Elena ONDRUŠKOVÁ

THE SUPPORT OF COOPERATIVE PARENTING AT DIVORCE

Abstract. The majority of research and counselling practice indicates that coping with divorce and risky child’s development after divorce is related to how parents themselves can handle divorce. In recent years (thanks to changes of the family act as well) the number of cases where both parents after divorce want to take care of their children and the cooperative parenting is fundamental to ensuring the physical and psychological needs of the child has been growing. In the article the legal frames of child divorce protection as well as the actual data about custody ruling in the years after emended family act are described. There are different ways during the process of divorce in which the parents could get support toward positive parenting professionally. They can seek helping service themselves voluntarily, e.g. family counselling centres. The other possibility is that the public institution accounted for minor’s custody during the process of divorce or family court obliges the parents to take part in a particular divorce intervention mandatory. In Slovakia a pilot programme is currently being prepared. This would serve as a support for cooperative parenting after divorce or separation, both voluntary and mandatory. The aims, content and methods the programme are analysed in the paper. What is more, the paper mentions the resources that have been used in creating the programme as well as some studies regarding the effectiveness of interventions.

Keywords: cooperative parenting, divorce, child, programmes of support, prevention.

Introduction

The main objective of the article is to discuss programmes for supporting cooperative parenting aimed at reducing the psychological and social risks of child development during the process of divorce. In connection with this objective we made also analyses of the socio-legal framework for the child protection during the parents’ divorce as well as most recent data on court orders related to child post-divorce custody.

The practice related to programmes for parents of divorce vary across countries and different social welfare systems. In the US is the long tradition of court-connected divorce educational program and the most common format is 2 hour session attended by one or both parents (Overview by Geasler, Blaisure, 1998). Programmes are administrated in one of three ways: by contractors from private agencies, institutions of higher education, or mental health practitioners; by collaboration of court workers and contractors; or by court workers. Examples of educational programs for divorcing parents are programs Parent handbook (Branch-Shelton, 2001) collaborative
program offered by University of Vermont Extension as well as Parent information program created by Neff, Ford and Piergallini (2000) offered by Conciliation Services at Maricopa County that are mentioned further in the text.

In European countries there are different attempts to protection and intervention when the child is in need. Spray and Jowett (2012, p. 7) stress that it is important to balance „between child protection and family support. The view that prevailed concluded that, unless children’s needs were addressed holistically, and then intrusively focused social work investigative processes could only produce poor outcomes. Its proponents sought to eliminate the divide between protection and prevention and concluded that both were essential aims at every level of intervention”. The prevention activities that could improve parental skills and coping divorce process should be considered as a kind of support activities that could prevent more intrusive intervention needed when child’s best interest is at risk.

Reducing child’s psychological and social risks during the parental divorce is in Slovakia ensured legally by institute of guardian carried out by the state body of social and legal protection. In a case of evident risky psychological and physical development of the child or at the request of either parent worker of state body recommends protective measures: psychological counselling, psychotherapy or legal action such a restriction of the parent’s right. In Slovakia there is lack of standardized preventive programmes like divorce education or divorce counselling, which could support cooperative parenting during and after divorce. They could be used to improve parent’s skills and abilities to cooperate with other parent in cooperative and constructive way and recommended by state body or family court.

The situation is similar in the case of interventions for children of divorce. Beside programmes for parents there are efforts to introduce counselling programs for children of divorce into practice (Ondrušková, 2011). Pavelová (2012) proposed a socioeducational programs for groups of children with different forms of problem behaviour that could be used to support the children of divorce as well. Ten years ago, we adapted and verified (Ondrušková, 2006) in child counselling centre Margolis’s counseling program for children of divorce (Margolin, 1996) but we were unable to promote it as a systemic programme for children of divorce. The main obstruction in that time for successful implementation the programme into practice was missing legislative support for applying such measures. Later has situation changed and already exist the legal framework for such practice (Social and legal protection and social guardianship act, No. 305, 2005).
Brief description of the current situation

The protection of the child during the process of divorce in Slovakia is ensured by the institute of a guardian in collision. The institute is carried out by public body of social and law child protection. Since divorce is considered a situation in which the interests of parents and children are in conflict state by means of the family act (No. 36, 2005) provided stronger protection of their rights and interest ensured by law. The divorce proceedings and the rights and obligations of the parents after divorce and the legal orders related to child custody are considered that kind of situations. This institute can affect the post-divorce situation during the process of divorce by ensuring the best upbringing and nurturing for the child or ordering specific social and legal measures E. Ondrušková (2011). The aim is to create optimal conditions for the child’s development, which all best meet their developmental needs and protect their essential interests.

