

**Experiences of professionals in drafting and implementing parenting plans in
high-conflict separation and divorce matters in South Africa**

by

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I declare that “Experiences of professionals in drafting and implementing parenting plans in high-conflict separating and divorcing matters in South Africa” is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

SIGNATURE

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DATE

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ABSTRACT

This study focused on the experiences of professionals in drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context. The primary aim of the study was to explore the participants' personal and professional experiences through an in-depth and sensitive inquiry. The data was collected from five participants using face-to-face, semi-structured interviews. The interviews were analysed using thematic analysis. The results of this study indicate that professionals experience various challenges when working with high-conflict separating and divorcing families. The participants also shared their perceptions regarding parenting plans. Further research on the challenges specific to drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context is recommended.

Keywords: Divorce; High-Conflict Separation and Divorce; Parenting Plan; Family Systems Perspective; Phenomenological Epistemology

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CHAPTER 1

INTRODUCTION TO THE STUDY

1.1 Introduction

Divorce rates are consistently high throughout the world and this is also evident in South Africa. The information on South African divorces is based on civil divorces reported by the divorce courts. According to Statistics South Africa (2012, p.7) 20980 divorces were processed in 2011 of which more than half (54,7%) involved children younger than 18 years.

Divorce has been defined as the ending of a marriage by an official legal process (Cambridge, 2008). However, marital disruption is not considered a single event, but rather multiple transitions and a process of family reorganisations that ultimately change the lives of children and parents in some form (Pedro-Carroll, Nakhnikian & Montes, 2001). In addition, the ending of an intimate relationship between adults who share a child or children is a complex and multifaceted process characterised by multiple stressors. Margulies (2007) is of the opinion that legal and emotional factors influence the divorce process. The researcher is of the opinion that other factors such as economic, religion, individual personality characteristics and support also play an influential role in the process. It is also the researchers understanding that this process becomes even more stressful and complex when separating and divorcing parents experience high degrees of conflict regarding matters related to the care and contact of their children.

Sauer (2007) described a high-conflict separating and divorcing couple as two parties who are in disagreement about important matters such as finances, custody, child-rearing or property; the disagreement continues intractably, and the parties attempt to resolve conflicts by using tactics such as verbal aggression, physical coercion, and recurrent litigation.

Doolittle and Deutsch (1999) attempted to define high-conflict divorces which are considered to be divorce cases where the divorcing spouses continue to litigate and cannot resolve issues

mutually and could last to two years (Doolittle & Deutsch, 1999). Wolchik, Sandler, Braver, and Fogas (1989) are of the opinion that children experience conflict that persists to escalate between their parents as one of the most stressful aspects of divorce. These high-conflict separating and divorcing situations are laden with heightened emotions (i.e. anger, hurt, resentment, revenge) between parents, and this often escalates the degree of conflict that their child(ren) are exposed to in the process. The ripple effects of separation and divorce transcend the parental sub-system, and are also experienced by the children. Van Jaarsveld (2007) said that the stressful nature of divorce places children at a higher risk of developing future psychological, social, academic, and health problems.

According to Margulies (2007) high-conflict separation and divorce's negative effects transcend the couple/parents and impact the entire family system. In addition, the legal process of separating and divorcing has a significant interaction with the emotional process. The manner in which the legal process is conducted and the manner in which it interacts with the emotional process shapes the outcome of the separation and divorce. It is understood that the more intense the conflict, the more difficult it is for families of divorce to adapt well to the divorce. Intense conflict in divorce engenders intense bitterness that interferes with the ability of the parties involved to get on with their lives. The decision to divorce, and following through with that decision, forms part of an adversarial process in which one/both parties applies for a legal divorce. The procedure involves divorcing spouses consulting their separate legal representatives during the negotiation process. Sometimes, this process is further escalated in a situation with divorcing parents who have increasing hostility between them.

Pruett, Insabella, and Gustafson (2005) recognised a need for more of a less adversarial divorce process and stressed a divorce process that fosters more of a supportive environment for divorcing families. This has led to mental health and legal professionals' collaboratively seeking alternative creative methods of dispute resolution. A process has emerged where separating and divorcing couples, in collaboration with their lawyer, work to settle and resolve divorce issues together without turning to adversarial measures and litigation (Landau, 2003; Webb, 2003).

In an attempt to intervene and offer some degree of protection to children who are caught up in their parents' inability to decide on issues pertaining to their child(ren), the South African legal system, through the Children's Act 38 of 2005, has suggested that a structure be put into

place in separation and divorce cases where parents cannot mutually decide on their parental responsibilities. This structure is known as a parenting plan and is aimed at assisting parents with decisions regarding residency, care, and contact with what is in the best interest of the child(ren). The large body of research that has been conducted regarding the drafting of parenting plans in South Africa has largely focused on the development of the parenting plan regarding the best interest of the child principle as a guideline. Most research concerning divorce concerns the effect that it has on both children and adults, and the styles of managing the divorce process. This research is evident in studies that have been cited in Chapter 2.

However, a uniquely challenging situation has been identified in this field of work for professionals. Parenting plans are a relatively new concept in the South African context. The task of the professional who is required to assist parents in drafting and implementing a parenting plan in these high-conflict situations is considered a uniquely challenging task. The question of how professionals' experience drafting and implementing parenting plans with high-conflict separating and divorcing families became a primary interest of the researcher due to the exposure to and development of knowledge of systems theory and understanding family dynamics, and being exposed to the psycho-legal environment at the Office of the Family Advocate in Pretoria during the researcher's Clinical Master's in Psychology training at the University of South Africa. With this in mind, the researcher began thinking more specifically about parenting plans with high-conflict separating and divorcing families and how professionals draft and implement parenting plans within these uniquely identified contexts.

The researcher is of the opinion that research conducted in South Africa is an ongoing process, and there continues to be a strong need for more research to be conducted in this field of intervention. By researching and exploring professionals' experiences of drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context, professionals' could obtain a better understanding of their personal and professional experiences. Professionals who assist high-conflict parents/families with Parenting Plans might need knowledge relating to this specialised and challenging area of practice to effectively service or guide parents/families. Very little research reviewed by the researcher in this study focused specifically on professionals' experiences in drafting and implementing Parenting Plans with high-conflict separating and divorcing matters in South Africa. In addition the challenges these professionals faces have not been acknowledged in available literature.

The researcher is of the opinion that this study is significant in contributing to the existing body of knowledge. Hopefully this study can contribute to the knowledge and insights which will assist in providing tailor-made training models for professionals who are working with high conflict separating and divorcing families. Lastly but certainly not least is the contribution that the recursive process of research conducted has. The systemic principle of circular processes means that the impact and experiences of high-conflict of the separating and divorcing families by the professionals' also impacts on how the professional handles the challenges faced.

1.2 The Aim of the Study

The aim of this study is to explore professionals' experiences of drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context. This is done with the hope that a space is created where the participants can share their personal and professional experiences through an in-depth and sensitive inquiry. The researcher's intention for this study is to elicit and co-explore a deeper and unique understanding of these professionals' experiences.

Phenomenology describes the meaning of a lived experience for several people about a phenomenon (Creswell, 1998). According to Giorgi (2005) phenomenological research starts with acknowledging that there is a gap in understanding and that exploration and clarification or illumination will be advantageous. There may be a lack of understanding about these phenomena because they have not yet been overtly explored, described and explained (Giorgi, 2005). As mentioned previously, parenting plans are a relatively new concept in South Africa and mental health professionals who are required to assist high-conflict separating and divorcing families may not be well equipped with appropriate experiential knowledge. This illuminates the impending need for extensive exploration into the experiences of drafting and implementing parenting plans with high-conflict separating and divorcing families.

1.3 Research Question

This study aims to bridge the gap in knowledge regarding the experiences of professionals who draft and implement parenting plans with high-conflict separating and divorcing families in the South African context. This study attempted to identify some of the personal and professional challenges experienced by professionals, as well as exploring their perceptions regarding parenting plans. Based on this the question therefore arises, what are the experiences of professionals in drafting and implementing parenting plans in high-conflict separating and divorcing matters in South Africa?

1.4 The Design of the Study

In order to allow the professionals' individual experiences to be heard fully and to present the phenomenon as it manifests itself in a particular instance, the researcher adopted a phenomenological attitude in which all past knowledge and exposure to the phenomenon under investigation is bracketed. Spiegelberg (1975) describes descriptive phenomenology as a manner in which a phenomenon can be directly explored and analysed. This allows for a description of a phenomenon, free from pre-assumptions (Spiegelberg, 1975). Adopting a descriptive phenomenological perspective allows the researcher to create a space for an authentic exploration of professionals' experiences when drafting and implementing parenting plans with high-conflict separating and divorcing families.

The present study is conducted within and from a qualitative perspective. This is because qualitative research is interested in understanding the meaning people have constructed about their experiences or a phenomenon, that is, how people make sense of their world and the experiences they have in the world (Merriam, 2009, p. 13). This is opposed to a quantitative research perspective where the interest lies in generalising the causal and correlation results to a larger population (Corbetta, 2003). The primary interest in this study is to co-explore the experiences of mental health professionals, and to co-construct meaning to their experiences. What is meant by this is that their experiences will be arranged categorically into themes that hold a psychological meaning, which will be further explored and discussed with literature and theory at a later stage.

At this point of the discussion, the researcher acknowledges that she does not see herself a freestanding, neutral, value-free researcher. She acknowledges that she is a person that has past experiences, beliefs, and values and is trained in a specific theoretical framework, which makes it impossible for her to consider herself as a separate entity to the research process. With this awareness, the researcher acknowledges the importance of allowing each participant to share and own their experiences as much as possible.

Purposive sampling was used in this study in order to obtain a relevant sample of participants. Thematic analysis is considered to be the main approach adhered to for data analysis for this study. Thematic analysis is a method known for identifying, analysing, and reporting patterns within data. Patterns are also known as themes that are located and identified within the data. According to Braun and Clarke (2006), thematic analysis as a research method differs from other methods in that it aims to describe patterns which are identified from qualitative data gathered. Thematic analysis is considered an essentialist or realist method, which attempts to report experiences, meanings, and the reality of participants (Braun & Clarke, 2006). Attride-Stirling (2001); Boyatzis (1998) and Tuckett (2005) are of the opinion that thematic analysis is a widely used research method, but there is no clear agreement about what thematic analysis is, and how you go about doing it. However, a process adapted by Braun and Clarke (2006) was utilised as guidance for the researcher.

1.5 Chapter Outline

The content of the dissertation will be as follows:

Chapter 2 will explore and summarise relevant and recent literature regarding the above-mentioned, uniquely identified, challenging situation. This chapter will provide a detailed discussion and theoretical description of separation and divorce processes; the legislation pertaining to separation and/or divorce where children are involved. Special attention will be paid to high-conflict separation and divorce for the purposes of this particular study.

Chapter 3 provides a discussion about the methodology used in this study. The discussion explores the paradigm, epistemology, and approach of this research study, and the method employed to gather the data and the analysis of the data. As part of the research methods,

important issues such as sampling, method of data collection, and data analysis will be discussed.

Chapter 4 consists of the participants' experiences. The themes that have been highlighted in this chapter are reflective of the participants' accounts. The major patterns that have been highlighted have been themed and sub-themed accordingly.

The main objective of Chapter 5 is to explore the major patterns presented as themes and sub-themes, which were identified by the researcher following a careful analysis of the participants' experiences which was done in Chapter 4. This chapter includes an interpretation of findings with existing literature and theory. This chapter will conclude with a brief overview and critical evaluation of the study. It will also discuss the recommendations and future application of the study's outcomes for practice or research projects.

1.6 Conclusion

The next chapter will explore and provide a review of relevant literature and relevant theoretical frameworks pertaining to high-conflict separation and divorce and parenting plans in particular.

CHAPTER 2

THEORY AND LITERATURE REVIEW

2.1 Introduction

The researcher is of the opinion that the ending of an intimate relationship between adults who share a child or children is a complex and multifaceted process characterised by multiple stressors. Margulies (2007) explained that legal and emotional factors influence the divorce process. It is also the researchers understanding that this process becomes even more stressful and complex when separating and divorcing parents experience high degrees of conflict regarding matters related to the care and contact of their children. Pruett, et al. (2005) highlighted a significant need for a less adversarial process with the focus on the best interest of the children. This need has encouraged professionals in both the mental health and legal fields to seek creative collaborative methods of alternative dispute resolution (Tesler &Thompson, 2006).

The South African Children's Act 38 of 2005 makes provision for separating parents who cannot come to an agreement regarding their children. The Children's Act 38 of 2005 requires separating and divorcing parents who cannot come to agreements regarding their children to draft a parenting plan (South Africa, 2006). A parenting plan is aimed at assisting parents with decisions regarding residency, care and contact, with what is in the best interest for the child involved in separation and divorce (South Africa, 2006). The researcher is of the opinion that professionals who draft and implement parenting plans with high-conflict separating and divorcing families are faced with various significant challenges influenced by adversarial, financial, social and emotional stressors.

This chapter will explore relevant and recent literature regarding the above-mentioned uniquely identified challenging situation. This chapter will also provide a detailed discussion and theoretical description of separation and divorce processes; high-conflict separation and divorce; legislation pertaining to parenting plans in South Africa; and identifying and exploring some of the multifaceted challenges that professionals face when drafting and implementing parenting plans with high-conflict separating and divorcing families. The

chapter will conclude with a discussion regarding the systemic approach which forms the epistemology from which this topic is studied. Saposnek and Rose (2004) are of the opinion that when professionals seek to assist divorcing couples to successfully negotiate the dissolution of their marriage, it is essential that the professional identifies and explores the underlying dynamics of the family and of the divorce process. Saposnek and Rose (2004) emphasised that the professional should aim to understand how the divorce has influenced and is influenced by the family structure and family process.

2.2 Defining divorce, separation and high-conflict separation and divorce

According to Brentano and Clarke-Stewart (2006), divorce may be the legal ending of a marriage, but it is recognised as often being a long, drawn-out process, and not a single event. Separating and divorcing couples who consider separation and divorce may vacillate between the decision to end the relationship, reconciliation and separation for some time before they make the final decision. The initial decision-making process to divorce can take months or even years. Carter and McGoldrick (1999) described the divorce process as adding an additional stage to a family life cycle. It presents the divorcing family with the task of dealing with the physical and emotional losses and changes as a result of the divorce. Divorce may be experienced as interruptive and causes shifts, gains and losses in the family membership (Carter & McGoldrick, 1999).

Separation has been included as part of the identified focus for this study because it is often experienced as a preamble to a legal divorce. Carter and McGoldrick (1999) describe the process of separating as a time where separating couples are mourning the loss of an intact family; restructuring marital and parent-child relationships and finances; and adapting to living apart. It is also a time where separating parents may be involved in negotiating a continuous cooperative parental alliance and joint financial support of children (Carter & McGoldrick, 1999). It is the researcher's understanding that separation is not exclusive to married couples, it is also relevant to unmarried cohabiting couples who wish to separate and are required to negotiate and manage issues and decisions regarding their child(ren). Section 19, 20 and 21 of the Children's Act 38 of 2005 stresses the parental rights and responsibilities of married mothers and fathers and unmarried fathers (South Africa, 2006). The inclusion of

these sections highlights the importance of making provision for unmarried cohabiting couples when making decisions regarding the care and contact of their children.

The researcher is of the opinion that the separating and divorcing process is sometimes further escalated in situations with separating and divorcing parents where there is a high level of hostility between them, and where agreements cannot be reached. Both married couples that have children together, as well as unmarried couples who have children together, have the challenging task of negotiating and reaching mutual agreements about care and contact issues regarding their child(ren). Johnston (1994) describes divorce conflict as having at least three important dimensions which should be considered when assessing prevalence and its effects on children. According to Johnston (1994), conflict has a domain dimension, which is characterised by multiple disagreements regarding divorce issues. These issues include financial support, property division, custody, and access to the children. Secondly, conflict is considered to present with a tactics dimension, which is understood to be the manner in which divorcing couples informally try to resolve disagreements and disputes by avoiding one another and the issues, or by making use of verbal reasoning. At times verbal aggression, physical coercion, and physical aggression may be present. However, divorce disputes can also be formally resolved by the use of negotiation between lawyers, mediation, or litigation. Lastly, conflict has an attitudinal dimension, which refers to the degree of negative emotional feeling or hostility directed by divorcing parties toward each other, which may at times be covertly or overtly expressed.

Braver et al. (1989) are of the opinion that children experience conflict that persists to escalate between their parents as an extremely stressful aspect of divorce. These high-conflict separating and divorcing situations are characterised by high levels of heightened emotions such as anger, hurt, resentment, and revenge. This often escalates the degree of conflict that their child(ren) is exposed to in the process (Braver, et al., 1989).

According to Familyzone and Duchon (2008) separating and divorcing couples in the process of separation and divorce may seek assistance in negotiating issues and making decisions regarding their children. Section 33(1) describes a situation where a Parenting Plan is drafted voluntarily between co-holders of parental responsibilities and rights. Section 33(2) of the Children's Act 38 of 2005 makes provision for parents who cannot come to an agreement regarding their children and describes a situation where co-holders of parental responsibilities

and rights have to draft a Parenting Plan on a mandatory basis. Familyzone and Duchon (2008) emphasise the role that parenting plans serve in serving the best interest of the child principle stipulated in section 7 of the Children's Act 38 of 2005. The main goal of a parenting plan is to assist separating and divorcing couples with issues regarding to the care and contact of children. The aim is to ensure a parent-child relationship; attitudes of co-holders of parental responsibilities and rights; and the developmental needs of the child (Familyzone & Duchon, 2008).

The following part of the discussion will focus on literature relevant to separation and divorce, such as the stages of separation and divorce; the levels of conflict involved, and the long-term impacts of separation and divorce on both adults and children.

2.3 Theories of Separation and Divorce

The researcher is of the opinion that the separation and divorce process is an emotionally charged process filled with economic, emotional, and legal complications. Kübler-Ross (1970) identified and described recognisable stages in the process of accepting the process of dying or death can be seen as a significant contribution and influence to the descriptions about the process of divorce. McNamara and Morrison (1982) likened the process of divorcing to that of death or losing someone, but emphasised that the mourning process for divorce is more difficult than for death, due to there not being a formal ritual of legal separation or divorce to aid in the mourning of the lost relationship and/or marriage. The understanding of this is that the former partner still exists and the intimate nature of the marriage relationship leaves the separating and divorcing couples with some feelings of ambivalence and a lack of closure. According to Vaughan (1986) the uncoupling process involved in separation and divorce is the most difficult process to experience. The couple share great joy or sadness because of their shared history and they still share responsibilities; some partners continue to interact, sometimes helping one another through emotional crises, such as the death of a parent. This interaction seems to lessen and eventually diminish over time if other relationships form.

Exploring theories of the various stages involved in the separation and divorce processes will provide insight and contextualise high-conflict separating and divorcing couples. These

stages offer insight into what the divorce process might entail in these different stages and what individuals might experience in each stage, and how they will react. The following section will explore several theories of separation and divorce that offer insight into the separation and divorce process.

2.3.1 The Kaslow and Schwartz Dialectical Model of the Stages of the Divorce Process

Kaslow and Schwartz (1987) developed a dialectic (a neologism combining eclectic and dialectic concepts) model of stages of the divorce process. According to Power (1996), this model of stages of the divorce process aims to provide a framework wherein knowledge about the individual's growth and development, as observed through the life stage phases of infancy, childhood, adolescence, and adulthood described by Erikson (1963), is included. This model also incorporates an understanding of marital dynamics and conflicts that may lead to disillusionment, dissatisfaction, and eventually dissolution. The researcher is of the opinion that this model can also be integrated with an understanding of the divorce process from a family systems perspective as highlighted by Carter and McGoldrick's (1999) explanation of an additional stage of the family life cycle of divorcing families. Divorce from a family systems perspective is considered not to end the family but simply restructure it (Goldenberg & Goldenberg, 2004).

Kaslow and Schwartz (1987) used Bohannon's (1970) "six station divorce process" as a basis for their dialectic model, but also borrowed ideas from other theorists. Kaslow and Schwartz's (1987) systems theory approach strives to explain the connections between aspects of an individual's life and the lives of others in broader social systems. According to Power (1996), Kaslow and Schwartz's (1987) dialectic model recognises that the divorce process occurs on six interlinked levels and agree that observers can recognise the stages in separation, but also suggest that the impact of the divorce process will vary somewhat. The impact of the divorce process is dependent on the point at which the separation and divorce intersects not only with the adult's individual life cycles but also the family's as a unit, and each child individually. It is therefore important to keep in mind that these stages do not necessarily occur in sequence and not all separating and divorcing couples go through every stage. According to Kaslow's and Schwartz's (1987) dialectic model, the stages of the divorce process are as follows:

Pre-divorce phase

Stage 1: The Emotional Divorce Stage

This stage precedes the legal dissolution of a marriage. This stage includes a period when spouses become aware of the discontent with their marriage and begin to experience various feelings of discontentment, dissatisfaction, disappointment, disillusionment and frustration.

Divorce Phase

Stage 2: The Legal Divorce Stage

This stage starts when either one or both spouses initiate legal action in an attempt to end the relationship and marriage legally. This stage places demands on the respective spouses both financially and emotionally. If there are children involved, the respective spouses will have to deal with the primary residency, care; and contact issues. The predominant feelings and behaviours associated with this stage are self-pity and helplessness, which may fuel arguments, threats, screaming, bargaining, suicide attempts and separation.

Stage 3: The Economic Divorce Stage

This stage entails respective spouses realising their financial position as being substantially less without the other spouse's input as opposed to when they were together. Spouses may physically separate, file for legal divorce, negotiate a settlement agreement, and negotiate a custody schedule. Predominant feelings and behaviours associated with this stage are resentment, arguing, pleading, worry, fear, regret, and anger.

Stage 4: The Co-Parental Divorce Stage

Parenting and contact are the main source of conflict during this stage and the predominant feelings and behaviours expected to be associated with this stage are parental guilt, ambivalence, and concern for their children because the lives of children are dramatically altered when their parents end their marriage. During this stage, parents may also be telling friends and family, going back into the workplace, and feeling empowered to make decisions. However, parents may also be negotiating new individual roles, parents may also be involved in over-compensatory behaviours with their children, due to their feelings of guilt, and

parents may also find themselves in a power struggle to win the role of being the ‘good’ parent versus the ‘bad’ parent.

Stage 5: The Community Divorce Stage

This stage involves the community and social context of the respective spouses. The predominant feelings and behaviours associated with this stage include feeling a sense of relief; a sense of excitement; and a sense of acknowledgment of the separation and divorce. Other feelings include feeling guilty, confusion, or frustration. Individuals may find themselves interacting with new friends, they may engage in new activities, and actively seek out establishing a new lifestyle for themselves. However, this stage also includes making adjustments to the daily routine for themselves and their children.

Stage 6: The Religious Divorce Stage

This stage often is associated with respective spouses pursuing church acceptance and/or approval. The religious aspect of divorce may leave individuals feeling a sense of guilt, shame, or a sense of revival. This may lead them to seek out a form of ritual for closure of the divorce, or a ritual to celebrate new life.

Post-divorce phase

Stage 7: The Psychic Divorce Stage

This stage may begin to allow individuals to pick up the pieces and rebuild their lives once more. Individuals may want to bring closure to the divorce, re-synthesise their identity, or commit to a new lifestyle or new love interest and adapting to a new a lifestyle and helping children to accept the finality of their parents’ divorce.

The following section of the discussion looks at Saposnek and Rose’s (2004) description of stages associated with the separation and divorce process.

2.3.2 Saposnek and Rose’s Description of the Stages of Separation and Divorce

More recently, Saposnek and Rose (2004) identified and described four stages of separation and divorce. The stages that have been identified and described are based on the research findings of several divorce researchers such as Ahrons and Rodgers (1987); Bohannon (1970); Federico (1979); Kaslow (1984); Kaslow and Schwartz (1987); Kessler (1975) and

Weiss (1975). Saposnek and Rose (2004) have attempted to conceptualise the divorce process in terms of a model that explains divorce according to a series of developmental stages through which divorcing families proceed. The stages in the models that have been identified by the above-mentioned divorce researchers share a similar characteristic structure.

Saposnek and Rose (2004) commented on these similar characteristic structures and offered an additional view, which complements other theories and models, regarding the stages associated with the separation and divorce process. The stages are as follows (Saposnek & Rose, 2004):

1. Pre-divorce and Deliberation Stage

This stage often occurs before the separation occurs. One or both of the spouses may experience feelings of dissatisfaction, loneliness, and despair. There may be a lengthy period following this stage that involves deliberation to resolve these feelings. Attempts may be made to cope or deal with the feelings before a decision is made to separate and divorce. Ways in which separating and divorcing couples process unresolved emotional matters in this stage include possibly confronting and speaking with the respective spouse. Individuals may also sulk and cry, or possibly withdraw from their respective spouse as a tactic to avoid the experience of pain related to the loss of communication. Individuals may escape to work and consume themselves with work commitments or spend excessive time with friends. Extra-marital affairs and drug and alcohol abuse may also be prominent. Individuals may experience reaching an acknowledgement inevitability of the divorce. Spouses make attempts to emotionally remove themselves from the relationship and marriage. Physical separation may be suggested, which may initially initiate feelings of denial, anxiousness, shock, chaos, and disbelief.

Predominant feelings and behaviours associated with this stage include anger in one or both of the spouses, and deeper underlying feelings of hurt, fear, humiliation, loss, abandonment, and powerlessness.

2. Legal Divorce or Litigation Stage

The spouse that initiates the separation is not always the spouse who files for a legal divorce. It is suggested that at times the spouse who didn't initiate the separation, files for the divorce in an attempt to experience sense of control over the emotional chaos experienced, or as a retaliation driven by anger and rejection. Physical separation is associated with the stage of litigation for a legal divorce. In this stage, separating and divorcing couples make first contact with the various divorce professionals, such as legal representatives, accountants, real estate appraisers, therapists, mediators, evaluators, and judges. Predominant feelings and behaviours associated with this stage include relief, confusion, loneliness, and sadness. This time may be confusing for separating and divorcing couples and their ambivalent feelings may send them on a roller coaster of emotional states. Furthermore, feelings of guilt in one partner and hurt in another function together as a reactive system during this stage. The more guilty the one partner feels, the more hurt the other partner is likely to feel. This eventually turns into a vicious cycle of negative emotions that fuels conflict between the separating and divorcing couples.

This stage is further complicated by economic concerns, as well as issues regarding child residency, care, and contact. This stage may also include a process where separating and divorcing spouses engage in negative reconstruction of spousal identity. Spouses make attempts to rewrite their relationship and marital history and selectively perceiving only the events over the years that fit in with the present negative characterisation that has been constructed. This can explain the underlying dynamics of separating and divorcing couples. The intensely negative, polarised characterisations are identified in high-conflict divorcing couples where the characterisation becomes ingrained and unchangeable over time.

