

ADDENDUM

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WOULD YOU BENEFIT FROM A CUSTODY EVALUATION?

Divorce is one of the most complex life challenges one can encounter in adulthood. Many of us have had exposure to the most dreadful of models regarding divorce, either by witnessing our own parents or friends as they struggle through this painful process. So many of us are limited in our thinking in regard to divorce, believing that custody evaluations will provide a solution when we are seeking to end the pain of separating lives and managing parenting responsibilities. While there *is* a place for custody evaluations, our experience has found that only rare individuals need and can benefit from this process. In fact, most divorcing parents who undergo a custody evaluation come to find that it is fraught with more potential harm than benefit for years to come, and that it creates more ill-will rather than restoring balance in their families.

Marital partners typically are matched sets relative to their values, psychological functioning and capabilities. Even when facing divorce, marital partners share much more in common than they consciously recognize, particularly in relation to what divides them. Custody evaluations, paradoxically, serve two contrasting ends of the continuum of divorcing individuals. When logical-minded, rational parents are divided in their thinking regarding parenting issues a custody evaluation might be in order. Parties who genuinely seek guidance from a mental health expert in resolving their dispute, and see the evaluation as a way to sort out pertinent issues with an eye to resolve the conflict, could derive significant benefit from undergoing the process. These mature individuals acknowledge upfront that they likely have psychological blind spots and do not expect that one parent will be determined to be the “right” parent and the other will be found to be the “wrong” parent. Instead, they are willing to look at themselves in the painful psychological “mirror” to discover both their strengths and also weaknesses of which, heretofore, they may have been unaware. They seek a sort of expert tiebreaker who can guide them into possible paths toward resolution of the conflict. They accept responsibility to review periodically the psychological mirror held up by the custody evaluation in order to guide themselves into more helpful behaviors, which will strengthen the parenting partnership. Ultimately, the children of these parents will reap significant benefits.

At the other end of the continuum are divorcing parties who likely both believe they are entirely right and the other parent is in the wrong. Unfortunately, the main beneficiaries of a custody evaluation for this type of divorcing couple are Court-related personnel. The Judge and the parties’ respective attorneys will have the opportunity to appreciate that these divorcing

parents do not have the maturity, rationality, or psychological resilience to allow the other parent an equivalent parenting role similar to their own, that allow them to work together to support their children's needs after divorce. In this circumstance, the divorcing parties will not use the evaluation to improve their own behavior. They begin with the mindset that the other parent is the "bad person" and that the world needs to be informed of this truth through the custody evaluation process. The end result of a custody evaluation for this family is heightened polarization between the parties, as *both* typically feel violated and exposed. Rather than using the custody process to develop a fair recognition of the contributions of the other parent, these individuals believe the custody evaluation will help them "win" and will ensure that the other parent will be the loser. Motivations for custody evaluation for these parties typically involve some idea of personal vindication and retribution for perceived wrongs. Simply put, there is a desire to get back at the other parent by exposing their weaknesses. Sadly, the children of these parents typically suffer significant psychological damage through the process, because of the combative motives during the process.

Through the process of pre-screening we will endeavor to determine whether you might benefit from a custody evaluation. Much as a person anticipating complex surgery meets together with the surgeon to discuss options, as well as to weigh benefits and potential risks, we will meet with the two of you to determine the best course of action for your family. Just as we partner with our physicians regarding decisions we make relative to health matters, it is essential that we partner with our psychological healers to make decisions, fully informed of the potential harm and benefits of a custody evaluation. You and your co-parent are the experts on matters relative to your family. The two of you ultimately will make the decision whether to proceed with a custody evaluation. Our aim is to educate you in making an informed decision that will reduce potential risks and increase the likelihood that you will come to an agreement about sharing that includes both parents.