One of the basic child’s rights included in the declaration of the rights of the child (Slovakia ratified the declaration in 1993) is the right to have contact with both parents if that contact does not threaten the child or any of the child’s rights. The children of divorce have a right to relationship to both parents each of whom is committed to spend time with the child. Furthermore they are both committed to taking account of the child’s wishes and thoughts about the arrangements they make.

The family act No. 36 (2005) was supplemented by the law No. 217 (2010) which enabled the court rulings on a post-divorce minor child being entrusted to the shared custody of both parents. The essential requirement is that both parents have the capacity to care for the child and had a personal interest in child care. The court is considering in this delegation, whether it is in the best interest of the child and if this form of custody generates better conditions to ensure the child’s needs. In contrast to the Czech legislation, Slovak family courts may make judgment about shared care, although it was suggested only by one parent.

There were made the other changes in a legal system that affected quality of court orders to post-divorce custody. They are associated with establishment so-called family courts and family judges position. This procedure applies into Slovak legal system in September 2011 and means that the existing court specialty was expanded by category of all family-law matters. In this agenda all the cases connected to guardianship and divorce agenda are combined. This transformation was a response to long discussions and efforts of experts in the field of care for the family, so the family agenda, due to the specific nature and content of the order, is judged by judges who are specialists and have appropriate psychological and social skills.
The following table 1\(^1\) shows the data regarding the orders of entrusting care for minor children after divorce of parents in past two years after the amendment of Family Act entry into force (the act came into force at 1. July 2010). The data shows that during the first year there was a slight increase in the shared care orders, a slight decrease in the exclusive custody of the mother and more or less balanced percentage of orders to entrust the exclusive custody to the father.

### Table 1

**Relative number of court orders related to custody in the years 2011 and 2012 by months**

<table>
<thead>
<tr>
<th>Month</th>
<th>Mother, %</th>
<th>Father, %</th>
<th>Shared custody, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>89.6</td>
<td>87.3</td>
<td>8.2</td>
</tr>
<tr>
<td>February</td>
<td>90.0</td>
<td>84.8</td>
<td>7.4</td>
</tr>
<tr>
<td>March</td>
<td>88.8</td>
<td>86.7</td>
<td>7.4</td>
</tr>
<tr>
<td>April</td>
<td>87.0</td>
<td>87.7</td>
<td>9.2</td>
</tr>
<tr>
<td>May</td>
<td>84.7</td>
<td>87.2</td>
<td>9.9</td>
</tr>
<tr>
<td>June</td>
<td>87.2</td>
<td>84.9</td>
<td>8.5</td>
</tr>
<tr>
<td>July</td>
<td>86.5</td>
<td>86.7</td>
<td>8.6</td>
</tr>
<tr>
<td>August</td>
<td>86.7</td>
<td>84.8</td>
<td>9.3</td>
</tr>
<tr>
<td>September</td>
<td>87.8</td>
<td>85.4</td>
<td>8.3</td>
</tr>
<tr>
<td>October</td>
<td>86.0</td>
<td>83.5</td>
<td>9.5</td>
</tr>
<tr>
<td>November</td>
<td>86.9</td>
<td>85.0</td>
<td>8.1</td>
</tr>
<tr>
<td>December</td>
<td>86.1</td>
<td>87.9</td>
<td>8.7</td>
</tr>
</tbody>
</table>

Slight differences between the regions and in the capital Bratislava, where there is relatively highest number of orders on shared care in comparison to other kind of ruling. Are shown in table 2. In comparison relative numbers from year 2011 to year 2012 it can be seen a slight increase in shared care and the slight decrease of personal paternal care. Comparing the data related to shared care for every each month of shows they are more balanced than in the months of 2011. It can be concluded as a stabilization of the development this kind of post-divorce care and related court ruling. The other changes in the numbers are also quite evident. There is an obvious increase

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\(^1\) Tables 1 and 2 include secondary processed data based on statistics Head office of Work, Social Affairs and Family related to years 2011, 2012 and were drawn up by author of the article. Source data were retrieved from: <http://www.upsvar.sk/statistiky/socialne-veci-statistiky/2012-socialnopravna-ochrana-deti.html?page_id=156940>.
in the proportion of orders concerning shared care in the regions that are perceived as more traditional with different social problems as Žilina and Nitra. In other regions there was a relative increase in these orders as well. There is a slight decrease of that indicators in the Košice region. Which deserves a more detailed analysis (Košice is the second biggest city in Slovakia, but the whole region is quite under developed with relative big number of socially excluded settlements).

