

Mitch Abrams, Psy.D.

Abrams Psychological Services

Licensed Clinical Psychologist

NJ#: 3936 NY#: 14186

620 Tinton Avenue, Bldg. A, Ste. 203

Tinton Falls, New Jersey 07724

Phone: (732) 460-1300 Fax: (732) 460-1306

E-mail: MAbrams589@aol.com

Reunification Therapy

Tips to Make It Work

Mitch Abrams, Psy.D.

Married people do not divorce, the whole family gets divorced. What does that mean? It means that except in the rarest, and luckiest, of cases, everyone in the family is significantly impacted by the divorce. If there is a single goal, especially in high conflict divorces, it is to insure, as best possible, that the children do not become “casualties of war”. Often the parties are so consumed with hostility and venom for one another, they do not appreciate the damage that is done to children when they find themselves stuck in the middle of an adversarial relationship. The best set of circumstances is when two parties realize that they are better off no longer married to the other, but they are both equally committed (even if they don’t agree on all issues) to the well-being of the children. There are many times that children, during the course of the conflicts between the parents, become estranged from one of the parents. Sometimes this is due to restraining orders secondary to domestic strife, sometimes it is due to a parent trying to establish a new household.

Whatever the reason, except in the rarest of cases, when there is a consideration of terminating parental rights, both parents continue to have the right to parent their children and it sometimes requires the court ordering the children back into the relationship with their estranged parent. Because this can be precarious, increasingly, courts are ordering reunification therapy as a means to bring the estranged parent back into the lives of their children in a safe environment. This is not easy work and what I hope to provide are some tips that can assist attorneys in appreciating some of the psychological issues at work as well as how they may craft orders that will give the children the best chance of successful reunification.

First, it is important to understand where the estrangement comes from. People sometimes jump to the conclusion that children not wanting to be with a parent is due to Parental Alienation. Parental Alienation Syndrome (PAS) was defined by Dr. Richard Gardner as a disorder that arises primarily in the context of child-custody disputes. Its primary manifestation is the child's campaign

of denigration against a parent, a campaign that has no justification. It results from the combination of a programming (brainwashing) parent's indoctrination and the child's own contributions to the vilification of the targeted parent. While there are many psychologists in the field who remain equivocal about PAS, many understand that Parental Alienation, which contains some, but not all aspects of PAS, occurs. In either situation, when alienation is present, the children are at tremendous risk...and not just at risk because of the alienating parent, but the estranged parent can inadvertently hurt their child emotionally when they lash out as a result of their feeling wronged. The point is, it is crucial to understand if the difficulties in the relationship between child and estranged parent have their genesis in the alienating parent, are a result of legitimate problems in the relationship between the child and the estranged parent, or a combination of the both.

Ironically, when the tension is a result of “simply” alienation from the parent, it is more easily addressed because parents can often be encouraged to recognize how their behavior is negatively impacting their children. Of course, there are times that the parent’s disdain for the estranged parent is completely justified, which will lead to an understandably rigid stance in becoming more flexible. But, the fact of the matter is that no matter what kind of husband/wife that soon to be ex-spouse has been, the two parties will always be linked in their parental responsibilities to their children. And it is best for the children to have two parents that can put down their swords long enough to effectively parent as a dyad.

When the conflict comes from the children however, it is much more daunting because they are not angry or distant to their parent just to take sides, but because they have their own personal gripes that fuel the fire of the estrangement. It is common for the non-estranged parent to want to empower their children, and they certainly have the right to not be happy with their parents, but it is very important that both parents encourage, if not demand, that the children respect both parents. If either parent is not carrying their weight regarding parental duties, therapy (as well as parent training) can assist, but simply not having a relationship with both parents is, most often, not in the best interests of the children.

So, given this as a brief context, what can attorneys do to assist the process?

1. Remembering that the best interests of the children guide many of the custody decisions, educate your clients that keeping a child(ren) away from their parents is usually not good for the child. If it is decided as a result of a custody evaluation or a parental rights hearing, fine, otherwise, joint custody is expected and what does your child need in order to be safe, happy and provided for by BOTH parents.
2. Prepare your clients that reunification therapy is generally not covered by insurance. Medical insurance will only cover medically necessary illnesses. This is the resolution of a family conflict that is forensically driven. Many times, none of the involved parties (parents or children) have a diagnosable mental illness. If there is no diagnosis, insurance will not cover it. Of note, there is a diagnosis of parent-child relational problem (V61.20),

but this is a V-code diagnosis. V-codes, for a number of reasons, are not considered as serious and are generally not reimbursable. If, however, any of the parties does in fact have a diagnosis, the provider may put the appropriate codes on their receipt and reimbursement may be obtained. This is possible, but the parties should not count on it, especially if no one was previously diagnosed or treated.