Custody evaluations *can* answer questions posed by an open mind. However, they are of no use to a parent who insists upon being found right and who simply expects the evaluator to endorse his or her beliefs. A custody evaluation should be entered into only after considering the risks, as these are considerable. The main risk is its polarizing potential and tendency to poison or to inflame existing issues. The main benefit of the custody evaluation is the information it provides, particularly obtaining a better awareness of your own contribution to the conflict and increasing your recognition of the contributions of the other parent. But, in the final analysis the usefulness of the custody evaluation resides in the willingness and ability of parents to use the information to reach a settlement. Too often, the settlement function of the evaluation is ignored or distorted so that the evaluation only fuels the adversarial flames. In such cases, the usual justifications for dismissing the custody evaluation are that: it was biased, or one was misunderstood or misrepresented, or unfairly criticized, or too little weight was given to issues you thought more important, or too much weight was given to issues you thought unimportant, or important issues were neglected because the evaluator saw them as less relevant. While a custody evaluation is not about winning or losing, but determining the best sharing arrangement, it is not surprising that the parent who perceives themselves as having lost is the one most likely to raise these mentioned objections.

Thus, unless you enter the evaluation with a receptive mind and are willing to be guided by the information provided, then your effort and money may be ill spent. A custody evaluation is an attempt to forge an external solution to an internal problem. As a result, custody evaluations often fail in their intended purpose for the following reason. People prefer autonomy to coercion. No one is in a better position to determine what is best for your children than you. Research shows that imposed solutions are unstable. That is, they tend to be viewed as arbitrary or unfair or unreasonable. Thus, solutions achieved through compromise and the exercise of free will tend to work better.

Affixing your signature to this document indicates that you have read and have understood concepts reviewed therein.

Signature

Signature

Date

Date



SHELDON E. FINMAN, P.A.
ATTORNEY AT LAW

BOARD CERTIFIED BY THE FLORIDA BAR
IN MARITAL AND FAMILY LAW

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TO: ALL CLIENTS
FROM: SHELDON E. FINMAN

I have engaged in divorce practice since 1971. **I have found the adversarial system is unworkable, unproductive, inefficient, overly expensive,** and only continues to fuel the fire of acrimony and bitterness. I, therefore, expect all of my clients to take the high road, if you will, and ask that you pay specific heed to the following standards of conduct which I require and which will ultimately serve your best interests:

Each person in a divorce (attorney and client) has the absolute obligation to operate properly, regardless of the behavior of the other. You must avoid stooping to his/her level. That is, try to do the right thing regardless of how the other behaves.

Fighting accomplishes nothing. Fighting only sets up another fight.

No matter how weird or outrageous another's actions, their behavior makes sense to them and that person can justify it, no matter how misguided or incorrect it seems to us.

In a marriage, all disagreements finally come down to giving in or giving up. If you insist on being stubborn, in always being right, or demanding your own way, you doom your divorce to never-ending conflict. All harmonious human relationships require compromise, even in divorce.

Arguments are usually caused by fear. Jealousy is fear of loss. Anger is fear of domination or control. Resistance is fear of being overpowered.

In order to overcome fear, you must show courage. Willingness to be open-minded and view your spouse's behavior in light of new information is evidence of courage. To show courage the first thing you must do is temporarily give in -- surrender pride, stubbornness, vindictiveness, contentiousness or a desire for revenge.

I will expect you to show courage, respect and rational behavior.

In divorce, punishment in any form, particularly keeping power and control, is likely to make unwanted behavior continue.

Also, dirty looks, insults, bringing up past mistakes, and shouting are all forms of punishment. Why should you stop punishing your spouse? Because:

- 1) You will feel better about yourself.
- 2) You will look better.
- 3) You will show goodwill.
- 4) You will generate goodwill.
- 5) Tension will be reduced.

It is only human for each party to see the rightness of his/her side and to deny the rightness of the offending party. Both can conjure up all kinds of arguments and find support for their side in books and with friends, but usually the truth is that there is some right on both sides. When two people are right and each tries to make the other see his/her side, they rarely succeed. Only by trusting and conceding can the deadlock be broken.