### Table 2

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>B. Bystrica</td>
<td></td>
<td>86.9</td>
<td>84.3</td>
<td>8.4</td>
<td>10.1</td>
<td>4.7</td>
<td>5.7</td>
<td>1887</td>
<td>1392</td>
</tr>
<tr>
<td>Bratislava</td>
<td></td>
<td>86.1</td>
<td>86.6</td>
<td>7.2</td>
<td>5.2</td>
<td>6.7</td>
<td>8.2</td>
<td>1508</td>
<td>1040</td>
</tr>
<tr>
<td>Košice</td>
<td></td>
<td>88.8</td>
<td>89.4</td>
<td>7.9</td>
<td>7.8</td>
<td>3.3</td>
<td>2.8</td>
<td>2100</td>
<td>1446</td>
</tr>
<tr>
<td>Nitra</td>
<td></td>
<td>85.3</td>
<td>84.4</td>
<td>11.2</td>
<td>9.6</td>
<td>3.5</td>
<td>6.0</td>
<td>1738</td>
<td>1306</td>
</tr>
<tr>
<td>Prešov</td>
<td></td>
<td>90.1</td>
<td>88.2</td>
<td>7.1</td>
<td>8.2</td>
<td>2.8</td>
<td>3.6</td>
<td>1849</td>
<td>1388</td>
</tr>
<tr>
<td>Trenčín</td>
<td></td>
<td>86.0</td>
<td>83.6</td>
<td>9.5</td>
<td>9.7</td>
<td>4.5</td>
<td>6.8</td>
<td>1388</td>
<td>974</td>
</tr>
<tr>
<td>Trnava</td>
<td></td>
<td>88.7</td>
<td>86.7</td>
<td>7.4</td>
<td>8.4</td>
<td>3.9</td>
<td>5.0</td>
<td>1375</td>
<td>944</td>
</tr>
<tr>
<td>Žilina</td>
<td></td>
<td>86.4</td>
<td>85.5</td>
<td>9.7</td>
<td>7.6</td>
<td>3.9</td>
<td>6.9</td>
<td>1541</td>
<td>899</td>
</tr>
</tbody>
</table>

The data related to each kind of custody could indicate special needs and topics for divorce parent’s education. It could be assumed that educational needs of parents who have children in shared care would differ from educational needs of those who have children in personal custody.

The first group of parents already have the experience preparing parental agreement according to post-divorce care that is supposed to be made cooperatively.

### Support of cooperative parenting after divorce

In the any case of divorce with minors and definitely in the case of shared care. It is important to support parents in cooperative parenting. As the data show the number of court rules related to shared care is increasing over years and likely in the future it still will. During the process of divorce the social workers. Who are carrying out the institute of guardian in collision. have the chance to support the cooperative parenting. Besides mediation (Pružinská, 2012) it can be associated with preparing the parental agreement about post-divorce care giving for the child and /
or with recommendation of parental improvement. The social worker him / herself could advice the parents on some of the important details of an agreement. Which should include all important social and financial arrangements of the child’s every-day life (place of living, health care, school, meeting friends and close family members, holidays). Social workers sometimes cooperate on the preparation of parental agreement with psychologists who work at the same public institution. Due to that fact they can flexibly and without undue delay consult with parents all needed details or critical points of agreement. In collaboration of social workers and psychologists arises a good parental agreement which may create suitable conditions to ensure the best interests of the child of divorce.

The act on social and legal protection and social guardianship (Law No. 305, 2005) in § 10 defines the measures of social protection of child to prevent family crisis situations and in § 11 measures for reducing the negative impacts that threaten the mental and physical development of the child. These legal measures in the situation of divorce should be different. If it was necessary the body could provide or arrange for children and parents social counselling or recommend parents psychological counselling to avoid negative effects of divorce on children. The act allows social workers to provide or arrange needed psychological help for child in any time after divorce.

There are three pathways in which the parents of divorce could get professional help or support on cooperative parenting. Because they need a help or support and they (or mainly one of them) voluntarily ask for help or intervention in family counselling centre or any other similar service. The second pathway is that the body of social and law child protection or Family court advise parent to take part at the programme. The last way is ruling of the Family Court. It means that parents have compulsorily take part and the state institution (The body of social and legal protection and social guardianship) would control the process: participation. Activities and evaluate the outcomes.

