would present overwhelming implementation challenges. Additionally, the proposal does not sufficiently address how cases involving domestic violence would be identified and appropriately referred.

4. The proposed mandatory language is premature given the shortage of evidence supporting the goals and impact of parenting programs.

The vast majority of research on the impact of parenting programs relies on parent self-report or is otherwise non-generalizable.³ While parent self-report is informative, it is not a sufficient foundation on which to require this programming for the over 200,000 cases involving children in New York Family and Supreme Courts every year.⁴

¹ Conversation with Chicago Parent Education program staff.

² See e.g., Purvi Shah, *Seeding Generations: New Strategies Towards Services for People who Abuse*, Center for Court Innovation, Nov. 2017, <https://www.courtinnovation.org/publications/seedinggenerations> (all websites last visited March 8, 2018).

³ Sigal et al, *Do Parent Education Programs Promote Health Post-Divorce Parenting? Critical Distinctions and a Review of the Evidence*, Fam Court Rev. 2011 Jan; 49(1): 120–139, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3086750/>.

⁴ Sigal et al, p. 16: “There is little evidence that these programs are achieving their stated goals of improving the quantity of nonresidential parent-child contact, fostering the quality of parent-child relations by either the custodial or non-custodial parent, reducing interparental conflict, improving co-parenting, reducing relitigation or most

Researchers have identified 30 distinct goals for parenting programs.⁵ New York's programs focus on four goals, including actual improvement in parent-child relationships.⁶ While these four goals are laudable, documenting impact on actual parenting or child health is extremely difficult and is not determinative from self-reporting. Additionally, insufficient attention has been paid to the strategies and techniques by which those goals are being promoted.⁷ For example, if the goal is building better communication between parents, how should that be achieved? Further discussion is needed to determine which if any of these goals will on-line programs be able to achieve.

RECOMMENDATION

The Council is opposed to the proposed amendment. The Council would support a well-designed planning process with the goal of increasing support for and use of parenting programs statewide.

Council on Children
Lauren A. Shapiro, Chair

March 2018

importantly, improving outcomes for children. However, the lack of convincing evidence of program effects is due to methodological limitations in the evaluations, so that at this point it would be inappropriate to say that these programs don't work. Rather, it is more accurate to say that they have not been subject to rigorous evaluation, so that we do not know whether or not they are effective."

⁵ Peter Salem et al.; *Taking Stock of Parent Education in the Family Courts: Envisioning a Public Health Model*, Fam Court Rev. 2013 Jan 1; 51(1): 131–148, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3638966/>.

⁶ New York State Parent Education & Awareness Program, <http://www.nycourts.gov/ip/parent-ed/>.

⁷ Peter Salem et al. *ibid.*

Supreme Court
of the
State of New York



JUSTICES' CHAMBERS
360 ADAMS STREET
BROOKLYN, NY 11201

HON. JEFFREY S. SUNSHINE

January 25, 2018

John W. McConnell, Esq.
Counsel, Office of Court Administration
25 Beaver Street, 11th Fl,
New York, NY 10004

Re: MPARC Response to Request
for Comment on JROPE Parent
Education Proposal

Dear Mr. McConnell:

The Matrimonial Practice Advisory and Rules Committee (MPARC) thanks Judge Sondra Miller (Ret.) and Judicial Restoration of Parent Education (JROPE) for their thoughtful proposal.

The majority of the MPARC believes that Parent Education should be mandatory in a contested action for divorce, annulment or separation where a Request for Judicial Intervention (RJI) has been filed if there are minor children of the marriage, regardless of whether or not custody is at issue. While agreeing that in this situation Parent Education should be mandatory, the MPARC believes that the Judge should have discretion to waive the requirement.

In order to provide for a uniform standard statewide, the MPARC proposes that there should be an OCA produced online program, limited only to children's issues (not legal issues) that is no more than ninety (90) minutes in length. The film produced by OCA should be similar in nature to the film shown to new jurors.

In addition the MPARC proposes that this film be accessible online and shown on a monthly basis in courthouses for those who do not have access to the internet. The online version should be available in multiple languages as well as sign language. By having an online version of the Parent Education program, it will: 1) allow victims of domestic violence access to the program in a safe environment; 2) allow child care providers access from home after hours; and 3) not impact on

employment. The online and in-court alternative to having private vendors create the films would permit access to the Parent Education program at no cost to litigants, which makes a mandated program fairer and assures access to all. It will provide a standard approved format that does not exceed the limitation that Parent Education be limited to children's issues. The MPARC further suggests adequate funding be assured for this program and there be periodic review and updating of the film. The proposal would also limit the costs of ongoing oversight and certification of individual programs.

Finally, the Committee recommends that the failure of a party to attend the parent education course should not be a basis to deny signing of a judgment.

If you have any questions please feel free to contact me.

Very truly yours,



Jeffrey S. Sunshine, J.S.C.
Chair, Chief Administrative Judge's
Matrimonial Practice Advisory and Rules Committee

JSS/mjs

cc:

Hon. Lawrence Marks
Susan Kaufman, Esq.
Members of the MPARC



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
 CHIEF ADMINISTRATIVE JUDGE

JOHN W. McCONNELL
 COUNSEL

December 26, 2017

TO: John McConnell, Esq.
 FROM: Family Court Advisory and Rules Committee
 RE: Proposed Parent Education Rule

The Family Court Advisory and Rules Committee appreciates the opportunity to submit comments on the proposed rule mandating parties in matrimonial and custody cases in Family and Supreme Court to attend parent education classes. The Family Court Advisory and Rules Committee, a standing advisory committee established by the Chief Administrative Judge pursuant to section 212(1)(q) of the Judiciary Law and section 212(b) of the Family Court Act, is comprised of experienced judges, court attorney referees, support magistrates, Family Court clerks and family law practitioners drawn from throughout New York State. The Committee thus brings a variety of front-line perspectives to the myriad issues relating to the Family Court. The comments below represent the unanimous consensus of the Committee with respect to the impact of the proposed rule upon the Family Court.

Many of the Committee's members have referred litigants in custody cases to parent education programs, suggested training of the bench and bar to encourage referrals and view the programs as invaluable resources in selected cases. The Committee favors expansion to under-served areas of the State and diversification in terms of language and curricula, as well as restoration of the cuts to the oversight by the Unified Court System that resulted from budget reductions several years ago. Some suggested that free, on-line programs be produced, including perhaps a short video or "photo novella" (a PowerPoint of still photos with audio) that may be available in courthouses for viewing by litigants as they await their cases. In brief, the Committee shares the goal of JROPE, the group sponsoring the rule proposal, of ensuring greater statewide access to quality parent education programs. However, the Committee has the following serious concerns about the proposal to mandate attendance at parent education programs in all Family Court custody proceedings and would urge retention of the current court rule that affords discretion to jurists to order attendance at such programs in appropriate cases:

- Mandating attendance at parent education programs as a pre-condition to obtaining a final order will seriously impair the Family Court's fulfillment of Chief Judge DiFiore's "Excellence Initiative" by delaying the resolution of a large volume of the Family Court's caseload. The Office of Court Administration's Office of Court Research has reported that in calendar year 2016, for example, there were 193,925 custody petitions filed in Family Courts statewide, including 100,002 original and 93,923 supplemental¹ petitions – 54,745 in the New York City Family Court and 139,180 in Family Courts outside of New York City. If litigants in even a small percentage of these filings fail to produce proof of program attendance, significant delays beyond "Standards and Goals" in many cases will ensue. Moreover, even in counties with programs, this significant volume of cases will severely strain existing resources, especially with respect to litigants who are unable to afford to pay for the programs.

- Such a mandate will leave large numbers of children and their families in limbo without final orders that may be necessary to stabilize their situations. This has the effect of punishing children for what may be the failure of just one of their parents or custody resources to attend and may seriously

¹ Supplemental petitions include, *inter alia*, petitions to modify or enforce custody orders.

contravene the children's best interests. Prompt adjudication for the sake of children continues to be an essential goal of the Family Court. Significantly, since attendance at a program would be a prerequisite to issuance of a custody order, the rule creates a disincentive for compliance by any party resisting issuance of an adverse order.

- Requiring Family Courts to issue orders for parent education participation at the earliest stages of the cases may deprive litigants of essential due process rights. The Courts may be compelled to make determinations without essential information, *inter alia*, regarding the presence of domestic violence, access by the parties to appropriate programs and their ability to pay for them. Significantly, many litigants in Family Court are unrepresented and have no advocate to make needed arguments on these issues.

- One of the strengths of the Family Court in ensuring access to justice is the absence of filing fees. Imposing a requirement for both parties to attend programs for which they must pay – or undergo the burden of proving that they are indigent – is tantamount to imposing filing fees and, in essence, assesses a fine to both parties for engaging in the civil litigation process. The likelihood that this may deter parties from filing appropriate cases poses a serious obstacle to fulfillment of one of the Unified Court System's most important goals: that of increasing access to justice.

- Unlike matrimonial cases in Supreme Court, many custody cases in Family Court involve parties who have never married, have never lived together and are not experiencing the family reorganization that forms the focus of many, if not most, of the parent education programs addressing the impact of divorce and separation. Many of the custody cases in Family Court involve third parties, including relatives, as well as parties who have never had any prior relationship with the children, who sometimes bring custody actions in order to provide a means of addressing abuse or neglect by children's parents. *See, e.g.*, Family Court Act §§1055-b, 1089-a. It is not clear that parent education programs utilize curricula specifically adapted to these circumstances or that any rigorous research has been done so as to make Family Court parent education programs evidence-based with respect to the unique needs and characteristics of its clientele.

- According to the Unified Court System's web-site, numerous counties have either no parent education programs or simply utilize programs in other counties, not necessarily close in distance or accessible by public transportation. Significantly, Family Court litigants tend to be poorer, younger, less educated, more often of minority ethnicity and often with more limited English proficiency than those who are litigating divorce or other matrimonial actions in Supreme Court. Programs for Family Court litigants, therefore, need to reflect sensitivity to a variety of cultures and educational levels, need to be easily accessible by public transportation, need to be readily available on a no-cost basis for those who cannot pay and need to be timed so as to cause the least interference with the litigants' jobs. Well over 100 languages are utilized in Family Courts and cultural differences are substantial. Mandating attendance when it is not at all clear that litigants will be able to access programs that are in close proximity to their homes, affordable and equipped to address the cultural and linguistic diversity of Family Court litigants would be unfair and inappropriate.

In summary, parent education should continue to be an option in appropriate cases, with a recognition that it is neither necessary nor suitable in many situations. As reflected in the current court rule, the Committee concurs with the recommendation of the Matrimonial Commission in its report to the Chief Judge in 2006, at p. 36:

The decision to order attendance must be wholly within the judge's discretion with the limitation that attendance – or failure to do so – will not have any effect on the progress of the litigation.



Association of Judges of the Family Court of the State of New York

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January 5, 2018

Mr. John W. McConnell
Counsel, Office of Court Administration
25 Beaver Street
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New York, NY 10004

Re: Proposed Amendment 22 NYCRR §144.3

Dear Mr. McConnell,

On behalf of the New York State Family Court Judges Association, I am writing to express the Board's opposition to the proposed Amendment 22 NYCRR §144.3 that would require judges to order mandated education programs for parents involved in divorce, separation and custody matters. As it stands now, judges presiding over these matters have discretion under 22 NYCRR §144.1 to decide which families would benefit from enhanced parent education programs.

As family court judges we are in the best position to evaluate and determine the need for each family as it relates to their issues. Throughout the process, we take it upon ourselves to become acquainted with the litigants and their children. By the time the matter is set for disposition, judges have the best information before them and greatest advantage of insight to decide if additional assistance through parent education programs would be valuable. Sometimes it is, often times it is not.

Making these parent education programs mandatory will affect not only the length of time it will take to decide custody matters, but will also place upon the parties involved in these court proceedings additional financial strain by way of increased litigation expenses for services that may not be necessary. There is also the unanswered question involving violations of these mandates. Who decides if the parent "successfully" completed or "partially" completed the course? What is the availability of these programs in more rural settings?

We adamantly request you **not** implement the proposed amendment to 22 NYCRR §144.1 and allow judges to assess the needs of each case and implement appropriate services when necessary. By amending this rule, you curtail the judges'



*Association of Judges of the Family Court
of the State of New York*

ability to use discretion based on first hand knowledge of the case. Furthermore, by mandating judges to further explain their decision not to order these classes puts further burden on the judiciary when time, effort and resources are limited.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Martha E. Mulroy'. The signature is fluid and cursive.

Martha E. Mulroy
NYSFCJA, President



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March 6, 2018

VIA FIRST CLASS MAIL

John W. McConnell
 Office of Court Administration
 25 Beaver Street, 11th Floor
 New York, NY 10004

Dear Mr. McConnell,

Mea culpa! I accept responsibility for the significant burden imposed upon the Administrative Board as a result of the JROPE proposal to Amend 22 NYCRR Part 144 by adding Section 144.3(2)(b) to require judges to mandate parents to attend parent education.¹

My justification for doing so is supported by the evidence, *inter alia*, letters submitted to the Board by Justice Evelyn Frazee, Dr. JoAnne Pedro-Carroll, Professor Andrew Schepard and Justice Richard Dollinger (annexed hereto as Exhibits A-D for your convenience), which fully support the benefit to parents and children resulting from attendance at Parent Education programs that have been in existence from over 20 years, actively supported by OCA from 2005-2011 until the unfortunate budget cuts that eliminated their funding.

My personal motivation for doing so is also relevant. As you may know I was privileged to serve the Courts of this state for 21 years: Westchester Family Court (3 years); 9th Judicial District, NYS Supreme Court (4 years); and Appellate Division 2nd Department (15 years).

After retiring in 2005, I returned to private practice in Westchester County, and once again was confronted by the disturbing damage resulting when children are caught in the middle of their parents' anger, resentment and distrust during the divorce process. I recalled the PEACE Programs, with which I had become familiar. I had learned directly from parents who had participated in them how helpful the program had been; how they had, as a result, spared their children further damage; how they wished they had participated in such a program earlier. I also learned that no Parent Education classes

¹ Unless a judge, in his or her discretion, determines that attendance is inappropriate.

were available in Westchester County² (although they continued to exist in more than 44 counties throughout the State).

As a result, I contacted a few of the most knowledgeable, competent, sympathetic professionals within earshot to consider the possibility of meeting to restore and strengthen Parent Education programs throughout the State. We formed a committee: Judicial Restoration of Parent Education (JROPE).

Justice Jacqueline Silbermann, who, as former Administrative Judge of Matrimonial Matters for the State of New York, was thoroughly familiar with the history of Parent Education and its merits, agreed to share my burdens as JROPE co-chair. Our excellent committee met at Justice Silbermann's office from February 14, 2017 to February 14, 2018 (9 meetings). With the significant assistance and resources contributed by Professor Shepard, and the critical information provided by Dan Wietz of OCA and Harriet Weinberger (Attorneys for Children) and the shared experiences of the committee's outstanding judges, attorneys, family science professionals and providers, we studied the national data regarding parent education and the history of parent education in NYS (noting exceptional research and contributions of Justice Evelyn Frazee and Dr. JoAnne Pedro-Carroll,) we created the proposals presently before you, another copy of which is attached as Exhibit E. I am forever grateful to each and every member of this committee for their genuine contributions of talent, precious time, and travel.

As energized and grateful as I am for the work of my committee, I am surprised and disappointed at the apparent misconceptions and lack of understanding expressed by the Family Law Section of the New York State Bar Association (our suggestions and corrections are addressed in the annexed memo, entitled "Clarification from JROPE to the Administrative Board", attached as Exhibit F. I believe the FLS's position might change if their misconceptions are addressed.

I am gratified that MPARC, the excellent committee chaired by Justice Jeffrey Sunshine on which I serve as a member³, endorsed JROPE's proposal to amend the existing rule by mandating judges to refer appropriate parties to the PEACE Program. However, I am concerned that its approval is limited to non-interactive, DVD-only online programs, and ignores the *in persona* programs running successfully in 44 counties. The MPARC proposal would effectively eliminate these programs. Furthermore, as stated, no certified online programs presently exist in New York State.

As you will note, JROPE affirmatively endorses the additional use of online programs, which we considered a significant accessory to the 44 Parent Education programs that are presently in use throughout the state.

During my recent meeting with Dan Weitz, he stated that OCA has been exploring the use of an appropriate online program for some time, and is close to selecting one. That interactive, evidence-based and skills-based program, which includes videotaped scenarios and corresponding books, will have to be certified and

² I have since learned that a program was very recently certified in Westchester County.

³ Unfortunately, I could not personally attend the meeting that addressed the JROPE proposal.

evaluated. Online programs will document parents' increased learning through quizzes as well as their evaluation of the program. In addition, resources for parents in their respective counties will be made available, as well as ongoing educational texts, for six months post-completion of the online program. (Both Family Kind and Justice Frazee's "ACT" program have online models which I believe are being considered). JROPE welcomes such programs, as they will be an effective option for victims of domestic violence, people with disabilities, and those whose geographic concerns make *in persona* programs inaccessible. The serious concern of my committee is, as previously stated, that if the MPARC's proposal is endorsed in its present form and interpreted to limit Parent Education solely to 90-minute videos, there would be virtually no Parent Education programs to which the courts could refer parties, and Parent Education would be effectively terminated.

JROPE would withdraw its present application in preference to that result. We prefer to continue the valuable programs that exist, rather than eliminate them in the hope that a certified on-line program will be promptly accepted, certified and tested as to its effectiveness. Moreover, although there is significant data supporting the value of the existing *in persona* programs, we believe there are no studies evaluating the online programs yet to be selected.

JROPE agrees that mandatory referrals to Parent Education should be made in contested custody matters only, and should be offered to others who are interested.

The Cost to OCA of Parent Education

JROPE has considered the cost of mandatory Parent Education to OCA, recognizing that the funding that previously existed was terminated by budget cuts in 2011.

In order to provide the OCA assistance with the costs of the PEACE program and assistance in its administration, JROPE's proposal suggests the creation of a statewide multidisciplinary "Parent Education Advisory Board" (see Exhibit E, page 13). The Advisory Board would meet several times a year, and would evaluate data provided by online and in-person programs via reports to OCA, thus minimizing the costs of observing and informing as to the merits of the existing programs. Professor Andrew Schepard has generously offered the assistance of the Maurice A. Deane School of Law, Hofstra University, for Board meetings and potentially for research. I understand that such advisory boards have provided significant assistance to OCA in the past, such as resolving Attorney/Client fee disputes.

Thank you again for your time and careful consideration.

Very truly yours,



Sondra Miller

Encls.

cc: Hon. Lawrence K. Marks

Miller Letter Exh.

EXHIBIT A



Evelyn France
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January 22, 2018

VIA EMAIL and USPO

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 New York, New York 10004

Dear Mr. McConnell:

Before the Administrative Board for consideration is a proposal to amend 22 NYCRR Part 144 by adding Section 144.3(2)(b) to require judges to mandate parents involved in separation and divorce proceedings to attend parent education and awareness unless the court specifically finds attendance would be inappropriate due to the existence of domestic violence or other enumerated factors. I strongly support this amendment.

By way of background, I served as the Chairperson of the Parent Education and Awareness Board which issued in 2003, the *Proposed Guidelines, Standards and Requirements for Parent Education Programs - Report of The New York State Parent Education and Advisory Board to the Chief Judge and the Chief Administrative Judge* that led to promulgation of Part 144. I am intimately familiar with the provisions of Part 144. Over 20 years ago I co-founded, with child psychologist JoAnne Pedro-Carroll, Ph.D., the parent education and awareness program known as A.C.T.* (*Assisting Children through Transition) ~ For the Children-Rochester, NY (A.C.T.). I remain very active in the administration and oversight of the A.C.T. program, which gives me continuing first-hand knowledge about parents' response to this resource.

In my experience, there is significant misunderstanding and much misinformation about parent education and awareness. Unfortunately, many of the people who oppose mandatory parent education and awareness have never attended a parent education class and have no first-hand knowledge of the content and its value to divorcing or separating parents. Further, many people have not read Part 144 and are not familiar with the implementing guidelines for judges and the rigorous certification process that parent education and awareness providers must undergo.

Supreme Court Chambers

The below synopsis of the background of parent education and awareness, the feedback received from parents, research data, and responses to some of the common concerns and misconceptions about parent education and awareness is provided to assist the Administrative Board in coming to an informed decision regarding the proposal.

Their parents' break-up can be a stressful and traumatic event for children that does not end with the conclusion of the legal proceedings and can last for a lifetime. Children who experience family dissolution are at greater risk than those in stable, intact families for academic failure, social skills deficits, delinquent behaviors, psychological distress and disorders, self-destructive behaviors and other negative outcomes. Research shows that the presence of parental conflict is a high predictor for such negative consequences.

Court-affiliated parent education and awareness was introduced as a resource in divorce cases several decades ago to address the concerns about the adverse impact upon children's health, both physical and mental, which can result from their parents' break-up. Parent education and awareness in New York State is a research based preventive intervention based on a risk and resilience model that emphasizes avoiding negative parental behaviors that increase the risk of harm to children and teaches best practices to promote children's resilience and ability to cope and adapt over time. At least 49 states have recognized the value of parental education in the context of a divorce or separation by establishing court-affiliated parental education programs, with a significant number requiring parents to attend.

From our 20 years experience with A.C.T., we have learned that parents value parent education and awareness. Parents attending A.C.T. have overwhelmingly (90+%) indicated on their post-class evaluations that the program is worthwhile and that they would recommend it to others. Here is a sample of the type of comments we repeatedly receive from parents:

- "It was such an excellent program. The message of healing and rebuilding is so important...there will be two healthier children because of it."
- "Everybody should be required to attend this class."
- "After this class, I will work to keep the conflict and game-playing down. I don't plan to keep coming back to court."
- "I wish I had taken this class sooner—I would have done things differently."
- "The program changed our lives. It gave us all a new direction...one of hope and healing. I see too many people oozing with anger...I don't want to go there anymore."
- "Things aren't perfect, but my ex and I are communicating better and the kids seem to be doing better."