It is respectful to try to satisfy your spouse's wishes if they are reasonable and possible.

If you want to convince your partner of your goodwill, don't tell him or her, show your good behavior. Do something you know he or she will consider nice. Remember: actions speak louder than words. Kindness and understanding can repair anger and hurt.

Even if your spouse is really as bad as you think he or she is, describing his or her defects is not going to cure him or her, and, certainly, repeating old criticisms or past mistakes is not going to undo them. In fact, if you find the right opportunity, you might seriously consider validating and acknowledging some of your spouse's good qualities (especially a spouse who shows signs of bitterness and anger toward you).

A productive divorce is a function of mutual cooperation or reciprocity. Equals treat each other fairly and with justice. They expect the same treatment in return. If you are unfair to your spouse, mistreat or look down on him or her, you are not treating him or her as an equal. This will only lead to conflict. The following is a brief list of ways to make people feel unequal:

1. Criticize them.
2. Compare them unfavorably.
3. Ridicule them.
4. Act superior or arrogant.
5. Ignore them.
6. Fault-find.

Do you have to be right, do you have to prove your correctness, do you have to have your own way, do you have to win? If so, you may have the pleasures of your short-gained victories at the expense of totally unsatisfactory long-term results.

Finally, if I suggest therapy to assist you in being more productive, more constructive and more objective, please do yourself a favor and follow my advice. Often, the emotional adjustment in the divorce process is extremely difficult and will determine whether or not a case is settled.

Over the past few years, I have only taken one or two cases to trial per year. I expect, even almost demand, every case be settled. If you want to fight and punish your spouse, do not hire me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelly". The signature is fluid and includes a large, looping flourish at the end.

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PSYCHOLOGY RESIDENT

TEN COMMANDMENTS FOR DIVORCED PARENTS

1. Thou shalt not speak ill of or criticize one's former spouse or in-laws to the child or around the child so the child may overhear it.
2. Thou shalt not in any way create situations where the child feels he or she must choose one parent over the other.
3. Thou shall not communicate anything about completed or pending court proceedings to the children. Such issues as child support are adult matters not intended for children.
4. Thou shalt not in any way directly or indirectly interfere with legal visitation with the other parent.
5. Thou shalt not argue with the former spouse in front of the children, or in circumstances where they may overhear the argument.
6. Thou shalt not interrogate the children after a visit to learn of the ex's negligence or poor judgment. If a child is reluctant to answer questions, respect this reluctance. The child should not be used as a spy to collect information on the ex's living habits.
7. Thou shalt respect the fact that all children instinctively desire to love their parents, regardless of their faults and shortcomings. The child's love of a flawed parent does not mean he or she loves you any less. Thus, thou shalt try not to artificially limit, restrict, or interfere with the child's relationship and love for his or her other parent.
8. Thou shalt not use the children as messengers. If you feel you cannot talk directly to your ex-spouse, send him or her a letter.
9. Thou shalt not use your children as substitute friends or confidants.
10. Thou shalt not use the children as pawns in a power struggle with one's ex-spouse, or to punish one's former mate.

Compiled by
Drs. Robert B. and Deborah C. Silver

PROPOSED GUIDELINES

FOR MENTAL HEALTH PROFESSIONALS

WHO ARE ASKED TO TESTIFY IN THE 20TH JUDICIAL CIRCUIT

**Drafted By Robert B. Silver, Ph.D.
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Courts routinely make use of experts and family court is no exception. Because one of the main issues in family court is the welfare of children and children's well-being is typically defined in psychological terms, the input of mental health experts can be of significant value.