There are different kind of interventions and programmes that are focused on supporting positive parenting in divorce or separation process. The practice differs between countries and systems of protection of the child of divorce and possibilities of psychological and social services. They vary in program objectives. Theoretical basis and methods used for achieving objectives. Geasler and Blaisure (1998) offered the review of divorce education program that are court-connected with and analyse their theoretical basis. Program materials or teaching strategies.

Some of the programmes are more educative and are accessible also online. Others are based more on work with professional person and they use more tasks or methods that are used in psychological counselling or therapy.
The ability of parents to forge harmonious co-parenting relationships following divorce is an important predictor of their children’s long-term well-being. However, there is no convincing evidence that this relationship can be modified through intervention. Cookston and al. (2007) have developed preventive intervention “Dads for Life” (DFL). Which targeted noncustodial parents as participants. They conducted research (randomized field trial) that it has favourably impact on child well-being. Results of the latent growth curve models they evaluated showed that both mothers and fathers reported less conflict and positive growth change toward healthier co-parenting when the father participated in DFL as compared with controls.

In Hipke. Wolchik. Sandler and Braver (2002, p. 128) study furthers understanding of the promotion of child resilience after divorce in two important ways. “First. it documents that benefit from a parenting program. designed to enhance child resilience after divorce. Is dependent on the level of maternal and child resources present before program participation. More specifically. In addition to the previously reported finding that improvement in externalizing problems occurred only for children with high initial levels of externalizing problems. our study demonstrates that maintenance of these improvements is more difficult for families with a psychologically demoralized mother or a child with poor self-regulatory skills”.

Objectives for parent to protect child and enhance resiliency

Majority of research and counselling practice indicates that process of coping with divorce changes and problems of children after divorce are related to how parents can handle with divorce themselves. McConnell and Sim (2000) in evaluating the effectiveness of counselling services for children had shown that therapy effect of children was greater when parents themselves successfully coped with divorce and considered intervention for children as useful. Therefore the basic presumption at the developing intervention for adults is that the better and more appropriate divorce coping by parents leads to active divorce coping of the child. The result of research Sandler et al. (Sandler et al., 2000, p. 1116) indicate “that following parental divorce. Coping affects children’s internalizing problems by affecting their belief that they can handle the stressors in their lives. More specifically. The results indicate that active coping leads to higher efficacy beliefs”. The parent’s ability understand believes and emotions of their children increases when they realized their own experiencing and try to understand it. The parents understanding what is happening during separation process enable them better understand and help their children.
The other aim is to settle distance from the past marriage and become emotionally and socially separated of the ex-partner (Matějček, Dytrych, 2002). It’s quite hard to accomplish that objective but very important one for establishing different kind of relationship with the partner. This is included in sentence: you are not already husband and wife but you are still parents of your child. Connected to this is the objective to separate marriage to parenting. This objective is associated with protecting of child with respecting their needs and interests within the frame of changed family situation. Substantial for each parent is to establish of post-divorce life perspective. Altered lifestyle and a new personal identity. It means that they have to cope with all losses and to handle with limits of new post-divorce situation. The grieving process should be completed so as the negative emotions do not undermine daily functioning and constructive solution of post-divorce care of children.

Programme of cooperative parenting support

In this part is briefly introduced the structure and content of the programme that is being currently prepared in Slovakia as the base programme model for parents of divorce. The main aim of the pilot programme is by means of supporting parents coping of divorce minimize risky effect of divorce on child’s psychological and social development.

It is intended as a framework for counsellors (both social workers and psychologist). That could be used in the process of divorce as a preventive intervention for building cooperative parenthood after divorce. Programmes for parents at divorce and separation have quite a long tradition in the most of the United States (Branch, Sheldon, 2001). Many of them are mandatory oblige by family court. The Slovak professionals have been inspired by similar type of programmes for parents with minor children that goal is to help parents plan wisely for the process of restructuring their family but as whole doesn’t fit any other programme that have been used in the practice in the USA or Europe.

Theoretically is programme based on task-oriented approaches to counseling and marriage counselling tradition in Slovakia. Divorce is defined in accordance with the systemic approach to family and family relations system (Robinson, 1993) as a process of family transformation. Which leads to the reconstruction of families and family

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2 The programme is actually making up by professionals of central public institution (Head Office of Work, Social Affairs and Family in Bratislava) that is conducting public family guidance centres methodically. Author of this article is member of the team.
relationships. Methods used in programme follow theoretical background and are task-oriented as well as experiential. Suggested activities vary from social training’s methods like model situation and role play to more structured educating activities. The content of the programme is oriented on three topic related to divorce: parent’s divorce coping and parent’s emotional separation. Child and divorce experiencing and collaboration with the other parent during and after divorce.

