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REPORT BY THE COUNCIL ON CHILDREN

**PROPOSED AMENDMENT TO 22 NYCRR § 144.3(2)(b)
TO MANDATE ATTENDANCE IN THE NEW YORK STATE
PARENT EDUCATION AND AWARENESS PROGRAM**

THIS PROPOSAL IS OPPOSED

The Council on Children of the New York City Bar Association submits the following comments to the Administrative Board of the Courts' Proposed Amendment to 22 NYCRR § 144.3(2)(b) which would mandate attendance in the New York State Parent Education and Awareness Program. The Council on Children is comprised of representatives of all the City Bar committees dealing with children, education, family and family court and the needs of lesbian, gay and transgender youth, as well as leaders from the child welfare, juvenile justice and legal communities. The Council opposes the proposed Amendment for the reasons set forth below.

THE PROPOSED RULE

The proposed amendment would modify the existing rule to require judicial officers to order all parents in cases involving custody or visitation to attend a parenting program. This participation would be required prior to any judicial decision on custody or parenting time in Family and Supreme Court cases involving children except where domestic violence is alleged. The proposed language reads:

“The Court shall mandate parents to attend the program unless the court exercises its discretion and determines that the program would be inappropriate, due to the existence of domestic violence or other enumerated factors; and that the Court must require proof of attendance before granting judgment in matters requiring parent education.”

While we respect the intent of the Judicial Restoration of Parent Education (JROPE) Committee to increase access to information for parents about the impact of court cases on children we cannot support the proposed Amendment.

ISSUES OF CONCERN

1. Parenting programs should not be mandatory.

Requiring all parents or other caretakers who are separating, divorcing or involved in any kind of custody or visitation proceeding to attend a parenting program constitutes an overly intrusive intervention in family life. Parenting programs interfere with an individual's work and family responsibilities and should not be imposed on all parents regardless of their individual situation.

2. New York families come to court with different issues and needs.

The JROPE proposal refers to requiring attendance at “the” parenting program. This response fails to account for the vast differences between families. For example, in Chicago, where parenting programs are mandated, program models are different for married and non-married families.¹ Any plans to increase access to parenting programs should include multiple types of programs which could be voluntarily accessed by interested parents/guardians.²

3. Requiring parents to complete parenting classes before an order is issued would cause unacceptable additional delays which would not be in the best interest of children.

There are already significant delays in cases involving custody and visitation issues in Family and Supreme Court. The proposal would add to these delays without any clear benefit to children. The sheer volume of cases in family and Supreme Court involving children would present overwhelming implementation challenges. Additionally, the proposal does not sufficiently address how cases involving domestic violence would be identified and appropriately referred.

4. The proposed mandatory language is premature given the shortage of evidence supporting the goals and impact of parenting programs.

The vast majority of research on the impact of parenting programs relies on parent self-report or is otherwise non-generalizable.³ While parent self-report is informative, it is not a sufficient foundation on which to require this programming for the over 200,000 cases involving children in New York Family and Supreme Courts every year.⁴

¹ Conversation with Chicago Parent Education program staff.

² See e.g., Purvi Shah, *Seeding Generations: New Strategies Towards Services for People who Abuse*, Center for Court Innovation, Nov. 2017, <https://www.courtinnovation.org/publications/seedinggenerations> (all websites last visited March 8, 2018).

³ Sigal et al, *Do Parent Education Programs Promote Health Post-Divorce Parenting? Critical Distinctions and a Review of the Evidence*, *Fam Court Rev.* 2011 Jan; 49(1): 120–139, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3086750/>.

⁴ Sigal et al, p. 16: “There is little evidence that these programs are achieving their stated goals of improving the quantity of nonresidential parent-child contact, fostering the quality of parent-child relations by either the custodial or non-custodial parent, reducing interparental conflict, improving co-parenting, reducing relitigation or most

Researchers have identified 30 distinct goals for parenting programs.⁵ New York's programs focus on four goals, including actual improvement in parent-child relationships.⁶ While these four goals are laudable, documenting impact on actual parenting or child health is extremely difficult and is not determinative from self-reporting. Additionally, insufficient attention has been paid to the strategies and techniques by which those goals are being promoted.⁷ For example, if the goal is building better communication between parents, how should that be achieved? Further discussion is needed to determine which if any of these goals will on-line programs be able to achieve.

RECOMMENDATION

The Council is opposed to the proposed amendment. The Council would support a well-designed planning process with the goal of increasing support for and use of parenting programs statewide.

Council on Children
Lauren A. Shapiro, Chair

March 2018

importantly, improving outcomes for children. However, the lack of convincing evidence of program effects is due to methodological limitations in the evaluations, so that at this point it would be inappropriate to say that these programs don't work. Rather, it is more accurate to say that they have not been subject to rigorous evaluation, so that we do not know whether or not they are effective."

⁵ Peter Salem et al.; *Taking Stock of Parent Education in the Family Courts: Envisioning a Public Health Model*, Fam Court Rev. 2013 Jan 1; 51(1): 131–148, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3638966/>.

⁶ New York State Parent Education & Awareness Program, <http://www.nycourts.gov/ip/parent-ed/>.

⁷ Peter Salem et al. *ibid.*