When you step into the courtroom and are asked your professional opinion, you are functioning as an expert. The main purpose of the testifying expert is to educate. In law, an expert is someone who by virtue of education, skill or training has specialized knowledge that can assist the judge or jury in understanding evidence or determining the meaning of a disputed fact. Unlike lay witnesses, who can only tell what they directly have seen or heard, expert witnesses are granted greater leeway. Experts can render opinions and diagnoses. They can infer and/or conclude things beyond what they directly observe. Without a commitment to objectivity, impartiality and testimony based upon the scientific literature in one's field, the forensic mental health expert risks becoming just another party to the dispute. If the mental health expert's input is not informative, reliable and helpful there is really no point for the court to allow such testimony.

To the degree experts can aid decision-making by being informatively helpful they are likely to be welcomed by the court. To the degree experts confuse, confound or obfuscate the issues to be decided they waste time, discredit themselves and make the hard job of judicial decision making even harder.

To aid potential mental health professionals in the 20th Judicial Circuit to meet their professional objectives the following suggestions and guidelines are recommended.

1. The expert mental health professional's main goal in testifying should be to help the court. This means that the mental health expert should strive to be objective and impartial and avoid being an advocate.
2. Testimony should be based upon clinical, technical or scientific knowledge applied to the facts of the case.
3. Strictly personal opinion should be avoided.

4. Where a mental health expert has no clinical, scientific, or technical basis for answering a question posed he or she should admit this.
5. A mental health expert should restrict their testimony to the limits of their expertise.
6. No mental health expert should offer any testimony regarding a person they have not evaluated.
7. Forensic mental health professionals should recognize that if they have only heard one side of a dispute they are unlikely to have a complete or balanced understanding of the issues.
8. Forensic mental health professionals who have not been court ordered to do an evaluation of all parties involved in the case should be especially cognizant of recommendation No. 7.
9. Parents requesting evaluations of themselves or their children only, for legal purposes, should be informed of the limitations this imposes on the opinions and conclusions that can be drawn. The mental health expert may instead suggest the possibility of a court ordered evaluation or request permission to at least try to contact the other involved party to see if they want to participate or provide any input. If the other party declines, the mental health expert could proceed with an evaluation, but with a caution this would restrict the findings and conclusions that could be drawn by such an evaluation.
 - a. If the requesting party has a reasonable fear of retaliation or harm that could result from contacting the other party then the evaluation needs to be court sanctioned.
 - b. If the evaluating mental health professional finds a reason to believe a minor child has been subject to child abuse it is his or her professional responsibility to report it to the appropriate authority. Allegations of abuse alone, without corroboration, should only form the basis for a report to appropriate authorities or a request to the court for a more complete court order evaluation of the allegations.
10. Unfortunately, in some divorces, parents shop for experts. The hope is that after providing only their side the expert will advocate against the other party to defeat visitation or shared parenting responsibility. Therefore, it is recommended that the mental health professional be very careful and cautious about rendering any opinions about harm to children without a thorough evaluation of all parties. While treating mental health professionals may develop doubts, or concerns or fears based upon clinical information, it is probably best that opinions regarding harm to children be reserved for those court ordered to make such a

determination. Treating mental health professionals may make clinical allegations or their fears or concerns known to the court, but should recognize that the data available to them may be limited, selective, incomplete or distorted. Supporting a parent who is attempting to manipulate the court, and/or misuse professional expertise, serves no good purpose.

Divorce and the sharing of the children create intense feelings and conflict. Indeed, it was not criminal cases that first generated court security measures, but assaults related to divorce cases. Moreover, the issues at dispute in family law, as well as most of the testimony, is usually rooted in perceptions, hurt feelings, attitudes and personality dynamics. Psychological knowledge and insight is essential for understanding and resolving these cases. However, only if mental health professionals fulfill their role – that of helping judges psychologically understand what is happening, why it is happening and what can be done about it – will such expertise be welcome in the courtroom.