Supreme Court Chambers

- “I didn’t realize how focused I was on my own problems and emotions caused by the divorce. This class helped me to re-focus and to realize how important it is to give my kids help at this tough time for them, too.”
- “The class helped me to realize that I needed some professional help for myself and my children. It is helping us all to move forward and to better cope with all the changes.”
- “I was told by a judge to come to this class. I didn’t want to be here – but I learned a lot and am glad that I attended.”

Judges and attorneys report that parents who attend parent education and awareness are more likely to resolve their issues by settlement rather than continued litigation. Settlement or lessening of conflict in litigation lowers costs for judicial personnel and facilities and reduces the need for court-appointed attorneys for the children, many of whom are paid from the judiciary budget. Thus, in addition to fostering healthier outcomes post-divorce or separation for children and their parents, parent education and awareness can result in lower costs for the judiciary.

The research studies support this empirical data. A.C.T. has also conducted a study that shows the benefits of parent education and awareness. In addition to the post-class evaluations, a six-month and one-year follow-up study of parents who attended A.C.T. conducted under the auspices of the Children’s Institute of the University of Rochester found that 66% of the participants rated their conflict as high or very high pre-parent education and awareness attendance with that figure dropping to 14% after parent education and awareness attendance. Further, before attending parent education and awareness, 54% of parents indicated that they were likely to litigate, but after attending parent education and awareness only 10% of participating parents indicated they were likely to litigate. These are statistically significant differences.

The conclusion from the empirical and statistical data is that parent education and awareness makes a difference by giving divorcing or separating parents the awareness, knowledge and tools to identify and reduce conflict and its related stresses. This can have beneficial effects for children, parents, communities and the judiciary. By producing a smoother transition through the family changes and promoting healthier outcomes for children and parents, the incidence and severity of maladjustment is reduced. Increased numbers of better adjusted and functioning individuals in our communities impacts the need and associated costs for mental health and other services. Reduction of conflict and enhanced resolution of issues by negotiation rather than litigation can reduce expenses borne by the judiciary.

Supreme Court Chambers

Over the years, I have become very familiar with the arguments and concerns that have been posited in opposition to parent education and awareness, in general, and more specifically, to mandatory parent education and awareness. I want to briefly address some of the concerns that I have heard raised in the past about mandating parent education.

Concern 1: "It is not fair to make 'good' parents attend parent education and awareness." "These programs are not in the children's best interests."

Parent education and awareness is not about teaching parents how to parent, in general. Rather, parent education and awareness specifically addresses the unique challenges facing families when a divorce or separation occurs. When a divorce or separation occurs, parents can become emotional and focused upon themselves, losing sight of the children's needs. Parent education and awareness re-focuses parents on the needs of their children and educates them about the toxic effects of conflict on their children as well as themselves. Surely, reducing conflict, and a program aimed at doing this, is in the children's best interests. The data accumulated by A.C.T. shows the benefit of parent education and awareness for children and their parents that occurs when conflict is reduced or better managed. Those who contend that parent education and awareness is not in the children's best interests wholly misunderstand these programs.

Some opposed to mandatory parent education seem to oppose the notion that the courts can order parents to parent education. I respectfully suggest that there are numerous situations where litigants are required by the court to take some action. For the most part, parents will not attend parent education unless required to do so. Yet, when they do attend, they express appreciation for the program – even those parents who resented being ordered to attend. Certainly, being ordered to attend a program that has been demonstrated to benefit one's children as well as one's self, is not an onerous requirement.

Concern 2: "There has been no showing that the existing parent education and awareness protocol is not working and that mandatory attendance is needed."

While the present situation of discretionary referral by the courts of parents to attend parent education and awareness is producing benefits, mandatory attendance will multiply those benefits by increasing the number of parents who receive this information and enhancing the likelihood that both parents of a child will attend parent education and awareness. If mandatory, parents are more likely to attend parent education and awareness earlier in the divorce or separation process, which is the optimum situation. As one parent quoted above observed, if she had been exposed to parent education and awareness earlier in the divorcing processes, she would have done things differently – and some of the negative effects upon her child could have been avoided. If attorneys know that their clients will be required to attend parent education, they may refer clients to parent education and awareness as part of the

Supreme Court Chambers

intake and early counseling process. Thus, parents could be exposed even earlier than judicial intervention to the concepts and information provided in parent education and awareness.

Concern 3: "There are no standards for parent education and awareness."

There are implementing guidelines for courts and providers under Rule 144. Providers must undergo a rigorous and comprehensive certification process. For example, in order to be certified programs must take safety precautions such as, not allowing parents of a child to attend the same class, not revealing the class site in its literature, providing security, providing curriculum content that is sensitive to domestic violence and that addresses both cooperative and parallel parenting and does not send messages that could empower abusers, safely providing class materials to any domestic violence victim who chooses not to attend parent education and awareness; capping the fee charged to a parent at \$100 and providing scholarships/fee waivers to those who have household income at or below 240% of the poverty income guidelines; providing that parent education and awareness attendance cannot slow down the granting of the divorce (as distinguished from the situation in some states where a divorce cannot be obtained unless parents attend parent education); setting the duration of the class and prohibiting judges from ordering parents to attend parent education and awareness more than once in a three-year period.

Concern 4: "Parents who are not in high conflict or who reach an agreement or who are engaged in child support disputes should not be required to attend parent education and awareness."

Parent education and awareness attendance makes sense in any situation where parental conflict exists. Parental conflict occurs not only in custody and visitation cases but also when child support is sought, especially where there are repeated enforcement applications. As judges who hear and attorneys who represent the parties in post-divorce applications can attest, the conflict does not stop just because parents have signed a Separation and Settlement Agreement. Moreover, even mild conflict is harmful to children. Those who contend that only parents engaged in high conflict, contested cases need attend parent education and awareness fail to appreciate that, in addition to providing information, parent education helps parents to re-focus priorities and reinforces known concepts that can get lost in the emotions of a divorce or separation. Thus, it is appropriate for parents engaged in child support proceedings and who are not in high conflict, as well as custody and visitation proceedings, to attend parent education and awareness.

Concern 5: "This is an unfunded mandate - there are not enough parent education programs and they do not have the financial resources to sustain themselves."

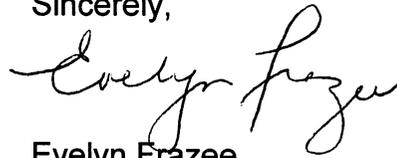
Prior to the 2011 budget cuts, there was at least one, if not more, certified parent

Supreme Court Chambers

education and awareness program in each of the 62 counties in New York State. There are now 42 certified parent education programs, with only 11 counties not offering parent education and awareness. Based on prior experience, once parent education is mandatory, entities will seek to establish, or re-establish, parent education and awareness programs. Mandatory parent education will ensure a more reliable attendance census and, thereby, a more steady and increased income stream to sustain providers. The increased income will also enable providers to generate the funds to cover the required fee scholarship/waiver. Parents of limited means do not have to pay the fee to attend. As noted above, the fee is waived for parents who are at or below 240% of the Poverty Income Guidelines. In essence, the fees paid by parents to attend the program are used to cover the provider's costs, one of which is to provide scholarships/fee waivers to parents of limited means.

The proposal for mandating parents to attend parent education and awareness is a much-needed next step with wide-ranging benefits. Requiring judges to mandate parent education, where appropriate, will make this information not only available to more parents, but will ensure that both parents of a child are exposed to the beneficial concepts contained in these programs. Mandating parent education and awareness will produce more uniform and widespread positive outcomes for children, parents, communities and the judiciary. It is time to make parent education and awareness available to more parents. The benefits far outweigh any objections.

Sincerely,



Evelyn Frazee
Justice Supreme Court

EF:ld

Miller Letter Exh.

EXHIBIT B

JoAnne Pedro-Carroll, Ph.D.
Licensed Psychologist
Brighton Campus Park
2024 W. Henrietta Rd. Suite 5i
Rochester, New York 14623
(585) 292-0218

Fellow, American Psychological Association

John W. McConnell, Esq.
Office of Court Administration
25 Beaver Street, 11th Floor
New York, New York 10004
Sent via email and USPS

Dear Mr. McConnell:

February 15, 2018

The Administrative Board is reviewing a proposal to amend 22 NYCRR Part 144 to require judges to mandate parents involved in separation and divorce proceedings to attend parent education programs with the exception of domestic violence or other relevant factors. I strongly support this amendment.

As a clinical psychologist and child specialist with 35 years of experience, my research and clinical work has focused on the impact of parental discord and divorce on children and adults. Volumes of research underscores the toxic effect of on-going parent conflict on children's emotional and physical health. I have witnessed the difference in children's adjustment when parents have the information and skills to manage their conflict, and parent in ways that protect their children. In 1997, with NYS Supreme Court Justice Evelyn Frazee, I co-founded ACT-For the Children, a parent education program that has served thousands of families for the past 20 years.

The bottom line is that parents have a powerful influence on whether their children endure long-term psychological problems or come through family changes with resilience. That is the goal of parent education programs. Our research over the past 20 years shows that goal has been met.

The A.C.T. Program has a 20-year history of providing parent education with consistently positive results. After attending the program, more than 95% of participants report that they found it worthwhile and would recommend it to friends.

More important than consumer satisfaction results are the longer-term outcomes of the program on reducing parent conflict.

Consider scientific data from a follow-up study of our parent education program: Before beginning the ACT program, 66% of parents reported that they and their former partner were in high or very high conflict. Six months after the program ended, that number dropped to 14%, a very significant decrease in conflict. Even more important, those reductions in parent conflict were related to improvements in children's health and well-being on multiple measures of adjustment.

Parent education is cost effective and reduces court costs. Fully 55% of participants who entered the program reported that they were “likely” or “very likely” to litigate. At follow up 6 months later, only 10% of parents were in litigation or reported being likely to litigate.

Decades of experience working with separating and divorcing parents proves the power of providing parents with solid information and skills for how they can protect their children from the negative impact of discord and divorce.

These programs are educational and preventive. The financial requirement for parent education programs is a fraction of the cost of litigation and therapy. Providing valuable information and skills at a critical point in a break-up is truly worth years of trying to undo damage that is already done to children's lives. Mandating attendance would make this valuable resource available to more parents at a critical stage in their family and the lives of their children.

I understand that there is a proposal to reduce parent education in NYS to a 90-minute video. As a psychologist and researcher, I am compelled to emphasize that no studies have shown positive results from such an approach. The classroom environment, with personal interaction among participants and program presenters is an essential component of the efficacy of parent education. Role play scenarios of participants putting themselves in their children's situations is a powerful tool for helping parents understand the impact of their behavior on their children. Many parents report that these interactive exercises are the most important part of the program. As some parents have commented “for the first time, I realized what it was like for my child to be caught in the middle of our conflict. It's time for a change.”

Please seriously consider these findings in your deliberations. I strongly encourage your support of mandatory parent education for children and families in New York State.

Sincerely,

Dr. JoAnne Pedro-Carroll
Professor Emerita, University of Rochester
Clinical Psychologist and Child Specialist
Author, Putting Children First: Proven parenting strategies for helping children thrive through divorce

Miller Letter Exh.

EXHIBIT C

Linda Loscalzo

From: Linda Loscalzo on behalf of Sondra Miller
Sent: Tuesday, July 11, 2017 12:15 PM
To: [REDACTED]
Subject: FW: E Mail to Chief Judge DiFiore

Dear Judge DiFiore,

We are so looking forward to meeting with you tomorrow. Unfortunately, Professor Andrew Schepard is away and will not be with us, but has sent the attached.

Sondra Miller

From: Andrew I. Schepard [<mailto:Andrew.I.Schepard@hofstra.edu>]
Sent: Tuesday, July 11, 2017 10:56 AM
To: Sondra Miller
Subject: E Mail to Chief Judge DiFiore

Dear Chief Judge DiFiore:

I am currently the Senior Associate Dean for Academic Affairs and the Max Schmertz Distinguished Professor of Law at the Maurice A. Deane School of Law at Hofstra University. I am the founding director of Hofstra's Center for Children, Families and the Law, the position that Judge Gail Prudenti elegantly took over when she joined the Law School. I will be returning to the Center very soon when my term as Senior Associate Dean ends because, as you know, my Law School is now graced to have Gail as Dean.

This is a long-winded way of introducing why I am writing- to support the revival of parent education for separating and divorcing parents in New York. One of the earliest projects of Hofstra's Center was the creation of the PEACE Program (Parent Education and Custody Effectiveness). We were the home base for three PEACE pilot programs in three judicial districts in New York State. The pilot programs were received with much acclaim from parents and support in the legal and mental health communities. They established that court-affiliated parent education helps parents focus on the best interests of their children during a time of transition and stress in their lives and increases their respect for the judicial system.

Unfortunately, after a period of progress and national leadership, parent education in New York courts fell a bit by the wayside. Other states have gone beyond us in implementing education programs for the great majority of parents who bring their disputes to courts. I hope you will agree that it is time to reinvigorate parent education as part of your mission to achieve excellence in New York's courts.

You will be meeting with my wonderful colleagues from JROPE (Judicial Restoration of Parent Education in New York State) on Wednesday about how to realize that goal. Unfortunately, I

will not be able to attend that meeting because of a long standing out of town engagement. Judge Miller thus suggested that I e mail you for two reasons:

The first is to express my full support for the analysis and recommendations that JROPE will make to you. I am very familiar with them, as several of my law students and I participated in their research and development. Implementing JROPE's recommendations will put New York's courts back on a path towards excellence in parent education.

The second reason is to offer Hofstra University as a possible home base if you choose to establish a Statewide Interdisciplinary Advisory Committee to work with OCA to facilitate the development of court affiliated parent education in New York. Creating such a Committee is one of JROPE's recommendations. JROPE envisions that the Advisory Committee would meet at least annually to review the status of parent education in New York. It would compare what we offer with what other states may offer and make recommendations to you and OCA for improvement.

I have already advised my JROPE colleagues that my Law School and University would be honored to serve as the host organization should you choose to create the Advisory Committee. The Law School and the University's Psychology Department have a long-standing commitment to parent education in particular and interdisciplinary collaboration in general that would make the University a good fit with the Advisory Committee.

If you have any questions or want further information, my contact information is below.

I look forward to working with you to reignite excellence in parent education in New York's courts.

Sincerely,

Andrew Schepard

Max Schmertz Distinguished Professor of Law | Senior Associate Dean for Academic Affairs

Maurice A. Deane School of Law at Hofstra University

121 Hofstra University | Law School Room 247 | Hempstead, NY 11549

t: 516-463-5890

e mail: Andrew.I.Schepard@hofstra.edu

Miller Letter Exh.

EXHIBIT D

Dollinger

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Unified Court System
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John W. McConnell, Esq.
Office of Court Administration
25 Beaver Street, 11th Floor
New York, New York 10004

VIA FACSIMILE and *Email*

Re: **Mandatory Parental Education** – Proposal to amend 22 NYCRR Part 144 by adding Section 144.3(2)(b) to require judges to mandate parents involved in separation and divorce proceedings to attend parent education

Dear Mr. McConnell:

I am an acting Supreme Court Justice, a member of the New York Court of Claims, the acting supervisory judge for matrimonial matters in the Seventh Judicial District and a former member of the state Senate. I have, for the last eight and half years, worked exclusively as a judge in divorce matters in the Seventh judicial District. I estimate that I have presided over more than 1,000 contested matrimonial matters and far more than half of these matters involve disputes over children.

In this capacity, I am a committed advocate for parental education, serving for the last two years as a member of the Board of Directors of the Assisting Children through Transitions – For the Children-Rochester (ACT Program) Inc., a not-for-profit corporation that provides parental education to couples in disputed custody matters in the Seventh Judicial District.

My colleague, Justice Evelyn Frazee, has in her own words provided a detailed analysis of parental education, how it works – it really works, the evidence shows – and benefits the entire judicial system by decreasing parental conflicts, reducing the need for judicial intervention and improving the lives of children in these difficult circumstances. I rest on her advocacy on those issues.

Instead, I simply want to broach the issue of whether enacting mandatory parental education is, as some have characterized it, an “unfunded mandate” to parents who are seeking less government regulation and quicker adjudications in our courts. First, when considering whether the program is “unfunded,” the statement is untrue. The program, as currently constituted, simply requires that

parents invest in a program that benefits them and their children. Our courts now rightly provide parents, who meet eligibility limitations, with publicly-financed attorney support in contested custody matters. The courts provide the same parents's children with a publicly-financed attorney for the children. These vital services, at public expense, reflect New York's longstanding commitment to easing parents and children through the potential legal and emotional difficulties attendant when families fracture. Requiring parents in disputed cases to attend parental education will complement these publicly-funded services for many New Yorkers. As noted by others, parent education programs have abundant available scholarships to minimize any allegations that mandatory parent education is "unfunded."

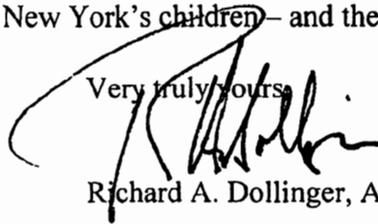
In cases in which parents have private counsel, the same benefit accrues. Research clearly establishes that parents, who complete parental education, are less likely to engage in conflict or return to the courts, both during and after their divorce. Simply put, parental education creates less cost for litigants and the courts, while easing strains in fractured families.

Second, the term "mandate" is accurate: the proposal "mandates" parental education. But, if the justice system knows that parental education benefits the parents and children, reduces their stress and strain, reduces the cost in legal fees to both private and publicly-assisted litigants, eases court dockets, promotes quicker and more palatable resolutions of difficult cases and shields the children from the constant conflict that often overshadows the anguish of family separation, then it would seem that mandating participation – with a carve-out in exceptional cases – is neither unfair, unjust nor unwise. If the courts know it works – and there is ample evidence that it does help families and our justice system on many levels – then why would the courts decline to require parents to attend?

New York has never been reluctant to mandate its citizens to engage in activities that benefit themselves and the general public. We require insurance and a license to drive a car, we require that you pass a test to drive, we require annual car inspections, we require motorcyclists to wear helmets, we require bikes to have bells, we require children to be vaccinated before attending school, we set credit limits on students before they can graduate from high school or college, we require citizens to register to vote, litigants to pay filing fees and motion fees before they can invoke the jurisdiction of the courts and we require litigants to have their filings conform to the dictates of the CPLR. The list of "mandated" activities is endless.

New York mandates these activities because compliance with these uniform rules promotes the public welfare and provides for an organized functioning of our system of justice and daily living. Parental education, mandated for couples in disputed matters involving their children, is designed to reach the same goal and, if given the necessary approval, will make a sizable contribution to improving the lives of New York's children – and their parents.

Very truly yours,



Richard A. Dollinger, A.J.S.C.

Miller Letter Exh.

EXHIBIT E

ACHIEVING EXCELLENCE IN PARENT EDUCATION IN NEW YORK

PRESENTATION TO CHIEF JUDGE JANET DIFIORE JULY 2017

MAURICE A. DEANE SCHOOL OF LAW
HOFSTRA  LAW



JROPE* COMMITTEE MEMBERS

Hon. Sondra Miller, Retired

Hon. Jacqueline Silbermann, Retired

Hon. Gail Prudenti, Retired

Hon. Rachel Adams

Hon. Laura Drager

Hon. Sara Lee Evans, Retired

Harriet Weinberger, Esq.

Daniel Weitz, Esq.

Andrew Schepard, Esq.

Lesley Ann Friedland, Esq.

Shari Bornstein, Esq.

Dolores Gebhardt, Esq.

Ellen Taner, MA

Nancy Nybergh, MA, LP

Abby Rosmarin, Esq.

*Judicial Restoration of Parent Education in
New York State



WHAT IS PARENT EDUCATION?

The New York State Parent Education and Awareness Program ("Program") provides information to parents about the impact of parental breakup or conflict on children, how children experience family change, and ways in which parents can help their children manage the family reorganization. The curriculum is child-centered and directed primarily toward promoting children's healthy adjustment and development by educating parents about ways they can minimize the stress of family change and protect their children from the negative effects of ongoing parental conflict. The administration and curriculum of the parent education program is sensitive to domestic violence concerns and must be in compliance with the Guidelines and Procedures for Certification of Parent Education and Awareness Programs.

22 NYCRR §144.1



PARENT EDUCATION GOAL: FOCUS ON THE CHILDREN'S BEST INTEREST DURING TRANSITION

- Inform parents about the emotional, educational and economic impact on children created by divorce and separation;
- Encourage parents to manage their transition and conflicts responsibly utilizing skills taught in NYS approved programs;
- Educate parents about parenting plans that are developmentally appropriate and in their children's best interests.

*https://www.health.ny.gov/statistics/vital_statistics/2014/table52.htm



NEW YORK STATE PARENT EDUCATION AND AWARENESS PROGRAM

22 NYCRR §144.2

- Program providers certified by the Office of Court Administration (OCA) pursuant to 22 NYCRR §144.4
- Justices, judges, judicial hearing officers, matrimonial referees, court attorney-referees, and support magistrates refer parents to a certified program
- Administered by a Program Administrator and overseen by a Program Coordinator
- Governed by Guidelines and Procedures for Certification of Parent Education Awareness Programs, which contains minimum standards required for program providers to be approved and certified



APPLICATION OF PROGRAM

22 NYCRR §144.3

- Any action for divorce, annulment, separation, custody, support or modification of custody
 - Supreme Court or the Family Court
 - Involving a child under age 18
- Determination of whether parents are to attend a program is at the discretion of the Court
- Domestic violence victims may opt out
- Participant information kept confidential pursuant to 22 NYCRR §144.6



CURRENT PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE (22 NYCRR § 144.3)

- All providers are required to screen for domestic violence
- Victims may be screened out or opt out
- Couples never attend the same in-person session regardless of Domestic Violence status
- Providers are required to have security measures in place
- The parent education curriculum includes an introductory component about domestic violence including the definition of domestic violence, encouraging access to legal support, making a value-free distinction of parallel and cooperative parenting, parenting plans that emphasize the safety of the parents and children and available resources in the community.