3. Transition Stage

This stage may function along with the previous stage and can last between one and two years after the separation. Predominant feelings associated with this stage include feelings of being out of control, and wanting to do things that were never done while in a relationship with the former spouse. Respective individuals may feel unusual pressure, insecurity, and mild to severe panic. These feelings may stem from the insecurity of not perceiving oneself as a spouse in a family anymore. Acceptance of a new identity as a single person typically characterises this stage.

4. Post-Divorce Stage

The stage following the divorce is one of exploration, redirection, and re-equilibration. It is a time of making independent choices, based on a single life. It is important to note here that even if the separation and divorce is successful, negative feelings may still surface from time to time. Particularly in respect of the care of children, contact with an ex-spouse may regularly bring up bitter feelings, as, paradoxically, there is a continued need for the parents to work together to protect the best interests of the children, even though they are apart as spouses.

Comparing the two above-mentioned models, Kalsow and Schwartz (1987) offer a perspective of a divorce model that encapsulates the seven stages that individuals may go through during the process of obtaining a divorce. It also offers a description of the various aspects of separating and divorcing couples' lives that are affected by the separation and divorce. It also lists the experiences and disappointments in the three phase (pre-divorce, divorce and post divorce) as well as other feelings and emotions that are likely to surface during the divorce process. Saposnek and Rose's (2004) description of the four stages of separation and divorce identified a timeline of the separation and divorce process against which expected emotions and behaviours can be identified. Both these models offer insight into predominant feelings and behaviours associated with specific stages that pose unique challenges to professionals working with separating and divorcing families. Knowledge of the possible impact of separation and divorce at different stages of separation and divorce is considered significantly relevant to this study as it sensitises professionals to the possible emotional status, expected behaviours, and needs of separating and divorcing families with whom they work in partnership to compile a parenting plan. Both models offer invaluable awareness in terms of how conflict can escalate in the separation and divorce process.

The following section will explore the development of conflict in a separation and divorce, and the levels of conflict that may exist in the separation and divorce situations as well as factors contributing to the maintenance and escalation of conflict.

2.4 High-Conflict in Separation and Divorce

It is accepted that conflict is present between couples during separation and/or the divorce process, but the focus of this study is on parents who experience high degrees of conflict

during and after separation. This group usually includes a minority group of separating parents who cannot successfully disengage from each other. These parents also demonstrate the inability to disengage behaviourally and emotionally for many years after the separation.

A "typical" encounter with a high-conflict couple in the following scenario is described by Dr Bruce Derman (Sauer, 2007, p. 3) as follows:

“A couple walks in for their first mediation session. As soon as they sit down you can feel a tension in the room that you'd have to be numb not to recognize...Hardly settling into their respective chairs the couple opens with, ‘We don't do too well with professionals, especially the last six’. You possibly begin to think, ‘I'm in for trouble.’ You start to ask some preliminary questions. With each question that you ask, the couple continuously interrupts or corrects one another before any answer can be completed. Again you wonder to yourself, ‘How in the world am I going to ever get to the tougher questions?’ Pursuing further you inquire about the major issues that they are going to need to address. The husband responds, ‘I believe we need to come to some understanding about spousal support’. The words are barely out of his mouth and the wife retorts, ‘There's no use in discussing that with a man as cheap and devious as you and who never did want to take care of me.’ Unable to curtail these eruptions and noticing that you are not even past the first half hour, you may start to feel tightness in your chest and an overwhelming sense of powerlessness”.

High conflict during and post-separation and divorce is unique to every situation, family, or individual, and is not considered to have a clear-cut definition or classification. Various factors have been hypothesised to create and maintain high-conflict during separation and divorce between parents regarding issues such as primary residency, contact, and care of their children. Attempts made to define high-conflict separation and divorce have been made by several researchers such as Doolittle and Deutsch (1999) who understand high-conflict divorce as divorcing cases that are characterised with divorcing spouses that continuously file for litigation and experience difficulty in reaching a resolution regarding issues and their conflict within two years. Stewart (2001) explored mental health professionals' view of high-conflict separating and divorcing families. These mental health professionals are understood to experience high-conflict in a dynamic manner. Strong emotions such as anger and powerlessness are evident and behavioural occurrences such as domestic violence and physical, emotional, and verbal abuse are also evident. In addition, Stewart (2001) explored

and described the legal and judicial professionals' perspective. High-conflict are described as using a large amount of court time and have repeated litigation which is expensive for the parents and consume large amounts of legal, judicial, and clinical resources. High-conflict separating and divorcing couples have also been considered to be associated with domestic violence and parental alienation syndrome. Sutherland (2004) described inter-parental conflict as characterised by physical assault, stalking, economic abuse, verbal and psychological abuse, physical coercion, and recurrent litigation. Individuals in high-conflict separation and divorces are also considered to be enraged and deeply emotionally injured by their ex-spouse's actions.

Furthermore, Johnston, Roseby, and Kuenhle (2009) are of the opinion that high-conflict and violent families are characterised with multiple, overlapping criteria such as high rates of litigation and re-litigation; high degrees of anger and distrust; incidents of verbal abuse; intermittent physical aggression; and ongoing difficulty in communicating about and cooperating over the care of their children at least two to three years following their separation. According to Sauer (2007, p. 3), a 'high-conflict couple' is understood to be a term used to describe two parties who are in disagreement about important matters such as finances, custody, child-rearing, or property; the disagreement continues intractably, and the parties attempt to resolve conflicts by using tactics such as verbal aggression, physical coercion, and recurrent litigation.

2.4.1 Characteristics of High-Conflict Separation and Divorce

Stewart's (2001) study attempted to identify characteristics of high-conflict families. Stewart (2001, p. 28) describes individual characteristics of high conflict families, which include:

- a high degree of rigid thinking coupled with inflexibility and stubbornness;
- a win/lose mentality is characteristic of a polarized perception of the ideal outcome;
- no willingness to compromise with former partner/spouse;
- a tendency towards either/or thinking which fosters a win/lose mentality and lack of compromise;
- a history of prior mental health problems such as depression, anxiety, or a personality disorder;

- a sense of being wronged in the marriage, which fuels strong negative emotions such as hatred, resentment and revenge;
- a sense of personal threat largely due to verbal, emotional and at times physical aggression or abuse;
- a tendency to be reactive rather than reflective in their thinking, which influences ill-informed and poor decision making
- a generalised anger and negative attitude towards life which is not necessarily specific to the marital separation;
- a sense of perceived inequality and injustice may harbour strong negative emotions and thinking.

Stewart (2001, p. 28) added to this description of high-conflict families, by including the following relationship and structural characteristics:

- conflict that exists over long periods of time;
- a conflict that stems from a highly competitive marital relationship;
- limited ability to understand relationship issues;
- bitter feelings towards the other parent;
- extreme distrust between parents;
- poor communication skills;
- a tendency towards enmeshment rather than autonomy;
- a tendency towards inflexible beliefs about the other parent;
- strong feelings of threat from the other parent;
- frequent use of accusations about abuse and neglect;
- a history of violence;
- a tendency to see the children as territory;
- a sense of powerlessness in the relationship;
- a social audience of friends and family who support the custody dispute;
- an external financial source, often family, for money to maintain the legal fight.

From the above, it is clear that high-conflict cases cannot be attributed to a single causal factor. The following part of the discussion will focus on a model of individual, interactional,

and external factors predicting high-conflict divorce, and the development of typologies of inter-parental conflict.

2.4.2 A Model of Individual, Interactional and External Factors in Predicting High-conflict Divorce

In Johnston's (1994, p.169) research paper, Johnston and Campbell (1988) proposed a theoretical model predicting high-conflict in separation and divorce. This model attempts to evaluate various factors which are understood to create and maintain highly-conflictual post-divorce relationships between parents over the custody and care of their children. The model focuses on the interactions between separating and divorcing couples that take place (Johnston & Campbell, 1988).

Johnston and Campbell (1988) emphasised that at the individual level, separation-escalating conflicts centre on factors such as humiliation as a result of the rejection, the grief associated with the loss of the relationship and marriage, and the overall helplessness in response to the intrusive life changes of the divorce process. These factors interact with vulnerabilities found within the character structure or make-up of separating and divorcing individuals, which in turn makes them susceptible to unresolved hostility and ongoing disputes.

Johnston and Campbell (1988) suggested that at the interactional level, a combination of the destructive spousal dynamics that are a function of these intra-psychic conflicts, the history of the prior marital relationship, and the legacy of an ambivalent or traumatic separation experience causes the parties to construct negative, polarised views of one another other.

Johnston and Campbell (1988) explained that these parents continue to be highly distrustful of each other, and are convinced that they are fighting to protect the children from the perceived negative effects of each other's parenting. The dysfunctional family relationships that become a by-product of these intra-psychic and inter-parental conflicts, especially disturbances in parent-child relationships, can result in emotional and behavioural problems in children. This then contributes to the escalation of the inter-parental conflict.

Johnston and Campbell (1988) emphasised that at the external social level, these disputes or conflict an escalate due to socio-economic and cultural stressors, as well as by coalitions

formed with significant others, such as extended kin, new partners, and mental health and legal professionals.

Johnston and Campbell's (1988) model is helpful to understand and conceptualise high conflict and the complexities thereof. It offers the professional who is drafting and implementing a parenting plan with a high-conflict separating and divorcing family valuable insight regarding the dynamics of high conflict separating and divorcing families. It also offers the professional help with regards to screening separating and divorcing families for the potential of being a high-conflict matter, in which the professional can tailor make his/her approach to working with these separating and divorcing families. The following part of the discussion will provide a typology that has been developed for identifying post-divorce conflict as an aid in making the most appropriate decisions regarding issues such as child residency, care, and contact.

2.4.3 Developing Typologies of Inter-parental Conflict

According to Stewart (2001, p.18), several clinicians have developed typologies of inter-parental conflict. Most of these typologies are designed to enhance clinical understanding of post-divorce conflict, and are not meant to be a tool for identifying or streaming of high-conflict couples. These types of inter-parental conflict studies, which result in lists of psychological patterns or relationship constructs identified as typical in divorcing families, give clinicians advanced warning signs of hard to serve clients.

Kressel, Jaffee, Tuchman, Watson, and Deutsch (1980) compared a small sample group of divorcing couples using mediation and a second sample group that used traditional litigation in order to identify and develop a proposed typology of divorcing families. The study identified four patterns that affected outcomes in mediation and led to decisions to litigate. These distinct patterns have been identified as the enmeshed pattern; the autistic pattern; the direct conflict pattern; and the disengaged conflict pattern. The above mentioned patterns were classified on the basis of the degree of ambivalence towards the relationship; the frequency and openness of communication about the possibility of divorce; and the level of how overt the conflict with which the decision was reached.

The patterns identified by Kressel et al. (1980) were described in Stewart's (2001, p.18) study as follows:

- The *enmeshed* pattern has been identified as having characteristics of extremely high levels of conflict, poor communication, and ambivalence about the divorce decision. The separating and divorcing spouses in this type of situation often debate the pros and cons of being separated and getting divorced, these debates are often destructive as respective spouses are bitter, angry, and confused. They may sometimes change their minds about getting divorced during the process, if they had reservations preceding the separation and divorce process.
- The *autistic* pattern is identified as having characteristics of lacking communication and overt conflict approaching the divorce process. The separating and divorcing couple may continue to experience some ambivalence regarding their decision to separate and divorce.
- The *direct* conflict pattern was characterised by relatively high levels of overt conflict, but with frequent open communication between separating and divorcing spouses. The separating and divorcing couple may oscillate between feeling ambivalent regarding their decision to separate and divorce and being confident and satisfied with their decision.
- The *disengaged* conflict pattern can be identified as having a low level of ambivalence about getting divorced. Communication may be open between the separating and divorcing couple but may not frequent. Conflict is minimal as a result of the low level of ambivalence and scarce communication.

Kressel et al. (1980) conclude that couples who are most ambivalent about the end of the relationship are most likely to become involved in high levels of overt conflict over issues of settlement, including support, child residency, care, and contact issues.

The following part of the discussion will take a comparative look at two models regarding identifying a typology that aims at identifying elements of varying degrees of conflict.

Garrity and Baris' (1994) model as emphasised in Stewart's (2001, p.20) study, focuses on levels of conflict while Thayer and Zimmerman (2001) focus on the parents' (in each conflict group) ability to co-parent in the best interest of the child. This distinction equips professionals' drafting and implementing parenting plans with high-conflict separating and divorcing cases, with essential knowledge about these separating and divorcing couples. This enables the professional to effectively identify levels of conflict and the impacts that the identified level of conflict will have on separating and divorcing parents. The levels of conflict and the typology regarding the degrees of conflict and characteristics of each are as follows:

- *Minimal conflict:* According to Garrity and Baris (1994), this level of conflict is associated with cooperative parenting; the ability for the separating and divorcing parents/couples to separate their children's needs from own needs; the ability to validate the importance of the other parent; negative emotions are quickly brought under control; and conflict is resolved between the adults using only occasional expressions of anger. According to Thayer and Zimmerman (2001) parents at this level of conflict work together in the best interests of the children. They are able to be respectful of each other and make mutual decisions. While they may have different parenting styles and different opinions about what is best, they do not dominate each other's parenting or attempt to control the respective spouse. The separating and divorcing parents often give in to the other, negotiate, and compromise, instead of fighting.
- *Mild conflict:* According to Garrity and Baris (1994), this level of conflict is associated with the occasional berating of each parent in front of the child; occasional verbal quarrelling in front of the child; questioning the child about personal matters in the life of the other parent; and occasional attempts to form a coalition with the child against the other parent. According to Thayer and Zimmerman (2001), parents often disagree with one another at this level of conflict. They may bicker or disagree, but are able to contain their conflict. They may briefly lose sight of the children's best interests, but then decide to refocus on the purpose of their interactions and what is best for the children. These parents can sustain some flexibility.

- *Moderate conflict:* According to Garrity and Baris (1994), this level of conflict is associated with verbal abuse, with no threat or history of physical violence; loud quarrelling; denigration of the other parent; threats of litigation; and ongoing attempts to form a coalition with the child against the other parent concerning isolated issues. According to Thayer and Zimmerman (2001), parents at this level are frequently in disagreement with one another. They often position themselves in a way to prove that they are “right”, or make every attempt to avoid being at a disadvantage in relation to the other parent. Parents at this level of conflict find it difficult to see their own individual role and contribution to the conflict. They try to force and control each other, while resisting being forced and controlled, and often are hostile towards each other. These parents have difficulty being flexible and dealing collaboratively with new demands.
- *Moderately severe conflict:* According to Garrity and Baris (1994), this level of conflict is associated with parents that are endangering each other, but the child is not directly endangered; threatening violence; slamming doors or throwing things; verbally threatening harm or kidnapping; attempts to form a permanent or standing coalition with the child against the other parent (alienation syndrome); and the child experiences emotional endangerment. According to Thayer and Zimmerman (2001), parents at this level are often in open warfare. They are unable and unwilling to talk to each other. They may file countless legal motions against the other. Children are often used to communicate information between them, and they have their children keep secrets from the other parent. They will often be accusatory and unwilling to negotiate or compromise. They frequently turn to the courts to help them make basic decisions concerning parenting and issues regarding their children. They do not behave in a manner that fosters cooperation, effective planning, and collaboration in their parenting.
- *Severe conflict:* According to Garrity and Baris (1994), this level of conflict is associated with endangerment by physical or sexual abuse; drug or alcohol abuse to the point of impairment; and severe psychological pathology.

Furthermore, Ahrons (2011) provided a typology focused on post-divorce separation and divorcing couples’ parenting. This typology is especially useful for professionals working

with high-conflict separating and divorcing families. Both the typology and the benefits it serves the professional will be discussed below.

2.4.4 Post-Divorce Parenting Typologies

Ahrons (2011) explains why it is important to identify typologies of couples who go through varying levels of conflict in the separating and divorce process. This explanation is valuable as it provides insight regarding the style of interaction and communication that a couple develops post-separation and divorce, which will inevitably affect all future relationships that they may encounter, as well as the entire family's functioning. The professional working with high-conflict families require insight relating to the parents' style of interaction and communication in order to effectively service these separating and divorcing families. Ahrons (2011) indicated that relationships are not static, and that it is important to keep in mind that there may be various changes that can and will occur over time.

Ahrons (2011, p.1) emphasised five categories that separating and divorcing parents fall into:

1. Cooperative Colleagues

These are couples who cope with their anger in productive ways; they are able to manage their conflict without placing their children in the middle of their conflict. One of the major characteristics of this group is their ability to separate their parental responsibilities from their spousal discontents.

2. Perfect Pals

The divorcing couples remain best friends post-divorce, and they may continue to enjoy an intimately non-sexual relationship with their ex-spouse. However, they may experience some conflict and anger flares at times, but ultimately remain close and caring towards one another and regarding parenting.

3. Angry Associates

These divorcing couples are unable to limit the anger they experience to their marital differences. They express it differently to cooperative colleagues, and their conflict will infuse all the relationships in the family.

4. Fiery Foes

Ahrons (2011) explained that divorcing couples that are considered to be fiery foes represent what is deemed to be a bad divorce. These couples' anger and pure rage affects their families' lives. This detrimental impact has an aftermath that leaves families' with continued pain and distress for years afterward. Fiery foes are also the divorcing couples who are likely to be involved in numerous custody battles, which often leads to acting out and violence associated with seeking revenge.

5. Dissolved Duos

These are divorced couples that completely retract and distance themselves, with no contact with one another. The implication involved here is that one parent disappears completely from his or her children's lives.

2.4.5 Longstanding Post-separation and Divorce Conflict

Duchen and Dennill (2005) offer their perspective regarding the factors that contribute to the continuation of post-divorce conflict. Duchen and Dennill (2005) are of the opinion that the leading reason for the continuation of post-divorce conflict is a result of family's experiencing difficulties in the re-organisation of the family system. Goldenberg and Goldenberg (2004) added to this by explaining that divorce is considered something that interrupts a family's functioning because of the changes, losses and additions it poses to a family's structure. Ahrons (1981) is of the opinion that the crisis associated with separation and divorce is considered to affect family membership, roles, and boundaries that require a major reorganisation of the family system. Duchen and Dennill (2005) emphasised that the family remains a family after separation and divorce, even if the family is organised in a

different manner. In the stage where a family re-organises, the spousal relationship between the parents ceases to exist, but the parental relationship between them continues. The children sustain their sibling relationship and have to develop a distinctly separate relationship with each parent. In high-conflict situations, separated and divorced parents are often unable to disengage successfully.

Duchen and Dennill (2005) are of the opinion that not all families re-organise easily. Some possible reasons for the difficulty experienced by some families when re-organising are: the parents cannot separate their spousal and parental relationships; the parents did not develop a parental relationship; the parents cannot sustain an independent relationship with one or more children; the children refuse contact with a parent; a new partner (and his or her family) has to be integrated in the new family system; one or both parents resist change and get locked into a high-conflict pattern of relating; and one parent alienates the children from the other parent. Bernstein (2006) elaborated on the difficulty high-conflict separating and divorcing families may have regarding restructuring. Families may not be able to establish cooperative channels between two households regarding issues pertaining to the residency and contact of children. Factors that contribute to the failure of cooperative channels include indirect unclear communication between ex-spouses and lingering resentment. Bernstein (2006) emphasised the importance of clear boundaries between separate households in order to establish and maintain workable and cooperative channels.

Duchen and Denill (2005) propose other reasons in their description of why conflict may persist post-separation and divorce. Factors include: inadequate court orders; individual characteristics such as rigid thinking, personality traits; relationship characteristics such as a family system that does not have appropriate communication, problem solving skills, and decision-making abilities; changes in family organisation and the difficulty of adjusting to the re-organisation; and the lack of parenting skills and differences in parenting styles.

Gaulier, Margerum, Price, and Windell (2007) highlighted that high-conflict cases have been in the court and mental health system for many years and have been known to exhaust judges and therapists respectively. Separating and divorcing spouses can appear to be relentless at times, and sometimes appear to have boundless energy and money to spend trying to be triumphant over their ex-spouse. Gaulier et al. (2007) are of the opinion that the key to solving these cases lies in understanding the dynamics between individuals and how power is

balanced in high-conflict couples. It is understood that in a marriage or divorce, the partner who has the least power will develop symptoms, thereby equalising power in a dysfunctional way. These symptoms may include psychiatric problems, aggression, employment problems, or any number of other possibilities (Gaulier et al., 2007). The more extreme the symptoms, the more likely it is that the parent acting out, or symptomatic, has dramatically less power both in the divorce and in his or her life in general (Gauldier et al., 2007).

In addition, Bernstein (2006) described the aftermath of a divorce as complicated and often times individuals needing therapy. This need is largely motivated by the separated and/or divorced families coming to terms with the loss. The loss of attachments that must be mourned, and of life plans that must be revised. A level of high conflict is believed to be maintained if these processes are not worked through and dealt with effectively. This could leave individuals with unfinished business after the separation and divorce, which could escalate feelings of resentment, hurt, anger, and hatred towards the respective spouse.

According to Saposnek (2004), a relationship exists between higher conflict divorces and failure in mediation. He says that the outcome of conflict is not known and could possibly be due to personal characteristics of one or both individuals, or it could be the lack of earlier education in relationships, marriages, and divorces. However, if the conflict is maintained and/or escalated, the effects are often destructive and dysfunctional for all involved.

The following section will explore some of the effects that ongoing conflict can have on both children and parents.

2.4.6 The Impact of High-conflict Separation and Divorce on Adults and Children

Peck (1989) is of the opinion that divorce creates a state of crisis in a family life cycle, and a state of disequilibrium (unbalance) is experienced by all members throughout the nuclear and extended family system. It should be kept in mind that the experience of separation and divorce differs from person to person.

Kaslow and Schwartz's (1987) dialectic model of the divorce process and Spasonek and Rose's (2004) description of the stages of separation and divorce are both attempts at identifying effects that the separation and divorce process has on both adults and children.

Brentano and Clarke-Stewart (2006) contributed to this by highlighting the effects that adults may experience during and after the separation and divorce. Spouses may have a significant loss in financial income, a loss of old friends, role changes, and the required tasks that need to be performed during this time period. Some individuals may experience various emotions such as anger, anxiety, depression, and loneliness. The period of the separation and divorce creates emotional turmoil and sometimes even mental illness (Brentano & Clarke-Stewart, 2006).

However, not all consequences of separation and divorce are negative for adults. In some cases where a previous relationship was exposed to high levels of conflict and even domestic violence, the most beneficial outcome is for that toxic relationship to come to an end. Brentano and Clarke-Stewart (2006) explain that individuals may develop new talents, attain new awareness, and learn from their past mistakes. Separation and divorce benefit these spouses, creating more opportunity for more autonomy and personal growth, improved career opportunities, richer social lives, better parenting, and improved self-confidence and interpersonal skills.

In the context of a separation and divorce where parents are required to deal with issues regarding residency and contact of their children, significant impacts of high-conflict separation and divorce, on parenting have been identified. Garrity and Baris (1994) in Stewart's (2001), described high conflict separating and divorcing parents engaging in frequent slamming doors or throwing things; verbally threatening harm or kidnapping; attempts to form a permanent or standing coalition with the child against the other parent (alienation syndrome); and the child experiences emotional endangerment. Thayer and Zimmerman (2001), described these parents as being in open warfare. These separating and divorcing parents are unable and unwilling to talk to each other. Countless legal motions are filed against the other spouse. Children are often used to communicate information between them, and have their children keep secrets from the other parent. They will often be accusatory and unwilling to negotiate or compromise. They frequently turn to the courts to help them make basic decisions concerning parenting and issues regarding their children. This toxic time may also have a detrimental effect on the parent-child relationship and negatively affect parenting practices, specifically communication, discipline, and monitoring the child(ren) and their behaviour (Emery & Forehand, 1994).

The ripple effects of separation and divorce transcend the parental sub-system and are also experienced by the children. Van Jaarsveld (2007) stated that the stressful nature of divorce places children at a higher risk of developing future psychological, social, academic, and health problems.

According to the Marion County Circuit Court (2001), a family is a child's source of support, stability, and source of nurturance. It is understood that when that source is endangered, that the child's development is threatened too. The accepted wisdom regarding this emanates from early childhood development, in that a child develops considerably in early childhood. The more unstable and unpredictable the environment for the developing child is, the higher the chances are for them of experiencing and developing developmental problems.

However, Marion County Circuit Court (2001) point out that there are children who do not experience these developmental hurdles in separating and divorcing families. The children who have adapted to their circumstances have parents who have modelled their own adaptation and adjustment positively. Children of these families experience a good relationship with both parents, even if they are divorced. It is understood that separation and divorce does not necessarily have to be harmful to children, but that the inter-parental conflict is more of a potent predictor of child adjustment.

Studies have identified specific aspects of inter-parental conflict that appear to have detrimental effects on children's adjustment to separation and divorce such as: Cummings and Davies (1994) who identified frequent conflict as a factor contributing to the detrimental impacts on children; and Pedro-Carroll et al (2001) who also identified child-related conflict as having a negative impact, such as instances when a child internalises the blame for the conflict.

Wallerstein and Kelly's (1980) earlier studies of 60 families referred for post-divorce counselling and Ahrons's (2007) study confirmed that almost one-third of families who went through with the legal divorce and obtained a divorce, remained infused with hostility and remained in conflict over child-rearing matters three to five years after separation. Studies such as these highlight the longer term effects that a high-conflict separation and divorce has on children. The longer term effects include: poor adjustment, emotional difficulties, and relationship difficulties (Ahrons, 2007). Conflict resolution (including a parenting plan) is an

important mitigating factor for children coping with the aftermath of their parents' separation and/or divorce (McIntosh, 2003).

Kelly (2000) reviewed empirical studies dating from 1990 to 1999 that explored the impact that marital conflict has on children. The conclusions drawn from these studies reviewed by Kelly (2000) strongly suggested that children who are exposed to high-conflict divorce are more likely to experience adjustment and behavioural problems. Ellis (2000), in her review of divorce-related literature, noted that parental conflict is more predictably associated with problems of under-control (i.e., acting out, running away, argumentativeness, defiance, using drugs, dropping out of school) in children. In addition, it has been suggested that through observing parental conflict, children begin to adopt negative styles of interacting with others (Cummings & Davies, 1994).

Sparta (2008) recognised one of the most challenging areas for mental health and legal practice involves working with high-conflict separation and divorce cases. As demonstrated in this section, deep personal suffering is frequently encountered among children and their parents in high-conflict separating and divorce situations, and solutions often seem nonexistent with these cases (Sparta, 2008). It is understood by the researcher that the divorce process is, by nature, complicated, and that working with a high-conflict separating and divorcing families is a particularly challenging and unique context. This context requires the expertise, experience, and knowledge of legal professionals, mental health professionals and other suitably qualified persons in order to reduce the detrimental effects that a high-conflict separation and divorce has on adults and children as well as the professionals who work with these high conflict separating and divorcing cases. The researcher is of the opinion that alternative ways are needed to deal with the demands and challenges of high-conflict separating and divorcing families.