STATEMENT OF AGREEMENT

1. We agree to the following with regard to residential parenting: _____
2. We agree to the following with regard to weekday visitation/parental sharing: _____
3. We agree to the following with regard to weekend visitation/parental sharing:

4. We agree to the following with regard to summertime visitation/parental sharing:

5. We agree to the following with regard to spring school break visitation/parental sharing:

6. We agree to the following with regard to telephone contacts:

7. We agree to the following with regard to use of the other parent as caretaker when the children are not scheduled to be with that parent:

8. We agree to the following with regard to lateness for pick-up or drop off and cancellation or changes in visitation/parental sharing:

9. We agree to the following with regard to inclusion of other family members, significant others and live-in or others sleeping over while the child(ren) are there:

10. We agree to the following with regard to Christmas vacation time and Thanksgiving/ parental sharing: _____
11. We agree to the following with regard to visitation/parental sharing arrangement with regard to Mother's Day and Father's Day: _____
12. We agree to the following with regard to spending time with and/or celebrating the child(ren)'s birthday: _____
13. We agree to the following with regard to who the child(ren) may address as "Mother" or "Father" or any permutation of this designation:
14. We agree to handle disputes or disagreements regarding what is best for our child(ren) in the following manner: _____
15. We agree to the following with regard to school choice (and who will pay and how much and for how long if a private/parochial or religious school).
16. We agree to the following with regard to either parent visiting the child(ren) at school and having access to school/educational information and being able to pick up the child from school: _____
17. We agree to the following with regard to initiating medical or dental care, or mental health care and each parent's role, responsibilities and rights regarding such care.
18. We agree to the following with regard to regarding relocating the child(ren) outside of _____ County, Florida: _____
19. We agree to the following with regard to regarding our child(ren)'s religious affiliation, religious observance and participation in religious training: _____
20. We agree to the following with regard to either parents smoking cigarettes, cigars, or use of alcohol or drugs: _____

21. We agree to the following with regard to potential safety hazards (e.g. the availability of firearms, use of guns, boating or four wheel off-road vehicles or drug/alcohol use on the premises or any potential exposure to unsafe circumstances: _____

We agree to abide by the following rules. Please mark an X and initial all that apply.

Applies Initials

- | | | |
|-------|-------|---|
| _____ | _____ | 1. To promote and support a positive relationship between the child(ren) and the other parent. |
| _____ | _____ | 2. To not expose the child(ren) to criticism, blaming or put-downs of the other parent. |
| _____ | _____ | 3. To always treat the other parent respectfully and courteously. |
| _____ | _____ | 4. To not use the child(ren) as a go-between to communicate messages or to make plans with the other parent. |
| _____ | _____ | 5. To be adaptable and flexible in resolving disagreements. |
| _____ | _____ | 6. Will not assume something is true before checking it out with the other parent. |
| _____ | _____ | 7. Will not side with the child(ren) in order to put the other parent in disfavor. |
| _____ | _____ | 8. To mutually seek out a professional opinion regarding any dispute about the child(ren) and agree to abide by it. |
| _____ | _____ | 9. To work cooperatively to resolve whatever problem behaviors or school problems the child(ren) may experience. |
| _____ | _____ | 10. Not plan activities for the child(ren) at times when child(ren) is scheduled to be with the other parent. |
| _____ | _____ | 11. To pick up and return the child(ren) promptly. |
| _____ | _____ | 12. To do nothing to make my child(ren) feel badly about loving |

the other parent.

_____ 13. To keep the other parent well informed about the child(ren) progress
_____ in school and major activities in which the child(ren) participates
(e.g. sports, music, etc.)

_____ 14. To acknowledge that the single most potent factor affecting a child's
_____ psychological and emotional well-being following a divorce is the
degree to which the parents continue to fight over the child(ren) and
therefore to do everything in my power to be generous, gracious and
forgiving toward my ex-spouse in order to reduce the potential for
conflict.

_____ 15. To not expose the children to harm by inappropriate or excessive use of
_____ alcohol, drugs and hazardous physical activities.

