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Settlement-Focused Parenting Plan Consultations

Summary of Process

When parents divorce or separate, agreements must be reached regarding appropriate time-sharing plans for children, and decisions must be made as to the care and upbringing of the children. These are frequently difficult and emotional issues for parents to sort out in the midst of their divorce. Research has shown that mediated settlements to child custody disputes encourage both parents to remain in their children's lives after divorce without increasing co-parenting conflict. Allowing others to impose a ruling frequently never ends the conflict, and studies show that settlements negotiated by divorcing parents work better than those imposed upon them by the court.

The **Settlement-Focused Parenting Plan Consultation** is a hybrid alternative dispute resolution model that blends the advantages of child custody evaluations, mediation, and collaborative practice. It is a confidential, voluntary procedure which is mediative in nature and occurs outside of the court system. These consultations are conducted by psychologists who are highly experienced child custody evaluators, as well as trained mediators and collaborative practice professionals. The purpose of this program is to involve a child custody expert at the beginning of the process to offer solutions, rather than later in the process as often occurs during a traditional litigated custody "dispute." The goal of these consultations is to avoid the acrimony, hostility and expense frequently associated with declarations, depositions, retention of adverse experts, and trial used in a traditional custody litigation process.

The **Settlement-Focused Parenting Plan Consultation** assists parents, and their attorneys, in deciding upon appropriate time-sharing plans for their children. To achieve this goal, the consultant conducts a series of interviews with all family members and gathers additional information from reviewing records and interviews with collateral sources. The consultant then provides input and assistance to parents and their counsel in the following areas:

- A summary of the special, post-divorce needs of each child, based upon his/her developmental age and unique personality

- Education related to enhancing a child's adjustment to a divorce
- Assistance with conflict disengagement and improved co-parenting
- Assistance to parents in negotiating a parenting plan for their children

Settlement-Focused Parenting Plan Consultations versus Child Custody Evaluations:

Child custody evaluations can yield a number of benefits to families. They are especially helpful when the court needs information regarding the safety of children in various custody arrangements, such as in cases of physical or sexual abuse, domestic violence, or severe psychiatric dysfunction or parental substance abuse. However, child custody evaluations can sometimes produce unintended, counterproductive consequences, if parents disregard or attack what they don't like in a report or use it as a potential weapon in a custody battle.

The biggest difference between the two procedures is that the settlement-focused parenting plan consultation is a form of mediation, and the information gathered during the process is confidential and utilized for settlement purposes. The consultant, the parties and the attorneys can focus their efforts on designing the best possible parenting plan without anxiety about the use of the information in litigation. There is no report, and the only written document may be a parenting plan, which cannot be utilized in court if there is no agreement, but may be adopted as a court order if it is mutually agreeable to both parents. In contrast, if a child custody evaluation report does not lead to a settlement, it may be utilized for litigation purposes, the evaluator's records and data may be subpoenaed, and the evaluator may be called upon to testify in court regarding the information gathered during the process and recommendations.

Settlement-focused parenting plan consultations cost less than half the price of a child custody evaluation and typically can be completed in 4 to 6 weeks, whereas a child custody evaluation typically takes a minimum of 10 to 12 weeks.

Settlement-Focused Parenting Plan Consultations in Collaborative Practice and the Co-Parent Project: Dr. Pickar provides services within the Co-Parent Project and the Collaborative Council of the Redwood Empire. Therefore, these consultations can also be utilized or adapted for use as part of the Child Specialist role in Collaborative Practice or the Child Consultant role in the Co-Parent Project.

To initiate a Settlement-Focused Parenting Plan Consultation, please provide the following:

1. Completed and signed Retainer Agreement
2. Endorsed filed copy of the Stipulation and Order re: Parenting Plan Consultation
3. Retainer fee

For inquiries or to arrange a consultation, please contact:

**Daniel, Pickar, Ph.D. Email: dpickar@sbcglobal.net
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Informed Consent regarding Parenting Plan Process

Structure of the Consultation: All members of the immediate family will be interviewed, including parents, children, and possibly stepparents. Below are both standard procedures and optional procedures which may be utilized in conducting the consultation.