The first topic activities are focused on psychological processes related to reliving of divorce and changing emotional relationships with partner. The parents have to learn how to face and deal with feelings effectively. It is important to understand that divorce process takes time and it’s not suitable to accelerate some experiencing. Partners should resolve all the tasks on the way towards achieving appropriate separation. To accept all losses that are associated with divorce. Live through anger and sadness and finally accept the reality of divorce. It means changes in relationships and managing finances too. To be divorced is also about gaining a new identity and not losing one’s self-esteem.

The second topic of the programme is oriented on experiencing divorce or separation by children. The parents have got the facts about the best interests and needs of the child in this difficult period of life. The most important for child of divorce is has got the information that both parents still have loved him / her and him / she is not responsible in any case for parents’ divorce. The parents have got the useful information what to say or not to say about divorce to child. What often are experiencing children since their parents have been divorced. How the children usually are reacting on divorce situation: anger, sadness or self-blaming (Wallerstein, 1982; Margolin, 1996). Psychologists are dealing with parents what game kids usually play to gain attention or love from parents and also parent sometimes use child as a mean to punish a former partner. Parents should realise that in that game nobody will be the winner. They have got the information when is the time to visit specialist and ask for professional help for a child.

The third part of the program is aimed to improve cooperative communication and relationships between both parents. They need to know how to change intimate relationship to working parental relationship after divorce (Neff et al., 2000). It is big challenge for partners change the style of communication especially in the case when the process of grieving has not finished yet. These aims are closely associated with preparing of parental agreement about post-divorce care giving. If the coping of divorce and collaboration with other partner on agreement did not go well it would affected the relationships and communication between them. Many professionals say that the
parents play such the “divorce-games”. It means that they manipulate with the child to revenge the partner or they do not cooperate in a constructive way. It is important to work also with the parent in the situation when other partner does not cooperate. This is more complicated situation and deal with it requires more patience and empathy.

The methods used in this kind of program are similar to that used in psychological or social counselling and therapy. Discussion and interviewing are essential methods. Very often are used routine and standard methods of therapeutic and counselling work: mirroring, Clarification, Confrontation and support. Professional chooses methods appropriate of client’s actual situation and emotional setting. He / she uses a self-evaluating questionnaires or scales which help to find out what the client’s needs are or how emotionally she / he feel. Sometimes is it more adequate to use projective or semi projective methods. e. g. self-story or stories of other people to reveal painful emotions connected with divorce. Another time is more useful playing role to test or try different kind of communication or more effective behaviour. In a special situation professional works also with art-therapy methods like drawing or painting emotions because it could help to express deep emotions and conflicts.

Conclusions

The data related to court orders about post-divorce custody of minors presented in article show the current situation in Slovakia. Since the Family act in 2010 was amended there has been a slightly increasing orders to shared custody and slightly decreasing numbers related orders to mother’s personal custody.

The support of cooperative parenting across divorce or separation process is essential not only for efficient parental conflict coping but primarily for better adaptation of children.

In Slovakia there are currently increasing efforts to protect the child of divorce by ensuring the opportunity for divorcing parents to pass through cooperative parenting program. There are also discussions about mandatory participation how it works for many years in USA.

The programme of supporting cooperative parenthood after divorce presented in the article is more counselling type as well as it is linked more to the European tradition that favours more intensive approaches in prevention. Also methods used in the program have more experiential than educational character.

It is assumed that since the launch of the pilot programme its effectiveness will be monitored through evaluation of parents’ satisfaction but also the child’s wellbeing.
After implementing these programs a research of its effectiveness should be planned with regard to long-term effects. There is need to prepare a research design using control group of divorced parents who did not attend such programme is required to produce more valid results.

The challenge is also to establish into practice system group counselling or educational program for children of divorce to support coping process and resilience of the children independently of parent’s divorce education or counselling.

References


Santrauka

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AUKLĖJIMO BENDRADARBIAUJANT PAGALBA TĖVAMS PO SKYRYBŲ


Esminiai žodžiai: kooperacinio auklėjimo pagalba tėvams po skyrybų, vaikai, paramos programa, prevencija.

Įreikta 2013 m. balandžio mėn.
Pateikta spaudai 2013 m. lapkričio mėn.

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