The following section focuses on and provides an overview of the development of family law in the context of separation and divorce in South Africa; the development of parenting plans in South Africa; and the specific legal challenges, regarding the drafting and implementing of a parenting plan with a high-conflict family, that professionals in South Africa may experience.

2.5 Developments in South African Family Law regarding Separation and Divorces

2.5.1 Introduction

The South African judicial system has worked at significantly improving promoting and protecting children's rights and processing children's issues (Situational Analysis of Children in South Africa, 2009). There has been a significant movement from sole custody to shared parenting regarding issues related to the residency of minor children and parents' contact with their children. For the purposes of this study, a brief account will be provided of Robinson's (2010) study that critically analysed the legislation used to assist in the development of parenting plans in South Africa. The following legislation will be referred to: Section 28 of the Constitution of the Republic of South Africa, 1996(Situational Analysis of Children in South Africa, 2009); the United Nations Convention of the Rights of the Child (Situational Analysis of Children in South Africa, 2009); and the Children's Act 38 of 2005 (South Africa, 2006).

2.5.2 Section 28 of the Constitution of the Republic of South Africa, 1996

According to Robinson (2010), South African society is largely guided by what is known as the Constitution of the Republic of South Africa, 1996. The aim of the South African constitution is to create a society that is based on a framework of principles that include equality, dignity, and freedom for individuals; this includes minor children. In South Africa children have the same rights as adults, with a few age-related exceptions, such as the right to vote and the right to stand for public office. During the drafting of the Constitution of the Republic of South Africa, 1996, important structures such as the United Nations Convention on the Rights of the Child (UNCRC) and the Bill of Rights were consulted (Situational Analysis of Children in South Africa, 2009). The Bill of Rights specifies a number of rights that can be found in Section 28 of the Constitution of the Republic of South Africa, 1996, which are applicable to children (Situational Analysis of Children in South Africa, 2009).

A closer look at Section 28 of the Constitution of the Republic of South Africa, 1996, will shed light on some of the children's rights found in legislation such as the Children's Act 38 of 2005, and should be considered by a mental health professional when required to draft a

parenting plan. Robinson (2010) identified and highlighted four areas or aspects found in Section 28 of the Constitution of the Republic of South Africa, 1996, as being the most relevant and applicable providing insight into South African children's subjective rights. The researcher believes that these four aspects highlighted in Section 28 of the Constitution of the Republic of South Africa, 1996, are of significant importance to this particular study: (1) the child's right to parental care, (2) the child should be protected; (3) the child has the right to legal representation, and (4) the child's best interest. These aspects of Section 28 of the Constitution of the Republic of South Africa, 1996, have been highlighted because they will aid professionals to centre the primary focus on the child(ren) when working with drafting and implementing a parenting plan with high-conflict separating and divorcing families. The United Nations Convention on the Rights of the Child will be discussed in the following section.

2.5.3 The United Nations Convention of the Rights of the Child

The influence of the United Nations Convention of the Rights of the Child is particularly relevant to this study. The justification for this is reflected in the specific attempts this piece of legislation makes to provide for and protect the rights of children. In Robinson's (2010) study, the important aspects of the United Nations Convention of the Rights of the Child in which every child has the right to survival, development, protection, and participation, are highlighted.

In addition, Archard and Skivenes (2009), Gould and Martindale (2009), and Stahl (1999b) describe the two central principles that have been laid out in this policy regarding children. These are: (1) to promote the child's best interests or the child's welfare; (2) to allow the child to express his or her view of any matter affecting his or her interests, these views being given a weight proportionate to the child's maturity, age, and understanding of these issues. Robinson (2010) highlights the practical application that these two commitments may have regarding all areas where a child's interests are at stake, including health care, child custody, child protection, and general child welfare.

These principles that have been incorporated into the Constitution of the Republic of South Africa, 1996, largely influence the drafting of parenting plans. In addition to the influence of the UNRC, is the influence of the Children's Act 38 of 2005, which is also considered pivotal for further exploration for the purposes of this study.

2.5.4 The Children's Act 38 of 2005

In July 2007, certain sections of the Children's Act 38 of 2005 came into effect, and certain articles regarding the drawing up of a parenting plan were circulated on 1 April 2010. Robinson (2010) believes that the Children's Act 38 of 2005 in South Africa aims at claiming and utilising a developmental perspective that emphasises the state's role and responsibility for providing social services with the aim of strengthening the capacity of families and communities to care for and protect children. The Children's Act 38 of 2005 aims to protect certain rights of children, as highlighted in the Section 28 of the Constitution of the Republic of South Africa, 1996. In addition, the Children's Act 38 of 2005 extensively and comprehensively makes provisions regarding parental rights and responsibilities regarding the residency and contact of children. Concepts previously referred to as parental power or parental authority have been replaced with concepts such as parental responsibilities and rights, which are more in line with the constitutional shift in family law from parental rights to children's rights (Mahery, 2008).

2.5.5 Section 7: Best Interest of Child Standard

There is no standard definition of the best interest of the child principle, but in general this principle, as set out by the Children's Act 38 of 2005, is aimed at protecting and honouring the interests of the child(ren) involved in situations such as separation and divorce. The child's best interest should be prioritised throughout the process of facilitating and making recommendations in terms of determining who is best suited to take care of a child. Best interest decisions are usually made by taking into account a number of factors related to the circumstances of the child and his/her care. The overriding concern is the child's safety and wellbeing on various levels. Section 7 of the Children's Act 38 of the 2005 highlights the factors which must be considered when a decision regarding the care of a minor child has to be made (South Africa, 2006):

- (a) the nature of the personal relationship between-*
(i) the child and the parents, or any specific parent; and

- (ii) the child and any other care-giver or person relevant in those circumstances;*
- (b) the attitude of the parents, or any specific parent, towards-

 - (i) the child; and*
 - (ii) the exercise of parental responsibilities and rights in respect of the child;**
- (c) the capacity of the parents, or any specific parent, or of any other care-giver or person, to provide for the needs of the child, including emotional and intellectual needs;*
- (d) the likely effect on the child of any change in the child's circumstances, including the likely effect on the child of any separation from:

 - (i) both or either of the parents; or*
 - (ii) any brother or sister or other child, or any other care-giver or person, with whom the child has been living;**
- (e) the practical difficulty and expense of a child having contact with the parents, or any specific parent, and whether that difficulty or expense will substantially affect the child's right to maintain personal relations and direct contact with the parents, or any specific parent, on a regular basis;*
- (f) the need for the child-

 - (i) to remain in the care of his or her parent, family and extended family; and*
 - (ii) to maintain a connection with his or her family, extended family, culture or tradition;**
- (g) the child's-

 - (i) age, maturity and stage of development;*
 - (ii) gender;*
 - (iii) background; and*
 - (iv) any other relevant characteristics of the child;**
- (h) the child's physical and emotional security and his or her intellectual, emotional, social and cultural development; any disability that a child may have;*
- (j) any chronic illness from which a child may suffer;*
- (k) the need for a child to be brought up within a stable family environment and, where this is not possible, in an environment resembling as closely as possible a caring family environment;*
- (l) the need to protect the child from any physical or psychological harm that may

 - (i) subjecting the child to maltreatment, abuse, neglect, exploitation or degradation or exposing the child to violence or exploitation or other harmful behaviour; or*
 - (ii) exposing the child to maltreatment, abuse, degradation, ill-treatment,**

*(m)any family violence involving the child or a family member of the child; and
(n)which action or decision would avoid or minimise further legal or administrative proceedings in relation to the child.*

It is important to note that in this section, the word “parent” includes any person who has parental responsibilities and rights in relation to the child (South Africa, 2006).

Barratt (2003), Bastow (2009), Pretorius (2008), Ramolotja (2000), and Robinson (2009) indicate that while working with divorcing families, the professional is often placed under pressure and challenged by co-professionals (legal representatives of the parents) or the parents themselves to make decisions and/or recommendations regarding the care of their children in favour of the parents, or decisions that will best suit the parents. However, Robinson (2010) proposes that it is imperative that the professional not yield to intimidation in the process, but that the focus on the needs and wishes of the child are honoured, and that the mental health professional act on behalf of the child and not merely the parents.

2.5.6 Section 9: Best Interests of Child Paramount

In all matters concerning the care, protection and well-being of a child the standard that the child’s best interest is of paramount importance, must be applied.

Section 9 of the Children’s Act 38 of 2005 speaks to the major importance and weight that the above principle has within the context of separation and divorce. It highlights the responsibility and accountability of the professionals who is working with a separating and divorcing family, to have the best interests of the child(ren) at the foreground for any recommendations made in the drafting of a parenting plan.

Section 10 in the Children’s Act 38 of 2005 (South Africa, 2006) highlights:

2.5.7 Section 10: Child Participation

Every child that is of such an age, maturity and stage of development as to be able to participate in any matter concerning that child has the right to participate in an appropriate way and views expressed by the child must be given due consideration.

Section 10 of the Children's Act 38 of 2005 highlights the importance of parenting plans being child-centred rather than parent-centred. Professionals dealing with parenting plans are further guided by this section as a principle to include children into the process of drafting a parenting plan. The Children's Act 38 of 2005 has worked towards providing professionals who are to work with separating and divorcing parents, with the necessary knowledge about drafting and implementing parenting plans.

As is evident from the information provided in Section 9 and Section 10 of the Children's Act 38 of 2006, there has been a significant move towards advocating and living by principles that honour and protect the rights of children. This may be reflected in the quest for equality for human rights and dignity as sought by the democratic nature of the South African society. Not only is a parenting plan aimed at protecting and serving the best interest of minor children, it also makes provision for the least adversarial regime possible in high-conflict families in terms of exercising parental responsibilities and rights. The following part of the discussion highlights the following advantages of parenting plans, followed by a discussion regarding the developments of parenting plans in South Africa, as well as an in-depth description of parenting plans, and its content and formalities as prescribed in the Children's Act 38 of 2005 (South Africa, 2006).

2.6 Parenting Plans

The Children's Act 38 of 2005 does not provide an official definition for parenting plans. Duchen and Dennill (2005) sourced possible definitions, which included a parenting plan being a detailed and cooperative approach adopted by separated and divorced parents in order to help them raise their children. A parenting plan guarantees the participation of both parents and children, as discussed in Section 33 of the Children's Act 38 of 2005 (South Africa, 2006). Duchen and Dennill (2005) are of the opinion that a parenting plan is constructed in

the best interests of minor children and focuses on parental rights and responsibilities. It serves to function as a bridge that joins two households of separated and divorced parents, and is constantly updated. A parenting plan will cover issues such as a general agreement in respect of communication, education, medical, extra murals, religion, transfers, new partners and any other issues that parents view as essential (Duchen & Dennill, 2005).

The following section highlights the advantages of parenting plans.

2.6.1 Advantages of a Parenting Plan

- According to Botha (2011), one of the parents may inevitably spend more time with the child(ren) on a daily basis as per the agreement, but a parenting plan is also understood to give structure to the continuous involvement of both parents with the child(ren). Botha (2011) is of the opinion that this in turn sends a message to child(ren) about the ongoing commitment of both of their parents to the child(ren)'s welfare. Studies conducted by Bosman-Swanepoel, Fick and Strydom (1998); Hauser (1995); and Roberts (1997) emphasised that separating and divorcing parents who are at an advantage of retaining control over their own affairs also assist the separating and divorcing couples to recover self-respect and dignity. In addition both parents are empowered as the power to negotiate and to find solutions is held in the hands of the parents, and not only in the hands of the attorneys.

Botha (2011) is of the opinion that a flexible agreement that makes provision for future mutually agreed revisions offers a concrete record of decisions that have been jointly made by the parents in the spirit of the best interests of the child(ren). This concrete record can serve to facilitate and foster collaborative co-parenting (Botha, 2011). A parenting plan prevents one parent from unilaterally making changes to the plan. Certain procedures are stipulated that elaborate on how future differences can be handled without necessarily approaching the court (Botha, 2011). This further facilitates a collaborative approach to co-parenting. Studies conducted by Bosman-Swanepoel et al (1998), Hauser (1995), Roberts (1997) emphasised that both parents have the opportunity to express their individual points of view on divorce-related issues.

- According to Botha (2011), an objective third party with the essential expertise regarding children's developmental needs works to assist parents in further exploring co-parenting issues. This objective third party participates in compiling a parenting plan together with parents, which provides for the child(ren)'s needs, as well as a day to day schedule. In addition to this, the mediation process creates an opportunity for parents to reaffirm their parenting, and to redefine their future roles as co-parents, but no longer as spouses or a couple (Botha, 2011).
- Botha (2011) states that one of the most important indicators of the general welfare of a child after his or her parents' divorce and separation, is the level of conflict that may be present or may persist. During the mediation process, both parents are given the opportunity to accustom themselves with the post-separation and divorce period while considering the best interests of their child(ren). When the parents deviate from the parenting plan and a dispute arises as a result of the deviation, the parenting plan agreement will form the basis for action until such time as the dispute is resolved. Studies conducted by Bosman-Swanepoel et al (1998), Hauser (1995), and Roberts (1997) emphasised that the process facilitates direct communication and confidentiality, which are more likely to reduce misunderstanding and conflict, and can nurture a potential for co-operation that might not otherwise be realised. It is also understood that mediation keeps the discussions between the separating and divorcing couples focused and it works. In addition, disputes are resolved more quickly than by adversarial means.
- In addition, Birbaum and Fidler (2005) highlighted the context in which a parenting plan can be more/less useful when working with separating and divorcing families that are experiencing conflict. Birbaum and Fidler (2005) identified that parenting plans have two goals, namely: (1) to foster children's relationships with both parents, unless there is a compelling reason not to do so; and (2) to protect children from parental conflict. In high-conflict divorces a highly detailed and carefully structured parenting plan may assist parents to carryout their responsibilities with minimal conflict. This minimises the possibility of miscommunication and altercation. Studies conducted by Bosman-Swanepoel et al (1998), Hauser (1995), and Roberts (1997)

emphasised that the process is likely to be of value to the parties by providing improved opportunities for communication.

The following section will discuss pertinent issues regarding parenting plans in separating and divorcing situations, within the South Africa context.

2.6.2 Parenting Plan in separation and divorce matters in South Africa

A parenting plan is applicable for both married and unmarried parents who are separating and divorcing. According to Botha (2011), if parents who are not legally married decide to separate, and a settlement agreement is not applicable, they can still decide to have a parenting plan drawn up. Botha (2011) also states that when a parenting plan does not form part of a divorce process, the parenting plan is registered with the Office of the Family Advocate and/or made an order of court.

In addition, Botha (2011) also explains that if an unmarried parent experiences difficulty with the description or exercising of his or her responsibilities and/or rights, and the other parent is requested to participate in the mediation in order to draw up a parenting plan, but refuses, such parent can approach the court. The court can then order both parents to participate in a mediation process so that a parenting plan can be drawn up. The second way in which a parenting plan is included in a separation is when the parents, in the absence of a dispute, voluntarily decide to have a parenting plan drawn up in which of the parental responsibilities and rights, as well as the exercising of these responsibilities and rights, are prescribed.

In both optional and mandatory situations where a parenting plan is drafted and implemented with unmarried separating couples, both parents will feature as guardians and as holders of full responsibilities and rights with regard to their minor child(ren). The responsibilities and rights, and the exercising thereof, are also described in this parenting plan (Botha, 2011).

Section 33 of the Children's Act 38 of 2005 (South Africa, 2006) stipulates that in the context of a legal divorce, the co-holders of parental responsibilities and rights in respect of a child may agree on a parenting plan determining the exercise of their respective responsibilities rights in respect of the child. If the co-holders of parental responsibilities and rights in respect

of a child are experiencing difficulties in exercising their responsibilities and rights, those persons, before seeking the intervention of a court, must first seek to agree on a parenting plan determining the exercise of their respective responsibilities and rights in respect of the child. The parenting plan is registered with the Office of the Family Advocate, and then it is made an order of court together with the settlement agreement. If the court has already granted a divorce, a parenting plan may still be compiled and the court may be requested to attach the plan as an addendum to the existing settlement agreement between the parties, thus making it an order of court.

Botha (2011) highlights that it is important for professionals and separating and divorcing parents to remember that a parenting plan has greater enforceability in law when it has been made a court order, than when it has been registered only with the Family Advocate's Office. This is important as it creates a dynamic from the onset of drafting a parenting plan, and may influence the process for the professional who has to draft a parenting plan with a separating and/or divorcing family that is experiencing high-conflict.

Following the above explanation of when the inclusion of a parenting plan is indicated in separation and divorce, the discussion will now elaborate on two sections in the Children's Act 38 of 2005. Sections 33 and 34 of the Children's Act 38 of 2005, both aim to give guidance to professionals who deal with parenting plans, regarding the content and formalities of parenting plans. According to Robinson (2010), Sections 33 and 34 of the Children's Act 38 of 2005 both give guidance to the professional on the content and formalities of parenting plans, and on how to deliver quality work in a competent manner. This in itself will assist the professional to support divorcing families in the intervention pertaining to parenting plans, and the administration process surrounding the parenting plan. Robinson (2010) is of the opinion that the drafting of parenting plans is a relatively new concept for South African professionals, and not all professionals are fully prepared for this task nor have they necessarily received adequate training by an accredited institution to facilitate intervention pertaining to divorcing families and the drafting of parenting plans.

2.6.3 Section 33 of the Children's Act 38 of 2005

Section 33 in the Children's Act 38 of 2005 elaborates and gives guidelines to professionals regarding the contents of a parenting plan. The following discussion highlights the essential provisions that parenting plans require (South Africa, 2006):

(1) The co-holders of parental responsibilities and rights in respect of a child may agree on a parenting plan determining the exercise of their respective responsibilities rights in respect of the child.

(2) If the co-holders of parental responsibilities and rights in respect of a child are experiencing difficulties in exercising their responsibilities and rights, those persons, before seeking the intervention of a court, must first seek to agree on a parenting plan determining the exercise of their respective responsibilities and rights in respect of the child.

(3) A parenting plan may determine any matter in connection with parental responsibilities and rights, including-

(a) where and with whom the child is to live;

(b) the maintenance of the child;

(c) contact between the child and

(i) any of the parties; and

(ii) any other person; and

(d) the schooling and religious upbringing of the child.

(4) A parenting plan must comply with the best interests of the child standard as set out in section 7

(5) In preparing a parenting plan as Contemplated in subsection (2) the parties must seek-

(a) the assistance of a family advocate, social worker or psychologist; or

(b) mediation through a social worker or other suitably qualified person.

The role of a professional in drafting and implementing a parenting plan in South Africa echoes the roles that professionals hold abroad. Stahl (1999a) highlighted that in many jurisdictions in the United States of America, including Northern California (Special Masters), Maricopa County, Arizona (Family Court Advisors), Boulder, Colorado (case managers or binding arbitrators), and New Mexico (wise persons), courts have begun using attorneys and mental health professionals as neutral decision-makers to assist families in such

day-to-day disputes. Stahl (1999a) is of the opinion that these divorcing families frequently return to court, the court system is unable to effectively handle the types or prevalence of issues that these families present with. Instead, they require the assistance of a decision-maker who acts on behalf of the children. This person is empowered by the family and the court to act on behalf of the children and resolve conflicts. If neither parent has control to make decisions that are in the best interest of the child, each parent may periodically become frustrated with the decisions of the neutral decision-maker. However, each parent usually trusts the neutral person more than the other parent (Stahl, 1999a).

2.6.4 Section 34 of the Children's Act 38 of 2005

Section 34 of the Children's Act 38 of 2005, deals with the formalities of a parenting plan that need to be adhered to before it can be registered with a Family Advocate or made an Order of Court. It states the following (South Africa, 2006):

(1) A parenting plan-

(a) must be in writing and signed by the parties to the agreement; and

(b) subject to subsection (2) may be registered with a family advocate or made an order of court.

(2) An application by co-holders contemplated in section 33(1) for the registration of the parenting plan or for it to be made an order of court must-

(a) be in the prescribed format and contain the prescribed particulars; and

(b) be accompanied by a copy of the plan.

(3) An application by co-holders contemplated in section 33(2) for the registration of

(a) be in the prescribed format and contain the prescribed particulars; and be accompanied by-

(i) a copy of the plan; and

(ii) a statement by-

(aa) a family advocate, social worker or psychologist contemplated in section 33(5)(a) to the effect that the plan was prepared after consultation with such family advocate, social worker or psychologist; or

(bb) a social worker or other appropriate person contemplated in section 33(5)(b) to the effect that the plan was prepared after mediation by such social worker or such person

(4) A parenting plan registered with a family advocate may be amended or terminated by the family advocate on application by the co-holders of parental responsibilities and rights who are parties to the plan.

(5) A parenting plan that was made an order of court may be amended or terminated only by an order of court on application-

(a) by the co-holders of parental responsibilities and rights who are parties to the plan;

(b) by the child, acting with leave of the court; or

(c) in the child's interest, by any other person acting with leave of the court.

(6) Section 29 applies to an application in terms of subsection (2).

As stipulated in Section 33(5) when preparing a parenting plan as contemplated in subsection (2), the parties must seek: (a) the assistance of a family advocate, social worker, or psychologist; or (b) mediation through a social worker or other suitably qualified person. In this study, 'professionals' refer to psychologists, social workers, and other suitably qualified persons who draft and implement parenting plans. However, the majority of professionals engage in some form of therapeutic work apart from adversarial cases, such as drafting and implementing parenting plans with high-conflict separating and divorcing cases. Mediation and therapy will now be contrasted and discussed in the next section with the intention of making a clear distinction between the two.

2.6.5 Finding the Boundary: Therapy and Mediation

Schoffer (2005) considers mediation to be a process of dispute resolution facilitated by a neutral third party/mediator who invokes problem-solving negotiations aimed at enabling parties to reach an agreement that addresses their respective psychological and economic interests. Katz (2006) is of the opinion that mediation encourages, rather than discourages, communication between clients. The stance of the mediator is required to reflect transparency and collaboration, and effective and reflective listening, reframing and power-balancing (Katz, 2006). The aim of mediation in the context of drafting and implementing parenting plans, is to solve problems and encourage spouses to reach an agreement that reflects the best interests of their children (Katz, 2006). The Health Professions Council of South Africa (HPCSA) considers psychotherapy as the informed and intentional application of clinical

methods and interpersonal stances derived from established psychological principles, for the purpose of assisting people to help modify their behaviours, cognitions, emotions, and/or other personal characteristics (HPCSA, 2004). Similar to mediation, therapy utilises techniques such as reflective listening, reframing, and problem-solving in a collaborative manner to achieve therapeutic goals with a client.

However, Katz (2006) emphasised that the similarities highlighted above should not obscure the essential distinction made between mediation and psychotherapy. Katz (2006) described the essential differences between mediation and therapy as follows:

Table 2.6.5.1 Therapy and Mediation: Understanding the Differences
(Katz, 2006, p.96)

	Therapy	Mediation
Involves both parties	Sometimes	Always
Goal orientated	Varies	Always clearly defined
Insight	Used by therapist and elicited from client	The past is used to frame and resolve issues
Historical approach to problem	Sometimes the past is used to understand the problem	The past is used to discover examples of solutions
Feelings	Respected and often worked through	Respected and acknowledged
Uses a resource model	Often	Always
Genograms	Multigenerational	Focus on relevant parties

The following part of the discussion will focus on the process that the profession almost follow when drafting and implementing a parenting plan with a separating and divorcing family. The discussion will then be followed by a discussion of some of the ways in which a parenting plan can be drafted and implemented in South Africa. For the purpose of this study, the processes that a professional has to follow when drafting and implementing a parenting plan with a separating and divorcing couples will be discussed. It is also important to keep in

mind that the following discussion only reflects a few of recorded experiences of this process, and that there are additional sources that can be explored and recorded.

2.6.6 The Process Involved when Drafting and Implementing a Parenting Plan in South Africa

Botha (2011), Duchon and Dennill (2005), and Robinson (2010), who works in the South African context of drafting and implementing parenting plans, have described their own experience of what a typical process of drafting and implementing a parenting plan may entail. Botha (2011) provides a brief explanation of the Family and Child Mediation (FCM) model compiled by Familyzone and Duchon (2008).

Botha (2011) stated that in order for a parenting plan to be drawn up, parents can choose a mediator who is qualified in separation and divorce and family mediation. The parents can also be referred for mediation by the Family Advocate's Office or their legal representatives, or the parents can be ordered by the court to participate in mediation. According to Duchon and Dennill (2005), the process of drafting a parenting plan follows a particular order. The process begins with the co-parents meeting the professional individually. The professional canvasses issues with the parents that they would like to place on the agenda for discussion. According to Botha (2011), the FCM stipulates that drafting and guiding a parenting plan process takes approximately three to four joint sessions of 90 minutes to cover all relevant topics. The professional enters discussions with the parents about co-parenting after the divorce and separation. The practical arrangements for meeting the needs of the child(ren) will also be addressed and included. Botha (2011) explains that the level of co-operation between the parents and the level of conflict between them determines how many sessions will be required.

After the individual sessions, the professional sets an agenda that incorporates both parents' discussion points. This collaboration sets the stage for mutual participation from all parties. The agenda is then forwarded to both parents and they are given the opportunity to add items and send it back to the professional. The discussed agenda of issues is then followed with sessions in which separating and divorcing families meet with the professional. At this stage the parties openly discuss and work through issues with the aim of reaching a mutual agreement based on the best interests of the children. A time-frame of sessions is estimated

since all couples have different needs. Parents are requested to provide written input on defined agenda items prior to sessions. Children are also consulted by the professional as stipulated by the Children's Act 38 of 2005.

Duchen and Dennill (2005) explain that the professional then consolidates agreements prior to the sessions, and flags items of disagreement for mediation. Assistance and/or mediation on items of disagreement follow. Educational/information sessions follow in caucusing format/notes, if and when required. Minutes are prepared for each meeting and sent to the parents prior to the meeting. The minutes contain an accurate reflection of the previous mediation session and agreements reached, and parents are asked to verify and sign the minutes. All the agreements are consolidated in a final parenting plan that is signed off. The parents forward the parenting plan to their attorneys for incorporation in an amended court order (Duchen & Dennill, 2005).

Botha (2011) explains that after finalising the parenting plan and reducing it to writing, the agreement is signed by both parties and the professional. For the registration of a parenting plan at the Office of the Family Advocate to take place, the following procedural steps must be taken: four original, signed copies of the plan, together with the declaration of the mediator who compiled the plan, must be handed in. If the parenting plan is part of a divorce, it is submitted as an addendum to the divorce settlement agreement, which has to be endorsed by the Office of the Family Advocate. This submission is usually made by the applicant's legal representative. After registration, an original copy of the parenting plan is filed with the Office of the Family Advocate, while the other three copies are collected. If the parenting plan is also to be made an order of court, the second copy is placed on the court's file and made a court order when the case is heard in court. The third and fourth original, certified copies are handed to the parents (Botha, 2011).