STATUS OF PARENT EDUCATION IN NEW YORK (AS OF APRIL 11, 2017)

- 4 certified programs operating within New York City
- As many as 40 counties outside New York City have one or more certified programs
- A number of counties have yet to establish OR no longer provide parent education programs
- OCA no longer tracks and maintains current statistics

Court Website Provider list:

<http://www.nycourts.gov/ip/parented/pdf/PublicCertifiedPEP01.pdf>



ROADMAP TO REVITALIZING PARENT EDUCATION IN NEW YORK

- Revise Court Rule 144 to make parent education non-discretionary, with exceptions for victims of domestic violence
- Establish a university supported interdisciplinary advisory committee
- OCA to approve and certify new providers, including online programs
- Establish administrative support for parent education within the OCA



APPROVED ONLINE CLASSES THAT CONFORM WITH THE CURRICULUM OF THE NYS PROGRAM

- Increases compliance by providing flexibility for scheduling
- Cost effective
- Possible alternative for victims of domestic violence



THE ROLE OF OCA

- Certify program providers including online providers
- Coordinate with Judicial and non-judicial personnel
- Provide for a program coordinator in accordance with 22 NYCRR §144.2 (c) & (f) – (e.g. attorney, social worker)
- Maintain statistical information on the program



MANDATORY ATTENDANCE

(Amending 22 NYCRR §144)

- Extends potential benefits of parent education (e.g. reducing trauma, cost and delay) to children and families who might not otherwise attend
- Provides uniformity and consistency of referrals
- Allows sanctions for non-compliance as judge deems appropriate

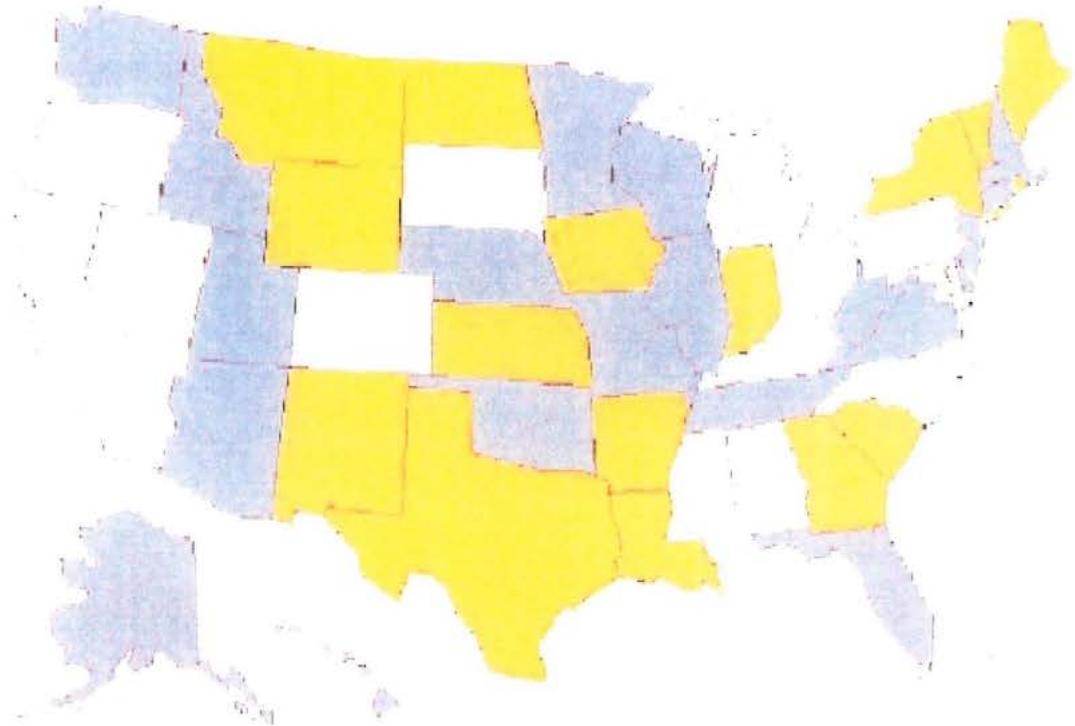
A STATEWIDE ADVISORY BOARD

- Interdisciplinary membership – (e.g. law, education, psychology, community)
- Work closely with OCA and Matrimonial and Family Court Advisory Committees
- Support and advise on overall curriculum development and program implementation and evaluation



NATIONAL OVERVIEW

- States in blue mandate all divorcing couples with children to attend parent education
 - States in gold allow for judicial discretion
-



STATE COMPARISON

ILLINOIS

- Mandatory program
- Parents must attend with 60 days of first appearance
- Course must be 4 hours
- Divorce will not be granted without program participation
- Similar to New York in size and divorce rate

FLORIDA

- Mandatory program
- Course must be 4 hours
- Course must be reasonable in cost
- Courses offered online and in person
- Similar to New York in size and divorce rate

CONNECTICUT

- Mandatory program
- Course must be 6 hours
- Course costs \$125 or fee waived by court
- Courses must be taken within 60 days after a family case is filed in court
- Similar to New York in that it requires attendance of parents with children under the age of 18



CONNECTICUT- PARENT EDUCATION PROGRAMS 2016 STATISTICAL SURVEY*

- 93%: the program was valuable to separating parents
- 92%: the presenters had a very good understanding of the needs and problems of divorcing families
- 96%: the program helped parents understand the needs and reactions of children of various ages
- 95%: the program helped parents understand the benefits to children of parents working together
- 92%: the program helped parents resolve conflicts between parents about the children
- 91%: the program was helpful in learning how to arrange meaningful parenting time
- 93%: the program was helpful for reducing stress in children

**Judicial Branch Court Support Services Division Family Services 2016 Parent Education Program Statistics*



PARENT EDUCATION PROGRAM: POSITIVE OUTCOMES

*“There is broad evidence across evaluations that there is a high level of parent satisfaction with parent education programs. The information they provide is seen as very helpful both by parents who voluntarily attend and those who are mandated to attend. **This outcome is important in that it likely increases their respect for the legal system.**”* Peter Salem et al., *Taking Stock of Parent Education in the Family Courts: Envisioning A Public Health Approach*, Family Court Review, Vol. 51 No. 1 January 2013 at 136.



ACKNOWLEDGMENTS

Robert C. Keidel
Robert E. Pope, Jr.
Shelby Grynberg
Cara Ruda, Esq.
Catherine McKinney, Esq.

MAURICE A. DEANE SCHOOL OF LAW

HOFSTRA  LAW



THANK YOU

On behalf of the Judicial Restoration Of Parent Education in New York State Committee, and Hofstra University faculty and students who provided valuable input, we appreciate your attention and consideration of the proposed changes to Rule 22 NYCRR §144.2 contained within this document.



Miller Letter Exh.

EXHIBIT F

Clarification from JROPE to the Administrative Board

This document is submitted to provide additional information for the Administrative Board's consideration. The members of the JROPE committee believe it is imperative that the Board receive this submission to address specific questions that have been recently posed regarding the proposed rule change to 22 NYCRR Part 144 adding Section 144.3 (2) (b) to require judges to mandate parents to parent education.

Basic premise of why mandating parent education is essential: ***The Courts have a responsibility to protect the best interest of children.*** *The current pre-printed Order to Parent Education form currently used by some New York jurists states, "Parent Education is a program to help parents and their child(ren) adjust to the family changes. It has been determined that the parties and their child(ren) could benefit from the parents attending a parent education program." Participation in parent education should not be dependent judge by judge. If there is a benefit, all parents should receive it. Their children will, too.*

The following is a compilation of Questions & Answers.

1. Why does the current rule need to be changed?

The family science principles utilized in the initial NYS rule of 2003 gave judges the ability to mandate litigants to attend parent education classes. However, matrimonial and family court Judges often maintain heavy dockets, making it difficult for them to explain and implement a discretionary parent education program. The result has been few parents around NYS are actually referred or ordered into classes. The proposed rule change to mandate education, with appropriate opt out provisions, helps ease the process for courts and parents.

2. What are key components of the New York State Parent Education and Awareness Program?

The Parent Education and Awareness Program was designed to help parents gain a better understanding of what their children are experiencing during divorce and separation and to give parents the practical tools and guidelines that can help reduce the stress of familial transition on their children. Parents are exposed to different helpful strategies and interactive scenarios and reminded to pick and choose what is right for their family configuration. The parents are given information regarding domestic violence as well as other court-related processes and offered resources that may be helpful to their families.

3. What are the educational and parental-behavioral changes achieved from class participation?

Parents learn about the negative impact of using their children as messengers, sounding boards, targets of their frustrations, or spies regarding their co-parent. Parents gain specific helpful tools to remove children from the middle of conflict, strategies to resolve conflicts, and motivation to form a safe business-like relationship to co-parent effectively.

4. Will there be an online program in every jurisdiction?

Yes, an interactive online educational program that meets the same evidence-based and family-science standards required of in-person classes will be available statewide. The on-line program will be certified by OCA requiring the highest standards set by the rule and will include all the information available in the in-person classes, including interactive opportunities. Further, it will meet the courts' needs in areas with there are no certified live providers present or for parents unable to attend in-person programs due to physical disability, work schedules or transportation concerns.

5. What proof is there that OCA-approved programs achieve educational and behavioral changes.

The highest standards of research referenced in "A Nationwide Survey of Mandatory Parent Education" by Susan L. Pollet and Melissa Lombreglia confirms that:

- *"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;*
- *"Parents like these programs and recommend them."*
- *Currently, 46 states mandate evidence-based parent education statewide or in some counties.*

6. Why is it important for NYS to mandate this requirement for parents?

For the Children:

"A Nationwide Survey of Mandatory Parent Education" by Susan L. Pollet and Melissa Lombreglia, further confirms that "the literature supports the view that early intervention in working with the family is critical to reduce the immediate and long-term consequences on children including 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." In New York, between 50,000-100,000 children are impacted by a family dissolution each year.

*The Forgatch, Patterson, and DeGarmo (2005) study concluded that these parenting interventions benefitted society and public health, protecting against negative social learning and reducing first offenses, which are linked to long-term psychopathology and **criminality**.*

For the Parents:

Parents benefit by reduced litigation and re-litigation costs and other court-mandated interventions that are more invasive and high cost emotionally and financially to the parent (or the court if indigent). There is no imposition on the poor as the cost for parents to attend this class is based on a sliding fee scale from \$0-\$100 providing access to quality programs for all parents regardless of financial resources.

Parents are treated equally throughout the NYS Court system and are exposed to the same important information dispensed by Certified providers.

For the Courts:

Research shows a reduction in re-litigation rates by 57% (as in OCA-Approved Programs researched and designated by the Substance Abuse and Mental Health Systems Administration of the U.S. Department of Health and Human Services). Mandating parents, with the prescribed opt out options, to attend Certified in-person and online programs eases the burdens on courts by providing parents with support and information as they go through the litigation process.

For the Providers:

Judge Evelyn Frazee, Justice of the NY Supreme Court, remarked that, "Prior to the 2011 budget cuts, there was at least one, if not more, certified parent education and awareness program in each of the 62 counties in New York State. There are currently 42 certified parent education program providers in 51 counties and 11 counties without services. Based on prior experience, once parent education is mandatory, entities will seek to establish, or re-establish, parent education and awareness programs. Mandatory parent education will ensure a more reliable attendance census and, thereby, a more steady and increased income stream to sustain providers typically, non-profit agencies. The increased income will enable providers to hire the high quality professionals who register and educate parents. Full classes will generate the funds to cover the required fee scholarship/waiver for clients who cannot afford the fee.

These funds can also be used to expand the provision of additional educational and various resources needed by parents and their children, as well as offer programs and services in multiple languages.

For OCA:

Net neutral strategies for the expansion of certified providers and the documentation of their quality and quantity of attendance has great potential. OCA is committed to devoting the necessary resources.

Parent education reduces court calendar congestion with a reduction in re-litigation by giving litigants information, skills and support.

7. Won't failure to comply with the mandate delay courts entry of judgment?

No, entry of judgment will not be delayed. Judges can take compliance into consideration when entering final decrees or post-judgment motions.

8. Do the Courts have the right to mandate parent education simply because a parent has filed papers concerning custody of their children in the court?

Yes, the Court already has the ability under the current rule to order participation in parent education in cases deemed appropriate by the judge; currently, there are several opt-out provisions

available including for DV survivors. These opt-out provisions remain. Research referenced in "A Nationwide Survey of Mandatory Parent Education" by Susan L. Pollet and Melissa Lombreglia, 2003 confirmed that, there has been no filed charge against a court or jurisdiction mandate."

9. What is available for non-English speaking litigants?

Currently, programs are culturally sensitive and available in English and Spanish. As the number of certified providers increases and an online program is approved, a steady revenue stream will increase motivation and the ability to translate audio-visual and written materials and hire professionals providing services in many languages.

10. How can we be assured that the programs will be high quality and consistently rolled out?

Once mandated, OCA is committed to assigning resources needed to certify and oversee providers of in-person and online programs and to work collaboratively with the reconstituted volunteer Parent Education Advisory Board to assure consistent high quality programming.

All programs (in-person and online) conduct evaluations and collect feedback used in improving or confirming efficacy of program implementation. When mandated providers will collect and submit data to OCA.

11. How can further questions be answered?

Please attend any of the classes offered by OCA Certified Providers either in one's own or another jurisdiction. Classes are open to judges, court administrators and staff, lawyers and mental health professionals. Experience shows that when judges and other professionals are well informed about parent education, their referrals to classes increase dramatically.

*****Most Importantly, Parents Who Have Attended the NYS Parent Education Program greatly benefit and are overwhelming supportive of the Program. *****

Typically, the only complaints about the parent education class expressed by participants on their evaluation forms are, "Why wasn't I told about this before...I wish I had this sooner" and "I wish my co-parent was mandated to come". Research shows consistent high to very high rates of participant satisfaction with the parent education class that provides skills, coaching and resources. Parents also report an increased ability to build empathy from listening to the "other side" of the story from people in similar situations.

Additional Parent Comments from Various New York State Certified Providers Collected Between 2017-2018

The Most significant idea or skill I learned in the program:

"How children feel--their perspective." (2018)

"Good info [from teacher] on communications skills, and also, legal terminology from the film [video]" (2018)

"How to try and resolve conflict and communicate better." (2018)

"I-messages/statements, Active Listening, Remain calm in conversations and emails, Focus on one issue at a time, Self-talk" (2018)

"How to listen better." (2018)

"Not to speak in front of your children." (2017)

"Parental conflict - ways to deal." (2017)

"CMPQ"- I will not ask my children to Carry messages, or ask them to handle Money issues, or Put down my co-parent, or Quiz my children about their other parent." (2018)

What I liked most about the program:

"It was a very good program. What I learned is that your kids come first." (2018)

"How children react to divorce." (2018)

"The communication skills (verbal) taught by instructor. Skills that can help children in transition." (2018)

"How to express feelings when you can't speak peaceably." (2018)

"How to use my language more efficiently and carefully." (2018)

"Gaining knowledge about the court." (2018)

"The interaction with others." (2017)

"Explanation of legal terms & Law rules." (2017)

"How to open the dialogue with my very young children on what is happening with our family and the divorce." (2017)

"Sharing stories with others. Don't feel alone." (2017)

"Shared information and stories." (2017)

"I learned a little about myself and what I can improve in regards to communication" (2017)

"Videos, very informative on effect divorce has on kids." (September 2017)

"It was such an excellent program. The message of healing and rebuilding a positive parenting relationship is so important...there will be two healthier children because of it." (2017)

"It's an enlightening experience for anyone going through a separation" (2017)

"It's amazing, the change. We communicate a lot better now," "It has led to other positive changes." (2018)

"I did not think I needed this class at first but I am grateful I did it because I learned a lot." (2018)

"I wish I could say it was through positive reasoning but I was court ordered to attend the class, but I still gained valuable information." (2018)

"It helped me to better express how I feel since I am not so good at that and I also can see how I could better understand both my children's feelings as well as my co-parent's feeling as well, being that I did not do a very good job at that myself before." (2018)

"The skills and information that I learned in the class not only are helpful to use with my co-parent and my daughter as well as my other co-parent and son, but I find these skills useful in real life. I find myself

listening more as well as understanding situations better and how to handle them better in a more positive manner. Of course if both co-parents could take the class it would help the situation for both the parent and even more important the children, they would be able to see both parents getting along better and putting the kids first (personal opinion)" (2018)



LINDA B. ROSENTHAL
Assemblymember 67th District

March 11, 2018

John W. McConnell, Esq.
Counsel
Office of Court Administration
25 Beaver Street, 11th Floor
New York, New York 10004

Dear Mr. McConnell,

I am writing to express my strong support of the proposed changes to the rules of the New York State Court to require parents to attend a parent education class when they are separating or divorcing.

Nearly half of all marriages in the United States end in divorce, which can thrust families into an often tumultuous transitional period. The stresses and uncertainty during this time period after divorce are borne by all parties, which negatively impacts children and parents alike. It is critical that we work proactively to insulate children from exposure to dysfunctional family conflict and assist parents to work collaboratively. This proposed change stands to have far-reaching and positive implications for the roughly 50% of married couples who go through divorce, and their children who are too often caught up in the tumult of separation. This required education class will also serve the secondary function of streamlining the judicial process, and helping the courts to better manage valuable resources.

I strongly urge the Court to join the more than 20 states that have already taken this powerful step. Separation has incredibly wide-ranging effects on all parties involved, and there is no reason we cannot do more to support them during this transition process. Thank you for your consideration of this matter.

Sincerely,

Linda B. Rosenthal
Member of Assembly – 67 AD

CHAIR
Committee on Alcoholism and Drug Abuse

COMMITTEES
Agriculture
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COMMUNITY

Mediation Services

John Harrison, MSW
Chief Executive Officer

Gloria Chukwuma, CPA
Chief Financial Officer

Stacey Siff, LMSW
Chief Operating Officer

February 26, 2018

John. W. McConnell, Esq., Counsel
Office of Court Administration
25 Beaver Street, 11th Floor,
New York, New York 10004

Dear Mr. McConnell,

I am the CEO of Community Mediation Services, Inc. an agency in Queens which has been developing and implementing programs for thirty-five years that empower parents, youth and members of the community to find alternatives to the court system. I am writing to give my unequivocal and total support to the report on parent education for custody cases. CMS has successfully diverted well over 100,000 people from the courts, mostly from the Family Court. Our programs have worked with PINS, JD, custody, child support, divorce and child welfare matters. The lessons learned from these efforts were that the adversarial system, though necessary when abuse is present, is damaging to children and families. Our work has demonstrated that empowering youth and adults with the means to negotiate their lives effectively and the resources to support these efforts offers the most powerful and positive solution.

Parents that are divorcing or separating need to understand the impact of *their conflict* on their children and the need for their children be able to develop healthy relationships with each of them. This process may require more or less initial structure based upon the relationship; however, all parents must understand that this requires ongoing negotiations over the details of life as they learn to co-parent *their children*.

Our experience with families has been that with clear and unbiased information, parents will approach their problems more objectively. Courtrooms or attorneys often trigger a fear of losing. Parent education shifts people's thinking: instead of losing, parents can find a way for the children to win. The court is very good at protecting against the worst and attorneys for fighting for their client getting the most. Neither of these stances illustrates healthy ways to approach the need for the parents to look to the best for their children's future.

We have been a certified presenter of the ACT program in Queens (one of the court sanctioned parent education models) for more than ten years. Our experience is similar to the experience of the parents who have evaluated the program over the years: it is a valuable and vital experience to put in perspective their circumstances, understand their options, consider the impact on their children and experience some communication alternatives that can help avoid the pattern

of conflict that perpetuates the problems. As important as the information provided is the profound experience of being with and among the other parents who share the commonality of their fears and expectations. Participants, although initially hesitant, quickly recognize the benefits of the program and have routinely heaped praise on the initiative for helping them to improve communications with the other parent. This interaction is invaluable and cannot be replicated with videos.

Parent education offers experience and information that can provide a vocabulary and vision that mitigates the worst of the court process. Most parents need support during this time. Many attorneys understand the need for dialogue and a positive negotiation for the long term benefit of the children. However, many also see themselves as advocates to get the most for their clients, and when this happens, the children become bargaining chips. Parents benefit from parent education as it serves to help shape a more informed perspective that calms their own worst instincts as well as those of their attorneys.

I have great respect for the court as a means to address issues that cannot be handled by other means. However, a due process to manage the competing demands of two parents may lose the best interests of the children in the heat of battle and the enflamed emotions that are the result of the fight.

Each of our programs offers a way to avoid initial or additional court involvement. Every program is part of a system that has moved away from labeling people and prescribing acceptable actions and towards giving support to achieve positive goals, to empowering individuals to better negotiate their lives as the way to foster healthier choices.

I ask you on behalf of all children to require parents to attend the parent education workshops. The cost is minimal and a means test can result in no charge. We suggest that the healthiest way forward for parents and children is to mediate parents' differences. We learned that from developing the first program in the New York City Family Courts in the early 2,000's. The parent education programs provide a perfect framework to both appreciate and participate in mediation.