Standard Procedures:

1. ***Joint conference call with attorneys.*** The purpose is to discuss the case, unless parents are self-represented. The attorneys and the consultant will agree upon the records/documents which will be provided to the consultant to review. Following the joint conference call with the attorneys, there will typically be no communication with the attorneys during the information gathering process (with the exception of scheduling the final feedback meeting). (30 minutes)
2. ***Joint meeting with both parents.*** The purpose is to decide upon consultation procedures, sign consent forms for collateral contacts, obtain brief marital history, discuss concerns about the children or other parents, and elicit input regarding possible parenting plans (1.5 hours).
3. ***Individual interviews with each parent.*** Topics to be addressed include pertinent historical information, parent's concerns about the children's needs, assessment of parenting skills, concerns regarding co-parenting with the other parent, and exploration of parenting plan options (2 hours with each parent).
4. ***Individual interviews with the children.*** The purpose of these meetings is: to assess children's functioning in the context of the present divorce; to understand children's views of each parent's parenting skills; to assess children's sense of security with each parent; and, depending upon the age of the child, to indirectly explore parenting plan options (one to two meetings with each child, 1 hour in length).
5. ***Review of Pertinent Records.*** These records can be provided by parents or their attorneys at the beginning of the consultation process or during the information gathering stage as agreed upon. Copies of the records provided by a parent or his or her attorney should simultaneously be delivered by the parent or attorney to the other parent or attorney unless otherwise agreed.
6. ***Collateral Contacts.*** These will typically be limited to teachers, child care providers for preschool children, and mental health professionals working with any family members.
7. ***Consultation/feedback meeting with attorneys and parents.*** The purpose is to present feedback to parents regarding how their children are handling the divorce, and to elucidate factors which will enhance their adjustment to the divorce in the future. Parenting plan options will be presented with their advantages and

disadvantages, and the consultant will assist parents and their counsel in mediating a settlement regarding a parenting plan. This meeting may also involve a private judge and/or attorney-mediator, if involved in the case. (2-3 hours).

8. ***Brief, written parenting plan.*** Following the final meeting, the consultant will prepare a brief written parenting plan, unless the parents and attorneys opt to not have this document completed. The brief written document will specify the parenting plan agreed upon in the feedback meeting, and if mutually agreeable to both parents, can be adopted as a court order. In the absence of an agreement, the document will specify the consultant's best parenting plan recommendation. A written document will be provided within one to two weeks after this final meeting. A written parenting plan will only be completed upon the joint agreement of both parents, so that it is not used as a litigation tool.

Optional Procedures:

Use of any of these optional procedures must be agreed upon by both parents in advance.

1. Home visits
2. Parent/child observations in the office
3. Psychological testing of parents or child, if requested and agreed upon by parents
4. Drug or alcohol abuse assessments, if there is substantive evidence of such a problem
5. Follow-up consultation

Confidentiality and Privacy: Settlement-focused parenting plan consultations are considered mediation protected by California Evidence Code 1119. Thus, all communications, information from interviews and collateral contacts, psychological testing, negotiations, or settlement discussions by and between participants in the course of a parenting plan consultation shall remain confidential. The parents will also not be able to call the consultant as a witness in court proceedings. Prior to commencement of the consultation, parents and attorneys will sign a stipulation that they agree to these confidentiality and privacy policies and submit the stipulation to the court for an order. If the parents do not reach a settlement based on the parenting plan consultation and wish to pursue a court-ordered child custody evaluation, the consultant will not perform the child custody evaluation. No information from the parenting plan consultation will be disclosed to a third party, without written permission of both parents.

In addition, certain limitations to confidentiality will apply according to California State Law, in which the psychologist has a duty to report information concerning child abuse, which includes sexual abuse, physical abuse, and neglect.

Fee Schedule

The cost for this service generally ranges from \$2800 to \$3600, depending upon the number of children, procedures utilized, etc. A retainer is required, and services are charged against the retainer at a rate of \$225.00 per hour. This includes time spent in office interviews, telephone interviews with collateral contacts, document review, psychological test administration, scoring, or interpretation, home visits, and feedback meetings. Travel time for home visits is billed at a rate of \$170.00 per hour. Prior to the initial interviews, the following retainer fees are to be advanced to the consultant:

Retainer fee for one child:	\$2800.00
Retainer fee for two children:	\$3100.00
Retainer fee for three children:	\$3400.00
Retainer fee for four children:	\$3700.00
Fee for each stepparent/significant other:	\$250.00 (add to retainer fee)

Fees for optional services, including drug or alcohol testing fees, shall be paid by the parent(s) and allocated between them as agreed upon. Please contact Dr. Pickar prior to submitting the retainer agreement if optional services will be utilized, so that an appropriate retainer for the optional services can be agreed upon.

Any additional fees not covered by the retainer will be billed and must be paid prior to the final consultation/feedback meeting. If a brief written parenting plan is requested, the parents will be notified of the cost for the written plan, which must be paid prior to preparation of the written parenting plan.

Appointments or meetings must be canceled 24 hours in advance. Cancellations less than 24 hours in advance will be billed to the person who failed to keep the appointment or meeting.