In addition, Robinson's (2010) study highlights that researchers such as Lyster (2007) and Gould and Martindale (2009) suggested guidelines that professionals can use to facilitate the process of drafting a parenting plan. Robinson (2010) used these guidelines and created a three-phase model to assist the professional in the process of working with a family with the end goal of structuring a parenting plan.

The three-phase model is as follows (Robinson, 2010):

1. Contractual Phase

It is suggested that a professional working with a divorcing family draft a contract with the family before the process of drafting the parenting plan starts. The aim of this contract is to give the mental health professional an opportunity to discuss how they work and how the process of drafting the parenting plan will work. This ensures that expectations and rules of the process are clear.

A contract should stipulate the following aspects: (i) the interview process; (ii) what to expect in the process; (iii) confidentiality matters; (iv) fees; (v) timing; and (vi) signature of agreement. The above-mentioned six aspects of a contract as described by Robinson (2010) will be discussed below:

(i) *The interview process*: The interviews, which are facilitated to draft a parenting plan, are usually scheduled as follows: (a) an initial consultation with both parents where the need of a parenting plan is discussed, the contract is signed, and a parenting plan template is given to the parents to complete at home (2 hours); (b) a separate consultation with the children, to obtain information from the children regarding their perspective and their post-divorce needs (1-2 hours); (c) a follow-up consultation with both parents, where the professional will discuss both parents' input in the completed parenting plan template, where agreements and disagreements will be discussed, and where answers will be sought for disagreements (2 hours); and (d) a final feedback consultation with both parents and the children. In this consultation, the final parenting plan is delivered and the implementation of the parenting plan is explained (2 hours). The intervention will involve a minimum of four sessions, but more sessions should be scheduled if needed.

(ii) *What to expect in the process*: The main aim of the first meeting is to gather the details of the separating and/or divorcing family and to discuss the contract. The professional should discuss the rules of engagement in the process with the parents, for example no shouting, no swearing, and maintaining a respectful relationship with all parties in intervention. The best interest of the child will remain the focus of the process when structuring a parenting plan. Professionals should inform the separating and divorcing family about the administrative process of divorce, the legal aspects of divorce, family members' rights and responsibilities,

and the process they will go through during the process. Professionals must also encourage the separating and divorcing family to be as open and honest about the needs of their family and their family dynamics, as this will assist the professionals to draft high quality and feasible parenting plans. In addition, professionals must be transparent about the process and inform all parties about what to expect in the intervention process, as well as during the post-divorce period.

After the contract has been discussed and signed, a parenting plan template will be discussed with the parents and each parent will be handed a copy for them to read through and complete at home separately. This template, completed by the parents, will be returned to the professional during the follow-up consultation. The professional will combine the parental input into a draft parenting plan. Thereafter, a consultation will be facilitated with the children. It is imperative that the children are interviewed in an age-appropriate manner where they can give input into the process in matters related to their daily functioning. The information obtained from the children will be included in the draft parenting plan. Problem areas will be discussed with the parents and solutions will be sought in an attempt to come to an agreement. After this consultation, the professional will draft the final copy of the parenting plan and will do a feedback consultation with both parents and the children. A final copy of the parenting plan will be handed to the family. The professional will explain in detail how this parenting plan will be implemented post-divorce, to optimise the divorcing family's functioning, and the steps that must be followed for this document to become a legally binding document.

(iii) *Confidentiality matters:* Confidentiality matters must be agreed upon in writing in a contract. Restricted confidentiality will apply, meaning that the professional, at his or her discretion, must be able to disclose to one party what has been said by another. This does not mean that all information will automatically be disclosed or that certain information cannot be discussed in private. It means that the professional reserves the right to share the information if it is in the best interest of the family. Prior to beginning the process, the parties must agree on all sources of information to which the professional will have access. This would include, at the professional's discretion, counsellors, therapists, teachers, schools, legal documents, and previously drafted parenting plans.

(iv) *Fees*: The professional needs to clarify financial arrangements in this meeting. Financial arrangements must be clarified and agreed upon prior to commencing intervention and structuring the parenting plan. The cost of the intervention to structure a parenting plan should be discussed.

(v) *Timing*: The professional should give a time-frame in which the parenting plan needs to be completed if all interventions work according to plan. Dates need to be allocated for the sessions so that all parties at least have some sense of when the process will be completed.

vi) *Signatures to the agreement*: It is important that all parties involved sign the agreement which includes the parents, the children, and the professional. If the children are too young to sign the document, they can make a scribble.

2. Facilitation and/or Mediation Phase

Robinson (2010) believes that the professional needs to adopt an appropriate role to assist the separating and divorcing family with the process of drafting and implementing a parenting plan. This role depends on the family's needs. The professional will be directly involved in the divorce process, either as appointed by the court, or as appointed in private practice by the parents. The professionals' primary objective must be to give assistance to the divorcing family and to reach solutions with regard to issues on which they disagree. Furthermore, it is important that professionals motivate the family members to read or watch educational material on the separation and divorce process and what to expect of the process in compiling a parenting plan.

Lyster (2007) and Neuman (1998) stress these guidelines, and suggest that in a divorce process it is important that the family unit in question is knowledgeable about the divorce process, their rights, and the implications of any decisions that they might make. Knowledgeable parents and children can assist the professional who is working with the family, as they know their rights and responsibilities, and therefore have much more realistic expectations. Knowledgeable parents and children can also display more insight during the process of drafting a parenting plan and this can lead to more effective, realistic, and practical parenting plans for the separating and divorcing family as a whole.

3. Report Writing Phase

Lyster (2007) explains that all records obtained in the process should be properly maintained and filed, and can also be tape recorded if the professional feels the need to keep detailed records of the process. This is especially advisable in the case of high-conflict families. These records should be used when writing the parenting plan for the separating and divorcing family. The content of the parenting plan should be well-structured and organised, and needs to include all necessary information and relevant topics for the separating and divorcing family to reach their optimum functioning post-divorce.

Thayer and Zimmerman (2001) suggest that professionals are required to draft successful parenting plans that can be effectively implemented. These authors warn that highly complicated and technical, elaborative parenting plans need to be avoided. The use of legal instruments such as child assessments for example will add value to the process and enable professionals to compile high quality parenting plans.

In addition, Robinson (2010) emphasised the importance of professionals protecting both themselves and their clients. This is because in high-conflict separating and divorcing situation, parents display negative and angry attitudes and thinking during the process. The researcher is of the opinion that the professional must protect themselves as an individual from harsh negative impacts of strong negative emotions characteristic of high-conflict separation and divorce. The professional must also protect themselves professionally in serving these separating and divorcing families ethically and according to the regulations set out by the Health Professions Council of South Africa (HPCSA). In addition, professionals must ensure the safety and well-being of their clients at all times and should aim to serve the best interests of the child at all times. Kelly (2000) is of the opinion that familiarity and use of models for drafting and implementing parenting plans will aid in reducing parental conflict following separation, and promote the selection of appropriate parenting time-share schedules, which address the needs of children and their parents.

2.6.7 Drafting and Implementing Parenting Plans in High-conflict Separation and Divorce Cases

The legal system, with the unique pressures it puts upon separating and divorcing, can create new tensions and aggravate those that are pre-existing (Sauer, 2007). Within the legal system itself, procedures, delays, or errors may cause unfairness and frustration, or facilitate the continuation of the conflict between separating and divorcing families (Sauer, 2007). Each parent may feel that they are the one best able to provide for their children in terms of giving love, resources, and skills that the children need. Sauer (2007) stated that parents also have legal and ethical duties to protect their child from harm that could be caused by the other parent.

Sauer (2007) highlighted that on the other hand, a parent might not consider their children's interests at all, or at least only in a very limited way, while waging a custody battle. For example, convictions regarding the children's future may stem more from a threat to the parent's own ego or need for personal validation, rather than the child's interests. A prolonged process in arranging residency and contact issues regarding children may also be perceived as an enduring way to manipulate and control the former spouse (Sauer, 2007).

As previously discussed, Kaslow and Schwartz (1987) and Saposnek and Rose (2004) highlight that higher levels of divorce conflict are expected and common at the beginning stages of separating and proceeding with a legal divorce. This conflict may continue until, and long after, the time when the family is in the process of fundamental and structural reorganisation from one family to two separate families living in separate households (Goldenberg & Goldenberg, 2004). What is known is that the tension caused by high-conflict separating and divorcing parents often has negative effects on family functioning as a whole (Saposnek & Rose, 2004).

Johnston and Roseby (1997) suggested that in particular cases of high-conflict between separating and divorcing parents, a different kind of mediation is necessary when dealing with these families. Mediation in this regard should aim to develop sound access plans, to help families through its separation and divorce transition, and to build a structure to support the parents' and children's growth and development (Johnston & Roseby, 1997). In addition to this, Irving and Benjamin (1995) suggest that complex cases such as high-conflict cases

need more flexible, more intensive, more therapeutic and longer term services than less complex cases.

Wingspread (2001) suggested that high-conflict separating and divorces that involve children require a specialised approach. Judges, lawyers, and mental health professionals should have specialised training in dealing effectively with high-conflict situations. These professionals will need to develop ways in which to work collaboratively and to identify and resolve high-conflict separating and divorcing cases more effectively. In addition, these professionals must remain sensitive to separating and divorcing parents' needs, and encourage cooperative parents to resolve their disputes. Research conducted by Family Justice Services (2009) commented on this and suggested that their role in working with high-conflict families often involved creating goals with separating and divorcing parents that aim to develop parallel parenting times so parents do not have to negotiate, work out details, or place the child in the middle of their conflict. Family Justice Services (2009) also suggested that such arrangements create a more peaceful environment for the child who can, in turn, devote energies to learning, playing, relating to family and friends. Children should not have to monitor their parents' reactions or worry about the possibility that parents might interact in a negative, hostile, or even physically aggressive manner.

The conditions under which drafting and implementing a parenting plan is unlikely to succeed are highlighted and discussed in research studies conducted by Severson and Bankston (1995), Boule and Rycroft (1997), and Roberts(1997). Studies like these emphasises the unique challenges that professionals are likely to encounter when working with drafting and implementing parenting plans with high-conflict separating and divorcing families.

The factors that thwart the success of mediation and which should be considered by the professional working with high conflict separating and divorcing families have been summarised by Tatchell (2000, p. 23) and are as follows:

- timing of the mediation may limit the success of the outcome, because strong and recently surfaced personal emotions can block rational decision-making; mediation should be postponed until both spouses are psychologically prepared to make permanent decisions;

- serious imbalances of bargaining power. If there is a substantial impairment of mental or physical capacity to negotiate, or any other inequality between the parties that would render an unfair outcome unavoidable, mediation should not take place;
- the parties have ulterior motives for using mediation, for example, to achieve some illegal or immoral purpose on a confidential basis;
- the use of mediation could involve risk of personal danger for one or more parties, or where the dispute revolves around issues of child abuse or family violence;
- separating and divorcing cases with extreme conflict where conflict between the parties is so great that co-operation, however minimal, is out of the question. Mediation will not succeed;
- non-acceptance of the end of a relationship where one party uses mediation to cling on to the marriage, they will in all probability sabotage decision-making to its dissolution;
- an unfavourable environment where powerful third parties, such as combative attorneys unsympathetic to mediation, or un-cooperative new partners, may fuel hostilities and jeopardise agreements.

The following section will explore the challenges that professionals working with high-conflict separating and divorcing families face when drafting and implementing parenting plans within the legal system in South Africa.

2.6.8 Challenges of Working with High-Conflict Separating and Divorcing Families within the Legal System

According to Robinson (2010), parenting plans are a relatively new phenomenon in South Africa, and professionals should use all available resources to produce effective and high quality parenting plans. Parenting plans for separating and divorcing families must be compiled before the courts are approached and so it is imperative that appropriate, sound,

well-structured and professionally designed parenting plans be drafted by competent, well-informed, and appropriately qualified professionals. Certain requirements have been identified that a professional who works with drafting and implementing a parenting plan with high-conflict separating and divorcing families is required to obtain. According to Robinson (2010), when incompetent professionals are involved in the process, parenting plans are often not child-centred and the intervention with the divorcing family is of poor quality. Emphasis should thus be placed on assisting the professional with substantive and comprehensive guidelines that are clear on the basic process structure and general content of parenting plans, to assist the professional to deliver competent and high quality parenting plans.

1. Requirements of the Professional drafting and implementing parenting plans with high-conflict separating and divorcing families

The professional dealing with high conflict separating and divorcing families is required to have specialised training and knowledge regarding separation and divorce and high-conflict separation and divorce. It is essential for a professional to acquire the knowledge of and training regarding the impact that conflict on parents and children has, as well as the knowledge regarding child development, domestic abuse, and child abuse and neglect (Schoffer, 2005). As emphasised in Robinson's (2010) study, the Forensic Specialty Council (2007) and Swerdlow-Freed (2010) explain that anyone who works in the field of divorce needs training in child development, family assessment, problems of divorce, the functioning of the court, and the special ethical issues related to this work. This knowledge is particularly important in high-conflict situations, where a professional is required to draft and implement a parenting plan, since the presence of extreme hostility may be present in the meetings with the family. This presence will impact on the separating and divorcing parent's ability to agree on important parenting issues in their parenting plan and to serve the best interests of their children as highlighted in Ahron's (2011) typology of inter-parental conflict. Robinson (2010) believes that if the proposed parenting plan is not workable, realistic, or adequate for the family in question, it can have devastating effects on the separating and divorcing family and specifically on the child, and may exacerbate situations of dysfunction or stress for the child. The professional is required to effectively identify conflict and adequately intervene and carefully structure the approach to the process.

The researcher is of the opinion that the professional ought to familiarise themselves with the legally defined framework that helps manage the conflict through external control. Secondly, professionals drafting and implementing parenting plans with high-conflict separating and divorcing families requires thorough legal knowledge and formal training in order to effectively service these families. There is a standard set out by the HPCSA regarding who is deemed suitable to work within this field. According to Section 33(5)(a) of the Children's Act 38 of 2005, when preparing a parenting plan the parties must seek (a) the assistance of a family advocate, social worker or psychologist; or (b) mediation through a social worker or other suitably qualified person. 'Other suitably qualified person' is considered to include professionals such as accredited mediators. According to Form 223 of which stipulates the rules of conduct pertaining to psychology (HPCSA, 2004), a psychologist shall base his or her psycho-legal work on appropriate knowledge of and competence in the areas underlying such work, including specialised knowledge concerning specific populations. According to Robinson (2010), often professionals are not well grounded in the legal requirements of facilitating, formulating, and adopting, or implementing a parenting plan.

Significant challenges have been identified that professionals deal with when working with high-conflict separating and divorcing and drafting and implementing parenting plans. These challenges include working with high-conflict separating and divorcing families; and drafting parenting plans with these high-conflict separating and divorcing families.

2. Challenges of drafting and implementing parenting plans with high-conflict separating and divorcing families

Firstly, the professional may experience challenges when working with high-conflict separating and divorcing families. Some of these challenges as described by Gaudier et al. (2007) who identified that more recently it has become more common for the court to turn to professionals to assist them in high-conflict separating and divorcing cases. These referrals from the court are made to professionals for intervention and recommendations. This creates a power that is given to the professional, but simultaneously, significant responsibility to understand what is happening in a high-conflict separation and divorce and keeping the purpose of the parenting plan in mind. This responsibility weighs heavily on the professional because if they do not wish to help, the future for the children is bleak. These high-conflict separating and divorcing couples sometimes present to the professional as aggressive or

hostile, and some engaged in substance abuse or in the criminal justice system as delinquents (Gauldier et al., 2007). These difficult situations can create a high level of burn-out rates among professionals in this field of work because of the huge responsibility they have to take on and the expectations that they have to live up to (Gauldier et al., 2007).

Furthermore, high-conflict families are characterised as having poor boundaries and may impact the professional's ability of maintaining structure and boundaries. These high-conflict separating and divorcing families navigate the pulls for alignment, challenges to authority, and appeals for reprimand is to hold steady, maintaining neutrality and role definition (Coates, Deutsch, Starnes, Sullivan & Sydlik, 2004). Professionals may even adopt different styles during the process. Saposnek (2004) identified four distinct modes in which a mediator may conduct mediation: Rational/analytic mode, where the mediator is the decision manager; the therapeutic mode, where the mediator is considered to be a healer; the educational mode, where a mediator performs the role of a teacher; and the normative mode, where a mediator becomes and serves as a monitor. These styles require that a professional be versatile and flexible enough to change styles at different points.

Emphasis has been placed upon the clarification of roles. The researcher is of the opinion that professionals are required to be cognisant of their role definition in this context at all times. A professional is required to wear a different "hat" in the context of drafting a parenting plan. The researcher is of the understanding that this hat is different from the hats the professional may be required to wear in other contexts, such as psychotherapy and psycho-legal assessments. The professional must be able to clarify his or her role for the family and also for the lawyers and the court who may not understand the ethical rules and standards that demand role boundaries and guide the professional (APA, 2002). The professional must pay careful attention to maintaining role boundaries and avoiding dual roles or multiple relationships in the face of requests and demands by the family and the legal system (Deutsch, 2008). Typical according to Deutsch (2008) include "hats" they may be required to be worn when drafting and implementing parenting plans with high-conflict separating and divorcing families are referred to the case manager, parent coordinator, case co-ordinator, providing assistance, mediating, psychotherapy, and assessor.

Smoron (1998) believed that a professional can never truly be free of his or her biases. Life experiences make up the framework for understanding of events, attitudes, and values.

Smoron (1998) emphasised that every individual has these biases and that to a certain extent, prejudices are controlled by them. This creates a significant challenge for the professional drafting and implementing parenting plans with high-conflict separating and divorcing families, since impartiality and neutrality are key elements in the process. According to Smoron (1998), the impartiality suggests that the professional assists all parties, rather than individual parties, in reaching a mutual agreement. This is done free of bias or favouritism for one party. The professional should not take the adversarial role. In addition to impartiality, the professional is required to maintain a level of neutrality. Smoron (1998) is of the opinion that neutrality relates to the relationship between the professional and the separating and divorcing family. It is understood that if the professional or one of the separating and divorcing parties considers that the professional's background or personal experiences would prejudice the professional's performance, the professional should withdraw from the process unless all agree to proceed (Smoron, 1998).

Another challenge of working with high-conflict separating and divorcing families is to get the families' buy into the process. Securing and maintaining trust and cooperation from high-conflict separating and divorcing parents, as highlighted by Ahron's (2007) couples typology, is a difficult and demanding task. The professional may want to screen and identify the stage of the divorce cycle in which the high-conflict separating and divorcing family is in. Literature such as Kaslow and Schwartz's (1987) dialectic model and Saposnek and Rose's (2004) separation stages aids in identifying possible emotional states, behaviours and levels of conflict.

Secondly, the professional faces challenges relating to drafting and implementing parenting plans with high-conflict separating and divorcing families. These challenges have been highlighted by studies conducted by Forensic Specialty Council (2007) and Stahl (1999a) who point out that there are limited programmes that are specifically designed to train evaluators in this demanding and difficult work. Robinson (2010) is of the opinion that the South African situation in terms of training has improved over the years, but there are still limited courses and aids focusing on divorce-related intervention, especially training pertaining to parenting plans. Robinson (2010) is of the opinion that although a professional is expected to continue with self-study to empower him or herself with knowledge and insight, this method is theory-based and cannot replace practical training. Furthermore, it is essential that professionals should use theory that is not outdated, and that they should always

keep abreast of the latest developments in theory. Another challenge the professional has to deal with is that although there are different models regarding the drafting of parenting plans as highlighted by Duchen and Dennill (2005) and Robinson (2010), no standard model has been implemented for professionals to follow.

According to Sauer (2007), the court system itself, namely procedures, delays or errors, contribute to feelings of unfairness and frustration or facilitate the continuation of the conflict. In addition, interactions and consultation with mental health experts working to support their case may cause clients to solidify already negative, polarised views, which encourage them to adopt uncompromising stands against the former spouse. Sauer (2007) emphasises that while challenges are inherent in facilitating interaction between high-conflict couples, it is possible that certain mediation techniques could be used to help even the most litigious of parents engage in active problem-solving to benefit their common children.

It is understood by the researcher that often a series of lawyers and other professionals involved, who advocate for one parent, may unintentionally contribute to the conflict, incorrectly believing that they are advocating for the child. Professionals should always be cognisant of the fact that these systemic influences that contribute substantially in mitigating and/or escalating conflict. According to Fyfe (2001), the essential problem for the courts in high-conflict separation and divorce and post-divorce matters is the polarisation of opinion, which often emerges around a range of ongoing allegations. These allegations often take the form of sexual abuse, domestic violence complaints, alienation, or some type of inappropriate parenting or parent behaviour. In many cases multiple evaluations and interventions have taken place and the family has failed to resolve matters. All too often, professionals, attorneys and/or professionals, end up being pulled to one side of the family system. They begin to behave as advocates in a more or less ongoing stand-off of experts.

Lastly, the professional has to deal with the challenging task of dealing with the demands characteristic of working as a professional that drafts and implements parenting plans with high-conflict separating and divorcing families. As stipulated in Section 33 of the Children's Act 38 of 2005 (South Africa, 2006): *33(1) The co-holders of parental responsibilities and rights in respect of a child may agree on a parenting plan determining the exercise of their respective responsibilities rights in respect of the child; (2) If the co-holders of parental responsibilities and rights in respect of a child are experiencing difficulties in exercising*

their responsibilities and rights, those persons, before seeking the intervention of a court, must first seek to agree on a parenting plan determining the exercise of their respective responsibilities and rights in respect of the child. It is the researchers understanding that at it may not be the professionals' choice to work on a particular case and the court may assign the professional to a case against their will. If this occurs and the professional does not wish to work with the assigned case, there may be financial and legal implications that the professional will be expected to carry. At any given time, a professional can be subpoenaed to court at short notice, which also leaves the professional in a difficult situation in respect of organising their daily schedules.

The following part of this chapter will discuss a theoretical perspective of high-conflict separation and divorce and the role that professionals have when drafting and implementing parenting plans

2.7 Theory

High-conflict separation and divorce cases pose unique challenges for professionals as discussed above. High levels of conflict can have detrimental effects on families. According to Friedman (2004, p. 102), a systemic perspective perhaps found its most useful application in the field of child psychiatry, where a child's symptoms were helpfully understood as arising within the context of his parents' behaviour, rather than as springing from his own separate, autonomous conflicts. Family therapy was often seen as the treatment of choice for children's psychological problems; small but important shifts in parental behaviour were shown to produce major improvement in a child's difficulties.

Fyfe (2001) suggested that a systems approach also allows the professional to become aware the integral part that each family member plays and the role larger family dynamics play. It seeks to involve all family members in a single, coordinated intervention effort that is co-constructed (Fyfe, 2001). According to Saposnek and Rose (2004), early etiological theories of child and marital problems assumed unidirectional cause-effect relationships. In the past 20 years, however, family systems theorists and therapists have demonstrated unmistakably the circular nature of causality in family interactions (Saposnek, 1983a). In this view, "the family is conceptualized as a cybernetic system in which the actions of each member

influence the actions of each other member reciprocally” (Saposnek, 1983b, p. xv.). In the context of family dysfunction and divorce, this perspective suggests that the child can create marital dysfunction as easily and commonly as the parents create dysfunction within the child (Saposnek & Rose, 2004). Collusion between a child and a parent can create dysfunction within the other parent or within a sibling, or a dysfunctional relationship between two siblings can create dysfunction within a parent, which can subsequently create marital dysfunction, and so forth. This systems view has gradually replaced the traditional linear view of causality and it is particularly appropriate and useful in understanding the divorce process and the dynamics (Saposnek & Rose, 2004).

The following part of the discussion will provide a brief introduction to general system theory and family systems theory and will highlight the theoretical assumptions and core principles that underpin general systems theory and family systems theory. This is one way of understanding high conflict in a separating and divorcing family, although it is important to remember that there are various ways of understanding high-conflict separation and divorce.

2.7.1 General Systems Theory

According to Becvar and Becvar (1996), general systems theory provides a way of viewing the whole system that functions through interdependence of its various interrelated parts. It is a way of looking at a system, such as a family, and gaining perspective on their interactions. Bertalanffy (1968) is regarded as the father of general systems theory, and, from his viewpoint, systems were defined as a set of objects together with the relationships between the objects and their attributes. The objects form components of the system, the attributes are the properties of the objects, and the relationships tie the system together (Hall & Fagan, 1956).

Furthermore, Friedman (2004) emphasised that general systems theory entered clinical psychology largely through the pioneering efforts of Don Jackson and Gregory Bateson and their colleagues (Bateson, Haley, Jackson & Weakland 1956; Fry, 1962; Jackson, 1957; Jackson, 1968a, 1968b) who, when working in Palo Alto Institute in the 1950s and 1960s, pointed out the importance of looking at the context of a person’s behaviour to understand it and as being helpful in that person’s life. This was considered a novel idea in the field of

clinical psychology, which at that time was heavily influenced by the one-person model of psychoanalysis.

Becvar and Becvar (1996) and Goldenberg and Goldenberg (2004) discussed the general characteristics of general systems theory. The following highlighted characteristics are discussed and regarded as significant relevance to this study:

Firstly, from a systems perspective reality is thought to be constructed by individuals own personal perceptions. General systems theory is a person-centred perspective that examines interactions in the here and now. A linear causality does not exist, rather a reciprocal, recursion, and shared responsibility exists. There is an effort made to describe patterns which helps the professional in identifying patterns of interaction in a high-conflict separating and divorcing family. This helps individual family members and professionals to move away from either/or thinking towards a circular manner of thinking. This allows for flexible and open thinking.

Morphostasis describes a systems tendency to move toward stability also known as equilibrium (Becvar & Becvar, 1996). Morphogenesis refers to the system-enhancing behaviours that make provision for change, growth, creativity, and innovation (Becvar & Becvar, 1996). Awareness of these concepts allows the professional to effectively identify the state in which a high-conflict separating and divorcing system is together with divorce process and knowledge of divorce stages, will inform the professional's approach to drafting and implementing a parenting plan.

The following characteristics of systems theory highlight a systems ability to receive new information or input. The professional will at the time of drafting and implementing a parenting plan present "new" information to the high-conflict separating and divorcing family. Entropy is considered to be a state a system may experience if the system allows too much or too little information into the system (Becvar & Becvar, 1996). Goldenberg and Goldenberg (2004) described entropy as the tendency of a system to go into disorder, and if unimpeded, to reach a disorganized and undifferentiated state. Negentropy reflects when a system can maintain appropriate balance between degrees of openness and closedness (Becvar & Becvar, 1996). Goldenberg and Goldenberg (2004) suggested that negentropy is the tendency of a system to remain flexible and open to new input, necessary for change and

survival of the system. Feedback is the process whereby past behaviours are fed back into the system in a circular manner (Becvar & Becvar, 1996). Goldenberg and Goldenberg (2004) suggested that feedback is a method of controlling the system.