Moreover, if parents must be involved in the adversarial system, parent education empowers them with a vocabulary and vision that places their children first, thus giving them a more powerful means to both advocate for a healthy parenting arrangement as well as inoculate them from the worst instincts of attorneys who see ultimate success as based upon the client's most extreme demands.

As an agency dedicated to serving and supporting Queens' most vulnerable residents, CMS strongly supports the proposed amendment of Part 144 to create a mandated attendance of parenting classes.

Sincerely,

A handwritten signature in blue ink that reads "John Harrison". The signature is fluid and cursive, with the first name "John" being larger and more prominent than the last name "Harrison".

John Harrison
Chief Executive Officer
Community Mediation Services, Inc.

From: Karen Simmons <KSimmons@clcnny.org>
Sent: Monday, March 12, 2018 2:32 PM
To: rulecomments
Subject: Parent Education Program Comments
Attachments: Parenting Education Comments - The Children's Law Center_3-12-18.docx

Categories: [REDACTED]

Hi,

How are you? Please see the attached comments.

Best,

Karen P. Simmons, Esq.

Executive Director

The Children's Law Center
 44 Court Street, 11th Floor
 Brooklyn, New York 11201
 (o) 718- 522-3333 ext # 123
 (f) 718 522-7376

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(w) www.clcnny.org



Our mission is to give a child a strong and effective voice in a legal proceeding that has a critical impact on his or her life.

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**The Children's Law Center Comments Regarding Proposal to Amend
22 NYCRR § 144.3**

The Children's Law Center ("CLC") is a 20-year-old, not-for-profit organization that has represented over 100,000 children in legal proceedings held in New York City Family Courts and the New York State Supreme Court Integrated Domestic Violence Parts. We are the first organization in New York City dedicated primarily to the representation of children in custody, guardianship and visitation matters. On each case that CLC is assigned, we strive to give the children whom we represent a strong and effective voice in the legal proceedings that have a critical impact on their lives. **It is from this child-oriented perspective that we share suggestions and concerns related to the proposed amendment to 22 NYCRR § 144.3.**

Currently, 22 NYCRR § 144.3 (2)(b) provides that, in specified Supreme Court or Family Court proceedings, the court *may* order parents to attend New York State's Parent Education and Awareness Program ("the Program"). The Program is described in § 144.1 as a "child-centered" curriculum that promotes "children's healthy adjustment and development by educating parents about ways they can minimize the stress of family change and protect their children from the negative effects of ongoing parental conflict." The proposed amendment would mandate parents' participation in the Program

In our significant experience representing children who are the subjects of emotionally-trying custody and visitation litigation, we often meet parents who are grappling with how to appropriately address, with their children and each other, the breakdown of their family unit. Unfortunately, we have also encountered a number of litigants so entrenched in matrimonial, custody and/or visitation litigation that they have lost sight of the effect that their on-going legal and personal struggles with each other may have on their children. We agree that, in cases such as these, parenting education could play a critical role and potentially mitigate harm to children's emotional well-being.

But, while we recognize the potential value of parenting education, we have the following suggestions about the current proposal:

- **Adequate funding for the Program should be identified and allocated.**

New York City's Family Courts are among the busiest in the country. In order to service the litigants in the almost 60,000 custody and visitation cases filed in the City's Family Courts each year, the Program would need to expand rapidly and exponentially. Further, because New York City's litigant population is incredibly diverse, certified providers would have to figure out how to offer parenting education in safe, culturally-competent and

accessible formats, including for those litigants who do not speak English or who have physical disabilities. Given the enormous number of litigants and their various needs, the mandate could not succeed without an identified source of adequate, permanent funding.

- **The court should continue to exercise its discretion to determine if participation is appropriate for particular litigants.**

At present, § 144.3 (c) instructs the court, when determining whether to order parents to attend parenting education, to consider “relevant factors” that may prevent participation, such as, for example, domestic violence history between the litigants, or a litigant’s medical, financial or travel hardship. Many situations exist, beyond those enumerated in § 144.3 (c), in which parenting education for custody and visitation litigants may not be appropriate, or even warranted. For example, in some cases parents who have amicably separated may seek court intervention simply because they need a court order so that they can apply for or access a benefit. In another, very different example, a parent may lack the capacity, because of a mental health issue, to understand the content of a parenting education program. Given the variety of reasons that litigants come to court, and the different needs and abilities of the litigants themselves, the Court should continue to be able to determine whether litigants should be excused from participation in a parenting education program.

- **The Program should be tailored to address the realities that not all custody and/or visitation cases involve two parents.**

The Program description states that it aims to help *parents* minimize the stress of family change and to protect children from the negative impact of *parental* conflict. In our experience, non-parents can also be contentious litigants in custody and/or visitation cases. The conflicts between family members who are not parents, or between a parent and a non-parent who are litigating against each other, can also have a deleterious affect on the emotional well-being of a subject child. We therefore suggest that, where appropriate, the Program should be made available and tailored to educate non-parent litigants.

- **A plan should be created to appropriately waive or reduce participation costs for litigants who suffer financial hardship.**

The fees that the Program may require could present a significant barrier for some litigants. A substantial number of Family Court litigants face financial hardship. From our own data collection, we know that close to half of our clients qualify for free or reduced-price school lunch.¹ To the financially-struggling families of the children we serve, a program fee may function to prevent participation, and could even serve as a disincentive to pursuing necessary court relief. Further, litigants may have to incur additional child care and transportation expenditures in order to attend a parenting education class. We therefore suggest that any fees associated with Program attendance be waived for

¹ CLC collected this data prior to the City’s decision to provide lunch for free to all students, regardless of income.

litigants deemed financially eligible for assigned counsel. In addition, we urge the creation of a thoughtful mechanism to assess other litigants' finances and ability to pay for the Program and related fees, which can then be reduced when appropriate.²

- **Litigants' participation should occur as soon as possible after litigation has commenced, but with enough opportunity for the court to determine whether parenting education is appropriate or warranted.**

Finally, CLC recommends that the court direct parties to attend parent education as early as possible in the course of litigation, in order to assist litigants in addressing children's needs at the onset of a matter involving custody and/or visitation. This directive should not, however, be issued prior to a first appearance, so that the court has adequate opportunity to assess whether litigants should be excused from participating in this requirement because of domestic violence or other appropriate factors.

In sum, CLC recognizes that an adequately-funded expansion of the New York State Parenting Education and Awareness Program has the potential to benefit the children whom we represent, some of whom experience significant challenges related to their families' matrimonial, custody and/or visitation disputes. Where appropriate, quality, accessible parenting education classes can help parent and non-parent litigants to address, in a timely and sensitive manner, some of the difficulties these children face.

² 22 NYCRR § 144.5, which addresses fees, permits fee waiver or reduction

common ground

A Place to Settle Differences

Common Ground Dispute Resolution, Inc.

11 William St., Catskill NY 12414

January 25, 2018

John W McConnell, Esq., Counsel
Office of Court Administration
25 Beaver St
New York NY 10004

Email: rulecomments@nycourt.gov

Dear Mr. McConnell:

This letter shall serve as Public Comment as well as Certified Provider Comment on Proposed Amendment to 22NYCRR §144.3 to mandate Attendance in the New York State Education and Awareness Program.

Common Ground Dispute Resolution Inc ("Common Ground") is a Certified Provider of the Parent Education and Awareness Program. We were one of the original certified providers, established by the Courts in 2005, providing this valuable educational programming continuously, without interruption. "Forever Parents," Common Ground's PEAB program, was developed in 2001, before it came under the Court System's purview. Additionally, Common Ground is a mediation program, under contract with the NYS Unified Court System's CDRCP programs. We proudly serve Greene and Columbia Counties under our contract.

At Common Ground, our experience would suggest that many parents (if not all) would benefit from Parent Education and Awareness class(es). In addition to the exception for domestic violence another group of Family Court Litigants that should be excepted from Mandatory Parent Education and Awareness should be those Parents that are able to come to agreement on an expansive Custody/Visitation Agreement (Order) at the first or second Court Appearance upon the filing of the initial Petition(s). In the event, that Parents engage in Mediation and are successful in agreeing to a comprehensive Custody "Order" then they should be exempted from the Mandatory Parent Education and Awareness Class. Rather than a Mandate, a referral from the courts would still benefit these parents because the message and curriculum has far reaching impact. A mandate may not necessarily be appropriate in parents who are in agreement (to wit, there is an implicit understanding that the reason to mandate or refer is because the parents are not in agreement regarding decisions affecting their children.)

A concern of Common Ground's regarding the mandate for parents to attend Parent Education Class(es) is the cost to administer and deliver an increase in such programing. As a Certified Provider of Parent Education and Awareness we find that many of our participating Parents are unable to pay our program fee as they are suffering from financial hardship. Without proportional increases in "state" funding to

Phone: 518.943.0523 Fax: 518.943.4915 www.commongroundinc.org

Our Mission:

*"To provide the citizens of Greene and Columbia Counties with an efficient way of resolving every-day disputes."
Since 1987, under contract with NYS Unified Court System to provide mediation services to Greene and Columbia Counties
A member of the United Way of Greene and Columbia Counties*



common ground

A Place to Settle Differences

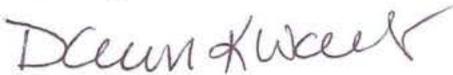
Common Ground Dispute Resolution, Inc.

Certified providers, providers, such as Common Ground Dispute Resolution, would be put in the position to undertake the burden of an "unfunded mandate" when there are a large number families in our service area would qualify for financial hardship treatment.

Additionally, **we do not support an on-line course for participants**, as we have found that it is essential to communicate with participants during class. Communication with one another, sharing experiences and ideas are unprecedented outcomes of the program. Finally, we would not be able to certify compliance or provide meaningful certificates of compliance for participants of any on-line program.

Thank you.

Sincerely,



Dawn K Wallant, Executive Director, Common Ground Dispute Resolution
Certified Parent Education & Awareness Provider

Cc: D. Kos, New York State Unified Court System
Office of Alternative Dispute Resolution Programs
G. Parker, New York State Unified Court System
Office of Alternative Dispute Resolution Programs
L. DiMartino, Confidential Secretary to Hon Evelyn Frazee JSC

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Of Counsel
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2000-2014
Supreme Court Justice
1990-1999

LOUIS J. GALLO
1919 - 2015

* PUBLIC ADMINISTRATOR
MONROE COUNTY

January 23, 2018

John W. McConnell, Esq.
Office of Court Administration
25 Beaver Street, 11th Floor,
New York, New York 10004

Re: ACT Program and Collaborative Law Group
Resolution

Dear Mr. McConnell:

Please find enclosed herein a Resolution approved by The Collaborative Law Association of Rochester Area (CLARA).

Thank you for your time and attention to this matter. If you have any questions, please feel free to contact the undersigned.

Very truly yours,

GALLO & IACOVANGELO, LLP


Seema Ali Rizzo

SAR/cjm
Enclosure

RESOLUTION of the
BOARD of DIRECTORS for
The COLLABORATIVE LAW ASSOCIATION OF THE ROCHESTER AREA

WHEREAS, the Assisting Children through Transition* (*A.C.T.) ~ For the Children parent education and awareness program has operated for 20 years and has acquired a significant amount of experience and parent feedback from post-class surveys and follow-up studies conducted under the auspices of the University of Rochester Children's Institute; and

WHEREAS, both statistically and empirically, parent education and awareness has been shown to provide information and strategies that influence parents to reduce conflict, and its related stresses, when handling their divorce or separation and, thereby, provide a smoother transition through the family changes and better and more healthy outcomes for themselves and their children; and

WHEREAS, the Collaborative Law Association of the Rochester Area ("CLARA") believes that all parents who are separating do well to participate in parental education, support and awareness, and that the collaborative divorce process facilitates this type of support in a way that identifies and addresses each family's particular needs; and

WHEREAS, CLARA includes parental education and support within the collaborative process as our standard practice, and almost every other state has some form of mandated parent education in divorce and separation cases, many existing for decades; be it hereby

RESOLVED, by the Board of Directors of CLARA that we wholeheartedly support the amendment of 22 N.Y.C.R.R. Rule 144 to add Rule 144.3 (2)(b) requiring judges to order parents to attend parent education and awareness programs, not in successfully resolved collaborated cases, but in **all contested** annulment, divorce, separation, and custody matters unless the court has specifically found "that the program would be inappropriate due to the existence of domestic violence or other enumerated factors" because said amendment constitutes an essential and positive development in the New York State Parent Education and Awareness Program.



 Seema Ali Rizzo, Esq.
 Chair, CLARA

4/23/18

**State of New York
Unified Court System
Seventh Judicial District
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John W. McConnell, Esq.
Office of Court Administration
25 Beaver Street, 11th Floor
New York, New York 10004

VIA FACSIMILE and *Email*

Re: **Mandatory Parental Education** – Proposal to amend 22 NYCRR Part 144 by adding Section 144.3(2)(b) to require judges to mandate parents involved in separation and divorce proceedings to attend parent education

Dear Mr. McConnell:

I earlier wrote a letter in support of the proposal to require mandatory parent education for couples with children undergoing divorce in New York. I am now supplementing that letter, even though I adopt all my earlier comments and hope the Board will consider them.

As a final supplement, I am attaching an article which I discovered regarding other states that have embraced mandatory parent education in divorce/family dispute cases. The forms of mandatory education are varied: some states require mandatory viewing of a film (Alaska). Others require attendance at a program (Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, Oklahoma, Tennessee, Utah, Virginia, Washington, West Virginia and Wisconsin). In other states, the “mandatory” program is required in some courts but not all (Alabama, California, Colorado, Kentucky, Maryland, Michigan, Nevada, Ohio, Oregon, Pennsylvania and South Dakota).

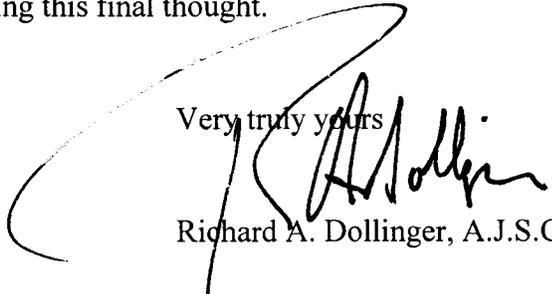
In short, 19 states have statewide mandated parent education program, with varying fees. Ten have extensive mandatory programs but not in all courts. Can anyone really argue that mandatory parent education works in 29 states and supports families and children in those states but it will not work equally as well in New York?

If the Administrative Board is seeking an evidence-based answer to the question of whether mandatory parent education should occur in New York, Exhibit A would be the experience in these states. The JROPE proposal, attached to the notice of the impending rule, contains evidence of the success of the Connecticut mandatory program but, such success is, in my view, not limited to our

next-door neighbor. The pattern of success – and the reduction in divorce-induced family stress -- follows mandatory programs across the country. New York does not need to re-invent the wheel in this matter: other states have paved the way for mandatory parental education as a tool to ease parental conflict in these difficult cases. If the Board has any hesitancy, I recommend a survey of these sister state programs, their success and achievements before making any final decision. I am confident that such a survey would only make the case for mandatory parent education more compelling.

Thank you for considering this final thought.

Very truly yours



Richard A. Dollinger, A.J.S.C.

Divorce Writer

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Divorce Parenting Classes: State Requirements

What is Parent Education and Why Do Some States Require It?

As the number of family-related court filings has risen over the years, families have increasingly relied on the courts to resolve divorce issues and problems including child custody, visitation, child support, paternity, emergency protective orders, and restraining orders.

As a result, courts have found that parental conflict related to divorce is a societal concern because children suffer potential short-term and long-term detrimental economic, emotional, and educational effects during times of family transition due to divorce. To address this concern, many courts have decided to mandate parent education classes.

What states require parent education classes?

Seventeen states require ALL divorcing parents, regardless if the divorce is uncontested, to attend some form of parent education class:

- Alaska
- Arizona
- Connecticut
- Delaware
- Florida
- Hawaii
- Illinois
- Massachusetts
- Missouri
- New Hampshire
- New Jersey
- Oklahoma
- Tennessee
- Utah
- Washington
- West Virginia
- Wisconsin

Is a Parenting Class Required for Divorce?



Idaho, Minnesota, Nebraska, and Virginia require ALL parents filing a contested divorce to attend a parent education class.

The rest of the states either leave it up to the judge's discretion or only mandate parent education classes in certain counties or judicial districts.

State	Parenting Class Requirement
Alabama	Mandatory in Calhoun County.
Alaska	Mandatory. Parties must watch a video at the court or online OR take an online class. Alaska Court System: Parent Education Requirements Fees: Video is free at the court, or can be viewed online for \$10. Online class is \$39.95 for 30 day access.
Arizona	Mandatory. Arizona has minimum standards that the Parent Education Program must meet: Minimum Standards Fees: Not to exceed \$50
Arkansas	At judge's discretion.
California	Depends on the court. For court ordered parenting classes, an on-line class is usually not accepted unless specifically ordered. You must take they type of class ordered by the judge. Fees: Typically \$40-\$60
Colorado	Some courts require the parties to attend a Children and Families in Transition Seminar (CFIT), which are usually three hour sessions designed to help parents understand what their children are going through during a divorce. Colorado Judicial Branch: CFIT Classes Fees: \$40.00 per person.
Connecticut	Mandatory for parents in a divorce case with children under age of 18. Connecticut Parenting Education Programs Fees: \$125.00 per person
Delaware	Mandatory for all parents in divorce cases with children under the age of 18. Parent education programs are a 6-8 hour course to help parents cope with a divorce or separation. Parent Education Programs - Delaware FAQ and list of approved seminars

	Fees: Each program sets its own fee, but the fee may not be more than \$100 per parent.
District of Columbia	At judge's discretion.
Florida	Mandatory. All parties to a dissolution of marriage proceeding with minor children or a paternity action that involves issues of parental responsibility shall be required to complete the Parent Education and Family Stabilization Course prior to the entry by the court of a final judgment. <u>Parent Education and Family Stabilization Course Providers</u> - Listing of local and online FL course providers Fees: Program providers must charge a "reasonable" fee. Typically, costs range from \$18.00 to \$39.00 per person.
Georgia	At judge's discretion.
Hawaii	Mandatory. All divorcing parents and their children between the ages of 6 and 18 must attend the Kids First program and view the video entitled "The Purple Family." Fees: Typically no fee.
Idaho	Mandatory for all parents with child custody issues before the court are ordered to attend the Focus on the Children classes. Fees: \$20 each parent.
Illinois	Illinois requires parents to attend a parenting education class before the judge decides a divorce. This class teaches parents ways that they can act to avoid hurting their children during the divorce. Both parents must take this class within 60 days after the first meeting with the judge. The course is at least four hours long. Fees: Varies by program.
Indiana	At judge's discretion.
Iowa	At judge's discretion.
Kansas	At judge's discretion.
Kentucky	At judge's discretion, but more than half of Kentucky's 56 judicial circuits have some form of Divorce/Parent Education that is mandated by the local circuit courts.
Louisiana	At judges discretion.
Maine	At judge's discretion.
Maryland	Some circuit courts require all parties in contested family cases involving children to attend these classes. A co-parenting class may discuss: how divorce impacts children and parents emotionally; changes in the parent-child relationship; transitions between households; communicating with children and with the other party; problem-solving, decision-making; and other topics.
Massachusetts	Mandatory. All divorcing parents with children under the age of 18 must take a parent education class. <u>Parent Education Programs</u> - Providers listed by county Fees: Vary depending on provider.
Michigan	Most counties require divorcing parents with children under the age of 18 to attend a two hour Start Making It Liveable for Everyone (SMILE) program. Fees: Free of charge.
Minnesota	Mandatory for parents who have children together and who are getting divorced must attend a divorce education program if they have contested custody or parenting time issues. Check your district court website for a list of approved divorce classes. Fees: Vary depending upon provider.
Mississippi	Only required in 16th District.
Missouri	All parents in a dissolution of marriage, legal separation or paternity action in which there are minor children (17 years and younger) are required to attend a Parent Educational Program. Petitioner shall attend within 45 days of the filing of the original petition and Respondent shall attend within 45 days after service of process. Parents may attend the court-sponsored program or any program approved by the Administrative Family Court Judge. Fees: Free if you attend a program in your county. \$30 per parent if attending a class in another county.
Montana	At judge's discretion.
Nebraska	Mandatory for parents filing a contested divorce. <u>Parenting Education Classes</u> - List of provider classes Fees: Vary depending on provider.
Nevada	Required in some counties.
New Hampshire	Mandatory. All parents filing for divorce with minor children must attend a four hour child impact seminar called "Children First." Fees: \$85.00 per person.

