



MEDIATION
COUNCIL **NEWS**



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BOOK REVIEW

Divorce Wars: Interventions with Families in Conflict

by Elizabeth M. Ellis, Ph.D.

REVIEWED BY
RACHEL FISHMAN GREEN

In her Acknowledgements, Elizabeth M. Ellis points out that "[a] literature review...is a major...undertaking for a clinician in private practice." As practicing mediators, therapists and attorneys, we struggle to keep abreast of developments in the law and in psychology. In this invaluable book, Dr. Ellis has done a comprehensive literature review for us, and has summarized the results of major scientific studies done between 1990 and 2000 regarding how divorce affects children and families.

Dr. Ellis envisioned that this book would be useful both as a guide and a resource for those practicing in the mental health fields—such as forensic psychologists—and also for attorneys who want to cross-examine expert witnesses. The author wrote the book to be used by adversarial attorneys looking either for research to support their client's position, or looking for research to use to discredit experts presented by the other side. As a mediator, I found this book to be extremely edifying regarding the effects of divorce on children and families. It also provided me with insights into and empathy for some of the difficult behavior which I observe in my mediation clients.

The book is beautifully written and, for such technical material, an easy read. Dr. Ellis begins each chapter with a hypothetical family presenting the problem analyzed in the chapter. For example, she presents a custody battle with two children, where each parent wants sole custody. She then presents all of the research regarding the effects of custody battles on the children, and the conclusions of studies analyzing how children do with sole, joint and split custody, as well as whether any-

thing about the welfare of children can be predicted by the result of father-sole-custody or mother-sole-custody. At the end of each chapter, after presenting the studies, Dr. Ellis presents a summary of the research, and then returns to the hypothetical family to apply the research and analyze the best result for the family, as predicted by the results of the research, and what conclusions she would draw, were she involved in the case.

I also found the book to be stimulating, almost as a brain-storming tool for its presentation of the wide range of results which are possible for families. Dr. Ellis has covered all of the major trends around the country regarding different families' arrangements. For example, she analyzes the history of custody, when the mother was virtually always granted custody, through joint custody, father-custody, and the rather new concept of split custody, where some children live primarily with each parent. Some research has found that, especially once the children hit the teen-age years, boys do better when they live with their fathers, and girls do better when they live with their mothers.

Some sections of the book are quite moving. I have found myself quoting these research results to my clients when they expressed concern to me about wanting to protect their children, to the extent possible, from the negative effects of their divorce. In Chapter 2, "Impact of Parental Conflict on Children's Adjustment Following Divorce," we learn that the degree to which children are experiencing active, open quarreling, and chronic disagreements will have a great effect on the amount of stress which the children experience in their lives as a result of the divorce. When asked whether the children will be better or worse off after the divorce, Dr. Ellis

proposes that the answer hinges on whether the level of conflict will diminish after the divorce—or whether it will continue, through post-divorce litigation.

Damage to children continues to be a concern, apparently to all clinicians in this field. The research shows that people whose parents were divorced have a 30% higher chance of getting divorced than do people whose parents stayed together; and if two people whose parents were divorced get married, there is virtually 100% chance that they will divorce. As a clinician, Dr. Ellis hypothesizes the reason for this is that children of divorced families have not seen parents stick it out during bad periods in a marriage, and continue to try to resolve differences and conflicts. These children have not had first-hand

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We encourage the peaceful resolution of disputes and support the work of all members of the Family and Divorce Mediation Council of Greater New York.

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The mediator will be encouraged to attend continuing education seminars, and to contact a signatory of the letter in order to analyze different options for good mediation practice. One person from each council will sign the letter, and those two people will be the only ones who know the name of the mediator about whom a complaint was received.

Finally, if anyone becomes aware of practices that give our profession a bad name, please report the situation to any of the committee members.

II: Guidelines on social and business dealings with clients.

The Joint Ethics Committee is considering guidelines regarding social and business contacts with mediation clients. Many of us already have personal guidelines, however the committee believes it would be appropriate for our members to have minimal guidelines that all members agree to follow.

We propose the following:

1. At the outset of mediation, a mediator will inform all participants of all prior personal and/or business involvement with any and all participants.
2. If there is any prior involvement, an acknowledgement and waiver should be signed by the clients before the mediation begins.
3. Subsequent to a mediation, a mediator should have no personal or business interactions with clients for a period of one year in the absence of a waiver by all participants.

Please consider joining our committee and write or e-mail us your comments and suggestions.

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experience learning that after a bad phase can come a good phase. They also have a stronger fear of the loss, having experienced so much loss in their lives already, and may run from fear of the loss before the loss even takes place.

Different ideas for approaching parenting conflicts arise out of the literature. For example, parents whose children have stomach aches, or complain about visitation, may view the other

Insight into and empathy for difficult behavior in mediation.

parent as the source of the problem, and wonder if there is abuse or mishandled authority at the other parent's home. Dr. Ellis advises that a clinician be hired to conduct a wide-ranging analysis of all of the factors that could be causing the child stress, before resorting to a request to change a custody order.

An entire chapter is devoted to "Parental Alienation Syndrome." The trend among judges appears to be to give great weight to this syndrome, so that custody cases can turn based on proven allegations that one parent intends to alienate the child from, or corrupt the relationship between the child and the other parent. This factor is given increasing weight, so that children will be more likely placed with the non-alienating parent.

This book was also extremely instructive to me regarding the personality traits of the highest conflict couples. In the chapter entitled "Psychopathology of Parents Locked in Postdivorce Disputes Over Custody and Access Issues," Dr. Ellis helped me to understand why even couples who have remarried may have difficulty leaving behind the conflicts from their first

marriages. She gives some insight into personality traits, such as black-white thinking, excessive hostility, and narcissistic focus on "wrongs" and "wounds" suffered, which make it difficult for these people to understand how the conflicts are affecting their children, and make it difficult for them to let go of these conflicts. Surprisingly, such people may be very high functioning in other areas of their lives.

A section also explores the phenomenon of parental abduction which happens much less frequently than one would think, based on media coverage of this most extreme result of high parental conflict. There are, apparently, some objective predictors of whether there exists a high risk of abduction.

I found this book to be a very useful resource, as well as fascinating to read. I highly recommend it.

To order, contact the American Psychological Association, www.apa.org/books, or 1-800-374-2721. □

Mediated MOU's

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the MoU in order to avoid the risk of them thinking that they are executing a legal document.

Rejection by courts. If parties file for divorce and submit a signed MoU as their agreement, the judge is likely to reject the agreement either a) because it is not a legal agreement (even though it masquerades as one) and therefore is technically insufficient, b) because it lacks certain language which the judge or the law requires to be included, or c) simply because the judge feels that the issues covered in the document must be considered and drafted into an agreement by an attorney rather than by a non-attorney mediator, experienced as s/he may be. □