Lastly, from a systems perspective, a system will naturally tend towards reaching homeostasis. Equilibrium or homeostasis is the desired and aimed for state of a system (Becvar & Becvar, 1996). Equifinality is understood as the redundant patterns of interaction that people in relationships tend to develop due to habitual ways of behaving and communicating with one another (Becvar & Becvar, 1996). This helps informing the professional of the predictors and factors that have contributed to a high-conflict separating and divorcing family, which will in turn influence the approach the professional takes to the process.

With this understanding of the basic assumptions and characteristics of general systems theory, the following section will now discuss family systems theory and the relevancy of this theory to this study. Family systems theory stems from general systems theory and is relevant and appropriate to understanding the family system within which high-conflict separation and divorce takes places (Friedman, 2004, p. 103).

2.7.2 Family Systems Theory

A primary concept in family systems theory is that the family includes interconnected members, and each member influences the others in predictable and recurring ways (Van Velsor & Cox, 2000).

It is understood that it is from our families that we learn skills that enable us to function in larger and more formal settings, such as school and the workplace. Family experiences also shape our expectations of how the larger world will interact with us (Kern & Peluso, 1999; Nieto, 2004). Family systems theory focuses on family behaviour rather than individual behaviour. The theory considers factors within a family such as: communication and interaction patterns; separateness and connectedness; loyalty and independence; and adaptation of the family to stress as a whole unit as opposed to the individual in isolation. Family systems theory attempts to understand why members of a family behave the way they do in a given situation (Fingerman & Bermann, 2000).

Garris-Christian (2006) identified and described six characteristics of the family as a system that are especially relevant for mental health professionals who work with high-conflict separating and/or divorcing families. It is understood that each of these characteristics lies on a continuum. While few families fall on the extreme end of a continuum, they do tend to be more to one side. The following family systems theory characteristics are discussed below:

2.7.2.1 Boundaries

Boundaries relate to limits, togetherness, and separateness in a family system (Walsh & Giblin 1988). High-conflict separating and/or divorcing families may be characterised by exhibiting disengaged and enmeshed boundaries. Disengaged families are characterised by family members that are open to new people, information, and ideas. Family members in these types of families tend to be independent and are able to make decisions on their own. They value separateness and autonomy over a sense of belonging. Each person's identity is encouraged and respected among family members (Garris-Christian, 2006, p. 2). Enmeshed families are families where boundaries tend to be more closed and restrictive and rigid. The family members emphasise togetherness, belonging, emotional connectedness, and, at times, strict conformity. Behaviours are seen as a reflection on the family, not just individuals. An individual's identity is very much tied to the family when he or she is part of an enmeshed family.

According to Garris-Christian (2006, p. 2) families may show signs and degrees of each type of boundary, and this may vary at any given point, depending on factors such as the age of the children, economic circumstances, and the family's stage of development. Other factors also influence the degree of enmeshment or disengagement in a family such as the families in which the parents grew up; the culture and values of the family; and health or mental issues in the family. Over time, families may change from one style and boundaries to another. The boundaries between parents and professionals have an impact on the relationship with professional.

Goldenberg and Goldenberg (2004) suggested that a system can either be open or closed. A closed system is considered to be a self-contained system with impermeable boundaries,

operating without interactions outside the system. This system may also be resistant to change and prone to increasing disorder (Goldenberg & Goldenberg, 2004). The more closed a family system is, the less scope a professional has to freely interact within and communicate with the family. This may make it difficult for the professional who has the task of getting uncooperative and resistant parents to negotiate and accommodate each other. It also poses a challenge for the professional to negotiate successful entry into the system and establish buy-in from the high-conflict separating and divorcing families. Goldenberg and Goldenberg (2004) suggested that an open system is a system with more or less permeable boundaries that permits interaction between the system's component parts or subsystems. It is understood that the more open a system is the more scope a professional will have to manoeuvre within and communicate to family members effectively to draft and implement a workable parenting plan.

2.7.2.2 Roles

Mowah (1984) suggested that both men and women are usually aware that financial and practical problems arise after a separation and divorce, but many of these separating and divorcing couples are not aware of the inevitable role changes that will also occur. In all families, individual members have been assigned roles and function according to such roles. Each role holds certain behavioural expectations for individuals. Family roles can be carried over to work, school, and social settings. (Fingerman & Bermann, 2000; Tarnowski-Goodell, Hanson & May, 1999; Walsh & Giblin, 1988). Our sense of identity, of being an acceptable person, usually develops from our various roles (Mowah, 1984). The researcher is of the opinion that a separated and divorced couple would have at some point developed their role as a partner. Their role as a partner would have developed into a parental role once the couple had children. The role of being a parent and a partner is disrupted when the couple decides to separate and divorce. It is important for the purpose of this study to keep in mind the roles that individuals in separating and divorcing families have and the possible challenges of re-organising and role changes that may occur.

2.7.2.3 Rules

Rules are sets of standards, laws, or traditions that tell us how to live in relation to each other (Garris-Christian, 2006, p. 5). Rules may be spoken or unspoken and are also often embedded in a culture (Garris-Christian, 2006, p. 5). Patterns and rules for interaction have long-term and far-reaching effects. Rules and relationship patterns are important for the purpose of this study as a professional working with a high-conflict separating and divorcing family may have to understand the family's rules as a means of understanding the patterns that guide the family's specific interactions. Identifying these rules may inform a professional's approach to negotiating entry and manoeuvring within the family system when drafting and implementing parenting plans. Goldenberg and Goldenberg (2004) identified relationships as being either symmetrical or complementary. Symmetrical relationships are considered to be a type of dyadic transaction or communication pattern characterised by equality and the minimization of differences; each participant's response provokes a similar response in the other, sometimes in a competitive fashion. Goldenberg and Goldenberg (2004) identified complementary relationships as a type of dyadic transaction or communication of differences exist and in which each participant's response provokes or enhances a counter response in the other in a continuing loop.

2.7.2.4 Hierarchy

Garris-Christian (2006, p. 6) identified hierarchy as a characteristic that is related to decision-making, control, and power in the family. In some families, the hierarchy is located within the parental sub-system. The parents share family responsibilities. Within the parental sub-system, at times power and control may be shared appropriately between the parents, but at other times they may be used in a tug-of-war struggle (Garris-Christian, 2006, p. 6). It is important to be aware that family hierarchies are often based on gender and age, and are influenced by culture, religion, or economic status. The role that extended family plays in understanding hierarchy may be very important in some families (Morton 2000). Each time the family composition changes, such as a separation and divorce, a shift in the family systems hierarchy occurs. Professionals working with high-conflict separating and divorcing families may encounter power struggles entrenched in the conflict, as well as a reorganisation of where power is located among family members.

2.7.2.5 Climate

Climate is about the emotional and physical environments that a child grows up in (Nieto 2004). According to Garris-Christian (2006, p. 7), the culture, economic status, or educational level of the family does not cause the emotional quality of the environment to be positive or negative. Emotional quality is related to beliefs about children and families. The climate of a high-conflict separating and divorcing family may influence the effects felt by both children and parents. It is important for professionals working with high-conflict separating and divorcing families to be aware of the families' emotional and physical environments. This awareness may inform the manner in which to address and work with the family and the process of drafting and implementation of a parenting plan.

2.7.2.6 Equilibrium

Changes or inconsistency in a family system can create confusion or resentment for its members, including children (Kern & Peluso, 1999). Consistency in families can be difficult to maintain, but it is essential for the children's development to maintain a sense of security and trust. Rituals and customs often keep a family together during times of change and stress (Fingerman & Bermann, 2000). According to Garris-Christian (2006, p. 7), all families, including those with ongoing difficulties, have a measure of balance that tells members what to expect. When there is change, positive or negative, it affects the balance of the family. News of a separation and a divorce provides a family system with news. Whether positive or negative, the news is considered to affect the system's equilibrium in some way or another, resulting in a state of disequilibrium. Family members may find themselves behaving in a particular manner as they naturally tend towards establishing a state of equilibrium (Garris-Christian, 2006, p. 7). This may result in what is seen as a high-conflict situation.

2.7.2.7 First-order and Second-order Cybernetics

Goldenberg and Goldenberg (2004) describe first-order cybernetics as a view from outside the system of the feedback loops and homeostatic mechanisms that transpire within a system. Second-order cybernetics is considered to be a view of an observing system in which the professional, rather than attempting to describe the system by being an outsider observer, is

part of what is being observed and treated (Goldenberg &Goldenberg, 2004). The professional must be aware of that several individuals are present when drafting and implementing parenting plans with high-conflict separating and divorcing families, each with his or her own view of reality and description of the family (Goldenberg &Goldenberg, 2004).

2.7.2.8 Information Processing

Goldenberg and Goldenberg (2004) described information processing as the gathering, distilling, organising, storing and retrieving information through a system or between the system and the larger system. The more or less free exchange of information within a family and between the family and the outside world helps reduce uncertainty, thus avoiding disorder (Goldenberg &Goldenberg, 2004). This is important to consider for the purposes of this study and for the professional who drafts and implements parenting plans with high conflict separating and divorcing families. The researcher is of the opinion that the way in which a high-conflict separating and divorcing family processes information indicates the manner in which a family responds to feedback, the openness or closedness of the boundaries and the extent to which a professional has to work with the separating and divorcing family.

In addition to characteristics of family systems theory, attempts have been made to provide an understanding of well-functioning and dysfunctional families. The aim of this is to understand family functioning and pathology or problem areas in families' functioning. The following discussion will look comparatively at well-functioning families and dysfunctional families in an attempt to understand the functioning of a high-conflict separating and divorcing family.

2.8 Well-functioning and Dysfunctional Families

It is important for the purpose of this study to comparatively view well-functioning families and dysfunctional families as it highlights significant hypotheses a professional can make about the patterns of interaction that develop in a high-conflict separating and divorcing family.

Lewis, Beavers, Gossett, and Philips (1976) identified and provided a comparison between well-functioning families and dysfunctional families' characteristics:

1. A well-functioning family embraces a caring, affiliative attitude, whereas a dysfunctional family holds an oppositional approach to human encounters.
2. A well-functioning family respects the subjective world views, differences, and values held by self and others, or the ability to agree to disagree. A dysfunctional family holds more of an authoritarian view that dictates and controls world-views, differences, and values of others.
3. Well-functioning families believe in complex motivations and the ability to be flexible, whereas a dysfunctional family holds a rigid approach to the world at large.
4. Well-functioning families are characterised by high levels of initiative, whereas dysfunctional families are characterised by a high level of passivity.
5. Well-functioning families have flexible structures characterised by strong parental/ marital coalition, with clear individual and intergenerational boundaries, an absence of internal or external coalitions, and high levels of reciprocity, cooperation, and negotiation. Dysfunctional families have rigid structures that breed confusion about boundaries. The parental/ marital coalition is weak, is not present at times, and there is a lack of focus of attention at times.
6. Well-functioning families exhibit high levels of personal autonomy and clear communication. Dysfunctional families exhibit lower levels of personal autonomy and higher levels of dependence. There is more energy being spent on negative processes that result in negative communication or a lack of communication within the family.
7. In well-functioning families there is a congruent mythology, where family members perceive themselves in a manner that is consistent with how others perceive them. In a dysfunctional family there is an incongruent mythology, and family members do not see themselves in a manner that is consistent with how others perceive them.
8. In well-functioning families there is openness in expressions of affection, a prevailing mood of warmth, affection, and caring, and a well-developed capacity for empathy. In a dysfunctional family there is a blunted or lack of affectionate expression, a prevailing negative mood, lack of affection and caring, and a lack of empathy for others.

9. High degrees of spontaneity and humour are characteristics of a well-functioning family. Dysfunctional families lack this and are rigid, and don't enjoy each other's company.

The following section will explore the characteristics of a high-conflict family from a family systems theory perspective.

2.9 Characteristics of a High-conflict Family from a Family Systems Theory Perspective

According to Saposnek and Rose (2004), early etiological theories of child and marital problems assumed a unidirectional cause-effect relationship. These theories presumed that dysfunctional marital relationships caused dysfunctional behaviour patterns in children. Children with behavioural or emotional problems were viewed as innocent victims of a 'bad' parent or of a 'bad' relationship between the parents. Theory and therapy focused largely on identifying and treating the dysfunctional parent or parents, in order to relieve the child's emotional distress.

Adopting a family systems theory perspective implicates that a circular nature of causality in family interactions needs to be adopted (Saposnek, 1983a). From this perspective, the family is understood as a system in which the actions of each member influence the actions of the other members (Saposnek, 1983b). With this understanding, a child can be considered capable of creating marital dysfunction as easily and commonly as the parents create dysfunction within the child. Collusion between a child and a parent can also create dysfunction in the other parent or in a sibling sub-system or a dysfunctional relationship between two siblings can create dysfunction within a parent, which can subsequently create marital dysfunction, and so forth.

According to Friedman (2004), the family systems perspective looks at and understands psychopathology as a reflection of family processes. According to the family systems theory, marital conflict is a risk factor for children because marital power struggles are accompanied by an intensification of either intimacy, rejection, or both in the parent-child relationship, which also are accompanied by symptomatic behaviours in the child. Whether the parents

unite to protect or to blame a symptomatic child, they maintain an ostensibly harmonious marital relationship by magnifying the child's problems. The child, in turn, may intensify problematic behaviours that serve to reunite otherwise disengaged parents. Marital conflict also often leads to inappropriate generational boundaries in which a distant marital relationship is paired with an excessively close and enmeshed cross-generational alliance between one parent and the child (Minuchin, Rosman & Baker, 1978).

Children experiencing this type of intensified parent-child relationship may feel forced to ally with one parent against the other, and to assume characteristics of the adult role. These children may become increasingly symptomatic over time if the enmeshed parents fail to enforce rules, or hold the child to age-appropriate standards of behaviour (Nichols & Schwartz, 1995). Lindahl and Malik (1999) report that high levels of marital conflict are found in parents who are disengaged from one another or who are united in their attacking of the child, and both of these patterns are associated with behavioural problems in boys.

Friedman (2004) is of the opinion that the difficulty that mediators, legal representatives, and the court have as observers, is about knowing what really happened between two people who may give them different stories, and this partially explains why the mediators, legal representatives and court fall back on the concept of the high-conflict couple. A professional may be considered as an observer who is limited to what can be observed and who will often resort to classifying a separating and divorcing couple as a high-conflict couple. The researcher believes that this may create what is referred to as a paradoxical effect of the involvement of the professional. A paradox can be considered to be putting somebody in a situation where they are expected to do certain things that other people wish for them to do, but they want to do them at their own free will (Watzlawick, Weakland & Fisch, 1974). Paradoxes come across as a logical impossibility, and they are often used in everyday activities without people even knowing they are making use of paradoxes, but use them to achieve some form of behaviour modifications (Watzlawick, et al., 1974).

Meyers (2001) suggests that an epistemological principle located within the systems perspective allows professionals to manoeuvre their way around these challenges. A professional working with these high-conflict separating and divorcing families', who takes a first-order cybernetic viewpoint, might view the family system as if it were a passive, objective thing that can be freely observed, manipulated, and taken apart. A professional

taking a second-order cybernetic viewpoint will be working with the family system, and also recognises that system is an agent in its own right, interacting with another agent, which is him/her as the observer.

To understand the causes of post-divorce high conflict, in addition to looking at the ways in which one or both members of the couple create and maintain the conflict, it is argued that we must look at the larger context of the conflict, and the ways in which the conflict is often embedded in and encouraged by a larger system: extended family and friends; so called support groups with their own political agendas; therapists; and especially attorneys and the adversarial legal process (Friedman, 2004).

2.10 Conclusion

This chapter examined literature relating to the drafting and implementing of parenting plans with high-conflict separating and divorcing families. The family systems theoretical framework was also discussed. The next chapter discusses the methodological procedures employed in this study.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

This chapter provides a discussion about the methodology used in this study. The discussion explores the paradigm, epistemology, and approach of this research study, as well as the method employed to gather the data, the analysis of the data, and the interpretation of the data. As part of the research methods, important issues such as sampling, method of data collection, and data analysis will be discussed.

Social researchers are fascinated by the nature of human social life and are motivated to explain it, to make sense of it and to gain knowledge for knowledge's sake (Babbie, 2010). This knowledge is not merely extrapolated from the research participants, but is extracted with the aim of putting the knowledge into action. With this understanding in mind, as a professional, the researcher chooses to view the research conducted in this study as a human inquiry that was more of an adventure than merely a research recipe applied. The researcher views the experiences shared by the professionals who have been involved in working with high-conflict separating and divorcing families and drafting parenting plans, as adding invaluable knowledge to a knowledge base which is in need of pure, authentic experiences.

The researcher employed a phenomenological research design and methodology to achieve the aims and objectives of the study. The study can be viewed as being conducted in three distinct research phases. The following section demonstrates how the research design and methodology of this study developed over these three phases. The three phases included the first phase which can be regarded as the conceptual phase and is characterised by forming a conceptual map of the nature of the research to be conducted. The research design and planning of the study was conducted in this phase. This phase also involved a literature review to become familiar with the problem of inquiry. The second phase involved developing an appropriate research methodology. The third and final phase is characterised by the methodology techniques that were used to obtain data, analysis, and interpretation.

The First Phase:

This phase can be regarded as the conceptual phase and was characterised by forming a conceptual map of the nature of the research to be conducted, which inevitably influenced the formulation of the research question. The research design and planning of the study was conducted in this phase. This phase also involved a literature review to become familiar with the problem of inquiry.

3.2 Indications for the Use of Qualitative Research

The essential process of this study is to observe, investigate, and document in detail the unique experiences of professionals who have worked with drafting and implementing parenting plans with high-conflict separating and divorcing families. This study aims to observe and explore descriptions and experiences of an identified unique phenomenon. It is essential to gain further understanding of this phenomenon since it involves personal interaction, the perceptions of those involved with the event or phenomena, and descriptions of the processes that characterise the event or phenomena (Babbie, 2010). Qualitative research is found to be more useful when wanting to explore and understand what the participants' role is in the process and their experiences and perceptions (Babbie, 2010).

This study is exploratory in nature and seeks, in non-manipulative ways, to explore experiences of professionals who have worked with drafting and implementing parenting plans with high-conflict separating and divorcing families. The focus is on participants' multi-verse experiences and their perceptions and meanings. The purpose of this study is to gain and to provide understanding and insight for the researcher, as well as future professionals wanting to work in this field to gain insight and further familiarise themselves with this unique phenomenon (Babbie, 2010).

The following discussion elaborates on the unique characteristics of qualitative research as the chosen paradigm for this study, and the reasoning behind the researcher's choice to incorporate this particular paradigm.

3.2.1 Qualitative Research

Qualitative researchers are interested in understanding the meaning people have constructed, that is, how people make sense of their world and the experiences they have in the world (Merriam, 2009, p. 13). Creswell (1998) defines qualitative research as multi-method in focus, involving an interpretive naturalistic approach to its subject matter. The researcher's understanding of this is that researchers who conduct qualitative research, study subjects in their natural environments, and attempt to interpret phenomena in terms of the meanings people attribute to them. Qualitative research refers to inductive, holistic, and subjective, process-orientated methods used to understand, interpret, describe, and develop a theory on a phenomena or setting (Babbie, 2010). It is a systematic, subjective approach used to describe life experiences and give them meaning (Burns & Grove, 2003, Morse & Field, 1996).

3.2.2 A Comparison of Quantitative and Qualitative Paradigm

The aim of this classification of quantitative research and qualitative is not to negate the one over the other, but instead to gain a deeper level of understanding of the manner in which these two paradigms share qualities and differ, because the choice of a particular paradigm has certain implications for a research design. It has a variety of consequences regarding the sampling of participants, data collection, and analysis (Terre Blanche, Durrheim & Painter, 2006). The purpose of the research and the type of data needed for the research will inform the decision regarding methodology.

Based on the definition of qualitative research provided by Creswell (1998), researchers conducting qualitative research study subjects in their natural environments, and attempt to interpret phenomena in terms of the meanings people attribute to them. According to Terre Blanche et al. (2006), quantitative research methods were designed to study natural phenomena. At the most surface level of distinction between qualitative and quantitative research is the conclusion or the different kinds of information the research yields and the usage of different techniques to collect data (Terre Blanche et al., 2006).

According to Corbetta (2003), in addition to this distinction is the research planning classification of the two paradigms. The relationship between theory and research in quantitative research is structured in a logical and sequential phases. These researchers rely upon deduction theory that often precedes observation. Theory plays an integral part in refining theory and defining hypotheses.

The relationship between theory and research in a qualitative study is open and interactive and these researchers often rely on induction theory, which is a theory that emerges once observation has been done as stated described by Corbetta (2003). Theory is considered auxiliary to the process. Concepts within the research are operationalised in quantitative research, whereas concepts are regarded as open and under construction in qualitative research (Corbetta, 2003).

According to Corbetta (2003), the relationship of the research study and researcher to the environment in quantitative research is based on manipulation of elements, whereas the qualitative researcher focuses on a naturalistic approach as free of manipulation as possible. The interaction between researcher and the subject being studied in quantitative research is neutral, detached, and relies heavily on scientific observation for accuracy and to minimise contamination. In qualitative research the interaction is considered close and empathetic. The research identifies with the subject's perspectives and experiences. This places an emphasis on a more active role on the researcher's part (Corbetta, 2003).

Corbetta (2003) said that a distinction can also be seen regarding the data collection between these two research paradigms. According to Corbetta (2003), the research design in a quantitative study is structured and precedes research, whereas in qualitative research the design is unstructured and constructed in the course of the research. Sample selections in a quantitative study will be representative of a statistical sample, where as sample selections are often single cases and are not statistically representative in qualitative research. The method of recording data is standardised for all participants in a quantitative study and is objective. In qualitative research the method of recording data varies according to the participants being studied and tends not to be standardised.

Corbetta (2003) is of the opinion that the object and aim of data analysis in a quantitative study is the variable and the variations seen in the variables. The object and aim in a

qualitative study is the individual and the understanding of these individuals. Once data has been analysed it is represented in table formats that reflect the relationship perspective in a quantitative study, whereas qualitative data is reflected in the extracts included from interviews and follows more of a narrative perspective. The findings in a quantitative study represent correlations, laws, causal models, and logic of causation, in other words, A equals B because of D. These findings are aimed at generalisability. The findings in a qualitative study represent classifications, typologies, ideal types, and logic of classification and are aimed at specificity (Corbetta, 2003).

Demonstrated from the discussion above is a clear distinction and classification of qualitative and quantitative research paradigms. Neither paradigm is more or less useful than the other, but is indicated by the purpose of a research study and the method of collecting data. For this particular study, a qualitative paradigm was selected as the most appropriate paradigm as it allows the research to indulge in the experiences of professionals who have been working with drafting and implementing parenting plans with high-conflict separating and divorcing families in South Africa.

3.2.3 Advantages of Qualitative Research for this Study

Below are some of the reasons that have served as a strong motivation as to why this particular study has subscribed to a qualitative paradigm:

- A deeper understanding of a phenomenon or human experience is the aim of qualitative research (Babbie, 2010). To explore and capture the experiences of mental health professionals who have worked with drafting and implementing a parenting plan with high-conflict separating and divorcing families.
- Qualitative research focuses on the whole rather than on the parts of a phenomenon Terre Blanche et al (2006), which is consistent with family systems theory and high-conflict separation and divorce. This holistic view allows the researcher to further explore and describe high-conflict separating and divorcing situations.
- The research design is flexible and is tailored to each of the participants. This aids in honouring the professionals' unique experiences of drafting and implementing parenting plans with high-conflict separating and divorcing families.

- Willig (2008, p. 10) also emphasised that qualitative methodologies can be differentiated according to the extent to which they emphasize reflexivity and by the importance they place on the role of language. These two features are related. *Reflexivity* requires an awareness of the researcher's contribution to the construction of meanings throughout the research process, and an acknowledgement of the impossibility of remaining 'outside of' one's subject matter while conducting research.

3.2.4 Issues of Validity and Reliability

This section has been included in the discussion to elaborate on the fundamentals of qualitative research paradigms in respect of validity and reliability as research paradigms.

Validity can be defined as the extent to which research describes, measures or explains what it aims to describe, measure or explain (Willig, 2008). As a result of their flexibility and open-endedness, qualitative research methods provide the space for validity issues to be addressed (Willig, 2008). Qualitative methodologies attempt to engage with concerns about validity in a number of ways. Firstly, qualitative data collection techniques aim to ensure that participants are free to challenge and, if necessary, correct the researcher's assumptions about the meanings of the research (Willig, 2008).

Secondly, this study's data collection will take place in real-life settings, such as workplaces, which means that it elevates the higher ecological validity of the study (Willig, 2008). Thirdly, reflexivity will ensure that the research process as a whole is evaluated throughout, and that the researcher continuously reviews her own role in the research. This discourages impositions of meaning by the researcher and thus promotes validity (Willig, 2008).

Another important aspect of qualitative data collection is reliability. A measurement is reliable if it yields the same answer on different occasions (Willig, 2008). The researcher is aware that the research methods, if applied appropriately and rigorously, should generate reliable results. This means that the same data should be produced once and collected and analysed by different researchers using the same method (Willig, 2008).

3.3 Dimensions of the Research Design

In this study, the researcher used an exploratory and descriptive qualitative research design. The following section will illustrate the meanings of each and the reasons why they have been used.

3.3.1 Exploratory research

Burns and Grove (2003) describe exploratory research as research that is conducted in order to gain insights, discover new ideas, and contribute to the knowledge about a particular phenomenon. This study is exploratory in nature and seeks to explore experiences of professionals who have worked with high-conflict separating and divorcing couples and parenting plans. The purpose is for the researcher and future professionals wanting to work in this field to gain insight and further familiarise themselves with this relatively new concept (Babbie, 2010). This study aims to observe and attempt to answer questions that will describe and explain the what, when, how and why of parenting plans in the South African context.

3.3.2 Descriptive research

Descriptive research refers to research studies where the main objective is to provide an accurate portrayal of the encounters with the participants, their experiences, and/or situations (Polit & Hungler, 2004). The descriptive approach to research allows the researcher to accommodate the experiential meaning involved in working with high-conflict separating and divorcing couples. Using this type of approach, a researcher sets out with the aim of providing a rich description of variables in a study, rather than commenting on the predicted relationship between variables. Using this method of inquiry, a researcher is able to collect data that will allow a clear picture or representation to unfold. In this study, a descriptive approach will allow the researcher to capture and portray the unique experiences of

professionals who have had to draft a parenting plan with high-conflict separating and divorcing couples.