New Jersey	A Parent's Education Program is mandatory for parents filing for divorce. Fees: \$25.00 per person.
New Mexico	At judge's discretion.
New York	At judge's discretion. <u>Parent's Handbook</u> - New York State Parent Education and Awareness Program (includes list of providers) Fees: Vary by program provider, but cannot exceed \$100 per person.
North Carolina	Only required in the 12th District.
North Dakota	At judge's discretion.
Ohio	Mandatory only in certain counties.
Oklahoma	As of November 1, 2014, all divorcing parents on the grounds of "incompatibility" with minor children must attend parent education classes. Judges will decide how many hours are required and whether couples take the course separately or together. Fees: Vary depending on provider, but typically range from \$15 to \$60 per person.
Oregon	Mandatory only in certain counties.
Pennsylvania	Mandatory only in certain counties.
Rhode Island	At judge's discretion.
South Carolina	At judge's discretion.
South Dakota	Required only in certain counties.
Tennessee	Mandatory. All parties filing for divorce with minor children must attend a four hour seminar on the impact of divorce on children. Fees: Vary depending on program provider.
Texas	At judge's discretion.
Utah	Mandatory for parents in a divorce case. The court will not issue a decree until both parties have completed the course requirements and have presented a certificate of course completion to the court. You should complete the courses as soon as possible but no later than 60 days after filing the petition if you are the petitioner, or, if you are the respondent, no later than 30 days after being served with notice of the course requirements. <u>Mandatory Education in Divorce</u> - Information including course dates and times Fees: The fee for the divorce orientation course is \$30 per person. However, the fee for the divorce orientation class will be discounted \$15 for a petitioner who attends a live class within 30 days of filing the petition, and will be discounted \$15 for a respondent who attends a live class within 30 days of being served with the petition. The fee for the online course will not be discounted. The fee for the divorce education course is \$35 per person. The fees for the live courses are paid to the person teaching the class.
Vermont	At judge's discretion.
Virginia	Mandatory for parents with children who have contested divorces. The court may require the parties to attend a parent education seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of 4 hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Parent education providers for circuit court cases can be found at: Parent Education Providers for Circuit Courts Parent education providers for juvenile and domestic relations district courts can be found at: Parent Education Providers for Juvenile and Domestic Relations District Courts Fees: The fee charged per party for participation in such program shall be based on the party's ability to pay; however, no fee in excess of \$50 may be charged.
Washington	Mandatory. Both parties must attend a Parenting Seminar. The court may waive the seminar requirement for one or both parents in any case for good cause shown. Fees: Vary per location.
West Virginia	Mandatory for divorcing parents with children. Parent education may be waived if the court places on the record a finding attendance is not necessary, and states the specific reasons for the finding. Fees: Vary per program provider.
Wisconsin	Mandatory. Both parties must attend a parenting class before the divorce will be granted. Fees: Vary per program provider.
Wyoming	At judge's discretion.

Topics covered in parent education classes include:

1. The issues and procedures for resolving time-sharing and child support disputes.
2. The emotional experiences and problems of divorcing adults.
3. The family problems and the emotional concerns and needs of the children.

4. Family relationships and family dynamics.
5. Financial responsibilities to a child or children.
6. Issues regarding spousal or child abuse and neglect.
7. Skill-based relationship education that may be generalized to parenting, workplace, school, neighborhood, and civic relationships.
8. The availability of community services and resources.

What are the Benefits of Parent Education?

Researchers at Arizona State University developed a parent education program called "New Beginnings" in 1992 and monitored the effects for 20 years. The children of divorcing parents who participated in the program benefited in several ways versus a control group of children whose parents did not participate in the program. These benefits included:

- Higher self-esteem
- Higher grades
- Fewer behavior problems
- Reduced drug and alcohol use
- Reduced early sexual activity

When following up years later, researchers found that the program had lasting positive effects with the children who were now in their 20s. These now adult children had fewer mental disorders and substance abuse problems, and their relationships with romantic partners was a higher quality than those in the control group.

What Will Happen if one or both of the parents do not attend the education class?

The judge may choose not to grant the divorce or may hold a parent in contempt of court.

See Also

- [Where do I file for divorce?](#)
- [How long does a divorce take?](#)

External Links

- [Parent education program helps children adjust to divorce](#) (ASU Now)

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From: Lawrence N. Rothbart <lrothbart@rothbartlaw.com>
Sent: Monday, January 29, 2018 10:09 AM
To: rulecomments
Subject: Proposed Parent Education Rule

Categories: [REDACTED]

John W. McConnell, Esq.
 Counsel to the Office of Court Administration,

I write as a seasoned Matrimonial and Family Law attorney who has served in the court system in the Matrimonial Parts and the Appellate Division as well as in private practice. My practice includes mediation, Collaborative Practice as well as adversarial practice. As such, I believe that I have a multifaceted and unique prospective.

It is true that Parent Education programs are useful. However, they should be mandated carefully.

If parties have come to an agreement, adding an additional step or hurdle to final resolution would not be advisable. The court system should not make it more difficult for parties to divorce if they have already done the hard work. Divorce and separation is stressful enough without additional mandates when the parties have come to an understanding which has been reduced to an agreement.

If the matter is on the calendar as a contested matter on the issue of custody, then a Parental Education program should be required. However, costs, both in time and money must be considered. I would suggest a court based program – a video- that is limited in time (1-2 hours) which can be viewed in the courthouse or on-line. Among the benefits would be;

1. uniformity of message throughout the state,
2. cost savings to the court system (no need to monitor multiple presentations),
3. safety (individuals could view the matter in the safety of their own homes, libraries or the courthouse),
4. parties would be able to view the material when convenient to them at little if any economic cost,
5. if there are needs to be an update of materials it could be efficiently handled with only one outlet.

As such, a carefully tailored parental education mandate could serve a purpose but it should not be applied to all matrimonial or family matters. Rather it should be focused on the matters that need such a service.

Respectfully,

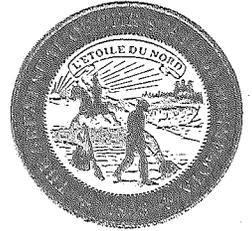
Lawrence N. Rothbart

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January 29, 2018

John W. McConnell

Counsel, Office of Court Administration

New York State Unified Court System

RE: Request for Public Comment on Proposed Amendment to 22 NYCRR § 144.3 to Mandate Attendance in the New York State Parent Education and Awareness Program

Dear Mr. McConnell:

My attention was called recently to this proposed amendment and your invitation to comment. I am pleased to have the opportunity to share a few thoughts.

I have been a general jurisdiction judge in Hennepin County (Minneapolis and suburbs) for 19 years. Much of that time has been spent in our Family Court, where I was the presiding judge from 2006 to 2008. I have handled many hundreds of divorce and paternity cases, spoken at many divorce education classes, and talked to many parents about their experiences. A brief biography is attached. The opinions I offer here are my own; I do not write as a representative of our courts.

It has been shown that divorce and custody proceedings often exacerbate parent hostility and the kind of ongoing conflict that is harmful to children. I am convinced that parent education is the most cost-effective means of reducing this harmful conflict. Until it is pointed out to them, many loving parents are simply unaware of the harmful effect of tempting behavior like criticizing the other parent to a child or using the child as a spy on, or messenger to, the other parent. Moreover, I have seen parents respond positively to simple lessons in building skills in cooperative communication.

Mandating programs is always controversial. Forcing people to do anything they don't want to do is often counterproductive. But I have become an advocate for mandating high quality parent education programs because I have had so many parents tell me they were glad they attended a particular class. They often say they wish they had done it sooner.

I also know that for busy judges focused on moving cases along, taking time to explain and implement a discretionary parent education program is not always the highest priority. Mandatory education simplifies the judge's role.

A recurrent problem with mandatory education is accessibility. Fortunately, that gap is being addressed by the appearance of high-quality online programs. I was initially skeptical about the effectiveness of online programs, but after working through an excellent program twice a couple of years ago, I came to believe that interactive online programs, where the parent cannot proceed to the next section before demonstrating mastery of the current one, are likely to be even more effective than in-person programs with a passive audience.

I should caution, of course, that the ease with which providers can put low-quality materials on line requires a careful certification process. Indeed, in-person programs should also be certified only if they can demonstrate effectiveness in reducing conflict.

Thank you for the opportunity to comment. I am encouraged to learn that New York is carefully considering a rule with great potential to benefit the children in your state. Please let me know if I can provide additional information.

A handwritten signature in cursive script that reads "Bruce Peterson". The signature is written in black ink and is positioned above the printed name.

Bruce Peterson

District Court Judge



Evelyn Fraxee
Supreme Court Justice

Supreme Court Chambers
Hall of Justice
Rochester, New York 14614-2186
Telephone (585) 371-3659
Facsimile (585) 784-4227

February 20, 2018

VIA EMAIL and USPO

John W. McConnell, Esq
 Office of Court Administration
 25 Beaver Street, 11th Floor
 New York, New York 10004

Dear Mr. McConnell:

I feel compelled to write a second time to address the MPARC proposal to reduce parent education to a 90-minute video that eliminates the legal component of parent education and which parents would watch online or in the courthouse. As indicated in my first letter to you dated January 22, 2018, I served as Chairperson of the Parent Education and Awareness Board (PEAB or Board) which submitted the *Report to the Chief Judge and Chief Administrative Judge - Proposed Guidelines, Standards and Requirements for Parent Education Programs in New York State*, dated June 3, 2002. The *Report* and PEAB's work served as the foundation for 22 NYCRR Rule 144 which the pending proposal by JROPE seeks to amend.

The PEAB was composed of 19 distinguished members with diverse backgrounds in the law and children's issues: 2 Appellate Division Justices; 3 Supreme Court Justices; a Family Court Judge; an attorney who served as director of an attorney for the child program; a family law attorney who chaired the NYSBA Family Law Section; 3 child psychologists (Ph.D.s who were professors and counseled children and families); 2 medical doctors (one of whom was President of the New York State Chapter of the American Academy of Pediatrics and one who was a professor of clinical psychiatry and a hospital vice-chair); 4 domestic violence advocates; and 2 parent education program administrators with social work backgrounds.

In the 2001-02 time frame, the PEAB deliberated for over a year on at least a dozen occasions before issuing its *Report*. To inform itself on the issues, the Board considered over 60 studies and articles addressing such topics as the dynamics of divorce and its effect upon children, children's development, ways to promote wellness in children, factors that support children's resiliency after their parents divorce, domestic violence, the efficacy of parent education to ameliorate the negative effects of divorce

Supreme Court Chambers

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upon children, and best practices for parent education, including the integration of domestic violence concerns into program practices and curriculum. In addition, the Board consulted with existing parent education programs from other states.

From the Board's efforts, a research-based, preventive intervention model of parent education was created and embodied in Rule 144. The New York State Parent Education and Awareness Program curriculum represents best practices and has received national and international respect.

At the time of the *Report*, many members of the Board believed that New York State's Parent Education and Awareness Program should be mandatory, as is the case in a majority of states. To achieve a consensus report, however, the judicial referral and opt out provisions contained in § 144.3 were negotiated. One of the primary concerns of those opposing mandatory attendance was that parent education might not be in the best interest of domestic violence victims. Over the intervening 16 years since the Report was issued, thinking has changed about the best methods for assisting victims of domestic violence involved in custody and parenting time disputes.

Further, experience has shown that children and their parents do benefit from parent education and awareness programs. Studies have shown that the present New York State parent education model works to reduce conflict and to ease the transition of children to a new family dynamic after their parents break up (see, e.g., Pedro-Carroll, J., Nakhnikian, E., & Montes, G. [2001]. *A.C.T. - For the Children: Helping Parents Protect their Children from the Toxic Effects of On-going Conflict in the Aftermath of Divorce*, Family Court Review, Vol. 39, No. 4; Pedro-Carroll, J. & Frazee, E. [2001]. *Helping Parents Foster Resilience and Protect Children from Conflict in the Aftermath of a Break-up*. New York Law Journal, January 2001). I suspect these factors may have influenced JROPE to initiate a re-examination of the referral methods under Rule 144 and to proffer the proposed revision.

While MPARC states that it supports mandatory parent education, its proposal to provide parent education via a 90-minute online video would gut the current best practices model and essentially render New York State's Parent Education and Awareness Program meaningless. The A.C.T. ~ For the Children Program (A.C.T.) in Rochester, which I co-founded with child psychologist JoAnne Pedro-Carroll, Ph.D. 20 years ago, has experience with presenting parent education in both a purely live format and in a video format facilitated by a live presenter. That experience has led us to the firm belief that a live, classroom setting is the best model for presenting parent education.

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When it first started in 1998, the A.C.T. curriculum, which served as the model for the New York State Parent Education and Awareness Program, was presented as two, four-hour classes held one week apart. Studies on the best education model have shown that presenting material and then providing reinforcement one week later results in better retention of the material. The classes were presented by a volunteer judge or attorney and two mental health professionals (with at least a masters level education and practical experience) live in a classroom setting. The presenters were trained and used a curriculum facilitation guide, which continues to be the case. This is the optimal program model.

After the judiciary budget cuts in 2011, A.C.T. was unable to retain its full-time program administrator. To reduce administrative costs, the program curriculum was revised to a 4-1/2 hour program that continued to be presented by live volunteers. To further reduce expenses, A.C.T. then went to the current format of a combination video and live presentation. The video consists of a 35-minute segment during which a lawyer and judge present the Legal Process curriculum followed by about 15 minutes of Q&A with an attorney or judge in the classroom to be sure the concepts presented are understood. The legal component provides parents with information about what to expect in the legal process, an unbiased review of the alternatives to litigation if they choose to pursue them, and an emphasis on the importance of following court orders. The legal component complements the mental health component of the program and its removal would diminish the overall program.

This is followed by an approximate two (2) hour video that covers the Parent and Child Well-Being curriculum presented by two child psychologists. There are 16 breaks in the Parent and Child Well-Being portion of the video where a mental health professional interacts with the parent-attendees in the classroom to answer questions, to make sure the concepts are understood, to perform role plays and to oversee the practice of skills taught in the program. The overall presentation, with breaks and interactive discussions, lasts about 3-1/2 hours. While this format is satisfactory, it is the consensus of the presenters that the totally live format is more effective and is preferred. Indeed, it is hoped that with the increased and more consistent attendance that would result from mandatory referral, A.C.T. will have the revenue to return to a purely live format.

Equal in importance to the live interaction format is the setting. A.C.T. has found it essential to the efficacy of the program to have parents attend a class, rather than watch a video in isolation. Our experience is that the attendees learn not only from the presenters but also gain insight from each other. That is why maintaining a classroom setting is so important. A pure video presentation with no opportunity for interaction is not a good learning model and would not be very effective.

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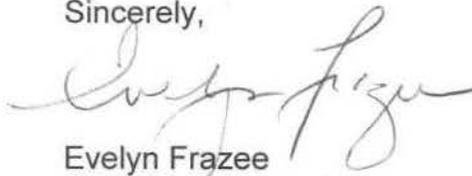
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A 90-minute video would compromise the quality of the New York State Parent Education and Awareness Program and the value parents derive from it. First, it is not possible to condense into 90 minutes the essential material that must be conveyed to parents. Further, a 90-minute video watched on-line or in the courthouse is sterile and numbing. The likelihood that anyone will retain anything of value is remote. Moreover, without a live, trained professional to facilitate, parents are highly likely to come away with erroneous impressions. Finally, it will be difficult to verify that parents have watched the video. While MPARC may be well-intended, its suggestions to eliminate the legal component and use a 90-minute on-line video format are totally misguided. This would not be in the best interests of children.

Parent education is about optimizing the chances for children to experience healthy outcomes, mentally and physically, and to avoid a decline in their well-being after their parents' separation or divorce. The JROPE proposal realizes this and seeks to increase the number of parents, and their children, who receive the benefits of parent education. More than half the states in this country have mandated parent education. New York State has a quality, proven parent education program that embodies best practices. The focus should be to ensure that more parents are referred to this respected and proven program by empowering judges to mandate attendance as outlined in the pending proposal - not on replacing the model.

I am available to answer questions and provide more information about parent education, as well as its history in New York State, if needed.

Sincerely,



Evelyn Frazee
Justice Supreme Court

EF:ld

Family Court of The State of New York
Eighth Judicial District

083

MICHAEL F. GRIFFITH
Supervising Judge of Family Courts

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February 21, 2018

John W. McConnell, Esq.
Counsel, Office of Court Administration
25 Beaver St., Eleventh Floor
New York, NY 10004

Re: Comment on JROPE Parent Education Proposal

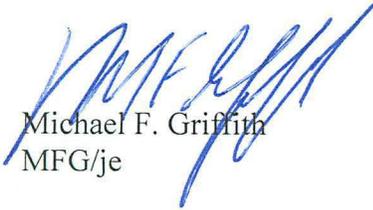
Dear Mr. McConnell:

I just recently became aware of the proposed amendment mandating educational programs for parents involved in divorce and custody matters.

As Supervising Judge in the 8th District, I want you to know that every Judge I talked to does not support this proposal. Rather than laying out several reasons, I will simply refer to the letters you have received from the Association of Judges of the Family Court of the State of New York, dated January 5, 2018, and also from the Family Court Advisory and Rules Committee, dated December 26, 2017. Both groups succinctly set forth the numerous difficulties the courts and litigants would face if this amendment is adopted.

Thank you for allowing the extended time period for comments.

Very truly yours,


Michael F. Griffith
MFG/je

From: Charles P. Inclima <cinclima@inclimalawfirm.com>
Sent: Thursday, January 11, 2018 1:12 PM
To: rulecomments
Subject: Proposed Amendment to 22 NYCRR Section 144.3
Attachments: ACT BOARD RESOLUTION SIGNED3.pdf

Categories: [REDACTED]

Earlier today I sent an e-mail and an attached Resolution to the above address and I have been told that the formatting of the e-mail resulted in the second paragraph being distorted. I am re-sending the e-mail and attachment in the hope that the formatting this time around is correct.

To those in charge of the Rule Comments to Proposed Amendment to 22 NYCRR Section 144.3:

I write as President of the Board of Directors of Assisting Children Through Transition, Inc. or the A.C.T. Program as it is known to the community and around the state. The A.C.T. Program has a 20-year history of providing parent education in this very difficult phase of family life. We have extensive experience in providing parent education and we are confident, based upon our follow-up with our attendees over the years, that parent education does, in fact, make a difference in the lives of parents and their children. Mandating attendance would make this valuable resource available to more parents at a critical stage in their lives and the lives of their children.

The A.C.T. Program's Board of Directors has unanimously approved the attached Resolution in support of the adoption of this new rule for the New York Courts. I would ask that this Resolution be provided to all concerned at the time of the deliberations for its passage.

Respectfully yours,

Charles P. Inclima

Charles P. Inclima, Esq.,

Fellow, American Academy of Matrimonial Lawyers

President, New York Chapter, American Academy of Matrimonial Lawyers

INCLIMA LAW FIRM, PLLC

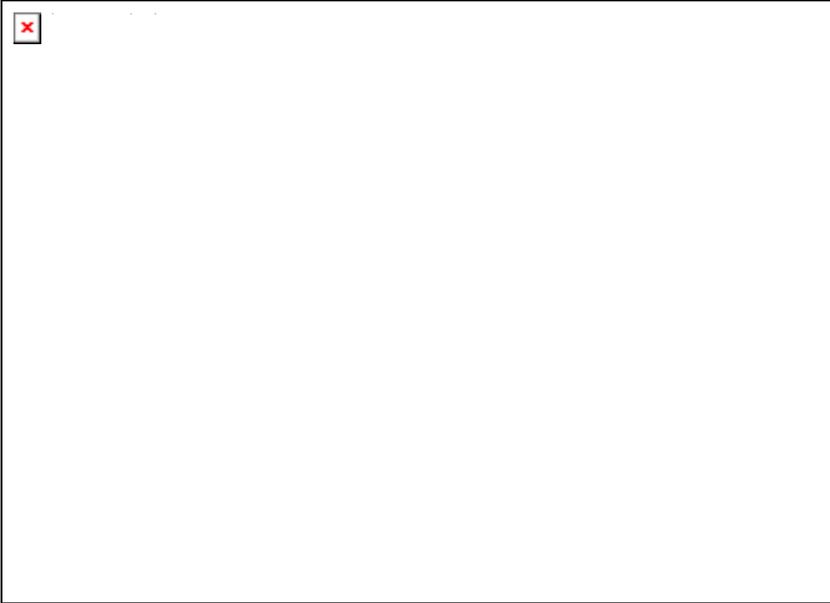
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RESOLUTION of the BOARD of
ASSISTING CHILDREN THROUGH TRANSITION* (*A.C.T.), INC.

WHEREAS, the Assisting Children through Transition* (*A.C.T.) ~ For the Children parent education and awareness program has operated for 20 years and has acquired a significant amount of experience and parent feedback from post-class surveys and follow-up studies conducted under the auspices of the University of Rochester Children's Institute; and

WHEREAS, the parent feedback and research data show that parents overwhelmingly find attendance at parent education and awareness classes to be beneficial (90+% of parents attending A.C.T. report the program to be worthwhile and that they would recommend it to others) in that it provides insight and information regarding the importance for the health and well-being of the children of keeping them out of the conflict engendered by their parents' separation or divorce and it provides parents with strategies and techniques for reducing the children's exposure to parental conflict; and

WHEREAS, a six-month follow-up study conducted in affiliation with the University of Rochester found that 66% of the participants rated their conflict as high or very high pre-parent education and awareness attendance with that figure dropping to 14% after parent education and awareness attendance, a statistically significant difference, and that pre-parent education and awareness attendance, 54% of parents indicated that they were likely to litigate but that after attending parent education and awareness only 10% of participating parents indicated they were likely to litigate; and

WHEREAS, judges and judicial officers have reported that parents are more likely to resolve their issues by settlement rather than continued litigation after attending parent education and awareness; and

WHEREAS, parents consistently and spontaneously comment on the post-class survey that parent education and awareness should be mandatory and that attendance should occur at the beginning of the separating/divorcing process so that both parents are educated early in the process before significant conflict and hurtful conduct affects the children; and

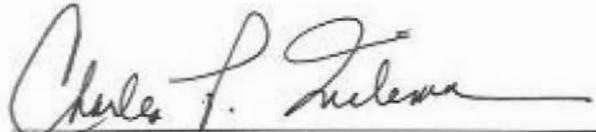
WHEREAS, both statistically and empirically, parent education and awareness has been shown to provide information and strategies that influence parents to reduce conflict, and its related stresses, when handling their divorce or separation and, thereby, provide a smoother transition through the family changes and better and more healthy outcomes for themselves and their children; and

WHEREAS, almost every other state has some form of mandated parent education in divorce and separation cases, many existing for decades; be it hereby

RESOLVED, by the Board of Directors of Assisting Children Through Transition, Inc., that we wholeheartedly support the amendment of 22 N.Y.C.R.R. Rule 144 to add Rule

144.3 (2)(b) requiring judges to order parents to attend parent education and awareness programs in annulment, divorce, separation, and custody matters unless the court has specifically found "that the program would be inappropriate due to the existence of domestic violence or other enumerated factors" because said amendment constitutes an essential and positive development in the New York State Parent Education and Awareness Program.