Name (Print)

Name (Print)

Signature

Signature

Date

Date

Your Attorney's name
(if you have one)

Your Attorney's name
(if you have one)

RBS:cf

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DIVORCE APPEAL FOR COOPERATION

After death of a loved one, divorce is the most profound of human life stressors in adulthood. Although divorce feels like death to many who experience it, the death of your family is not inevitable when your marriage has ended. You can resolve today to strengthen your family after divorce by renewing your commitment to your parenting partnership.

Children are our most precious investment. We can protect that investment by learning from research conducted by social scientists. At divorce, the one certain way to hurt children is for them to experience their parents' conflict. The following are ways to reduce conflict.

- There is a difference between fair and what is favorable to you. Resolve to look at decisions from your parenting partner's point of view. It is human nature to overestimate our positive contributions and to underestimate our negative contributions. We judge ourselves by our intentions and judge our parenting partner by their actions. Consciously reverse these trends by giving your parenting partner greater credit than they deserve, and judging them on the best of intentions rather than action.
- We can disagree with out acting disagreeably. Being right is not an excuse for being offensive.
- Find ways to create a different perspective. Invite wise counselors into your life to expand your point of view, considering the impact of your behavior on your children.
- Rather than finding fault with your parenting partner, compete by resolving to be the most gracious parent. While blaming or exposing your spouses' faults may make you feel better, this is rarely helpful. Furthermore, we always have the option to do the right thing despite another's behavior. We give up our power to help our children when we adopt a victim mentality. Exposing your parenting partner's inadequacies prompts them to bring up your flaws. This will predictably lead to an endless cycle of arguments about which parent is more blame worthy. We can improve our relationship with our parenting partner by providing what most want: understanding, empathy and emotional support. Disapproval and criticism will erode fragile trust and goodwill. Getting along with your parenting partner is more important than determining who is right and who is wrong.

- Avoid discarding opportunities to make a positive difference in your child's life. There are many ways we can invite our parenting partner into our child's life after divorce, retaining the family spirit.
- Most arguments between parenting partners have to do with: control, fairness, trust, and loss of closeness/intimacy. Is often helpful not to respond to the content of what your parenting partner is saying in the moment but rather to try to analyze the basis of the sticking point. Is highly unlikely that we will argue someone else into a better relationship, particularly a parenting partner at a time of divorce.
- Your parenting partner will be most receptive to your message if you protect them from any wound to pride or offense to self-esteem.
- Troubled parenting partners misread one another's minds and assume the very worst of motives in their partner. Re-educate the way you think, doubting your doubts about your parenting partner and giving them to benefit of the doubt always.
- We help children after divorce by helping their parents to feel safe, secure and happy. If it is your desire to create change for the better, remember these powerful incentives when you interact with your parenting partner: praise, appreciation, genuine compliments.
- Small behavioral changes daily lead to tremendous improvements over time. Adopt a realistic perspective regarding your parenting partner. Encouraging your partner to take positive steps through true acknowledgment of their effort will shape their behavior into something better and finer for your children. Remember the adage: do not be too hard to please or you may have to be content with nothing at all. Research indicates that the average person requires 20 to 60 trials to learn a new behavior. If your parenting partner does not respond immediately after promising to change, or does so inconsistently, kindly and supportive reminders are more appropriate than assuming they do not care.
- The desire to make our point too often limits our receptiveness to understand our parenting partner's perspective and point of view. Communication begins by listening. We can always write down important issues to ensure they are addressed at some time, rather than feeling pressed to speak our heart and mind all at once.
- Avoid a natural tendency to undermine your parenting partner's relationship with your children. Keep a watchful eye for the impulse to attack their motives, intentions and judgment through questions such as: What's wrong with you? How do I get you to...? Why don't you ever...?
- Efforts to influence are doomed through the use of these strategies: criticism, complaining, coercion, conquering, converting, controlling, mind reading, using the words "always" and "never," jumping to conclusions and predicting the future. Instead, emphasize the tried and true solutions to winning and influencing others: compromise, cooperation, conciliation, compliments, and creativity.