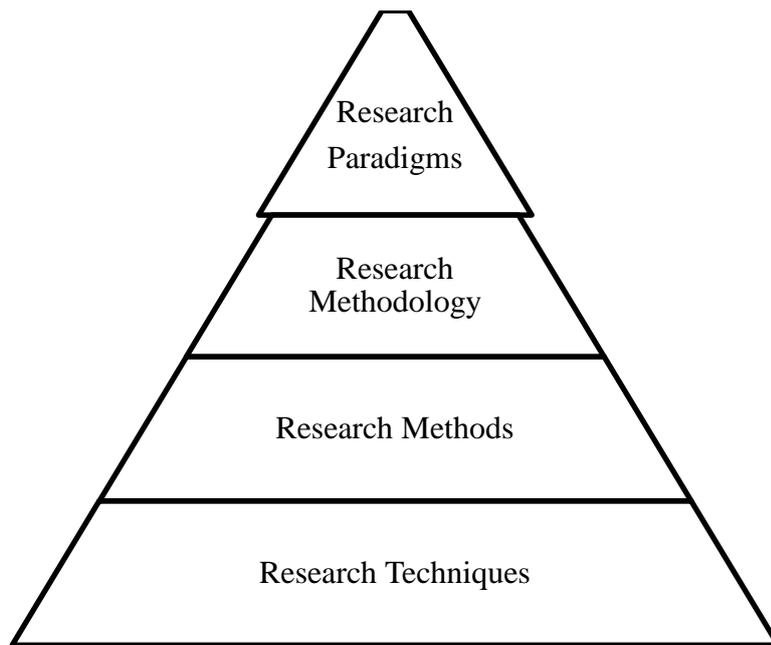
The Second Phase:

This phase involved developing an appropriate research methodology. This phase was characteristic of the researcher's paradigm and methodology. This was done with the aid of the research pyramid (Jonker & Pennink, 2010).

3.4 Definition of Methodology

Research methodology can be defined as the study of methods by which knowledge is gained. It is the way of obtaining, organising, and analysing data (Pilot & Hungler, 2004). Research methodology is considered to be a systematic way that can be used to solve a problem. Once a research problem has been identified, it is the manner in which that research is to be carried out. This provides a researcher with a work plan for the research.

According to Jonker and Pennink (2010) the essence of methodology is structuring one's actions according to the nature of the question at hand and the desired answer one wishes to generate. This may be a difficult process for a researcher as it involves decision-making that is not always easy. In order to help structure this often difficult decision-making process the Research Pyramid has been introduced by Jonker and Pennink (2010). The Research Pyramid, which consists of four levels, namely research paradigms, research methodology, research method(s) and research techniques, will be described more fully in the following section.



Research Pyramid (Jonker & Pennink, 2010, p. 23)

Jonker and Pennink (2010) suggest that this pyramid comprises of four ‘action’ levels and are discussed below:

- The research paradigm: how the researcher views ‘reality’. A paradigm is expressed in this ‘basic approach’.
- The research methodologies: ‘a way’ to conduct the research that is tailored to the research paradigm.
- The research methods: specific steps of action that need to be executed in a certain (stringent) order.
- The research techniques: practical ‘instruments’ or ‘tools’ for generating, collecting and analysing data.

Jonker and Pennink (2010) suggest that the pyramid be understood as interconnected events ranging from the top level – the research paradigm –that is more abstract, to the bottom level – the research techniques– which is concrete and technical. Jonker and Pennink (2010) propose that researchers move from the top of the pyramid to the bottom as way of fleshing out and clarifying the research question. Choices need to be made on each of the levels. The clarification will allow the researcher to make specific choices regarding the research

process. The key function of the pyramid is to help the researcher learn to structure his approach to the research consciously. The assumption here is that the researcher will have to make his/her actions transparent. It is important to establish the researcher's basic research attitude and follow it up with corresponding (re)search behaviour. This means that the researcher will engage in deliberate choice-making regarding the methodology, methods, and follow-up techniques.

The proposed research pyramid structure has played an influential role in this study's design and methodology. The following section will look at the top level of the research pyramid, which is the research paradigm.

3.4.1 Research Paradigm

A research paradigm can be considered to be the basic approach a researcher takes to research. It involves assumptions held both implicitly and explicitly. These assumptions influence how a researcher takes action in his/her research. The researcher's basic approach to research can be seen through the theoretical paradigm and methodological paradigm. Jonker and Pennink (2010) differentiate between a theoretical paradigm and a methodological paradigm. The differentiation is important because both are considered to be useful mental tools that a researcher utilises in the research process, but different paradigms hold different assumptions that may influence behaviour and actions differently.

A theoretical paradigm concerns the prevailing thought(s) about a certain research subject or object. Cooper and Schindler (2008, p.51) state that a theory is "a set of systematically integrated concepts, definitions, and propositions that are advanced to explain or predict phenomena (facts); the generalizations we make about variables and the relationships among variables". Research cannot be done without theory. Our interpretation of reality and the phenomena being studied always appear because we bring a kind of theory to that (empirical) reality. A methodological paradigm is specifically about research behaviour and actions taken within the research process; it provides indications about the way in which research should be conducted. Jonker and Pennink (2010) suggest that methodology and theory about knowing are explicitly linked. They state that a connection is created through the nature of the question and the way in which the researcher approaches the problem. The following section

highlights theoretical and methodological paradigms held by the researcher that have implicitly and explicitly influenced this study:

Creswell (1998) understands a paradigm to be a worldview that holds a basic set of beliefs or assumptions that guide researchers' inquiries. Terre Blanche et al. (2006) consider paradigms to be all-encompassing systems of interrelated practice and thinking that defines the researcher's inquiry and have an inevitable influence on social science practice today. A paradigm, understood to be a set of beliefs, may also guide action and as a social researcher, the researcher recognises that she has her own implicit paradigm that inevitably influences the research inquiry process. A critical awareness of her own implicit paradigm as a researcher is vital for this inquiry as it means that as an inquirer in this research process, the researcher has a particular lens with which she can come to know what can be known in this study.

As demonstrated in the previous chapter, much of the research that has been done to date regarding the drafting of parenting plans in South Africa is largely focused on the development of the parenting plan centred on the best interest of the child principle as a guideline. The researcher acknowledges the utmost importance this focus has regarding parenting plans, but this focus does not form the main focus of inquiry for this study. It is the researcher's exposure and developing knowledge of systems theory and family dynamics, as well as the exposure to the psycho-legal environment at the Office of the Family Advocate in Pretoria during her Clinical Masters in Psychology training at the University of South Africa that has motivated her to focus on high-conflict separating and divorcing situations and the professional's experience of drafting and implementing a parenting plan with these high-conflict separating and divorcing families for the purposes of this study.

The basic approach that is adopted in this study by the researcher is that certain notions of theoretical constructs about a specific reality are needed. Theoretical constructs include: family functioning and family dynamics; interaction and communication patterns; and the participant-observer role for example. However, it is understood that it is in the perceived reality of the participants where the profound key knowledge is located (Jonker & Pennink, 2010).

Creswell (1998) further explains that a paradigm includes three dimensions that are related to the nature of the inquiry and the approach the researcher may take in a study. These are: epistemology, which specifies the nature of the relationship between the researcher (the knower) and what can be known; ontology, which specifies the nature of reality that is to be studied and what can be known about it, and methodology, which specifies how researchers may go about practically studying whatever they believe can be known.

Epistemological and ontological aspects of knowledge inquiry both refer to what is commonly known as a person's worldview and influences the understanding of certain aspects of reality (Creswell, 1998). It is understood that how a person sees, perceives, and interprets the world has an inevitable influence in most academic arenas. Creswell (1998) explains that in the area of academic research there are two commonly known views of reality that have an influence on research. These are: positivism, also known as the objectivist view, which views reality as an absolute truth free from our human influence; and the constructivist view, which holds the philosophical belief that people construct their own understanding of their reality by making meaning through interactions with their surroundings (Corbetta, 2003).

Neither is more important than the other, and depending on the situation both can be used appropriately and sometimes it becomes too complex to use both views simultaneously (Creswell, 1998). A person may also alter their view depending on the situation. For the purposes of this study, aspects from both realities are used in a complementary manner instead of an either/or manner.

3.4.1.1 Positivism

Babbie (2010) describes the positivist approach as a type of knowledge inquiry that was introduced early in 1822 by the French philosopher August Comte, who identified the approach as being grounded on the rationale proof/disproof of scientific assertions. Corbetta (2003) provides a definition of positivism that comes from the work of Comte. According to him, positivism is the study of social reality utilising the conceptual framework, the techniques of observation and measurement, the instruments of mathematical analysis, and the procedures of inference of the natural sciences. Corbetta (2003) further explains how this definition of positivism translates into social research by turning our attention to the distinctive elements of the provided definition. The conceptual framework comprises the

categories of ‘natural law’, the cause and effect, empirical verification, and explanation that allows the researcher to take an “objectivist” perspective.

From this perspective the participants’ perceptions and statements are seen as right or wrong, true or false, which allows the researcher to employ methodology that relies on control and manipulation of reality. The techniques of observation and measurement are: the use of quantitative variables, even for qualitative phenomena; and measurement procedures applied to ideological orientation, mental abilities and psychological states (attitude measurement, intelligence tests, etc.) The mathematical analysis comprises the use of statistics and mathematical models (Corbetta, 2003).

The procedures of inference are the inductive process whereby hypotheses regarding the unknown are formed on the basis of what is known, and specific observations give rise to general laws because all human behaviour is seen as passive and controlled by their external environment. Theory is used to predict outcomes and extrapolation from the sample to the whole population (Corbetta, 2003).

3.4.1.2 Constructivism

From this perspective, research is considered to take place within a complex environment where people, systems, processes, procedures, culture, designs, attitudes, behaviour rules, politics, and everything is happening and changes at the same time (Jonker & Pennink, 2010). Everything in these complex environments is thought to be true, or at least valid, and results in a variety of multifaceted problems. Jonker and Pennink (2010) cautions a researcher adopting this perspective against examining reality from the outside, as it does not produce any new insights into the actual state of affairs. From a constructionist perspective, the researcher will gain deeper insight about a problem by reaching an understanding of a situation, in collaboration with those involved.

This helps the researcher in developing theoretical constructs regarding the meanings and problems that occur in that situation. This also aids in the process of creating solutions that are suitable, understandable, and applicable to that context (Jonker & Pennink, 2010). The researcher’s role from this approach is to shape this process in such a way, together with the

participants of a study, to ensure that the uniqueness of the situation is maintained. Jonker and Pennink (2010) imply that this involves choosing methods that enable people to learn how to discover and change their own reality. In the course of the process, the researcher develops knowledge about the unique situation, and a learning process that is also shared by the people involved. In this context, the notion of validity gains a completely different meaning. Constructivism has been identified as the implicit approach or perspective that has been adopted by the researcher in this study.

The following section will look at the research methodological frameworks adopted explicitly by the researcher in this research study.

3.5 Research Method

Here, methodology implies the way or route the researcher will need to take in order to achieve a certain result such as the knowledge, insight, design, intervention, and solution (Jonker & Pennink, 2010).

3.5.1 Phenomenological Research Method

Phenomenology describes the meaning of a lived experience for several people regarding a phenomenon (Creswell, 2008). The aim of phenomenology is to describe particular phenomena, or the appearance of things, as lived experience (Speziale & Carpenter, 2007). The lived experience gives meaning to each individual's perception of a particular phenomenon, and therefore symbolises what is true or real in their life to the individual (Giorgi, 1997). Phenomenological research starts with acknowledging that there is a gap in understanding and that exploration and clarification or illumination will be advantageous. Phenomena may be events, situations, or experiences that occur daily. There may be a lack of understanding about these phenomena because the phenomena have not yet been overtly described and explained. A phenomenological analysis does not aim to explain or discover causes, but instead aims to clarify the meanings of phenomena from the lived experiences of the participants (Giorgi, 2005). A phenomenological approach allows the researcher to search for central underlying meanings of the experiences of professionals in drafting and

implementing parenting plans in high-conflict separating and divorcing families in South African.

It further attempts to understand professionals' perceptions, perspectives and understanding of high-conflict separating and divorcing families and parenting plans. In turn, this will have an influence on increasing the awareness and insight regarding the impact that parenting plans have within high-conflict separating and divorcing situations and the experiences of professionals who are drafting and implementing them.

It attempts to explore the professionals' experiences of drafting and implementing parenting plans with high-conflict separating and divorcing families and possible techniques they make use of in this process.

3.5.2 Advantages of Phenomenology

Phenomenology is rooted in qualitative research and shares the advantages that qualitative research possesses. In addition, phenomenology research is thought to be relevant and applicable when researching human experience. The data yielded through this research is deemed to be rich in experiential meaning. Phenomenological research also is considered to be a rigorous, critical, systematic, and investigative method (Streubert-Speziale & Carpenter, 2003).

3.5.3 Indications for the Use of Phenomenology

The focus of the experiences of professionals who draft and implement parenting plans with high-conflict separating and divorcing couples justifies the utilisation of phenomenology.

According to Streubert-Speziale and Carpenter (2003), qualitative phenomenology is used when the aim of research is to:

- . elaborate about the essence of a lived experience;
- . clarify the nature of being human;
- . expand awareness about a particular phenomenon;

- foster the human responsibility in the co-construction of realities; and
- reinforce the connections between the experiences of people and theories that are used to explain those experiences.

3.5.4 Dimensions of Phenomenology

Spiegelberg identified six types of phenomenology that can be used in social research (Creswell, 1998). These are descriptive phenomenology; phenomenology of essence; reductive phenomenology; phenomenology of appearances; and hermeneutical phenomenology. Descriptive phenomenology has been identified as the most suitable type of phenomenology to use when researching the experiences of professionals in drafting and implementing parenting plans with high-conflict separating and divorcing couples. The following sections will define descriptive phenomenology and provide a rationale for its choice for this study.

3.5.4.1 Descriptive Phenomenology

Spiegelberg (1975) describes descriptive phenomenology as a form of direct exploration and analysis, and/or description of a phenomenon as free as possible from unexamined pre-assumptions, aiming at maximum intuitive presentation. Willig (2008) suggests descriptive phenomenology requires the researcher to adopt a phenomenological attitude in which all past knowledge about the phenomenon under investigation is bracketed. This means that the researcher attempts to be truly present to the phenomenon as it manifests itself in a particular instance. Giorgi and Giorgi (2008) suggest that description is primary and that interpretation is a special type of description. The focus of the research is the phenomenon as it is experienced by the research participant, rather than the phenomenon as a material reality (Willig, 2008).

Giorgi and Giorgi (2003) provide a brief summary of the steps of descriptive phenomenology:

1. obtain a concrete description of the phenomenon of interest;

2. adopt a phenomenological attitude towards the phenomenon;
3. read the entire description to gain an impression of the whole;
4. reread the description and identify 'meaning units' that capture different aspects or dimensions of the whole;
5. identify and make explicit the psychological significance of each meaning unit; and
6. articulate the general structure of the experience of the phenomenon.

These steps identified by Giorgi and Giorgi (2003) provide a useful illustration of what is to be expected in the research process when incorporating this research method. Furthermore, phenomenological research requires certain strategies be followed as implicated by the nature of this research. The following section will highlight these strategies that have been involved in this second phase of the research.

3.5.5 Strategies Implicated in Phenomenology Research

Phenomenology research requires that the following four strategies be followed: intuiting; bracketing; analysing; and describing.

i) Intuiting

Intuiting is a process of thinking through the data so that a true, comprehensive, and accurate interpretation of what is meant in a particular description is achieved (Streubert-Speziale & Carpenter, 2003). This involves unaltered awareness and concentration on behalf of the research. It is an intense process of becoming absorbed in the phenomenon without a skewed viewpoint. Assumptions are set aside and the phenomenon is looked at neutrally.

ii) Bracketing

Bracketing refers to the process of holding assumptions and preconceived ideas about a phenomenon aside (Holloway, 2005). This requires a researcher to identify the preconceived ideas that he/she may have; this together with previous knowledge about the phenomenon

needs to be suspended for the purposes of the research study. This process enables the researcher to conduct research more rigorously, as it allows the researcher to hear what the participants are saying without judgement. This can also be understood as the researcher claiming a neutral stance throughout the research process. This will be especially important to do in the analysis phase.

iii) Analysing

Analysing in phenomenological research involves identifying the essence of the phenomenon that is being researched. This is done based upon the data obtained and how the data is presented. The researcher will listen to, compare, and contrast descriptions of the phenomenon in an attempt to identify recurring themes and interrelationships (Brink & Wood, 1998).

iv) Describing

The aim of describing in phenomenology is the final step of the process. Its aim is to communicate and describe distinct, critical elements of the phenomenon, thereby communicating to others what the researcher has found (Brink & Wood, 1998). Premature or early description of a phenomenon has been identified as a common methodological error made by researchers (Streubert-Speziale & Carpenter, 2003).

These strategies are common to phenomenological research and have been followed in this study. The following section will provide a discussion about the ways in which the researcher went about identifying the desired sample population followed by a detailed discussion of the third and final stage of the research process.

3.6 Population and Sampling

The following section will discuss the population and sampling approach that was employed in this study.

3.6.1 Population

The population includes all elements that meet certain criteria for inclusion in a study (Burns & Grove, 2003). For the purpose of this study, the population consisted of professionals who are involved in drafting and implementing parenting plans with high-conflict separating and divorcing couples. The following inclusion/eligibility criterion was used to determine the research participants.

3.6.2 Inclusion/Eligibility

Certain criteria were set for the selecting of participants such as:

- (a) the participants were to be qualified in the field of psychology and/or social work;
- (b) the participants must have worked and have experience in the field of mediation with high-conflict separating and divorce families and drafting parenting plans; and
- (c) participants' locations needed to be from the province of Gauteng for the purpose of this study for the convenience of the researcher.

3.6.3 Sampling Approach

The aim of a research study is to say something in greater detail about the perceptions, understandings, and experiences of a particular group of participants, instead of making premature general claims about these perceptions, understandings, and experiences (Smith, 2007). This is not to negate that generalisations are not important and appropriate at times, but the researcher is of the opinion that the concern is focused on the detailed description that can be elicited in the research process.

In order to find a fairly homogenous sample that will help find a closely defined group for whom the research will be significant (Smith, 2007). Purposive sampling was used in this study to gain relevant participants that could form a sample of professionals working with separating and divorcing families and parenting plans in the South African context.

The Third Phase:

This phase was considered to be the empirical part in the research study. This phase was characterised by the methodology techniques that were used to obtain data, analysis, and interpretation.

3.7 Data Collection

Creswell (1998) describes data collection as a series of interrelated activities aimed at gathering good information to answer emerging research questions. Data collection uses the researcher as the main tool or instrument in collecting data. In this particular study, the researcher assumed the position of the main data-collecting instrument. This was achieved by conducting interviews with research participants.

3.7.1 Interviewing

According to Creswell (1998) interviews can be formal or informal, and are a means of transmitting information between participants and researcher. Interviews can range from structured to unstructured, and the decision to choose either format depends on the nature of the research question. For the purposes of this particular study, formal semi-structured interviews was held with participants as a way to explore the experiences of professionals in drafting and implementing parenting plans in high-conflict separating and divorcing families in South Africa.

3.7.2 In-depth Interviewing

The relationship between the researcher and participants clearly distinguishes phenomenological interviews from other forms of interviews. In phenomenological research, in-depth interviews require that the researcher moves from an observational position into a

dialogue, then to a reflective position. This reflectivity highlights the importance the researcher plays in the research process (Crotty, 1996).

3.7.3 Semi-structured Interviews

Semi-structured interviews with mental health professionals were conducted, audio-taped, and transcribed. The semi-structured interview provides an opportunity for the researcher to hear the participant talk about a particular aspect of their life or experience. The questions asked by the researcher function as triggers that encourage the participant to talk (Willig, 2008). Interviews are normally audio-recorded, transcribed verbatim, and subjected to detailed qualitative analysis, attempting to elicit experiential themes in the participant's narrative (Willig, 2008). In this particular study, the interviews were conducted and transcribed in English. The decision to conduct and transcribe interviews in English is also noted as a possible limitation in this study; it could have created the possibility of exclusion of particular participants whose first language is not English. It may also have limited those participants whose first language is not English, in terms of their expression and recounting their experiences.

Once data has been collected, the next step in this third phase of the research was to analyse the data to produce meaningful accounts of the data. The following section will look at what techniques were used in this study to achieve this step.

3.8 Data analysis

Data analysis is a mechanism to reduce, refine, and organise data to produce findings that require interpretation by the researcher (Burns & Grove, 2003). The researcher is of the opinion that there is no one ideal theoretical framework for conducting qualitative research, or one ideal method. Attride-Stirling (2001) highlights that it is important that the theoretical framework and research methods used in a particular study match what the researcher wants to know. The decision that the researcher has made to utilise this particular method is acknowledged as a decision that has been made for the purposes of this study.

3.8.1 Thematic Analysis

Thematic analysis is a method for identifying, analysing, and reporting patterns within data. Patterns that are located and identified within the data are also known as themes. Thematic analysis aims at organising and describing data sets in richer detail and interprets various aspects of the research topic (Boyatzis, 1998). Thematic analysis seeks to identify and describe the most significant themes in a text at different levels (Attride-Stirling, 2001). According to Braun and Clarke (2006) thematic analysis differs from other analytic methods that seek to describe patterns identified across qualitative data. Thematic analysis is considered to be an essentialist or realist method, which attempts to report experiences, meanings, and the reality of research participants. However, thematic analysis can also be considered a constructionist method, which attempts to explore the ways in which events, realities, meanings, or experiences can be understood as the effects of a range of discourses operating within society. The following section highlights some of the advantages that Braun and Clarke (2006, p. 6) have identified:

3.8.2 Advantages of Thematic Analysis

The following advantages of thematic analysis have been identified (Braun & Clarke, 2006, p. 6):

- flexibility;
- relatively easy and quick method to learn, and do;
- accessible to researchers with little or no experience of qualitative research;
- results are generally accessible to educated general public;
- useful method for working within participatory research paradigm, with participants as collaborators;
- can usefully summarise key features of a large body of data, and/or offer a rich description of the data set;
- can highlight similarities and differences across the data set;
- can generate unanticipated insights;
- allows for social as well as psychological interpretations of data; and
- can be useful for producing qualitative analyses suited to informing policy development.

Thematic analysis is widely used, but there is no clear agreement about what thematic analysis is, and how you go about doing it (Attride-Stirling, 2001; Boyatzis, 1998; Tuckett, 2005). The following section will discuss the manner in which thematic analysis has been conducted in this particular study.

3.8.3 Process of Thematic Analysis

Braun and Clarke (2006) stated that these stages, which have been associated with thematic analysis, are not necessarily all unique to thematic analysis. The process starts when the researcher begins to notice and look for patterns of meaning and issues of potential interest in the data; this may be during data collection. The endpoint is the reporting of the content and meaning of patterns in the data, where “themes are abstract constructs the investigators identify before, during, and after analysis” (Ryan & Bernard, 2000, p. 780).

According to Braun and Clarke (2006, p.16) thematic analysis involves a constant moving back and forth between the entire data set, the coded extracts of data that you are analysing, and the analysis of the data that you are producing. Writing is an integral part of analysis, not something that takes place at the end, as it does with statistical analyses. Therefore, writing should begin in phase one, with the jotting down of ideas and potential coding schemes, and continue right through the entire coding/analysis process. The following steps have been identified by Braun and Clarke (2006, p. 16):

1. *Familiarising yourself with your data*: Transcribing data (if necessary), reading and rereading the data, noting down initial ideas.
2. *Generating initial codes*: Coding interesting features of the data in a systematic fashion across the entire data set, collating data relevant to each code.
3. *Searching for themes*: Collating codes into potential themes, gathering all data relevant to each potential theme.
4. *Reviewing themes*: Checking that the themes work in relation to the coded extracts (Level 1) and the entire data set (Level 2), and generating a thematic map of the analysis.

5. *Defining and naming themes*: Ongoing analysis to refine the specifics of each theme, and the overall story the analysis tells, and generating clear definitions and names for each theme.
6. *Producing the report*: The final opportunity for analysis. Selection of vivid, compelling extract examples, final analysis of selected extracts, relating back of the analysis to the research question and literature, and producing a scholarly report of the analysis.

3.9 Conclusion

The main objective of this chapter was to explain the qualitative methodology used in this research study. The use of a qualitative research method allowed the researcher to pursue the participants' subjectivity and experiences. Semi-structured interviews were used to explore the professionals' experiences of drafting and implementing parenting plans with high-conflict separating and divorcing families in South African. The researcher strictly adhered to confidentiality and anonymity in this study. The next chapter presents the findings of this study.

CHAPTER 4

PRESENTATION AND ANALYSIS OF DATA

4.1 Introduction

The focus of this study is to explore five professionals' experiences of drafting and implementing parenting plans with high-conflict separating and divorcing families, in the South African context. This chapter includes a presentation of the information obtained from the participants. This study subscribed to a qualitative research method, as detailed in Chapter 3. Thematic analysis was used to organise the information into major themes and sub-themes. This chapter will begin with presenting brief background information about each of the five participants. Major themes and sub-themes will then be presented and discussed. Actual comments and statements from the transcribed interviews will accompany the elicited themes and sub-themes.

4.2 Demographics of the Participants

The five participants that formed part of this study are considered collectively to have extensive experience and knowledge of drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context. For the purposes of confidentiality and protection of the participants' professional identity, non-identifying names will be given to each participant and from here onwards the participants will be referred to as Participant 1, Participant 2; Participant 3, Participant 4, and Participant 5. The participants' details are presented in the following table.

Names	Professional Qualification	Gender
Participant 1	Educational Psychologist	Female
Participant 2	Educational Psychologist	Female
Participant 3	Accredited Mediator	Female
Participant 4	Clinical Social Worker	Female
Participant 5	Clinical Psychologist	Male

4.3 Themes

The major themes and sub-themes identified through the process discussed in Chapter 3 are presented in the table below.

1. Themes related to the challenges working with high-conflict separating and divorcing families
<ul style="list-style-type: none"> a) A complex and draining task b) Professional training c) Professional role clarification d) Challenges a unique population e) Pressure to deliver a successful parenting plan f) Managing a challenging process g) Challenges of inter-sectorial engagement
2. Themes related to personal challenges
<ul style="list-style-type: none"> a) Emotional impact b) Self-care
3. Themes related to professionals' perception regarding parenting plans in high-conflict separating and divorcing families
<ul style="list-style-type: none"> a) Parenting plan as a useful tool b) Drafting and implementation obstacles

It is important to note here that the themes and sub-themes identified in this study are not considered mutually exclusive and are considered to be interactive and should be viewed in a

recursive manner. The above-mentioned themes and sub-themes will now be discussed further in detail.