DATED: January 11, 2018



Charles P. Inclima, Esq.
Chairman

From: Dr. JoAnne Pedro-Carroll <jpcarroll4peace@gmail.com>
Sent: Monday, January 15, 2018 10:39 PM
To: rulecomments
Subject: Proposed Amendment to 22 NYCRR Section 144.3

Categories: [REDACTED]

To those in charge of the Rule Comments to Proposed Amendment to 22 NYCRR Section 144.3:

I am writing as a clinical psychologist and child specialist with 35 years of experience working with children and families. I am also an officer of the Board of Directors of the A.C.T.-For the Children Program, and co-founder of the program.

The A.C.T. Program has a 20-year history of providing parent education with consistently positive results. After attending the program, more than 95% of participants report that they found it worthwhile and would recommend it to friends.

More important than consumer satisfaction results are the longer term outcomes of the program on reducing parent conflict. Volumes of research show that parent conflict is like a toxin that is detrimental to children's physical and emotional health.

Consider scientific data from a follow-up study of our parent education program: Before beginning the ACT program, 66% of parents reported that they and their former partner were in high or very high conflict. Six months after the program ended, that number dropped to 14%, a very significant decrease in conflict. Even more important, those reductions in parent conflict were related to improvements in children's health and well-being on multiple measures of adjustment.

Parent education is cost effective and reduces court costs: 55% of participants who entered the program reported that they were likely or very likely to litigate. At follow up 6 months later, only 10% of parents were in litigation or reported being likely to litigate.

Decades of experience working with separating and divorcing parents proves the power of providing parents with solid information for how they can protect their children from the negative impact of discord and divorce.

These programs are educational and preventive. The financial requirement for parent education programs is a fraction of the cost of litigation and therapy. An ounce of valuable information and skills at a critical point in a break-up is truly worth years of trying to undo damage that is already done to children's lives. Mandating attendance would make this valuable resource available to more parents at a critical stage in their family and the lives of their children.

Parent Education, and ACT-For the Children is widely embraced by judicial, legal and mental health professionals and parents in upstate New York. A twenty year track record of consistently full classes and referrals attests to the widespread support of parent education.

The A.C.T.-For the Children Program's Board of Directors has unanimously approved the attached Resolution in support of the adoption of this new rule for the New York Courts. I would ask that this Resolution be provided to all concerned at the time of the deliberations for its passage.

I look forward to your support on behalf of children and families in New York State.

Sincerely,

Dr. JoAnne Pedro-Carroll

--

Jo Anne Pedro-Carroll, Ph.D.,
Author, Putting Children First: Proven parenting strategies for helping children thrive through divorce
Gold medal, National Association of Parenting Publications Award
Clinical Psychologist Specializing with Children, Adults and Families
Fellow, American Psychological Association
Brighton Campus Park
2024 W. Henrietta Rd. Suite 5i
Rochester, New York 14623
USA
(585)292-0218
www.pedro-carroll.com
<http://helpingchildrenthrive.wordpress.com/>

[REDACTED]

From: Elizabeth Corwin <eco6789@gmail.com>
Sent: Wednesday, December 13, 2017 12:10 PM
To: rulecomments
Subject: Comment on required parent education rule

Categories: [REDACTED]

I have worked many years in Family Courts representing victims of domestic violence and I believe this rule's wording is too vague -- saying the existence of DV can mean no program ordered will just be used by the attorney for the abusive party to avoid the program. It should be more specific that the alleged victim can be excused OR (bc then I think you'll just get more cross petitions) just that the program cannot require parents to attend together. I've rarely had a client who was unwilling to go, and then it was only bc they had little ability to get themselves to the program, not bc they didn't want the information.

From: Cindy Carroll Nolan <CCarroll@lasroc.org>
Sent: Wednesday, December 13, 2017 5:48 PM
To: rulecomments
Subject: Parent education rule

Categories: [REDACTED]

I have been representing lower income litigants in matrimonial and custody cases since 1996. Many of the people that I have represented are survivors of domestic violence, and I previously taught "Domestic Violence and the Law" as an adjunct professor at Syracuse Law School. I also previously served on an advisory committee put together by the Honorable Evelyn Frazee concerning statewide parental education guidelines. We spent a lot of time thinking about and talking about the issues at stake with this rule.

I value parent education programs. When such a program was first offered in Rochester in the 1990's, I attended it, so that I would understand what was involved. I have suggested it to many clients since then, and I continue to do so.

That having been said, I have multiple concerns about the proposed rule that would mandate parent education in all custody cases and all divorce cases involving custody.

1. Requiring the court to make a finding of domestic violence prior to exempting litigants from attending the program is problematic. Perpetrators are unlikely to stipulate to such a finding, particularly given the legal ramifications of such a finding in custody litigation. Domestic violence victims will thus be put in the position of either litigating the issue of domestic violence or accepting a settlement that requires the parties to attend a parent education program, even if attendance at the program would be contraindicated.
2. Mandating attendance would penalize the poor and provide an unfair advantage to the parent with more money. Noncustodial parents and parents with more professional and better paying jobs have a much easier time attending these programs. Most of my clients work at low paying jobs or are disabled. The biggest current impediments to them attending parent education programs are (1) their inability to take time off of work (because of lost wages and/or because they simply lack the flexibility to take the time off from work), lack of child care and lack of transportation (this is a particularly big problem in rural areas.) Typically, the dissolution of the relationship with the other parent has placed the client in poverty or has worsened existing poverty. This type of mandate would only add to that burden. Additionally, these programs are not free, and I see due process problems with courts requiring that poor people attend them.
3. While I see lots of cases where referral to such a program is helpful to clients, I also have many cases where mandated programs would be a waste of time and a source of resentment. Many people going through divorce do not have conflict about custody and parenting. It is not at all unusual for a client to come in having worked out custody and parenting time issues with the other parent. Sometimes they have been working well together on these issues for years. Mandated attendance is likely to be perceived by them as condescending and as the state imposing on their time and wallets. I have additional concerns relative to cases where one parent is in prison or otherwise utterly absent from the child's life. It seems particularly cruel to require an already overburdened single parent to participate in a program about co-parenting as a precondition to getting a divorce or custody order.

Currently, judges do have the discretion to require clients to attend parenting education, and they often do so. It would be a mistake to take that discretion away by imposing this court rule. It would also delay settlement of many cases.

Cynthia Carroll Nolan
Senior Attorney, Family Law Unit
Legal Aid Society of Rochester, NY, Inc.
One West Main Street, Suite 800
Rochester, New York 14614
[\(585\) 295-5792](tel:5852955792)



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To: Chief Judge DiFiore

In Support of the Recommendations of the JROPE Committee

Plea for an Educated Parent

Over the past 45 years I have served the clients of the Family Court and have been part of an ongoing effort to find positive alternatives that remove children from the court's jurisdiction. The most damaging matters for children still handled almost exclusively in the courts are custody cases. Sadly, the two most positive innovations for the benefit of children, mediation and parent education, have been stifled by interests that perpetuate the values of the adversarial system and third party decision making for family conflicts. While the precedent for mediation has been established albeit on a limited basis, parent education has been blockaded by a failure to understand its focus as well as its effects. This is despite extensive research and follow-up that demonstrate its positive -- even transformative -- effect on those involved.

My experience began with seven years representing children as a law guardian for Legal Aid Society during which I realized that the adversarial system was damaging to children and families. Since that time I have spent my professional life designing and supporting more humane and effective ways to address the social ills manifested by families; my efforts center on the founding and development of Community Mediation Services, Inc. in Queens. The alternatives we have created do not necessarily preclude the place and role of the court; however, they offer more thoughtful and responsive means to deal with the complex inter and intra personal issues the vast majority of clients present. The programs leave to the court those cases that deal with safety issues or where issues remain that are not resolved by more collaborative means.

Among the programs I have either developed or assisted in implementing are diversions for both minor and serious delinquents (mentoring), the first large scale PINS diversion effort as the assessment unit in Queens, preventive services diverting child welfare cases, parent-teen mediation, implementing the first city-wide custody mediation program in the family courts, divorce mediation, mediation of special education, victim-offender mediation for delinquency charges, use of mediation for parenting and child support for the Office of Child Support Enforcement and the certified parent education program in Queens for custody cases. In each instance the result was personalized services that empowered individuals to take better control over their lives, make more thoughtful decisions and utilize appropriate resources in the community. The results were a virtual elimination of PINS cases, lower delinquency numbers, fewer remands and placements, over 70% agreements on custody cases up to 3 sessions, monumental reductions in foster care and more educated and engaged clients.

Custody conflicts represent one of the most vulnerable situations children face. They are caught in the adversarial relationship between their parents, a situation framed by and abetted by the court process. This process reinforces impulses to blame and attack, furthers polarization and alienation and focuses parties primarily on the failings of the other. This occurs at the very time the parties desperately need a means to find support, understanding and healing, an opportunity to think through and understand options and find the means to communicate with each other. Despite the requirement of 'the best interests of the children' the focus remains on the past behaviors of the parents and encourages

resurrection of the worst rather than finding the elements that worked in the past in order to create of a positive future.

The parent education program as endorsed and implemented by the court system is a thoughtful, educative, sensitive and empowering means to give context, alternatives and some skills to make better decisions and to communicate more responsively. Parents are focused entirely on their children not each other. They gain clarity about the court and their role in that process. Alternatives such as collaborative law, counseling and mediation are presented as means to find resolution and a way to gain insights and options. Most significantly parents receive information about the reaction of children to this cataclysmic event based upon their age and are offered strategies to use to mitigate the negative consequences. Parents leave the training with an understanding that ongoing conflict results in continuing damage. And they also understand that they can reduce the blame children place on themselves. They can create a parenting plan that responds to both the past patterns of their life and the need to have healthy relationships with both parents in the future.

Two critical areas for discussion relate to the elements of an appropriate parenting agreement and the ways to communicate effectively to establish and maintain a working relationship with the other parent. Keeping the needs of the child along with their interests and aspirations in mind, a parenting relationship requires stability, caring, structure, appreciation of the needs and circumstances of the children as well as the other parent, and as always, the importance of safety. Parent education promotes recognition of the need to reconcile these factors.

The recognized curricula that have been vetted by OCA contain all of the above. The value to the participants has been demonstrated by extensive evaluations done during the first few years of the program with hundreds of participants. This occurred under the direction and oversight of Susan Pollet who did a magnificent job vetting providers as well as overseeing a rigorously designed and implemented evaluation.

Every parent involved in a custody case entering the court should be required to attend a parent education program. Exceptions for domestic violence and other extraordinary circumstances should be considered. Upstate parents far from programs could utilize a web-based video. However, the value of participation in person has such a powerful benefit in hearing and sharing with others that this enhanced benefit should be required if possible. This is where a deeper understanding and personal insights manifest. A video should be a last resort.

The issues related to children of separation belie social and economic strata. Every child is at risk. Every child needs their parents, who are undergoing tremendous emotional upheaval and pain, to understand the costs of battle to their children. Presently these guiltless individuals have no way to educate their parents about the depth of their own pain or ways to approach a thoughtful resolution.

Our society -- through the court -- needs to reverse the negative experience of separation and the adversarial process. Not to do so is to aid, abet and exaggerate a level of child abuse that is already present. This may seem an extreme statement but the experience of children in the midst of a custody case is extreme with longstanding consequences to them. I urge you to support the proposed Rule changes. It will do tremendous good for virtually all parents and children. It is one of the most positive and necessary additions to the court process I have experienced in my professional life.

I look forward to wisdom overcoming inertia. Children are at risk.

Mark Kleiman, Esq.

Founder and Special Advisor to
Community Mediation Services, Inc.

Jamaica New York

347 256 4440

[REDACTED]

From: Keith Kadish <kkadish@kf-attys.com>
Sent: Tuesday, January 2, 2018 5:44 PM
To: rulecomments
Cc: Keith Kadish
Subject: proposal to amend 22 NYCRR SEC 144,3(2)(b)

Categories: [REDACTED]

I am in receipt of the memorandum dated 11/29/2017. I believe in the proposal that will give the Judiciary the power to require parents to attend parent education and awareness classes. I do also agree that exceptions to the directive must exist. Thank you. Keith I. Kadish Esq.



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[REDACTED]

From: Sandy Fischman <sandy_fischman@yahoo.com>
Sent: Friday, January 5, 2018 2:15 PM
To: rulecomments
Subject: Fw: require parents to attend parent education

Categories: [REDACTED]

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

[REDACTED]

From: ANDREW PROPPER <andrewpropper@mac.com>
Sent: Friday, January 5, 2018 3:34 PM
To: rulecomments
Subject: Mandatory parent education classes

Categories: [REDACTED]

January 5, 2018

John W. McConnell, Esq.
Counsel
Office of Court Administration
[25 Beaver Street, 11th Floor](#)
[New York, New York 10004](#)

Dear Mr. McConnell

I support the proposed change to the New York State Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Sincerely,
Andrew Propper, Ph.D.
New York State licensed Psychologist



From: ANDREW PROPPER <andrewpropper@mac.com>
Sent: Friday, January 19, 2018 5:25 PM
To: rulecomments
Subject: Mandatory Parent Ed Classes

Categories: 

I am a New York State licensed psychologist who performs custody evaluations. Now is the time for mandatory parent education classes in New York!
Andrew Propper Ph.D
Lic 009009

[REDACTED]

From: James Grimaldi <jagrimaldi@msn.com>
Sent: Friday, January 5, 2018 4:05 PM
To: rulecomments
Subject: Please change the rule Parent Education is a must

Categories: [REDACTED]

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Best,

Dr. James Grimaldi

Sent from my iPhone

[REDACTED]

From: Teresa Calabrese <teresa.d.calabrese@mac.com>
Sent: Friday, January 5, 2018 4:17 PM
To: rulecomments
Subject: Proposed modification regarding Parenting Education classes

Categories: [REDACTED]

To Whom It May Concern:

As a divorce mediation and collaborative lawyer, I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Kind regards,

Teresa

Teresa D. Calabrese
Mediator and Collaborative Attorney
304 East 3rd Street
Brooklyn, NY 11218
Tel.212.889.1101
Fax 917.677.8270

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[REDACTED]

From: Jennifer Safian <jpsafian@gmail.com>
Sent: Friday, January 5, 2018 7:36 PM
To: rulecomments
Subject: Parent education

Categories: [REDACTED]

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Jennifer Safian |
Divorce & Family Mediator
NYC

[REDACTED]

From: Catherine Canadé <catherine@canadelaw.com>
Sent: Saturday, January 6, 2018 3:56 PM
To: rulecomments
Subject: Fwd: Support for Mandatory Parent Education in New York State for Separating or Divorcing Parents

Categories: [REDACTED]

To whom it may concern:

I am a family and divorce mediator in private practice and mediate in family court in Kings County. I also am on the FamilyKind team and am being trained to co-teach their parent education classes. I can see firsthand the damage conflict is doing to the children and the families and the burden it is placing on the court system. I wholeheartedly support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Sincerely,

Catherine Canadé, Esq.
Collaborative Attorney and Divorce and Family Mediator
Law and Mediation Practice of Catherine Canadé
www.canadelaw.com
catherine@canadelaw.com
[\(646\) 308-1315](tel:(646)308-1315) (Telephone)
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[REDACTED]

From: jaimie macarthur <reredrako@gmail.com>
Sent: Monday, January 8, 2018 3:13 PM
To: rulecomments
Subject: New York Proposed Change

Categories: [REDACTED]

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

*Thank you,
Jaimie Rollason
New York City*

[REDACTED]

From: Abby Rosmarin <ARosmarin@MccarthyFingar.com>
Sent: Wednesday, January 10, 2018 11:40 AM
To: rulecomments
Subject: Proposed changes to NYS Court rules regarding Parenting Education.

Categories: [REDACTED]

To whom it may concern,

I want to share my support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. I have in the past been involved as an instructor of this program and can attest to the keen interest and engagement of the participants.

Regards,
Abby

<<http://www.mccarthyfingar.com/>>
Email: arosmarin@mccarthyfingar.com

<http://www.mccarthyfingar.com/attorneys/abby-p-rosmarin.aspx>

Abby Rosmarin
Mediation Counsel
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[REDACTED]

From: Peter Salem <psalem3@gmail.com>
Sent: Thursday, January 11, 2018 2:35 PM
To: rulecomments
Subject: Parent Education

Categories: [REDACTED]

To the Rules Committee:

I am writing to support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

I have been involved in program development, policy and research over the last 25 years, and prior to that was a provider of parent education. It is clear that throughout the United States and Canada, the information that parents gain through participating in a parent education program has the capacity not only to improve communication, parental awareness and skills, but as a preventive measure that ultimately contributes to child well-being.

Sincerely,

Peter Salem
Madison, Wisconsin

[REDACTED]

From: Jacqueline Weiden <doctorjpw@me.com>
Sent: Thursday, January 11, 2018 4:05 PM
To: rulecomments
Subject: Rule Change

Categories: [REDACTED]

To Whom It May Concern:

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Respectfully submitted,

Jacqueline Weiden, Ph.D., CGP
Psychologist • Psychoanalyst
Board Certified Group Psychotherapist
290 West End Ave
Eleven D
New York, NY 10023
Tel: 212.580.6562
[Email: DoctorJPW@me.com](mailto:DoctorJPW@me.com)

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[REDACTED]

From: Kaleena S <kaleena.soorma@gmail.com>
Sent: Friday, January 12, 2018 11:40 PM
To: rulecomments
Subject: Yes to parent education!

Categories: [REDACTED]

To Whom it may concern,

I, Kaleena Soorma, support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Sincerely,
Kaleena Soorma

[REDACTED]

From: R. Kurtz <kurtz.svd@verizon.net>
Sent: Friday, January 19, 2018 10:53 AM
To: rulecomments
Subject: Proposed Amendment to 22 NYCRR § 144.3 to Mandate Attendance in the New York State Parent Education and Awareness Program

Categories: [REDACTED]

Kindly note that I am in full support of the Proposed Amendment as providing substantial assistance to parents and children.

Very truly yours,

Ruth G. Kurtz, Esq.
Stapper & Van Doren
10 Rockefeller Plaza 919
New York, NY 10020
Kurtz.svd@verizon.net
Tel: 212-698-4570 Fax: 212-698-4567

[REDACTED]

From: claire friedland <clairefriedland@yahoo.com>
Sent: Friday, January 19, 2018 5:11 PM
To: rulecomments
Subject: JROPE recommendations

Categories: [REDACTED]

This is to express my strong support of the JROPE recommendations. I do so out of concern for children from all troubled homes and especially those in Queens, where I myself grew up. Claire Friedland

Sent from Yahoo Mail on Android

From: Barry Gillman <bmgillman@hotmail.com>
Sent: Friday, January 19, 2018 5:45 PM
To: rulecomments
Subject: Support of Recommendations of the JROPE Committee: Plea for An Educated Parent

Categories: [REDACTED]

I fully support the recommendations and the argument outlined by Mark Kleiman below.

Sincerely

Barry M. Gillman CFA, ASA, FIA

From: FamilyKind [mailto:info=familykind.org@mail78.atl51.rsgsv.net] **On Behalf Of** FamilyKind
Sent: Friday, January 19, 2018 4:40 PM
To: bmgillman@hotmail.com
Subject: Letter to Chief Judge DiFiore In Support of Recommendations of the JROPE Committee: Plea for An Educated Parent

[View this email in your browser](#)

January 19, 2018

Dear Colleagues and Friends:

The following is a letter from Mark Kleiman, Esq., who was gracious enough to allow us to share his comments.

To: Chief Judge DiFiore

In Support of the Recommendations of the JROPE Committee

Plea for An Educated Parent

Over the past 45 years I have served the clients of the Family Court and have

[REDACTED]

From: Daniel Sperrazza <djs@sperrazzalawfirm.com>
Sent: Saturday, January 20, 2018 10:56 AM
To: rulecomments
Subject: Parent Education

Categories: [REDACTED]

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Daniel J. Sperrazza, Esq.
Attorney at Law
300 Pearl Street, Suite 335
Buffalo, New York 14202
(716) 854-2220
(716) 854-2223 (fax)
[www.djs@sperrazzalawfirm.com](mailto:djs@sperrazzalawfirm.com)



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[REDACTED]

From: steven abel <steven@abellaw.us>
Sent: Sunday, January 21, 2018 5:42 AM
To: rulecomments
Subject: Parent ed

Categories: [REDACTED]

Hello--

I have been practicing family law since 1973.

Making the system better for children is a near impossible task.

Lawyers must be free to fight for their clients or the whole rationale of the court system is wrong. So getting the clients (the parents) to understand that fighting is bad for their children is the best hope of helping children.

Parent education programs are the way to go.

Peace,

Steve Abel

Attorney / Mediator

101 South Broadway

Nyack, NY 10960

845-638-4666

Fax: 845-634-1675

divorcemediation.com

[REDACTED]

From: FMM <alison@familymediationmatters.com>
Sent: Sunday, January 21, 2018 10:54 AM
To: rulecomments
Subject: Support for Parenting Education

Categories: [REDACTED]

To Whom it May Concern,

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources Best Alison Block Gerson www.familymediationmatters.com

From: Daniel G. Cantone, Esq. <dgc@canlawpc.com>
Sent: Monday, January 22, 2018 12:51 PM
To: rulecomments
Subject: Mandatory Parent Education Class

Categories: [REDACTED]

As a family law attorney in the Syracuse area for 36 years, I wholeheartedly support the requirement of a parenting education requirement as a prerequisite to *any* Judgment of divorce whenever there is/are child(ren) under the age of 18. This should apply even when the issues of custody, visitation, and other parenting concerns are settled by the parties without judicial intervention, such as in a Separation or Opting-Out Agreement and/or a Trial Stipulation. The impact of divorce in both amicable and adversarial cases alike should be included in the mandatory curriculum for parents in *all* instances--and in person instruction should be the norm with only rare allowances for online participation. New York should become aligned with the vast majority of other states which already require such educational components to divorce proceedings. I find this proposal to be long overdue and will serve the best interests of our children while providing valuable guidance to the families in our communities.