- When your parenting partner does not share your point of view remember that disagreement is not the same as disapproval. Disagreement represents an evaluation of facts. Disapproval represents an evaluation of the person.
- Behaviors likely to encourage your parenting partner to be receptive to your point of view include acknowledgment of: our mistakes, misunderstanding's, misperceptions, misinterpretation of our parenting partner's motives and intentions, our faults and weaknesses, and the kernel of truth in our parenting partner's position. Apologizing when wrong, admitting our own role in the problem, making constructive changes, and explaining one's feelings and perceptions without attacking or blaming the other parent are reparative. When you attempt to redefine the experience of another it feels disrespectful.
- Troubled adult relationships are characterized by more rigid, unchanging patterns of behavior, negative attitudes toward one's parenting partner, harmful rather than helpful behavior, and criticism rather than praise.
- Research indicates the following behaviors will doom the rebuilding of a parenting partnership: expressions of contempt (disrespect, demean, belittle), criticism (blaming, finding fault, complaining about, attacking), defensiveness (denial, making excuses, justifying one's behavior, minimizing, and disregarding the feelings of your parenting partner), and withdrawal (disengagement, self protectiveness, nonparticipation, ignoring, pouting, and giving the silent treatment).
- Do you want a good relationship or would you like to get your parenting partner to mind you? You cannot have both. The process of getting your parenting partner to mind is destructive of the relationship.
- Potential conflict is diminished by: focusing on one topic at a time, attacking the problem rather than your parenting partner, addressing concerns in a timely fashion, maintaining the perspective that not everything is worth risking conflict for, stopping to cool down when emotions heat up, remaining respectful of your parenting partner's feelings, avoiding dredging up past events and grudges, discussing specific issues rather than making global generalizations. Listen with an open mind, act respectfully toward your parenting partner, and concentrate on improving yourself rather than changing the other parent.

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October 28, 2005

Deborah C. Silver, Psy.D.
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Dear Dr. Silver:

We have agreed to consult with you in a collaborative family law fashion, serving us in the capacity as parenting coach. Your role is to help us to better understand the needs, feelings, and interests of our child(ren), as well as to support us in making the best decisions we can formulate on behalf of the young one(s) in our care as co-parents. We understand that the issues under discussion will be highly complex. Our opinions and interests may conflict at time. However, we believe that we are able to address those issues with a cooperative spirit, through this collaborative process. When there are understandable lapses in our ability to communicate with each other, your role as parenting coach will be to promote clear, respectful communications, as well as to further mutual support and understanding between us. You will rely on what research and your clinical experience has taught you in addressing this process.

We both understand that:

1. Your role is not to represent either one of us in during this collaborative process, but to enable us to decide what is best for our child(ren), as well as to protect and enhance the child(ren)'s interests.
2. Under no circumstances will the parenting coach participate in any legal proceeding related to the dissolution of our marriage, or regarding parenting arrangements. That is, we agree not to subpoena you.
3. Abrupt termination of a significant therapeutic relationship, particularly one established involving a child, can be upsetting. Therefore, we agree not to discontinue without informing the parenting coach of any specific reservations or concerns we may have about the process. We also agree to consult with our respective attorneys and to hold a joint conference with the parenting coach to see whether the issues that have been raised can be resolved. Only if this process produces an impasse can services provided by the parenting coach be discontinued.

4. Each of us pledges to disclose information fully that you deem pertinent to developing a contact schedule for our child(ren). We will endeavor to produce whatever records are requested.
5. Conferences usually will be held with both of us present. If you determine otherwise, you might choose to meet with us individually. You may do so as long as both parenting partners consent to this individual meeting.
6. You will give your best efforts to work together in a cooperative spirit, to assist us in negotiating a parenting plan for our children. If we are successful in this regard, you may prepare a written document that details our parenting plan.
7. Each of us will retain and be represented by an attorney who subscribes to the collaborative model. Our attorneys will review any agreement that we might develop together, before the agreement is formally adopted.
8. We will strive to be fair, taking into account our child(ren)'s developmental needs, in creating a contact schedule that best suits our family.
9. Should certain circumstances arise, such as if child abuse is alleged or suspected, or a threat of harm is made to any family member, state law requires the parenting coach to notify appropriate authorities, thus not adhering to confidentiality restrictions.