4.3.1 Themes Related to the Challenges of Working with High-conflict Separating and Divorcing Families

All five participants indicated that professionals are faced with various challenges when a parenting plan is drafted and implemented with high-conflict separating and divorcing families in the South African context. These challenges are identified as being diverse, multifaceted, and uniquely associated with this particular context. The challenges have been divided into seven sub-themes and are discussed below.

a) A complex and draining task

The majority of the participants commented on the experience of drafting and implementing parenting plans with high-conflict separating and divorcing families as an extremely difficult, demanding, and exhausting task. The context of working with separating and divorcing families can at times be unreasonable and extremely draining due to challenges that are experienced on different levels. Four of the participants commented on the experience of constantly being challenged by the separating and divorcing families during the process. Furthermore, the data from the participants also suggest that there are physical demands, such as energy and concentration challenges during the process. The participants also indicated that there are administrative challenges, such as the documents required in compiling and registering a parenting plan. These administrative challenges have been described as continuous, even after the parenting plan has been registered and implemented with the high-conflict separating and divorcing family. The following extracts from the interviews illustrate this point:

Participant 5 commented on his experience of this work as being draining because of the emotional load: "...it's exhausting, it's really exhausting because you have to work very hard and you must understand it is an unreasonable context where the people don't want help because they're busy divorcing, and they hate each other. So I find it very exhausting because it is based on emotion, and people are unreasonable and they do not see reason, both mothers and fathers. So from a psychologist's point of view, it is hard work". Participant 1 described

how she experiences working with high-conflict separating and divorcing families: “If clients walk in here and they are not all that cooperative, it does place a lot of stress on me”. Participant 3 added that “apart from the posing challenges, the emotional burden it places on the person is just too big”. Participant 4 stated that “some days I want to say that mediation is more difficult to do than forensic work”. She illustrated her opinion by referring to the comments of social workers that she supervises and trains, “The supervisee said to me, ‘This is so difficult, this is so difficult, because you are challenged every few minutes in that mediation session’. Participant 4 also indicated that professionals who come for training underestimate the challenges of working with high-conflict separating and divorcing families: “I see it a lot in training, because people come in with the idea that mediation is such a nice thing to do. I think there is a myth that people think mediation is easy”.

Furthermore, Participant 3 indicated that she experiences physical demands during the process of drafting and implementing a parenting plan with a high-conflict separating and divorcing family: “You can’t go into mediation when you are tired and when you haven’t slept well, or whatever the case may be. It’s a two-hour concentration, it’s not just sitting there, looking out the window, and waiting for somebody. You have to be able to, its focus all the time”.

Participant 5 highlights the administrative challenges that he has encountered and experienced as complex and draining at times: “There is an administrative process in registering a parenting plan; you also have to complete certain documents that people have got to sign, so there is a huge, huge administrative aspect to these parenting plans”. Participant 4 added, “I think the challenge is a lot more than what people think. Your work doesn’t stop after you have drafted the parenting plan, it continues”.

b) Professional training

The participants indicated that drafting and implementing parenting plans with high-conflict separating and divorcing families is a highly specialised field that requires expert but diverse training, experiential knowledge, and skills. All participants stress the importance of incorporating knowledge and experience from different professional fields of expertise, as there is a need for a multi-faceted approach. Their responses also suggest that currently in South Africa, there is an insufficient amount of specialised training and that there is a need

for high-quality training that is not only compulsory, but also standardised among professionals who work with high-conflict separating and divorcing cases. Furthermore, their responses emphasise the importance of continued training. The following extracts from the interviews illustrate this point:

Participant 4 states her opinion and experience about this field of work as “highly specialised”. She illustrated her opinion by stating, “you need to be so finely tuned, and have experience to know which issues you need to deal with in order to create the pathway for this process to be successful”. Participant 3 added, “you need to know which approach will work in a specific case”. She emphasised that “you have to move in and you have to know, this is what I have to do, this is where I have to go”. Participant 4 also gave her view about novice professionals starting out in this field, “It is a mine-field for people who start out with this”. According to her, “what I find is that a lot of the professionals are not really well trained, they don’t have enough experience, so they do struggle”. Participant 5 shared his view, saying, “people drafting parenting plans must have a proper and extensive training”. He motivated his opinion when he emphasised the nature of the clients that professionals will be working with, “you are dealing with behaviour, especially challenging and pathological, that is why the person must have extensive training”. Participant 3 emphasised the importance of specialised skills which are needed by professionals who draft and implement parenting plans, but which are not standardised among all professional training in the South African context: “as a mediator you have been trained very specifically with specific negotiation skills, skills that aren’t part of our training as a lawyer or psychologist”. Participant 3 further emphasised this when she said that “as a mediator you will have to explain the developmental stages of the child, the emotional stages of the child and give a whole little psychological speech, and this is what you have to take into consideration”. Participant 2 indicated her opinion about professionals in this field as follows: “Their focus is also not on the child, and they lack developmental psychology, knowledge about developmental psychology, [and they] lack knowledge about psychopathology”. She also described the impact she has observed among professionals in the field regarding professional training that has not been standardised, and the confusion it has created: “The clinical psychologists say it’s not the field of the educational or counselling psychologist to work with pathological behaviour, and psychopathology is the field of the clinical psychologist, but the educational psychologists say[s] that the clinical psychologist doesn’t work with children”. Participant 2 gave her opinion regarding the need for developmental knowledge and skills when working in this

field: “You have to have the ability to work with children and to mediate”. Participant 4 added to the opinion regarding the importance of developmental knowledge and skills and regarding the impact of professionals not possessing these skills and knowledge: “We need to consult with the children on two occasions, and a lot of people don’t actually know that. That is a part of mediation that is often basically ignored by a lot of legal professionals. I think one of the dangers we have, which I think is a difficult thing, is our legal professionals who do mediation. They don’t always know how to bring in the views of the children ... they often don’t, and that causes us to have problems with parenting plans”. Participant 4 also commented on the extensive knowledge of the law that is required: “You need to have a very good idea of the law”. She illustrated her opinion regarding integrating legal knowledge and skills as follows: “I find that people struggle to integrate the knowledge of the law into these sessions, but it is so crucial”. Participant 5 stressed the importance of legal knowledge and skills: “You must know the general principles of the children’s law, the Children’s Act”. Participant 4 illustrated her opinion regarding the integration of legal knowledge and skills as being a significant challenge to her: “I think that, to me, is one of the major challenges“. She further illustrated her opinion by referring to her experiential legal knowledge and skills, and how it has benefitted her, but also how she has seen other professionals who experience challenges when drafting and implementing parenting plans with high-conflict separating and divorcing families: “I think for myself, I come from a legal background so I love the law, I love to really understand the law. So for me it is quite a natural instinct I think. That is a lucky strike, I think, it is a skill that I have, but it is not everybody in our field that has that, but I find that people struggle to integrate the knowledge of the law into these sessions. I see in practice for other people that the legal aspects, which they find as very challenging”.

Participant 1 gave her opinion regarding integrating the theory taught about drafting and implementing parenting plans with high-conflict separating and divorcing families “I think training is only one part of mediation, but practice work is the main part of mediation”. She stressed the importance of experience by saying, “you can train people up to do things, but I think experience is actually quite important. If you don’t have experience, you are going to struggle”. Furthermore, Participant 4 highlighted the need for continuing knowledge, skills, and experience: “we need to have much more experience”. She said as a professional “you need to go learn and practice”. Participant 5 shared his experience of seeking continuing training: “I have attended many, many [courses], I think since 2006/2007, I have attended yearly courses, maybe two, three times a year”.

Participant 5 stressed the importance of training by indicating his opinion regarding the lack of necessary training for professionals in this field in South Africa: “As far as I know of there is no training available in South Africa? What training is there? Did you in university get training in parenting plans?” He emphasised his opinion by stating, “I don’t think there is sufficient training for psychologists, in South Africa”. Participant 5 gave his view regarding the lack of standardised training that is currently available in South Africa: “...from five-day courses to eight-hour courses, and both courses qualify you as a mediator”. He added his view regarding the importance of and the need for standardised training: “There is a huge gap for accredited training, and I think that only universities should try and fill that gap because the courses out there differ substantially”. Participant 2 emphasised the importance of sufficient specialised training by suggesting to the researcher that “your study or future study I think should be on the correct training that is needed”.

c) Professional role clarification

According to the participants, professionals are faced with the challenging experience of role definition. The majority of the participants shared their experiences of being aware of the importance of clarifying their professional roles when working with high-conflict separating and divorcing families for multiple reasons. The participants stress the importance of being aware of what is expected from you as the professional when drafting and implementing parenting plans in high-conflict separation and divorce cases. Furthermore, the participants described the challenges of clarifying a professional role and highlighted the impacts of unclear role definitions. They also emphasised the challenge of being required to remain in the role as a mediator, but at the same time responding appropriately to situations with high-conflict cases where the knowledge and responsibilities of their primary professional roles as psychologists and social workers are pivotal. The following extracts from the interviews illustrate this point.

Participant 5 stressed the importance of role definition by stating, “You have to maintain a certain role definition, because a mediator is not a psychotherapist, but a psychotherapist can be a mediator”. He illustrated his opinion regarding the importance of role definition by referring to what may occur for both the professional and the high-conflict separating and divorcing family if roles aren’t clearly defined: “You can’t mix the roles. I keep it clear constantly, because clients fall into that trap, where you are tasked to do their parenting plan

but they fall into a patient role and need psychotherapeutic guidance as such. It is so easy for us to fall into that role of playing therapist because we are in the helping profession. So you have to maintain that boundary of defining your role”. Participant 2 added, “I always make sure that I know and they know which hat I am wearing”. Participant 1 stressed the importance of understanding and clarifying professional roles: “You need to be very aware that you need to do that, because the roles are completely different”. Participant 2 described her experience of defining her role as follows: “I see them as a mediator, not as a psychologist.” She added to this by referring to external structures that are in place in South Africa to monitor clarity of professional roles as follows: “You have to define your [own] role because the Health Professions Council of South Africa tells you to do so”.

Participant 3 warns against dual roles because it compromises the neutrality required of a mediator, “...if you have done therapy or anything else, you shouldn’t mediate the matter, because you are not neutral and you are not objective”. Participant 1 added to this and explained the detrimental effect of unclear role definitions: “...if you don’t keep them separate then that is when you land into trouble”. However, according to Participant 4, role definition is not as simple and clear as it is thought to be. She stressed that: “it is a challenge for people to wear different hats, you know, or to move from being the therapist to the mediator”. She illustrated her opinion by saying, “I think one of the challenges that most people have is that the average psychologist or social workers are more therapists than mediators. I see in the training that they struggle to put on the mediator’s hat. They immediately want to come into the helping role, you know, the therapist”.

Participant 4 further illustrated the challenge of remaining in a certain role definition while being cognisant of the responsibilities as a social worker in situations where intervening is pivotal. She described an experience of working with a father within a high-conflict divorcing family: “...at a point you need to know psychologically where this guy is, and what can you allow him to do, and what is it that you need to do to ensure the protection of these children, that the mother is safe, because he is at the point of his life that he feels he has lost everything, and those are the kind of people that you work with”.

d) Challenges of a unique population

All of the participants shared their experiences of working with high-conflict separating and divorcing families as a unique population. The participants emphasised characteristics of these high-conflict separating and divorcing families that pertain to this group of clients. The participants described a climate or atmosphere that is experienced when working with high-conflict separating and divorcing families. All of the participants commented on the heightened emotionality, maladaptive interactional patterns, lack of clear boundaries, and manoeuvres that are characteristic in high-conflict separating and divorcing families. It is the participants' perceptions that high-conflict separating and divorcing families are resistant to cooperate or accommodate each other. The following extracts from the interviews illustrate this point.

Participant 2 gave her opinion regarding high-conflict separating and divorcing families by expressing her experience of a high-conflict separating and divorcing case she had: "Wow, what a messy case". She also explained the dreadful effect that these families have on professionals: "It is really the high conflict that nobody really wants". Participant 5 offered his opinion regarding a high-conflict separating and divorcing family: "...they are unreasonable". Participant 5 illustrated his opinion by referring to how he perceives these high-conflict separating and divorcing families: "There are high levels of resistance, high levels of suspicion as well, of whom and what this person is, and what they are busy doing". Participant 1 also commented on her experience of high-conflict separating and divorcing families as follows: "high-conflict families are often not on speaking terms, they hardly make eye contact. They are angry and each one wants to get the maximum they can for themselves". Participant 4 also offered her experience regarding to high-conflict separating and divorcing families: "They don't like each other, in fact, they hate each other, so they come in here with a lot of anger, with a lot of issues". Participant 2 described the groups of separating and divorcing families that she has encountered and attributed the following characteristics to high-conflict separating and divorcing families: "They are the last group and they are usually the group where there is pathology". Participant 3 also commented on the presence of various complicating factors, "pathology contributes to it, sometimes money adds to it, but sometimes just the personality". Participant 3 illustrated her opinion regarding the vulnerable position that the professional is placed in when working with high-conflict separating and divorcing families who exhibit pathology. She illustrated this by explaining a situation she experienced with a father of a high-conflict separating and divorcing situation:

“Something said to me, you mustn’t wait for him. So I left. He actually pitched with a knife and a loaded gun. It was pure luck”. She also highlighted a challenging experience when the warning signs of pathology are subtle and maybe overlooked, which can at times result in a dangerous situation: “There was no indication of domestic violence, there was none whatsoever”.

Participant 2 emphasised the un-cooperative characteristic of these high-conflict cases and the challenge it poses for the professional: “.There is the high-conflict couple where they will not agree on anything and you have to make provision for everything”. Furthermore, Participant 5 indicated his opinion regarding the characteristic rigid and inflexible interpersonal style of a high-conflict separating and divorcing family: “Rigid ... that is an element that I see a lot, and also something I would use to define a high-conflict situation”. He further explains that “rigidity comes with aggressiveness and a linear way of approaching and dealing with the interest of the children”.

Participant 1 highlighted the lack of boundaries that are characteristic to these high-conflict separating and divorcing families. She indicated that these families are often overly intrusive and inappropriate, as illustrated by an experience she encountered: “I can’t always switch my phone off because I get these calls”. Participant 3 further highlights this by sharing her experience of the lack of boundaries characteristic of these high conflict separating and divorcing families: “I had a lady call me 14 times on a Saturday, then Monday she arrived and she was very upset with me for not answering phone”.

Participant 5 emphasised that these high-conflict separating and divorcing couples employ manoeuvres to gain power and control of the situation and over the other parent: “... sabotaging, they deliberately sabotage”. Participant 3 highlighted her view regarding the manoeuvres as well as the rigidity in letting go of a more powerful position: “...it is just people that say I am not going to allow you to win, I have money to fight you and you have money to fight me, so let’s fight. Nobody is going to change their minds”. Participant 1 indicated her view regarding the manoeuvres by saying, “people use a parenting plan for their own personal gain”. Participant 1 describes her experience of having the difficulty of enforcing a parenting plan with high-conflict separating and divorcing families as follows: “what you find are people who ignore certain aspects of the parenting plan. I mean they would ignore court orders, so why would they not ignore a parenting plan?”

e) Pressure to deliver a successful parenting plan

Two of the participants felt strongly about the pressure they experience to produce a working and acceptable parenting plan. The two participants emphasised the challenge of finalising an acceptable parenting plan that covers all the aspects and the challenge to successfully implement the parenting plan. The professional also has the challenge of producing a parenting plan that works functionally for the separating and divorcing family and honours the best interest of the child principle, but is also accepted by the Office of the Family Advocate. However, the participants also highlighted the challenge of “getting it right”. The participants explained that it is the work of the professional to get uncooperative and resistant separating and divorcing couples to agree and accommodate each other. The following extracts from the interviews illustrate this point.

Participant 3 commented on the challenge she experiences of settling on every aspect covered in a parenting plan: “...remember if you don’t agree on one issue, you don’t have a settlement”. Participant 3 commented on the consequences of ineffective approaches when drafting and implementing parenting plans: “If you pick the wrong model, you are not going to settle”. Participant 4 shared her experience of the amount of pressure she feels because of the negative effects an unsuccessful parenting plan can have for the children of these high-conflict separating and divorcing families: “It is very challenging to do this. It’s not easy, and if you make mistakes, I mean those mistakes are going to influence the lives of those children”.

f) Managing a challenging process

All of the participants felt strongly about the challenges of managing the process of drafting and implementing a parenting plan with high-conflict separating and divorcing families. All of the participants emphasised the importance of the professional carefully identifying the stages and needs of separating and divorcing couples.

The participants also stressed the importance of negotiating a clear and unambiguous contract with the separating and divorcing family where needs and expectations are made explicit. The participants highlighted the use of specific strategies such as directive and structured

interpersonal style and maintaining neutrality throughout the process. The following extracts from the interviews illustrate this point:

Participant 4 emphasised the importance that the professional should be cognisant about the family's readiness regarding the process: "You need to be aware of it, because you cannot just go and do a parenting plan". She illustrated her opinion regarding a family's readiness by referring to one of her cases in which she was unable to assist the parents to agree in a working parenting plan: "Really the people were not ready for mediation on any level". Participant 1 further explained the process and the importance of establishing the families' expectations: "I think that if they have certain expectations, you know you need to address these expectations. You need to sort that out as soon as possible because if you just carry on merrily and don't meet the expectations, which is when the parenting plan fails". Participant 4 emphasised the importance of meeting the unmet needs of separating and divorcing families to avoid deliberate sabotage by the high-conflict separating and divorcing families. She further explains that underlying, unresolved issues may hinder the process of drafting and implementing a parenting plan with high-conflict separating and divorcing families: "Sometimes you must deal with issues because I have found that if you just put these two people in the same room right from the beginning, they need to blow off steam, because the steam is there, you cannot ignore it." She explained further by referring to a high-conflict case she worked on that required unmet needs to be addressed before beginning the process: "Sometimes families arrive here in my office and they haven't seen each other for basically a year for instance, since the divorce started, they need to say things to each other".

Participant 1 described the ideal time, according to her, to begin the process: "I would think when they are reaching a settlement, because things are very raw and things change, time is a great equaliser and healer, because when they separate, they ...or even the children may be in shock, so towards the settlement stage when things have calmed down". In contrast to this, Participant 4 indicated her opinion regarding the right time to begin the process as "...as quickly as possible, because if they leave it for too long, things like contact between children and the parents is often a big problem". Participant 5 also felt strongly about beginning the process as soon as possible because "...when it has been decided that they are going to divorce for whatever reason and the animosity levels are low, it is then that a parenting plan should be done".

Participant 3 commented on her approach to establishing open communication between her and high-conflict separating and divorcing families: “You try and obviously tell them about the benefits of mediation and the outcomes of this, and discuss the best alternative. Then you say let us sit down as parents, and we need to decide what is going to happen, how we are going to do this contact arrangement, what are the options if we are not going to settle this matter”. Participant 1 stressed the importance of, and the function that transparent communication serves, “Yes, transparent, because it makes both people feel safer, because they probably are wondering what is going on behind the scenes”.

Furthermore, Participant 1 felt strongly about the strategies that she employs when working with high-conflict cases. She indicated that she becomes more structured in her approach to the process of drafting and implementing a parenting plan with high-conflict separating and divorcing families: “You have to give more structure to some parents”. Participant 4 added to this by indicating her opinion regarding a structured approach: “The more conflict there is, the more detail there must be in your parenting plan and the more structured you work”. She explains how structured she becomes in her drafting a parenting plan: “What I would also do is that I would take minutes of everything that has been said and every decision that we have made”. Participant 5 also highlighted the importance of boundary-setting as part of his strategy when beginning the process of drafting and implementing parenting plans with high-conflict cases: “I put a boundary in way, way in the beginning”. He further explained the process of laying down an initial boundary and the effects it may have on the families, “...they get very upset, but you must just stick to your guns, lay it out at the start”. Participant 1 gave her experience of laying down boundaries as a strategy: “I tell them outright. I lay out some rules and it actually works”. Participant 4 commented on her experience of knowing when to stop a session if the family oversteps the established boundary: “...sometimes, you know, you need to stop the session”. Participant 4 further explained how she physically instills a boundary with these families, “I would even change my position in my work with a high-conflict family. With a low conflict family, I would sit in that chair and we would sit there like we normally do, but in a high-conflict family I would sit here (indicates chair behind desk), because it puts me in a position of authority, and the focus comes to this position, and I can get them here, and I can work with them from here, and keep the focus off of each other”. Participant 3 also explains how she negotiates her position as a mediator in relation to a high-conflict separating and divorcing family, “I laid down the ground rules, I explained how mediation works, I am in control”. Participant 1 explained the importance of adopting more

of a firm interactional style that accommodates a level of flexibility when becoming more structured in the process of drafting, and when laying down boundaries with high-conflict families, “you need to be firm, but with understanding. I tend to be quite straight forward; I don’t sugar coat it. I tell them outright. I am maybe strict sometimes”. Participant 4 describes a level of flexibility that is implicitly demanded by the process of drafting and implementing a parenting plan with a high-conflict separating and divorcing family: “But that is the tricky part, because sometimes they want to do ‘this’, and sometimes you need to allow them to do ‘this’ a little bit”. However, Participant 3 described an experience where being too flexible can make you vulnerable as a professional: “I can tell you I bend my own rules, but every time you bend the rules you are reminded of why it isn’t a good idea to bend the rules”. Participant 5 commented on the direct manner in which he addresses these families: “...so we have a choice, if you keep on sabotaging my process then unfortunately I will have to complete a form and refer it”. He added, “...you have to be firm, you have to roll with the punches, because in the interim phase where there is chaos, and you have to anchor the chaos again, and say, ‘ok this is the direction we are going, and if you are on board then great, if you are not then you stop and we go the legal route’”. Participant 2 also described her experience of making use of her authority that comes with her role of being the mental health professional who is drafting and implementing a parenting plan: “...if you don’t do something then I am going to report you”. Participant 4 further illustrated her opinion by referring to an experience she had with a particular mother of a high-conflict separating and divorcing families: “...in this one case, this mother, when I called her, I told to her that I have been court appointed and we need to meet with each other and start with this process. She said to me that nobody will tell her what to do with her children, she will kill herself and she will kill her children. I then said to her that she must be careful of what she is saying because this is very serious statement. She then replied by telling me that I can do what I need to do, but I cannot tell her what to do, and she will kill her children if she wishes to do so. On the third time I said to her that if she is going to make these serious allegations, I am going to have to act because I can’t allow her to threaten the lives of her children”.

Furthermore, the participants emphasised the importance of remaining neutral in drafting and implementing parenting plans with high-conflict separating and divorcing families, and also pointed out the challenge in maintaining a neutral stance in spite of human instinct to be subjective towards certain people or situations. The responses suggest that it is very difficult to maintain absolute neutrality when you are being swayed by your own levels of empathy,

compassion, or personal biases. Participant 3 expressed her opinion regarding absolute neutrality: "...don't tell me you stay objective, because it is above my intellectual level that you can stay objective". Participant 1 felt strongly that "you are also human so sometimes you can't always be objective". Participant 4 described the experience of maintaining the appropriate degree of objectivity: "You must always keep your balance. If you are a mediator, you must keep your neutrality". Participant 5 said, "You need to maintain a neutral stance". Participant 3 emphasised how difficult it is for her to resist breaking her level of neutrality as a mediator, especially when the outcome of the process isn't personally desirable to the professional, "As a mediator you can't impose any of your own opinions on the parents. The family obviously don't always choose the option you want them to".

g) Challenges of inter-sectorial engagement

All of the participants indicated that it is particularly challenging for them to engage with colleagues from various professions. The participants emphasised the importance of, and function that inter-professional collaborations serves. The participants also highlighted the opportunities that arise in the field to foster collaboration, for example, peer review groups between various professionals, and highlighted the positive aspects of these collaborations. However, the participants strongly agree that there is a general lack of inter-professional collaboration and support among professionals who work in this field. The participants suggested that this is a challenge for professionals as it creates the feeling of being immobilised because of procedures involved in the process. The participants highlighted the lack of integrity, accountability, and support in drafting and implementing parenting plans with high-conflict separating and divorcing families. The participants also shared their views regarding being ordered by court without agreeing to it and commented on the lack of open and clear communication with colleagues from other professionals'. The following extracts from the interviews illustrate this point.

Two of the participants emphasised the importance regarding the positive aspects of inter-professional collaborations. Participant 1 emphasised the importance of inter-professional accountability and support when working with high-conflict separating and divorcing families as follows: "I am quite quick to pick up if I have a difficult case, and I sort of get this gut feeling that, oh no, this one is going to cause trouble. Then you work with what you have, you are very alert, and you do everything as close to how, you know, you are very

careful, and you get one of your colleagues that you trust to cover your ass, to look at what you are doing and to give commentary”. She added to this by saying, “that is why it sort of takes you to someone else, a colleague who you know is good and who you can trust and where you can say to them, ‘What would you have done in this case?’” Participant 5 explained the importance of supervision: “...go to supervision, don’t you do this in isolation, because you will be creating your own theories and make a mistake”. Participant 1 also commented on an external structure she makes use of for support and accountability: “we have this psycho-legal peer review group, and in there a lot of reflection happens as well, cases are brought up and you can say I have this difficult case and I don’t quite know how to manage this, and what would you do”. She shared her experience of inter-professional collaborations as follows: “...we have an advocate from the legal aid board, who sits in but we invite them at times, we have invited other advocates who work a lot with cases especially who sit through hearings”. Participant 5 describes the benefits of inter-professional collaborations: “I just like the clinical and educational approach because of the different slant it gives it”.

Furthermore, with regard to the lack of inter-professional collaborations and negative aspects, Participant 1 explained how she experiences the lack of integrity and ethics among her colleagues, “I must tell you that it makes me angry, no angry is not the word, it disappoints me that some of our colleagues are like hired hands. They are there to do whoever is paying them, what they want and that causes me, if anything is going to cause me emotional stress, or anxiety, is that your own colleagues are sometimes your enemy and not even your clients”. Participant 2 spoke about the experience of colleagues working in this field of work as separate entities, “...this is a multi-professional field and people are all acting as separate entities and are not working together”. Participant 2 illustrated her opinion regarding the lack of inter-professional collaboration, and shared her experience of making an informed decision and having it revoked by a judge, because the judge had to follow legal rules and guidelines: “I went to court and the judge said he can agree with the principle but he can’t fault the witness, and therefore he was going to allow it”. Participant 3 commented on the frustrating experience of the legal procedure that is at times out of her control, “I also can’t stand injustice, and our law makes provision for a lot of injustice. People can play the system and other people are kept at a disadvantage”. She added to this by sharing her experience of the legal procedure and her legal colleagues: “...you have to see the content of those interdicts, because 90% of the time if there is something like that, that is a tool that attorneys use to increase the conflict to actually extend the litigation”. Participant 4 emphasised her view of

how her colleagues in the legal profession sometimes add fuel to the conflict and ultimately exacerbate the power struggle: "...if they have lawyers in that process which adds to the fuel. Another thing that adds to the fuel are these voices on the side, grandparents, uncles, aunts and all the family, stepparents, new lovers, all those voices that sometimes come into this mediation process". She further emphasised her opinion by referring to external factors that exacerbate the power struggle: "People have paid a lot of money to get divorced, or the lawyers are fighting the fight and they just can't stop this cart that they are on". Participant 5 shared his experience of adhering to the best interest of the child principle as a means to mobilise himself when he feels immobilised: "...if you mediate you have to go against a party, sometimes parties, sometimes even the attorneys, in the best interest of the child or children, and maintain a firm stance".