Thank you for taking these comments into account when considering implementation of the newly proposed rules.

Daniel G. Cantone, Esq.

Collaborative Family Law Attorney / Mediator / Adjunct Professor

Cantone Law Firm, P.C. ● Mediate West

Park Professional Building . 5426 West Genesee Street . Camillus, New York . 13031

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[REDACTED]

From: Patricia Grant <pgrant@galawpc.com>
Sent: Tuesday, January 23, 2018 10:31 AM
To: rulecomments
Subject: <no subject>

Categories: [REDACTED]

John W. McConnell, Esq.
Counsel
Office of Court Administration
25 Beaver Street, 11th Floor
New York, New York 10004

I support the proposed change to the New York State Court rules requiring parents to attend a parent education class when they are separating or divorcing.. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Patricia Ann Grant

GRANT
+ APPELBAUM, PC

565 Fifth Avenue, 7th Floor, New York, New York 10017 T. 212.308.2200 • F. 212.202.4826 • pgrant@galawpc.com
galawpc.com

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[REDACTED]

From: Nancy Nybergh <nnybergh@NYCID.Org>
Sent: Wednesday, January 24, 2018 10:10 AM
To: rulecomments
Subject: Proposed Amendment to 22 NYCRR § 144.3 to Mandate Attendance in the New York State Parent Education and Awareness

Categories: [REDACTED]

Greetings,

I want to lend my support to the proposed amendment to mandate attendance in the New York State Parent Education and Awareness Program. As someone who has been teaching and working with parents divorcing and separating for over ten years, I have seen the positive impact the program has had. Parents do not come running to class mostly because they "do not know what they do not know". After spending time in the class, not only are they glad that they did, parents also want to know why this wasn't recommended to them earlier.

Some of the take-aways the program offers parents are normalcy around the difficult feelings of divorce and separation. Many parents feel isolated and meeting other parents in the same situation is helpful. Parents also are grateful to be aware of the research around how children may react to divorce as well as how high conflict situations affect their children. Being able to give them a way to make this different offers hope during a difficult transition. The program also offers them information on other ways to resolve their dispute for those parent situations where litigation isn't their only course of action.

When parents are transitioning through a divorce or separation, there is a lot to do and worry about. Since parents do not know about the class and/or how beneficial it can be, without mandating them to come, it is unlikely this education will get on their radar. The courts are in a unique position to help parents as well as be able to positively impact

NANCY NYBERGH, MA, LP

Director, Parents Assisting Children Through Transition
New York Center for Interpersonal Development
130 Stuyvesant Place, 4th Floor
Staten Island, NY 10301
917-831-6469

[REDACTED]

From: Romell Gillespy <romell.gillespy@gmail.com>
Sent: Wednesday, January 24, 2018 12:06 PM
To: rulecomments
Subject: Family Kind

Categories: [REDACTED]

When families do break up parents need to learn how to help their child adjust to the changes in their lives. Co-Parenting Classes helps improve the quality of the parental relationship by reducing conflict and to impress on parents their critical role in helping their child adjust through co parenting. My co-parent and I were ordered by the judge to take the course and I must say it was very informative. These courses should be mandatory as most of the information is not common knowledge. I support Family Kind in their efforts to raise the awareness of parents who must co-parent.

Sincerely,
Romell Gillespy

[REDACTED]

From: Victoria Shaw-Williamson <vshawwilliamson@gmail.com>
Sent: Wednesday, January 24, 2018 12:21 PM
To: rulecomments
Subject: Rule Change

Categories: [REDACTED]

The parenting education class was an incredible resource to our family during the transition of divorce. I now communicate more effectively with my ex-husband, and we are moving from parallel parenting to co-parenting thanks to the tools that we learned during the class. I would recommend this class to anybody who is dealing with the transition of separation and divorce, since you will learn how to communicate more efficiently with your children and your ex-spouse after taking this course.

Victoria S.

[REDACTED]

From: Andrea Berkowitz <andreapianowitz@yahoo.com>
Sent: Wednesday, January 24, 2018 1:58 PM
To: rulecomments
Cc: Andrea Berkowitz
Subject: Parent's Public Comment

Categories: [REDACTED]

Proposed Amendment to 22 NYCRR § 144.3 to Mandate Attendance in the New York State Parent Education and Awareness Program

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. The class helped me communicate better with my co-parent, I've stopped putting my children in the middle of our disagreements and arrangements, and we were able to come to an agreement that put our children first. I'm thankful that I took this class.

Thank you,
Andrea Berkowitz

[REDACTED]

From: Jing Chen <jingchen414@gmail.com>
Sent: Wednesday, January 24, 2018 3:09 PM
To: rulecomments
Subject: Comment about parent education class

Categories: [REDACTED]

To whom concerned,

I attended the class because I had an order from the court. But after I attended the class, I did learned a lot from this class. I knew the important of the conversation between parents would affect child's psychological health. I support there will be more classes open and invite more parent who are either divorce or new parents are welcome to attend class to have more knowledge to help the growth of children. At the end, thanks for providing the class

[REDACTED]

From: Bernardo Cano <bernardocano1@aol.com>
Sent: Wednesday, January 24, 2018 3:35 PM
To: rulecomments
Subject: Parent's Public Comment

Categories: [REDACTED]

I am a father who recently took a workshop class from family kind. I cannot express my gratitude for this class. It taught me tools and also a better understanding of the current situation that I am in. I have benefited a great ton already since I took the class. Things have taken a 180 turn in my co parenting situation. I have a new found belief in my relationship with my daughter's mother and it's part because of the class I attended. I feel that if my daughter's mother would also take the class. We can have a better relationship. However, I am doing my part and will continue to attend classes provided by family kind.

Grateful Father,
Bernardo Cano

Sent from AOL Mobile Mail

[REDACTED]

From: Kathy Fernandez <kathy.fernandez1@gmail.com>
Sent: Wednesday, January 24, 2018 4:44 PM
To: rulecomments
Subject: Parent Public Comments

Categories: [REDACTED]

I support this proposal 100%. The parent education class was a life changing experience for my ex-husband and I, and for my children as well. After taking the class I realized I was making many mistakes as a parent not only with the child involved in the separation but also with my other two children. When going thru a divorce we are so angry and so focused on our own pain that we do not realize we end up hurting what we love the most "our children". The class help me learned to separate the children from all divorce disagreements and it made our settlement for separation a lot easier. I strongly recommend the parent educational class.

--

Thank you.
Katusca Fernandez

"Keep your focus on your goals and gather strength from all of your experiences"

[REDACTED]

From: brian brazzo <bbrazzo@aol.com>
Sent: Wednesday, January 24, 2018 8:00 PM
To: rulecomments
Subject: FamilyKind Parent Education Class

Categories: [REDACTED]

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. The class helped me in several ways. The most important is to understand divorce from a child's perspective. Parents should never argue in front of kids or displace any of their responsibilities on the kids. The instructors use real life examples, and make the class relevant to the complexities of life. This class was a lot more pleasant than meeting with my lawyers or the judge

Brian B

[REDACTED]

From: Madelene Bueno <madelenebueno@gmail.com>
Sent: Wednesday, January 24, 2018 8:13 PM
To: rulecomments
Subject: Parents public comment

Categories: [REDACTED]

The parenting class was invaluable during my divorce court proceedings. I strongly feel all parents going through divorce/separation should partake as it is in the best interest of the children!

Sent from my iPhone

[REDACTED]

From: James Hurst <Diverhurst@yahoo.com>
Sent: Wednesday, January 24, 2018 8:36 PM
To: rulecomments
Subject: Parent class

Categories: [REDACTED]

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. The class helped me communicate better with my co-parent, I've stopped putting my children in the middle of our disagreements and arrangements, and we were able to come to an agreement that put our children first. I'm thankful that I took this class.

*Thank you
James*

Sent from my iPhone

[REDACTED]

From: Barb Owens <barb.owens@cfresources.org>
Sent: Thursday, January 25, 2018 10:41 AM
To: rulecomments
Subject: Proposed Amendment to 22 NYCRR § 144.3

Categories: [REDACTED]

January 25, 2018

John W. McConnell, Esq.:

I would like to comment on the proposal of JROPE that has been presented. I am a trainer/facilitator for Child and Family Resources, Inc. of Ontario, Seneca, and Yates Counties. We utilize the ACT curriculum for our classes. Our agency has been involved with this parent education program for many years. We continued this program after it was no longer funded by UCS as we were able to see the importance of it for the children whose parents were in the court services due to custody as well as the impact it had on the parents.

Over the time that we have presented the curriculum it has been evident that almost all of those who participate are doing so because they have been ordered by the court. Only a small number come because they want to. At the end of the training, though, the vast majority of the parents are glad that they participated and thank us for the having the class. Parting comments often focus on they wished they had taken the class sooner when they were just beginning the custody process. It would have been better for both their children as well as their relationship with the child's other parent. Parents come away from the class learning new techniques of how to deal with the child's other parent, the realization of changes that they could and should make, or affirmation that what they are doing is correct.

I applaud this proposal with one exception. That exception is the online training. I noted in the proposal that this allows for flexibility of scheduling, may be more cost effective, and an alternative when there has been domestic violence in the relationship. Addressing the flexibility of scheduling, our agency has week day classes, evening classes and Saturday classes. We are also in various communities which allows our participants to find a class that works the best for them. I agree with this being an alternative for those who are victims of domestic violence.

My concern is for the rest of the parents who would be more interested in taking the online course. The reason behind this is that I am a credentialed trainer who works with those in the field of child care. Many of those in this field do take online trainings. Over the years of working with them, I have come to the realization that many do not retain what they learned online. Whether it is because they really didn't care and just are taking the class to get the training hours or whether it was harder for them to retain the new information I am not sure. It could easily be both. Having a live facilitator/trainer allows for questions, interactions with others, and attentiveness. Answers to questions can be presented with examples that more easily explain the question. All of the trainings that we present have a pre and post-test which may actually be a reason for the attentiveness. All of the trainers are also versed on adult learning styles and incorporate these learning styles into our training. I feel that online training works best when there are correct and incorrect answers, not when we are dealing with human relationships and emotions. I also fear that since this would be a court requirement that the parent may not agree with that they would actually not even pay attention to the content of the online training.

Thank you for taking your time with this letter.

Sincerely,

Barb Owens

Barb Owens
Professional Development Coordinator

Child & Family Resources, Inc.
...serving children & families in Ontario, Seneca & Yates Counties

www.cfresources.org

263 Lake Street
Penn Yan, 14527
315-536-1134
315-536-9918 (fax)
barb.owens@cfresources.org

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[REDACTED]

From: sabrinapierre925@gmail.com
Sent: Thursday, January 25, 2018 3:45 PM
To: rulecomments
Subject: Family kind

Categories: [REDACTED]

Ms.pierre

I was not sure when I was asked to attend the parenting class what to Expect , but it turned out to be informative and really helpful. I am In support of this becoming more available to parents, I believe it will help alot of families and it's definitely useful

[REDACTED]

From: Amy Slotnick <amyslotnick@hotmail.com>
Sent: Friday, January 26, 2018 6:06 PM
To: rulecomments

Categories: [REDACTED]

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Amy P. Slotnick

Sent from [Outlook](#)

[REDACTED]

From: helene@hbernsteinlawandmediation.com
Sent: Friday, January 26, 2018 6:12 PM
To: rulecomments
Subject: Parenting Education

Categories: [REDACTED]

I support the rule change permitting Judges to order parent education to litigants appearing before them.

Regards,

Helene Bernstein

--

Law and Mediation Office of Helene Bernstein, PLLC 44 Court Street Ste 905 Brooklyn New York 11201 917-748-9854

[REDACTED]

From: Jennifer Safian <jpsafian@gmail.com>
Sent: Friday, January 26, 2018 8:11 PM
To: rulecomments
Subject: Parent education

Categories: [REDACTED]

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Jennifer Safian
Divorce and Family Mediation

New York, NY 10028

www.safianmediation.com

[REDACTED]

From: Carol Butler <cabutler1@outlook.com>
Sent: Saturday, January 27, 2018 8:25 AM
To: rulecomments
Subject: parent education

Categories: [REDACTED]

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Carol A. Butler, Ph.D.
60 West 13th Street
New York, NY 10011
212.807.0008 (office)
917.805.7921 (mobile)
www.seetheotherside.com
www.members.authorsguild.net/cabutler/

[REDACTED]

From: christopher robertson <cmrobertson03@outlook.com>
Sent: Saturday, January 27, 2018 12:38 PM
To: rulecomments
Subject: Proposed Amendment to 22 NYCRR § 144.3 to Mandate Attendance in the New York State Parent Education and Awareness Program

Categories: [REDACTED]

I Christopher Robertson, support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. The class helped me communicate better with my co-parent, I've stopped putting my children in the middle of our disagreements and arrangements, and we were able to come to an agreement that put our children first. I'm thankful that I took this class.

Sent From CM Robertson

[REDACTED]

From: Julius Walker <jwalker@NYCID.Org>
Sent: Saturday, January 27, 2018 4:14 PM
To: rulecomments
Subject: Support of Proposed NYS Courts Ruling

Categories: [REDACTED]

As a person who works directly with the very children who become the casualties of "parent break-ups", I fully support any measure that creates a family wholeness and wholesomeness.

Respectfully,

Julius Walker

Sent from my iPhone

From: Hrs Keerthisinghe <hrs.keerthisinghe@gmail.com>
Sent: Monday, January 29, 2018 9:34 AM
To: rulecomments
Categories: [REDACTED]

Sir,

I applaud and support the proposed NYS Court rules making parents mandatory to attend a parent education class when they are separating.

This helps parents communicate better, understand and respect the other in a better way, know how to keep children out of their disagreements.

H Robert Keerthisena
(Volunteer Mediator NYCID)

CEO - Body Mind Relief Center - New York - USA
General Secretary Asia Pacific Association of Psychologists - India
Chief Organizer - International Conference on Psychology & Allied Professions - Sri Lanka - 2011 - 2015
Member - International Council of Professional Therapists (ICPT-UK)
Consultant Field Study for ICD-11 (WHO-Geneva)
Member APA (USA)
Member Int.Assn.Child & Adolescent Psychiatry (UK)
Lecturer: SJPU, Kelaniya PGIM, SLFI(SL), BMRC (USA)

Website: www.slapcap.org
Phone: 718-524-5550

[REDACTED]

From: Katie Cole <kcole@NYCID.Org>
Sent: Monday, January 29, 2018 9:37 AM
To: rulecomments
Subject: Mandate parent education when divorcing

Categories: [REDACTED]

"I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. The class will help parents communicate better, raise awareness of how to keep children out of the middle of their disagreements and help children (and families) transition through a difficult time."

Sent from my iPhone

[REDACTED]

From: Carol Buell <cbuell@carollbuelllaw.com>
Sent: Monday, January 29, 2018 3:10 PM
To: rulecomments
Subject: Rule change

Categories: [REDACTED]

John W. McConnell, Esq.
Counsel
Office of Court Administration
25 Beaver Street, 11th floor
New York, NY 10004

Dear Mr. McConnell,

Please be advised I support the proposed rule change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help patents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources. Everyone needs help, especially parents whose families are no longer intact for various reasons. Using professionals trained in educating parents as part of the delivery of services to New York families in crisis only makes sense.

Sincerely,

Carol L. Buell, Esq.

Carol L. Buell, Esq.
Carol L. Buell Law & Mediation, PLLC
11 Park Place, Suite 1104
New York, NY 10007
Ph. 212-967-5710 Ext:101
Fx. 212-967-1336
www.carollbuelllaw.com

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From: Teresa Ombres <teresa@divorcelab.com>
Sent: Tuesday, January 30, 2018 12:00 AM
To: rulecomments
Subject: In Support of JROPE

Categories: [REDACTED]

Dear Judge Fiore:

I would like to add my voice to those who recognize the value of parent education programs and are supporting the rule change. I am an attorney admitted to practice since 1981 practicing exclusively in the area of family law. I did not practice from 1985-1996 because I didn't love it and because I found it difficult to juggle family and a professional practice. What I didn't love was that the law did not always serve the best interests of families. That the strict application of the law was often against what was best for families. That the law, in the wise words of Justice Hope Schwartz Zimmerman, Justice of the Supreme Court, Nassau County, does not allow for the practice of "therapeutic jurisprudence". That I found myself giving practical advice, instead of legal advice to clients, such as, "Give the money to your wife and kids" instead of giving it to me to fight what I believed what was a winnable appeal. That's when I left the practice believing I was not a "normal" lawyer and therefore not cut out for the field.

But then, in 1996, I was exposed to mediation. At a Parents Association meeting at my daughter's high school. A lightbulb moment when I said to myself, "Oh my god, I'm a mediator". Here was a process/forum for helping individuals get at the root of their conflict, understand each other's points of view and minimize or even eliminate the conflict. A process that cares about the mental health of children and of divorcing parents. A care that cannot necessarily be addressed by the courts.

I have had the good fortune to witness transformations by parents after attending the program. One of the more poignant results, as voiced by a father after completing a PEACE program, was evidenced when he said, "I didn't understand that it was hurtful to my children to disrespect their mother." This father attended the program after the funding dried up. Community Mediation Services, in Jamaica, Queens continues to offer the program on a sliding scale based on income.

This program is crucial. In California in the 1960's before a couple could proceed with a divorce in court they had to attend a "conciliation court" where the effort was to keep them together. As divorce became more rampant the focus changed from keeping couples together to minimizing the emotional damage caused by divorce by helping create parenting plans and teaching parents to get along and co-parent for the sake of their children. Parent education programs are a tiny, but crucial step in attending to the mental health of families when parents separate or divorce. A small opportunity to practice therapeutic jurisprudence which will serve families better.

Teresa Ombres



Teresa Ombres, ESQ
 p: 516.773.3133
 f: 516.773.7997
 email Teresa@divorcelab.com

DIVORCE RESOLUTION FOR THE 21ST CENTURY

**THE LAW & MEDIATION OFFICES OF
 TERESA OMBRES
 PLLC**

1010 Northern Blvd · Great Neck, NY 11021
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[REDACTED]

From: Alexis Koerner <koerneralexis@gmail.com>
Sent: Tuesday, February 6, 2018 3:16 PM
To: rulecomments
Subject: Mandated Parent Education

Categories: [REDACTED]

Hello,

I am a social worker working with families in NYC Family Court. As such, I fully support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources. All too often we have parents that subject their children to severe emotional harm by putting them in the middle of their conflict with the other parent. Anything that would be help to reduce this harm to children in these situations is desperately needed.

Thank you for your time,

Alexis Koerner, LMSW

[REDACTED]

From: Rick Olanoff <connectingwithrick@gmail.com>
Sent: Wednesday, February 7, 2018 11:15 AM
To: rulecomments
Subject: Mandating a parent education course

Categories: [REDACTED]

Dear Sir/ Madam:

I am a retired government worker who has been teaching a parent education course in Syracuse for about 20 years. When I was working I became a specialist in doing child custody reports for our Family Court.

It is clear to me from these experiences that parents would greatly benefit from a mandatory parent education course. Many parents have told us that they wish that they had taken our program years before they did. Many others wanted to make sure that the other parent took this course as well.

Being able to focus on your child(ren) and getting past the hurt and anger towards the ex-partner are key components of resiliency, growth and recovery. Without a parent education course this understanding and growth is much less likely to happen.

It is also true that having a chance to ask questions and to listen to other parents' stories is helpful in contradicting the isolation and distress that separation and/or divorce can often cause. This discussion is built in to our parent education program.

We also focus our presentation on ways to avoid potential conflict with the other parent, particularly in front of the children. We suggest that there is a parenting plan that will prevent conflict that follows the rule that the parent who wants the least contact with the other parent must be listened to. Often this means what we call parallel parenting: no contact with the other parent. Some parents can be peacefully reasonable and have some direct contact with the other parent, but we stress safety first at all times. This too is something that would not be taught otherwise.

thank you for your time and attention,

Rick Olanoff
Syracuse, NY

[REDACTED]

From: Robert.KLEKER@ojd.state.or.us
Sent: Wednesday, February 7, 2018 6:06 PM
To: rulecomments
Subject: Mandate Attendance in the New York State Parent Education and Awareness Program

Categories: [REDACTED]

I noted the Request for Public Comment regarding mandating attendance to parent education. I think New York would be well served in enacting this program.

In Oregon parenting class attendance is required for all domestic relation cases where there is children involved. Here in Jackson County we utilize an on-line parenting class and believe in the need for the program to be evidence based. Our experience has been positive, with good outcomes. Judges often remind parties of the parenting skills they need to employ when complaints are raised in court regarding behavior of one or both parents. Again, I would urge New York to implement a mandated parent education program.

Bob Kleker
Trial Court Administrator
Jackson County Courts
100 South Oakdale
Medford, OR 97501
541/776-7171 ext. 123

[REDACTED]

From: Rochelle Hestnas <jakesmom@nyc.rr.com>
Sent: Monday, February 12, 2018 3:58 PM
To: rulecomments
Subject: Court Rules Regarding Mandated Parent Education

Categories: [REDACTED]

Dear Mr. McConnell,

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

I am at the very end of what is termed in legal circles, a "high conflict divorce". I have watched in anguish as my children have suffered during the last three years. My younger son has been in therapy for years and, for years, he has told his therapist of extremely hurtful things he has listened to his father say about me. During a parent meeting with the therapist, I asked her specifically about the psychological effects of hearing one parent say terrible things about the other parent. She framed it like this, "Your child is half of each of you. When you say awful things about the other parent to your child, you are saying awful things about half of your child." Through my darkest moments, no matter how upset, this simple statement has prevented me from expressing anger about my ex-husband to our children, knowing this would be devastating to them.