3. In order for the process of reunification to work, it is important that BOTH parents are supportive of it. And, one way to make sure that both parties are supportive to get things going in the right direction as quickly as possible, is to have both parties financially responsible for it. If only the parent that is alienated/estranged is paying for it, the other parent is in an ideal situation to sabotage it. For example, let's say a mother has been estranged from her two children and she is paying for the reunification. Who incurs the cost for the sessions when the father does not produce the children? I believe that it is useful to have both parents financially responsible for the therapy and if either parent does not appear for scheduled sessions (or at least cancel/reschedule in a manner consistent with the therapist's cancellation policy) then the cancelling parent should be financially responsible. Similarly, having both parties ordered to pay a retainer for the first set of sessions makes them (literally) invested in the process from the beginning. I generally ask for the first ten hours to be paid for in advance, with both parties being responsible for 50% of the fee. When indigence is a factor, the therapist can work with sliding their scale, but I find that the easiest way to do that is to slide the scale evenly rather than to favor the side with lesser financial resources. Meaning, if the therapist's fee is X dollars and indigence is claimed, then the therapist, if they are so inclined, will reduce their fee to a percentage of their fee and then both parties are 50% responsible. To illustrate, if a therapist's fee is \$200/hour and the father can afford it but the mother can't, it doesn't work to have the father pay at \$200/hr. and the mother pay at \$100/hr. Rather, it is better for the therapist to slide down and give a rate to both parents, perhaps \$100/hr. and then they split that 50/50.
4. Speak now or forever hold your peace...the reunification therapist's job is to be as neutral as possible. Check the therapist's credentials. Have they been used by the courts in the past? Many therapists (non-forensic), avoid the courts at all costs. Appropriate scrutiny is fair as the therapist will have impact on you and your child's lives, but if you feel that the individual is qualified and competent, trashing them when the therapist is taking a position that you don't agree with may be because he/she is working on an issue that you haven't worked on yet; consider your own therapy during the difficult process of divorce.
5. Sanctions for not complying with the reunification therapy order may be of value laying out ahead of time. While it is the discretion of the judge to enforce their orders, I have seen many parents who are not supportive of the reunification, blatantly disregard the orders or not take them seriously. While convincing them that it is in the best interest of their

children may be difficult, understanding the sanctions ahead of time may be an incentive to comply.

6. Consider the developmental age of the children involved. The younger the children, the more time they are going to require with their mother. I remember a case where a mother was breast-feeding her four year old son (!!!) as a means to demonstrate that he needed to be with his mother more than his father. Of course, this is extreme (and somewhat ridiculous), but infants that are not yet weaned are obviously going to be on a schedule where they can be fed, but they also aren't going to require therapy either. Related to this, it is developmentally NORMAL for children, especially adolescents, to have conflictual relationships with their parents. Therefore, if a teen doesn't want to see their parent, it need not be assumed that it is because of the divorce and reunification therapy is necessary. The goal of the reunification therapist is to make themselves obsolete. I don't want to be working with the families ad infinitum. I don't even expect them to solve their problems. I am "simply" trying to get them talking and reunited in their relationship in a way that they can resolve problems in a constructive manner WITHOUT the assistance of therapy.
7. The reunification therapist is an agent of the court and as such, the therapist has two masters: the best interests of the children and the order of the court. The parents' wishes may or may not line up with those issues. If either party has concerns about using a particular reunification therapist, voice their concerns...but once agreed upon by both parties and so-ordered by the court, chances are if a parent is angry with the therapist, it may very well be because they are putting what they want in front of what the children need. That is not to say that reunification therapists are always right...no professional is...but our job is to try to remain as neutral and objective, focusing on what the children need, as possible. I sometimes have mused that I know that I am doing a good job when both parents think that I am not. Like a negotiation, when it goes right, both parties feel like they have won some points and lost others. Attacking the character of the therapist sets a poor example for the children. It communicates that the therapist is in fact on the "other side" and makes the children more resistant to be open-minded towards repairing their fractured relationships.
8. Clients should understand that interfering with court-ordered reunification therapy is not something that the reunification therapist will be able to resolve by themselves. I try to be flexible with parents but when it becomes clear that they are not making the therapy a priority for the children, I seek guidance from the court (so that decisions about violating the order can be made), but more importantly, I start to wonder if they are in fact, most concerned with their children's best interest.
9. Recognize that there is a real (though sometimes unconscious) bartering that divorcing parents do, especially if one of the parents will be in severe financial distress without substantial child support payments. It may not be popular to say out loud, but there are

times that parents are more interested in having complete custody or nearly the entirety of the parenting time not because of their desire to parent, but because this is what gets plugged into the trusty child support formula. This is real. There are parents out there, especially stay-at-home mothers, that are justifiably concerned about how they will survive without such a payment and that payment drives the process. It is not practical to discount it, but a conversation that asks whether they would trade financial stability for well-adapted children must be broached somewhere. Rarely do parents realize at the outset of a divorce that down the line, though they may be embarrassed to admit it, they would like to not have the children *all* the time. Visitation allows for the residential parent to recharge the battery. Also, it stinks being the person that has to say “no” all of the time...a task that is unavoidable if you find yourself in the role of single parent with all of the parenting responsibility. Encourage divorcing parents to think about these issues in the forefront. And, my experience is that when this advice comes from their attorney, it is very powerful. Coming from anyone else, it sounds as if the advisor is not on their side. When the attorney says, “Okay, you need to think about what is good for your children, and what is good for you...not just now, but in the future. Most often, parenting is easier when you don’t have to do it by yourself...so what can we do to make sure both parties are carrying their weight?” People going through divorce are often very angry and hurt, but at the same time very vulnerable. As such, they don’t always make the best decisions for the future. An attorney guiding them on this issue could pay huge dividends, not just for the children, but for the client over time as well.

10. Clients need to understand that the reunification therapist, no matter their skill, does not have a time machine that can erase past hurts, bad parenting, poor decisions, or even abuse. Those past issues impact the present and future but do not have to control them. So, spending therapy time on “beating up” a parent for their past behavior is not nearly as helpful as encouraging people to take ownership of their past behavior, ask for forgiveness (which does not have to be given, by the way) and figure out how to move forward. Further, the conflicts that exist between the parents may not have impacted the children. Encourage clients to allow their children to work out *their own issues* with the estranged parent, not be the soldiers for their unresolved hurt.

Again, families getting divorced can be a very trying emotional time. The goal is to come out the “other side” with as few scars as possible, and the opportunity to make your life better. Always keep your children in the front of your mind when making decisions. Though it is not intentional, many decisions can lead to circumstances that are stressful for children; the more they can be sheltered from these stressors, the better the chances that they will grow up well-adapted and with healthy relationships with both of their parents.