It is understood that neither of us will call you, nor permit you to be called, as a witness in any matrimonial matter in which we are involved. We agree that as all disclosures and information provided during this process are confidential they will be considered inadmissible in any court proceedings. Therefore, we agree that you will be immune from testimony or deposition.

Your fees will be calculated at \$240 per hour for direct services, telephone conferences, research, producing written work, or any other time spent on our behalf. However, if, through this process, we are able to reach a settlement agreement we will extend a fifteen (15%) percent rebate. An advance engagement fee of \$1000 is required to initiate services, from which fees will be credited. After this amount is depleted, another payment of \$1000 will be made. Any unused funds will be refunded. We agree to share the expense of these collaborative sessions, determined by our proportionate financial capability. If we do not pay your fee promptly as billed, you may terminate your services to us.

When signed by us, this letter becomes a binding agreement.

Sincerely,

Signature

Date

Signature

Date

BIBLIOGRAPHY FOR DIVORCING PARENTS

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Blackstone-Ford, Jann and Jupe, Sheryl (2004). *Ex-Etiquette for Parents: Good Behavior After a Divorce or Separation*. Chicago Review Press, Chicago, Illinois.

Ricci, Ph.D., Isolina (1997). *Mom's House, Dad's House*. Simon & Schuster, New York, NY.

Ross, M.A., Julie A. and Corcoran, Judy (1996). *Joint Custody With a Jerk: Raising a Child with an Uncooperative Ex*. St. Martin's Press, New York, NY.

Stahl, Ph.D. Philip M. (2000). *Parenting After Divorce: A Guide to Resolving Conflicts and Meeting Your Children's Needs*. Impact Publishers, Atascadero, CA.

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BEST INTEREST OF THE CHILDREN (BIC) SURVEY

You are receiving this form because you are a parent who is involved in dissolution of marriage. It is seldom the case that parents disagree completely on what is in their children's best interest. You may be able to **spare your child unnecessary harm** and save yourself unnecessary fees and aggravation, by completing this survey and specifying the areas you agree upon and those that still need to be worked out.

In Florida, the law requires judges to make decisions based on "the best interest of the child," when parents are unable to do so. This most often means that the court will promote solutions, which include both parents' substantial participation in their children's lives. With this in mind please complete the following by indicating your opinion.

My name is: _____ My spouse's name is: _____

My children's names, ages and birth dates are: _____

In my opinion:

Yes
Uncertain
No

My spouse & I are able to agree on most decisions about our children.

My spouse & I respect each other's parenting differences about child-rearing, including discipline and safety.

My spouse & I will be able to agree to a plan for sharing our child(ren).

If needed, my spouse & I will agree to use a trained Parenting Coordinator to help us resolve disputes involving our child(ren).

My spouse & I will be able to agree on our child(ren)'s educational needs and how they will be funded.

My spouse & I will be able to agree on our child(ren)'s health care & psychological needs.

My spouse & I will be able to agree on our child(ren)'s religious training and observance.

Neither my spouse nor I will interfere with the other parent's time with our child(ren).

I believe that neither parent will attempt to turn our child(ren) against the other parent.

Yes
Uncertain
No

My spouse & I do not intend to move our child(ren) from their county of residence.

My spouse & I will be able to agree on our mutual financial responsibilities.

My spouse & I will be able to agree on our child(ren)'s out of school activities and funding.

My spouse & I both agree on who our child(ren) can see and be with.

My spouse & I both trust each other as competent parents.

Optional:

If you have answered "no" to any of the above items please feel free to explain below and on the back of this paper.