There is so much that can be done during divorce to protect children from the stresses of divorce, to mitigate the devastation of divorce. I feel incredibly fortunate to have sought help when I knew my children needed it and to have been able to afford to pay for such help. Lots of parents don't recognize this need or they won't take the initiative or they can't afford a mental health professional. A mandated parenting education class could really help parents put thought into how their actions in divorce are so impactful to their children; it could help children suffer so much less during divorce.

Sincerely,

Rochelle Hestnas

From: Shari Bornstein <sharibornstein@me.com>
Sent: Wednesday, February 14, 2018 11:06 AM
To: rulecomments
Subject: Comment for Amendment to 22 NYCRR Part 144

Categories: [REDACTED]

Greetings to the Committee:

I am writing in support of the amendment to 22 NYCRR Part 144 by adding Section 144.3(2)(b) to require judges to mandate parents to participate in parent education.

I am a licensed attorney in New York. Prior to transitioning to New York, I practiced Family and Matrimonial law in Connecticut for twenty-six years in my own private practice.

Enacted in 1994, Connecticut General Statute 46b-69b, orders parents involved in any action before the Superior Court (except Applications for Relief from Abuse) involving children to participate in a “parenting education program” to learn about the impact on children of restructuring their families including information on the developmental stages of children, adjustment of children to parental separation, dispute resolution, conflict management, guidelines for parent access, stress reduction in children and cooperative parenting. Participation is mandatory unless the court approves a waiver.

The Connecticut Judicial Department contracts with providers to roll out services to participants. Fees for participation are provided directly to the service provider. If a participant receives a fee waiver, the cost is covered by the revenue generated by the other class participants’ fees.

While the statute caps the hours at ten, most classes are six hours in duration.

Throughout the years, some parents groused about the requirement to participate. In my experience, those complaints subsided over time with the increase in the appreciation of the education parents received after participating in the class.

In fact, the satisfaction rate expressed by participants remained consistent over the past ten years according to the statistics maintained by the Connecticut Court Support Services Division.

COMPARISON OF PARENT EDUCATION PROGRAM STATISTICS 2006-2016

Respondents felt the program was valuable to separating parents

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
94.5%	94.3%	94.7%	93.2%	94.7%	95.2%	93%	94%	94%	93%	93%

Respondents felt that the presenters had a very good understanding of the needs and problems of the families going through divorce

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
89.9%	90.5%	91.2%	91.2%	92.6%	92.4%	91%	93%	93%	93%	92%

Respondents felt that the program was very helpful or somewhat helpful for understanding the needs and reactions of children of various ages to parental separation or living apart

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
95.5%	95.5%	94.1%	95.9%	96.2%	96.7%	95%	96%	96%	97%	96%

Respondents felt the program was either very helpful or somewhat helpful in understanding the benefits to children of parents working together cooperatively

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
94.7%	94.5%	93%	95.6%	95.5%	96.1%	95%	96%	95%	96%	95%

Respondents felt that the program was either very helpful or somewhat helpful in resolving conflicts between parents about the children

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
89.1%	89.7%	90.5%	90.8%	91.3%	91.8%	91%	93%	92%	92%	92%

Respondents felt that the program was either very helpful or somewhat helpful in learning how to arrange meaningful parenting time

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
88.5%	89%	89.2%	88.9%	89.4%	89.8%	90%	91%	91%	91%	91%

Respondents felt that the program was either very helpful or somewhat helpful for reducing stress in children

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
92.9%	92.5%	92.9%	91.9%	93.2%	94.1%	91%	92%	93%	93%	93%

In Connecticut, there are a number of services providers in each judicial district that offer classes. The providers undergo a rigorous vetting process. Curriculum and provider approval is overseen by an Advisory Committee comprised of a number of stakeholders.

The class is not a do-it-yourself divorce class. I never experienced an impact in my ability to earn a living because a client participated in this class. In fact, it made my job easier at times, because I was able to reinforce what my clients heard in the class during my representation in managing their expectations. Another benefit was that all clients received consistent education about the topics. Explanation was not left to each individual attorney to convey. There will always be clients whose cases require litigation for a number of reasons.

Some may be concerned that the entry of judgment could be delayed if the parties or one party fails to comply with the court rule to participate in the class. Judges are imbued with significant discretion. In my experience, if not waived for a particular reason, judges entered the decree dissolving the marriage and ordered participation within sixty or ninety days post-judgment. If the parties return to court on post-judgment motions, the Judge can consider the failure to comply with its order in any appropriate way given the circumstances before the court at that time.

The current Order to Parent Education form currently used by some New York jurists states, "Parent Education is a program to help parents who are going through court proceedings...learn what they can do to help themselves and their child(ren) adjust to the family changes. It has been determined that the parties and their child(ren) could benefit from the parents attending a parent education program." Participation in parent education should not be dependent judge by judge. If there is a benefit, all parents should receive it. Their children will, too.

Shari Bornstein
860-302-2631

Elliot Wiener
Attorney at Law
 485 Lexington Avenue, 14th Floor
 New York, NY 10017
 212-841-0726
 ewiener@phillipsnizer.com

March 8, 2018

Via Email

John W. McConnell, Esq.
 Office of Court Administration
 25 Beaver Street, 11th Floor
 New York, NY 10004
rulecomments@nycourts.gov

Dear Mr. McConnell:

Summary

For the reasons that I have set out below, I support the proposal to make parent education mandatory for all cases where a Request for Judicial Intervention has been filed and where there are minor children in the family.

I have practiced matrimonial and family law in New York for forty-one years. I am the Chair of the Matrimonial Department of Phillips Nizer LLP. I have tried scores of custody cases and written scores of custody agreements over my career. I have been appointed as the attorney for the child in numerous cases. I have been the Co-Chair of PEACE NYC and the Co-Chair of the Interdisciplinary Forum on Mental Health and Family Law, a group of lawyers, judges, psychologists, psychiatrists, and social workers who meet monthly to discuss subjects involving the intersection of mental health and family law. I have published numerous articles on the subject of child custody litigation. Because of my commitment to helping parents insulate their children from the impact of divorce and separation, I am the Chair of FamilyKind Ltd. a not-for profit entity which provides supportive services to divorcing and separating parents.¹ FamilyKind is a certified parent education provider.

Why Mandate Parent Education?

We require many things of parents who come to the court for a divorce: we require them to participate in and pay for the forensic process; we require them to pay for attorneys for their children; we require them to pay filing fees; we require them to provide documents; we require them to take time off from work to attend court appearances; we encourage them to retain and pay for lawyers and

¹ I write as a private individual and not as a representative of my law firm or of FamilyKind Ltd.

John W. McConnell, Esq.
March 8, 2018

experts. The benefits to children, parents, and the courts in cases that will not return to court because the parents are able to resolve their own disputes, are far greater than the cost of parent education which is a tiny fraction of these other mandated costs.

Some people will be unaffected by the lessons of experts and many parents already take appropriate steps to insulate their children from their conflict. But there is a group of people who fall in between, who are eager to learn skills that will allow them to keep their children out of the middle, and that will improve their relations with each other insofar as the children are concerned. Mandated parent education will include all three of these groups because a selection mechanism that relies on the relatively limited information available to a trial judge cannot reliably determine which group any particular person falls into and because the detriment of overinclusion is reinforcement of people's existing skills.

Children trapped in the middle of their parents' divorce are at greater risk in multiple dimensions than children of intact families. Lower academic achievement, more behavioral issues, more negative self-concepts, poorer psychological adjustment, greater social problems, more difficulties in parent relationships, and overall lower levels of well-being are all associated with children of divorce.² Research demonstrates that the best way to defend against these risks is to support the sources of children's strengths,³ the most important of which are the quality of their parents' relationship and the level of post-divorce co-parenting, both of which have a greater impact on children than the divorce itself."⁴

A substantial portion of New York's children are affected by their parents' divorce. Approximately 45% of first marriages end in divorce and half of these marriages involve children.⁵ This does not include the number of children affected by their parents' non-marital separation. The large number of children who experience their parents' separation or transition justifies taking affirmative steps, guided by experts in the fields of psychology and education, to help ameliorate the detrimental impact upon them. Their parents also benefit from a program that helps to reduce their conflicts. Finally, the courts will benefit as better relations between parents tends to reduce post-judgment litigation.⁶

² Amato, P. R. (1994), "Life-span adjustment of children to their parents' divorce", *The Future of Children*, 4, 143–164. doi:10.2307/1602482.

³ DeLusé, S. R., & Braver, S. L. (2015), A rigorous quasi-experimental design to evaluate the causal effect of a mandatory divorce education program. *Family Court Review*, 53, 66–78. doi:10.1111/fcre.12131; Fackrell, T. A., Hawkins, A. J., & Kay, N. M. (2011), "How effective are court-affiliated divorcing parents education programs? A meta-analytic study", *Family Court Review*, 49, 107–119. doi:10.1111/j.1744-1617.2010.01356.x.

⁴ Hetherington, E. M., Stanley-Hagan, M., & Anderson, E. R. (1989). "Marital transitions: A child's perspective", *American Psychologist*, 44, 303–312. doi:10.1037/0003-066X.44.2.303

⁵ Amato, P. R. (2010). "Research on divorce: Continuing trends and new developments", *Journal of Marriage and Family*, 72, 650–666. doi:10.1111/j.1741-3737.2010.00723.x.

⁶ Fackrell, T. A., Hawkins, A. J., & Kay, N. M. (2011), "How effective are court-affiliated divorcing parents education programs? A meta-analytic study", *Family Court Review*, 49, 107–119. doi:10.1111/j.1744-1617.2010.01356.x cited in Grimaldi at p. 96 (see n. 9).

John W. McConnell, Esq.
March 8, 2018

Over the past two decades, New York has adapted aspects of its court system into problem solving institutions to help “judges ... better respond to the needs of litigants and the community. Problem solving courts look to the underlying issues that bring people into the court system, and employ innovative approaches to address these issues.”⁷ The proposed rule to mandate parent education fits easily into this modern view of the courts.

Does It Work?

Studies of the effectiveness of parent education programs (PEP) generally show that children of parents who participate in parent education report better school performance, reduced incidence of illegal substance use, and reduced emotional disturbances, while parents who attended a PEP class consistently report increased use of co-parenting communication skills⁸, as well as having benefited from the course content generally.⁹

New York State has certified a parent education program, Parent Education and Awareness Program (PEAP). The purpose of this program is, through psychoeducation, to provide parents with easily implemented strategies and tools to become better parents, benefitting the children’s well-being and fostering better parent communication. In a recent study of the efficacy of this program conducted using a control group, the investigator found that parents who completed PEAP reported greater parenting satisfaction and greater ability to execute his or her role as parent and manage the responsibilities of parenting (“parenting efficacy”) when compared with parents who did not complete the class.¹⁰

The positive effect of parenting education using PEAP suggests that the skills and strategies learned in this program can be used to support parent’s beliefs in their abilities to parent their children in the post-divorce period. Higher levels of parent satisfaction are shown to be an important factor in making parents more effective under the stressful transition of divorce.¹¹ Research also shows that high levels of parenting efficacy promotes less parental alienation and encourage more positive parent-child interactions, which buffer against parental depression.¹² Increased parental efficacy expe-

⁷ Sherry Klein Heitler, JSC, Chief of Policy and Planning, New York State Courts, “Problem-Solving Courts Overview”, https://www.nycourts.gov/courts/problem_solving/.

⁸ Brandon, D. J. (2006), “Can four hours make a difference? Evaluation of a parent education program for divorcing parents”, *Journal of Divorce and Remarriage*, 45, 171–185. doi:10.1300/J087v45n01_09

⁹ Brotherson, S., White, J., & Masich, C. (2010), “Parents forever: An assessment of the perceived value of a brief divorce education program”, *Journal of Divorce & Remarriage*, 51, 465–490. doi:10.1080/10502556.2010.504095

¹⁰ Grimaldi, J. (2017), “The Efficacy of Divorce Education: A Pilot Study Evaluating FamilyKind’s Implementation of the New York State Parent Education and Awareness Program”. The impact of the program was measured on follow-up studies that formed a part of the investigation.

¹¹ Amato, P. R., & Afifi, T. D. (2006), “Feeling caught between parents: Adult children’s relations with parents and subjective well-being”, *Journal of Marriage and Family*, 68, 222–235. doi:10.1111/j.1741-3737.2006.00243.x

¹² Cohn, J. F., & Campbell, S. B. (1992), “Influence of maternal depression on infant affect regulation”, In D. Cicchetti & S. Toth (Eds.), *Developmental perspectives on depression* (Vol. 4, pp. 103–130). Rochester, NY: University of Rochester; Field, T. M. (2000), “Infants of depressed mothers, in Johnson S. L., Hayes A. M., Field T. M., Schneiderman N., & McCabe P. M., (Eds.), *Stress, coping, and depression* (pp. 3–22), Mahwah, NJ: Erlbaum; Fore-

John W. McConnell, Esq.
March 8, 2018

rienced by parents who participated in the PEAP reflects the use by these parents of the skills and strategies learned in the program.¹³

Preventive education has been demonstrated to be a cost effective preventative program.¹⁴ “Prior studies have found that [parent education] minimize[s] inter-parental conflict, reduce[s] the amount of litigation in the Family Court, increase[s] awareness of children’s needs in the post-divorce adjustment process, and improve[s] cooperation with a former spouse.”¹⁵

Parent education is not a panacea. Although New York’s certified PEAP program is evidence-based and well researched, it would be unfair to expect it to transform embattled parents into effective co-parents. Rather, its purpose is to provide parents with readily implemented skills and strategies to help minimize their child’s exposure to their disputes, and to help them communicate constructively with the children and former partner. The recent study of this NYS certified program indicates that it achieves these goals.¹⁶

The Form of the Educational Program

Parent education is a psychoeducational program that provides helpful, effective, evidence-based alternatives to the often combative and unhealthy ways that divorcing parents think about and relate to each other. The goal is to motivate change through problem solving and enhancing practical skills. An effective psychoeducational program is integrative, holistic, multicultural, functional, multimodal, comprehensive, and systemic.¹⁷ They are highly flexible and use an inclusive format that draws on encouragement and normalization through a structured group social interaction. In short, people learn better through interactive educational methods than they do when they are presented with a video that merely “talks at” them.

Chief Judge DiFiore’s Excellence initiative focuses on the quality of the services that are provided by the courts. The Initiative’s high standards require that any mandated parent education program utilize best educational practices, which means a dynamic program that engages the participants.

hand, R., Long, N., & Brody, G. (1988), “Divorce and marital conflict: Relationship to adolescent competence and adjustment in early adolescence”, in E. M. Hetherington & J. D. Arasteh (Eds.), *Impact of divorce, single parenting, and stepparenting on children* (pp. 155–167). Hillsdale, NJ: Erlbaum;

¹³ Grimaldi at 94.

¹⁴ See, e.g., National Council on Family Relations, “Family Life Education: A Profession with a Proven Return on Investment,” https://www.ncfr.org/sites/default/files/ncfr_white_paper_family_life_education.pdf.

¹⁵ Fackrell, T. A., Hawkins, A. J., & Kay, N. M. (2011), “How effective are court-affiliated divorcing parents education programs? A meta-analytic study”, *Family Court Review*, 49, 107–119. doi:10.1111/j.1744-1617.2010.01356.x cited in Grimaldi at p. 96.

¹⁶ Grimaldi at 94.

¹⁷ Wood, M. M., Brendtro, L. K., Fecser, F. A., & Nichols, P. (1999), *Psychoeducation: An idea whose time has come*. Reston, VA: Council for Exceptional Children.

John W. McConnell, Esq.
March 8, 2018

The Administration of and Payment for Parent Education Programs

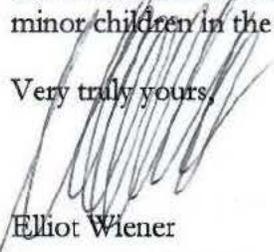
Private providers, mostly not-for-profits, will continue to offer and administer the Office of Court Administration's certified programs, whether in-person or on-line (if OCA approves on-line programs). The programming will be subject to on-going monitoring to ensure the quality of the programs and the realization of the goal of parent education. The providers have costs associated with the purchase or development of programs and of their administration. Some certified on-line providers will offer parents continuing education through text messages with reminders of skills taught in the program and providers will be available as a clearinghouse for further assistance in the local area. Additionally, providers will review the data generated by the program, giving them information that can be communicated to the Parent Education Advisory Board and OCA and used to monitor the quality of, and improve, the program. The certified providers will also submit reports to OCA on participation levels in each county. In-person attendance at a parenting education program requires that the presenters be compensated and that associated costs, such as cost of the site, also must be paid for. On-line programs will inevitably result in technical problems that will need to be resolved by the provider.

A financing structure that requires parents to pay a relatively modest sum, set and capped by OCA, currently \$100 for several hours of education, subject to waiver on a needs-basis, will allow for compensation for the work noted above and will be available to offset the needs-based waiver of fees and development of further programming, e.g., making parent education available in a variety of languages.

Conclusion

I urge the Administrative Board of the Courts to adopt the proposed rule change to mandate parent education for all cases where a Request for Judicial Intervention has been filed and where there are minor children in the family.

Very truly yours,



Elliot Wiener



From: Gabrielle Humleker <Gabrielle@francisfinancial.com>
Sent: Friday, March 9, 2018 12:39 PM
To: rulecomments
Subject: Support Court Mandated Parent Education

Categories:

Hello!

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Best Regards,
Gabrielle

Gabrielle Humleker
Client Relations and Marketing Manager

Read our white paper, Unveiling the Unspoken Truth

Listen to our podcast, Financially Ever After

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[REDACTED]

From: kbt336@gmail.com on behalf of Kathleen Bar-Tur <kbartur@nydivorce-mediation.com>
Sent: Sunday, March 11, 2018 11:12 AM
To: rulecomments
Subject: Make Parent Education Mandatory

Categories: [REDACTED]

Via Email

John W. McConnell, Esq.

Office of Court of Administration

25 Beaver Street, 11th Floor

New York, NY 10004

rulecomments@nycourts.gov

Dear Mr. McConnell:

For reasons which I will briefly outline below, I support the proposal to make parent education mandatory for all cases where a Request for Judicial Intervention has been filed and where there are minor children in the family.

I am a member of the board of FamilyKind Ltd., a non-profit organization providing support to divorcing and separating families. FamilyKind is a certified parent education provider. As a licensed clinical social worker, I have personal experience teaching Parent Education classes with the director and founder of FamilyKind, Lesley Friedland. Parents attending these classes found support and information which I believe will make them better parents and co-parents. Even parents mandated to attend our classes, left our classes grateful to have been there.

I urge the Administrative Board of the Courts to adopt the proposed rule change to mandate parent education for all cases where a Request for Judicial Intervention has been filed and where there are minor children in the family.

Sincerely,

Kate Bar-Tur

Kathleen Bar-Tur, LCSW-R, FIPA

Director

The NY Center for Divorce & Family Mediation

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New York, NY 10023

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[REDACTED]

From: Andrea Fleischer <fleischer57@gmail.com>
Sent: Sunday, March 11, 2018 12:46 PM
To: rulecomments
Subject: Change to NYS Court Rules

Categories: [REDACTED]

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

Andrea Fleischer | 917-538-8326 | 212-864-7564

[REDACTED]

From: Pierre Fontaine <pierrefontaine73@gmail.com>
Sent: Monday, March 12, 2018 12:25 PM
To: rulecomments
Subject: mandated parent education

Categories: [REDACTED]

I support the proposed change to the NYS Court rules to require parents to attend a parent education class when they are separating or divorcing. Parenting education will help parents learn to communicate better, insulate children from their parents' conflict, and save judicial time and resources.

--

Pierre

WARNING

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[REDACTED]

[REDACTED]

John W. McConnell
Counsel, Office of Court Administration
25 Beaver Street
11th Floor
New York, N.Y. 10004

Re: Proposal to amend 22 NYCRR 144.3

March 29, 2018

Dear Mr. McConnell,

I am the president of the New York City Family Court Judges Association and I am writing to offer our comment on the proposal to amend 22 NYCRR 144.3 to require that judges order parents to attend a mandatory education and awareness program in all custody cases. The current regulations permit but do not require judges to make such referrals. Our Association opposes this amendment.

While we recognize that parent education can be a benefit to some parents in some cases we feel that it would be an error to require it in every case. Our judges have the unique opportunity to become familiar with their cases and with the parents and the children who are involved in them, and are best able to determine which cases would benefit from the program and which would not. Mandating that judges order participation in the program in every case takes the decision out of the hands of the judges whose experience and training make them best suited to make that decision. The proposal is an unnecessary removal of this useful exercise of the court's discretion. This is particularly concerning where there is no clear remedy for a violation of the order, as is the case with this proposal.

Requiring participation in every case could also have the unwanted and harmful effect of further lengthening the time it takes to get to disposition. In addition, the amendment would increase the burden on parents both in terms of the financial cost of the program and the time required to participate in it. Many litigants in our courts do not have the financial ability to pay whatever the economic cost would be. Further, many already find themselves strapped for time in terms of work, family obligations and court appearances. Requiring such parents to participate in the program would be an additional demand on their already limited time and would be an unwarranted burden in a case where a judge believes the program is not needed or would not be beneficial or appropriate.

For these reasons, the New York City Family Court Judges Association opposes this amendment. Thank you for the opportunity to submit our comment.

Regards,

Robert Mulroy