In addition to the power struggles, Participant 4 emphasised the impact that mandatory parenting plans have on the process for her: "...my worst one from the courts that I received was when the mother and father, I received the documents, they didn't even phone me, this often happens. You just come into your office and there is this pile of legal documents stating that you have been court-appointed". Participant 5 emphasised his opinion regarding the frustration being court-appointed unknowingly and unwillingly: "...well if I am not warned, and I am ordered, which has happened in the past, and then I get upset. Where people slip my name into a court order where the order says I have to do it, then I get upset, because I cannot get out of it. If there is a court order and I am stuck there, then I get upset".

4.3.2 Themes Related to Personal Challenges

The participants strongly agree that there are personal challenges experienced by mental health professionals who draft and implement parenting plans with high-conflict separating and divorcing families in the South African context. These challenges reflect the participants' personal experiences of being in the role of a professional and are identified as being diverse, multifaceted, and uniquely associated with this particular context. The challenges have been divided into two sub-themes and are discussed below.

a) Emotional impact

According to the participants, the emotional impact of working with high-conflict separating and divorcing families is a significant challenge for them, as the exceptionally high emotions go beyond what is expected in mediation and it crosses professional boundaries. The participants stress the importance that there is a level of emotional readiness required from a professional in order to effectively deal with these high-conflict separating and divorcing parents. This is supported by their emphasis on the strong emotions that are directed at, and felt by the professional in this process. For example, the participants highlighted that they at times felt as though they became the scapegoat for these strong emotions, and were blamed by the high-conflict separating and divorcing families. The participants made it clear that in the process of drafting and implementing parenting plans with high-conflict separating and divorcing families, emotions such as anger and hatred creates resistance to cooperate and accommodate each other. These negative emotions might also be directed at the professional working with these high-conflict separating and divorcing families. The following extracts from the interviews illustrate this point

Participant 4 was of the opinion that “it takes a long time to get to the point where you are ready to deal effectively with high-conflict families. You need to be emotionally very ready when you do mediation”. She also warned against becoming involved in this field of work: “...if you are not ready for that, you know, rather leave it”. Participant 5 commented on what he believes professionals need in order to work in this field of work: “...you will need to grow a thick skin. It is an unreasonable context where people don’t want to, they are busy divorcing, they hate each other”. Participant 1 commented on her experience of feeling vulnerable, “...it does place the psychologist in a vulnerable position and of course if you have anything to do with psycho-legal work, you must absolutely know that you are going to get into trouble. You are vulnerable when you work within the psycho-legal context, you are very vulnerable”. She also added the following about the emotions that are directed at the professional which are in this specific case: “...there is also someone or both that is angry at you”. Participant 2 also commented on her experience of this by referring to an experience with a father in a high-conflict separating and divorcing situation: “...he was angry with me and refused to interact with me”. Participant 5 commented on his experience of becoming the object of anger when working with these families: “...they get very angry with me”. Participant 3 commented on the longer lasting emotional impact she experienced with an

ineffective parenting plan that was drafted and implemented: “I am still feeling bad, I wasn’t in control and the impact of one case that could potentially emotionally derail you”.

b) Self-Care

The participants indicated that there are levels of burn out that are being experienced, and the participants emphasised early indications of burn out. These indications are experienced as compassion fatigue and tolerance depletion. The participants also felt strongly about self-care in preventing and/or managing burn out among professionals who work in this field. They also suggest ways in which to implement self-care. The following extracts from the interviews illustrate this point.

Participant 5 was of the opinion that burn out is a reality in this field, and emphasised his opinion regarding burn out by referring to what he teaches his students: “You do get burnt out, and if you don’t manage it, and this is also what I tell the students, if you don’t manage your time, then your time will manage you”. Participant 1 commented on her experience of reaching a level of compassion fatigue and tolerance depletion: “I don’t even feel like speaking to these people anymore, I have had enough of them”. Participant 5 explained his personal experience of burn out: “I was getting chest cramps, headaches, I wasn’t sleeping well”. He warned against the effects that burn out may have on you as a professional: “...you will lose your judgement”.

Participant 3 commented on her personal experience of identifying and managing burn out as follows: “I draw a line, I say I have had enough”. Participant 1 shared how she prevents reaching burn out: “I go away. I was talking to my husband just the other day and he mentioned that we have in this month been away three times already, but you know what I thought about it and it is actually ok. I get away, I switch off, and I can’t always switch my phone off because I get these calls, but I try my best to switch off. When I come back I am chilled, I am more refreshed”. Participant 1 also shared what she does to maintain a level of self-care: “I don’t drive myself ... I am quite relaxed. I try bring quality into my life and not only quantity. I prioritise and get quality time with my family”. Participant 5 spoke about adding variety in the work he does as a form of self-care: “...about 40 % of my practice is psycho-legal, some psychotherapy, here and there parenting plans, I lecture at three universities, I have done some research and now I am busy with some other research. So I

don't have all my eggs in one basket, I do a lot of other things. So that is why, it is for variety". He also added the emphasis on effective time management and frequent resting periods as a means of self-care: "...so what I do is time management. I don't work on Fridays; I work on Saturdays because a lot of people can't make it during the week. I also try and rest every six weeks; I go away for a long weekend. I took up golf particularly for this reason".

4.3.3 Themes Related to Professionals' Perception regarding Parenting Plans in High-conflict Separating and Divorcing Families

The participants expressed mixed feelings regarding parenting plans. The perceptions have been divided into two sub-themes and are discussed below.

a) Parenting plans as a useful tool

The majority of the participants indicated that they perceive the parenting plan as an effective tool. The participants shared their opinions regarding what the parenting plan offers the high-conflict family and the children. The following extracts from the interviews illustrate this point:

Participant 4 agreed with the intended purpose of the parenting plan and shared her view regarding the purpose of parenting plans: "...the purpose basically is to minimise the conflict, to allow parents to really co-parent ... you know to share with each other when they need to share, and to know when to share to know when not to share". She also added: "and the purpose is to ensure that both the children are allowed to have a relationship with both their parents". Participant 1 stressed the importance of the parenting plan with high-conflict separating and divorcing families: "...especially in high-conflict divorces where the parents each have their own agenda, and this sort of structures it in the best interest of the child, and they have to almost parent the child within that framework that the parenting plan offers, I think especially where there is not an equal relationship between parents, where one parent is more dominant ... or more vengeful, this can protect not only the children, but also the less dominant parent". She added that "it provides a structure and a framework ... which parents can contain. I think [that] hostility that is normally found in conflicted divorces,[and] even in a low conflict divorce". Participant 1 further emphasised her opinion regarding the function that a parenting plan serves in working with high-conflict separating and divorcing families:

“personally, I think it is there for the best interest of the children. I think it gives parents structure, a framework from which they can depart. Obviously it can be changed if necessary. She also added, “I think it also sorts out a lot of future problems that may arise, for example, how we decide on which schools the kids will be placed, what we do in an emergency when a child falls ill or has an accident, usually all of that is contained within the parenting plan”. Participant 3 stressed the importance that a parenting plan serves in protecting unmarried fathers: “In many scenarios the parenting plans play an important role because there are a lot of things that we don’t look at when we do a settlement agreement. A stupid example, unwed fathers, if they don’t agree in a parenting plan or parental responsibilities rights plan, you will not change the surname and the child will remain on their birth surname, they can go without permission or consent from him and complete a BI93 and in terms of the Births and Deaths Registration Act, that is allowed, and he cannot do anything. I think that’s where your parenting plan offers protection towards the father”.

b) Drafting and implementation obstacles

Two of the participants strongly agree that there are obstacles that make it difficult for the parenting plan to serve its intended function. Their responses suggest that the weak enforceability of the parenting plan in the South African context also adds to the difficulty of parenting plans serving their function. The following extracts from the interviews illustrate this point.

Participant 3 stated, “I think again with the Children’s Act, there are a lot of beautiful sections in this Act, and I think the idea behind what we have tried to do with the children’s Act is great, but I feel we still need a lot of guidance as to what we really want”. She added her view that parenting plans are being used ineffectively as a control mechanism by separating and divorcing parties, “...it’s not doing what it supposed to be doing, and as a mediator you are supposed to be able to say this is a general guideline, you can’t rule the other party when you are not there. It’s not a control document”. Participant 1 describes shortcoming of parenting plans in South Africa: “...another shortfall, I think, that needs to be addressed is the fact that it actually is not all that binding.” Participant 1 also describes the de-motivating and sheer frustration she experiences with the weak enforceability of parenting plans in the South African context: “...you go to all this trouble, to fill in all these forms and you do everything the right way, and at the end of the day it is actually not that binding”.

4.4 Conclusion

The main objective of this chapter was to present the information obtained from the participants by making use of a thematic analysis to organise the information into major themes and sub-themes. Major themes and sub-themes were identified, and presented. The following chapter will provide a discussion on the themes presented in this chapter, and an integration of theory and literature will also be provided.

CHAPTER 5

DISCUSSION, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The qualitative method used to analyse the data obtained was discussed in Chapter 3. Themes and sub-themes, which were identified by the researcher following a careful analysis of the participants' experiences was done in Chapter 4. This chapter includes an interpretation of findings with existing literature and theory. This chapter will conclude with a brief overview and critical evaluation of the study. It will also discuss the recommendations and future application of the study's outcomes for future practice or research projects.

5.2 Discussion of the Results

5.2.1 Themes

5.2.1.1 Themes Related to the Challenges of Working with High-conflict Separating and Divorcing Families

The data obtained from the participants in this study suggest that there are challenges when drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context. These challenges reflect the participants' experiences as being diverse, multifaceted, and uniquely associated with this particular context. The challenges have been divided into seven sub-themes and are discussed below.

a) A complex and draining task

The results from this study suggest that the context in which a professional has to draft and implement a parenting plan with a high-conflict separating and divorcing families at times, be unreasonable and extremely draining due to challenges that are experienced on different levels. These challenges include constantly being challenged by the separating and divorcing families during the process. The nature of high-conflict separating and divorcing families

present the professional who drafts and implements a parenting plan, with challenges. The emotional challenges the professional faces are discussed by Stewart (2001). These results are in line with research regarding the emotional and legal process of separation and divorce. Singer (2009) speaks about a shared general consensus found among family lawyers that family disputes are not a once-off legal event, but an ongoing social and emotional process. Johnston et al. (2009) described high-conflict and violent families as being characterised by multiple, overlapping criteria, which include high rates of litigation and re-litigation, high degrees of anger and distrust, incidents of verbal abuse, intermittent physical aggression, and ongoing difficulty in communicating about and cooperating over the care of their children at least two to three years following their separation. Furthermore, professionals are challenged to settle every single issue with a high-conflict separating and divorcing family. If one does not settle on every issue that may arise in the process of drafting and implementing a parenting plan, then the parenting plan cannot be accepted (Familyzone & Duchon, 2008).

This process is not only emotionally draining, it also places high physical and mental demands on the professional involved in drafting and implementing parenting plans with high conflict separating and divorcing families. This finding was not reflected in the literature reviewed.

The data obtained from the participants indicate administrative challenges that are unique to the process of drafting and implementing a parenting plan, which may also continue long after the parenting plan has been compiled and implemented. This finding is consistent with literature reviewed in this study such as the Children's Act 38 of 2005 (South Africa, 2006). These formalities are set out in Section 33 and 34 of the Children's Act 38 of 2005 and offer clear guidelines for professionals to follow when drafting and implementing parenting plans. Botha (2011) explains that after finalising the parenting plan and putting it in writing, the agreement is signed by both parties and the mediator. For the registration of a parenting plan at the Office of the Family Advocate to take place, four original, signed copies of the plan, together with the declaration of the mediator who compiled the plan, must be handed in. If the plan is part of a divorce, it is submitted as an addendum to the divorce settlement agreement, which has to be endorsed by the Office of the Family Advocate. This submission is usually carried out by the applicant's legal representative. After registration, an original copy of the parenting plan is filed with the Office of the Family Advocate, while the other three copies are collected. If the parenting plan is also to be made an order of court, the

second copy is placed on the court's file and made a court order when the case is heard in court. The third and fourth original, certified copies are handed to the parents (Botha, 2011). Familyzone and Duchen (2008) are of the opinion that either form 8, 9, 10 are required to accompany the parenting plan in order to be accepted, but which form it is, is not always clearly stipulated and therefore poses an additional challenge for professionals.

A parenting plan also accommodates developmental needs as stipulated by Section 7 of the Children's Act 38 of 2005 regarding the best interests of the child principle that must be adhered to when drafting a parenting plan (South Africa, 2006). The researcher is of the opinion that it considers the evolutionary nature of developmental needs and gives families the opportunity to re-visit and amend their agreed upon parenting plan in the future. However, this also means that professionals are required to assist with this process, as the parenting plan is not static and the professional stays involved for several years.

b) Professional training

The participants' responses suggested that drafting and implementing parenting plans with high-conflict separating and divorcing families, is a highly specialised field of work that requires intense but diverse training, experiential knowledge, and skills. This finding is in line with literature reviewed in this study such as Wingspread (2001) who elaborates on the description of high-conflict separation and divorces that involve children as requiring a specialised approach. Judges, lawyers, and professionals should have specialised training in dealing effectively with high-conflict situations. These professionals will need to develop ways in which to work collaboratively and to more effectively identify and resolve high-conflict separation and divorcing cases (Wingspread, 2001). In addition, these professionals must remain sensitive to separating and divorcing parents' needs, and to encourage uncooperative parents to resolve their disputes.

According to Robinson (2010), parenting plans are a relatively new phenomenon in South Africa, and is of the opinion that professionals should use all available resources to produce effective and high quality parenting plans. Parenting plans for separating and divorcing families must be compiled before the courts are approached, and so it is imperative that appropriate, sound, well-structured, and professionally designed parenting plans be drafted by

competent, well-informed, and appropriately qualified professionals. Formal training is required if professionals wish to work in this psycho-legal field (Robinson, 2010).

There is a standard set out by the Health Professions Council of South Africa regarding who is considered to be suitable to work within this psycho-legal field (HPCSA, 2004). According to Section 33(5)(a) of the Children's Act 38 of 2005, when preparing a parenting plan, the parties must seek (a) the assistance of a family advocate, social worker, or psychologist; or (b) mediation through a social worker or other suitably qualified person. 'Other suitably qualified person' is considered to include professionals such as accredited mediators (South Africa, 2006). According to Form 223, which stipulates the rules of conduct pertaining to psychology (HPCSA, 2004), a psychologist shall base his or her psycho-legal work on appropriate knowledge of, and competence in the areas underlying such work, including specialised knowledge concerning specific populations. Professionals are required to seek their own training through additional courses.

As emphasised in Robinson's (2010) study, the Forensic Specialty Council (2007) and Swerdlow-Freed (2010) explain that anyone who works in the field of divorce needs training in child development, family assessment, problems of divorce, the functioning of the court, and the special ethical issues related to this work. It is imperative to network with one another to learn as much as possible about this burgeoning field. Robinson (2010) is of the opinion that when incompetent professionals are involved in the process, parenting plans are often not child-centred and the intervention with the divorcing family is of poor quality. Therefore Robinson (2010) emphasises that services be put in place assisting the professional with substantive and comprehensive guidelines that are clear on the basic process structure and general content of parenting plans, to assist the professional to deliver competent and high quality parenting plans. Robinson's (2010) study aimed to explore legal and mental health professionals' experiences of drafting and implementing parenting plans in the South African context. This study aimed at suggesting guidelines based on these experiences for professionals' who are engaging and will engage in this psycho-legal field of work.

The data from the study emphasises the importance of incorporating knowledge and experience from different professional fields of expertise as there is a need for a multi-faceted approach. In addition, the data obtained from the participants suggest that currently in South Africa, there is an insufficient amount of specialised training and that there is a need for high

quality training that is not only compulsory, but also standardised among professionals. The responses of the participants emphasised the importance of continuous training. These findings are in line with literature reviewed by this study such as Robinson's (2010) study. Robinson (2010) is of the opinion that although it is expected of a professional to continue with self-study to empower him or herself with knowledge and insight, this method is theory-based and cannot replace practical training. Furthermore, it is essential that professionals should use theory that is not outdated and that they should always keep abreast of the latest developments in theory (Robinson, 2010).

International literature that includes the research of the Forensic Specialty Council (2007) and Stahl (1999a), point out that there are limited programmes that are specifically designed to train evaluators in this demanding and difficult work. Robinson (2010) is of the opinion that the South African training situation has improved over the years, but that there are still limited courses and aids focusing on divorce-related intervention, especially training pertaining to parenting plans.

c) Professional roles clarification

The findings of this study indicate the importance of role definition. It is understood that for many reasons it is important to clarify professional roles in the context of drafting and implementing parenting plans with high-conflict separating and divorcing families. This finding is consistent with important literature reviewed in this study. The researcher is of the opinion that the professional is required to wear a different hat in the context of drafting a parenting plan. This hat is different from the hats the professional may be required to wear in other contexts, such as psychotherapy and psycho-legal assessments. According to Deutsch (2008) typical hats they may be required to wear when drafting and implementing parenting plans with high-conflict separating and divorcing families include case manager, parent coordinator, case co-ordinator, providing assistance, mediating, psychotherapy, and assessor. The professional must be able to clarify his or her role for the family and also for the lawyers and the court who may not understand the ethical rules and standards that demand role boundaries and guide the professional (APA, 2002).

However, the participants also warned against dual roles, and suggested that there is a need for the professional to remain in the role as a mediator in this context, but at the same time stay cognisant of all responsibilities as a psychologist and social worker. Literature reviewed

by Deutsch (2008) emphasises that the professional must pay careful attention to maintaining role boundaries and avoiding dual roles or multiple relationships in the face of requests and demands by the family and the legal system. The researcher is of the opinion that the importance of abiding by the code of ethics and standards provided by professional bodies, such as the Health Professions Council of South Africa aids the professional in maintaining a clear role definition. In addition, Fyfe (2001) is of the opinion that one of the contributing problems that challenges the drafting and implementation of parenting plans with high-conflict separating and divorcing families is the polarisation of opinion, which often emerges regarding a variety of ongoing allegations. According to Fyfe (2001), these allegations often take the form of sexual abuse, domestic violence complaints, alienation, or some type of inappropriate parenting or parent behaviour. Fyfe (2001) emphasised that in many of these high conflict cases, multiple evaluations and interventions have taken place and the family has failed to resolve matters. In addition, professionals such as attorneys and mental health professionals end up being unintentionally pulled to one side of the family system, exacerbating the polarisation of opinions.

Smoron (1998) is of the opinion that a professional can never truly be free of his or her biases. Life experiences make up the framework for understanding of events, attitudes, and values. Smoron (1998) emphasised that every individual has these biases and that, to a certain extent, prejudices are controlled by them. This creates a significant challenge for the mental health professional drafting and implementing parenting plans with high-conflict separating and divorcing families, as impartiality and neutrality are key elements in the process (Smoron, 1998).

d) Challenges of a unique population

The findings of this study highlight the emphasis placed on the unique nature associated with high-conflict separating and divorcing families. The data obtained in this study suggests characteristics of high-conflict separating and divorcing families that are unique to this group of clients. The findings suggest a unique climate or atmosphere that accompanies a high-conflict separating and divorcing family, and heightened emotionality, maladaptive interactional patterns, lack of clear boundaries, and manoeuvres that are characteristic in high-conflict separating and divorcing families. It has been suggested by Thayer and

Zimmerman (2001) that high-conflict separating and divorcing parents are resistant to cooperate or accommodate each other.

These findings are consistent with literature reviewed in this study as seen in Stewart's (2001) study where the views of professionals regarding high-conflict separating and divorcing families were explored. The professionals that formed part of this study described high-conflict in dynamic terms, such as anger and powerlessness, or in behavioural terms, such as domestic violence and physical, emotional, and verbal abuse. Further characteristics of high-conflict separating and divorcing families suggested by Stewart (2001, p. 28) include a high degree of rigid thinking; a win/lose mentality; no willingness to compromise; a tendency towards either/or thinking; a history of prior mental health problems; a sense of being wronged in the marriage; a sense of personal threat; a tendency to be reactive rather than reflective in their thinking; a generalised anger towards life and not specific to the marital separation; and a sense of perceived inequality and injustice.

Literature reviewed in this study such as Stewart's (2001, p. 26) study added to this description of high-conflict separating and divorcing families, by including the following relationship and structural characteristics: conflict that exists over long periods of time; a conflict that stems from a highly competitive marital relationship; limited ability to understand relationship issues; bitter feelings towards the other parent; extreme distrust between parents; poor communication skills; a tendency towards enmeshment rather than autonomy; a tendency towards inflexible beliefs about the other parent; strong feelings of threat from the other parent; frequent use of accusations about abuse and neglect; a history of violence; a tendency to see the children as territory; a sense of powerlessness in the relationship; a social audience of friends and family who support the custody dispute; and an external source, often family, for money to maintain the legal fight. Additional studies and literature reviewed in Chapter 2 regarding the characteristics of high-conflict separating and divorcing families are also in line with the findings of this study.

Kressel, et al. (1980) study regarding developing a typology of divorcing families, identified patterns that affected outcomes in mediation and led to decisions to litigate. These distinct patterns were classified on the basis of the degree of ambivalence towards the relationship, the frequency and openness of communication about the possibility of divorce, and the level of how overt the conflict with which the decision was reached can be. The patterns range from enmeshed to moderately severe conflict. Moderately severe conflict patterns are

identified by Garrity and Baris (1994) as the most extreme level of conflict. This level of conflict is associated with frequent slamming of doors; verbally threatening harm or kidnapping; attempts to form a permanent or standing coalition with child against other parent (alienation syndrome). According to Thayer and Zimmerman (2001) parents at this level are often in open warfare. They are unable and unwilling to talk to each other. They may file countless legal motions against the other. Children are often used to communicate information between them and have their children keeping secrets from the other parent. The parents will often be accusatory and unwilling to negotiate or compromise. They frequently turn to the courts to help them make basic decisions around parenting and issues regarding their children. They do not behave in a manner that fosters cooperation, effective planning, and collaboration in their parenting.

These findings and literature are also supported by the family systems theory perspective. Garris-Christian (2006) considers feedback as the process whereby past behaviours are fed back into the system in a circular manner. This is important to a system, as it aids in self-corrective behaviours that members of a family may employ. However, when a system allows too much or too little information into the system, the family system is considered to be experiencing a state of entropy. On the other hand, a healthier functioning system is able to maintain an appropriate balance between closedness and openness, referred to as a state of negentropy. A state of entropy is often characteristic of a high-conflict separating and divorcing family. When there is an imbalance of closedness and openness, the family system may experience chaos and conflict may escalate. The family system may be in a process of maintaining equilibrium or homeostasis, which is considered to be the desired and aimed for state of a system (Becvar & Becvar, 1996).

According to Garris-Christian (2006), a system will naturally tend towards reaching homeostasis. However, a high-conflict family may be attempting to establish a state of homeostasis through dysfunctional patterns that are familiar to them because of the level of conflict they experience. Equifinality is understood as the redundant patterns of interaction that people in relationships tend to develop due to habitual ways of behaving and communicating with one another.

It is understood by the researcher that the more closed a family system is, the less scope a professional has to freely interact and communicate with the family. This may make it

difficult for the professional who has the task of getting uncooperative and resistance parents to negotiate and accommodate one another. It also poses a challenge for the professional to negotiate successful entry into the system, and establish buy-in from the high-conflict separating and divorcing families. It is understood that the more open a system is, the more scope a professional will have to manoeuvre within the family and to communicate with family members effectively to draft and implement a workable parenting plan.

e) Pressure to deliver a successful parenting plan

The data obtained from the participants indicate that there is a significant amount of pressure to produce a workable parenting plan. The pressure is also on the professional to create a successful pathway for the parenting plan to be implemented effectively. These findings are consistent with literature reviewed in this study. Thayer and Zimmerman (2001) suggest that professionals are required to draft successful parenting plans that can be routinely and effectively implemented. Highly complicated, technical, and elaborative parenting plans need to be avoided.

The findings of this study also suggest that there appears to be a paradox in “getting it right”, in that it is the work of the professional to get uncooperative and resistant separating and divorcing couples to agree and accommodate each other. A paradox can be seen as putting somebody in a situation where they are required to do certain things that other people wish for them to do, but they want to do them of their own free will (Watzlawick et al., 1974).

Ahrons (2011) emphasised three useful categories that separating and divorcing parents fall into. The first category is when separating and divorcing couples are referred to as angry associates. These couples are unable to limit the anger they experience to marital differences. The conflict infuses all the relationships in the family. This intense emotions experienced by these couples creates a challenge for the professional to work collaboratively with the couple in reaching a mutual agreement regarding residency of, and contact with their children.

The second category includes separating and divorcing couples that are referred to as fiery foes. This is because they are experienced as the most reflective of what is considered to be a bad divorce. These couples' anger and pure rage affects their families' lives. This detrimental impact has an aftermath that leaves families with continued pain and distress for years afterward (Ahrons, 2011). Fiery foes are considered as separating and divorcing couples that

have been involved with numerous custody battles, which often leads to them acting out and violence which is associated with seeking revenge. Often these couples have unresolved feelings regarding the separation and divorce, and have underlying motives to seek revenge or to “win” and gain control and power over their ex-spouse. This creates a significant challenge for the professional, because the individuals may still hold a polarised view of being the “winner” instead of the “loser”.

The third category includes dissolved duos, which are considered to be separated and divorced couples that completely retract and distance themselves with no contact with one another. The implication involved here is that one parent disappears completely from his or her children's lives. This creates a challenge for the professional in that drafting and re-drafting of parenting plans are continuous because they cater for the developmental needs of children (Robinson, 2010). Thus, at some point in the future, the separated and divorced couple needs to consult with the professional to make amendments and adjustments to their parenting plan (Familyzone & Duchon, 2008).

f) Managing a challenging process

The findings of this study suggest that professionals need the ability to manage and handle the process of drafting and implementing a parenting plan professionally. The data obtained from the participants indicate a level of readiness that the family needs to exhibit before starting the process of drafting and implementing a parenting plan with a high-conflict separating and divorcing family. There is no guarantee that mediation will succeed in all instances of its application. The conditions under which drafting and implementing a parenting plan is unlikely to succeed are contrasted to literature by Severson and Bankston (1995); Boule and Rycroft (1997); and Roberts (1997). The conditions to consider include timing of the mediation, as it may limit the success of the outcome since strong and recently surfaced personal emotions can block rational decision-making. Mediation should be postponed until both spouses are psychologically prepared to make permanent decisions.

The findings of the study highlight the lack of boundaries characteristic to these families and it is suggested that before the process begins, the expectations and needs of both the professional and the family needs to be established and met. The family systems perspective refer to boundaries which relate to limits, togetherness, and separateness in a family system (Walsh & Giblin, 1988). High-conflict separating and divorcing families may be characterised

by exhibiting disengaged and enmeshed boundaries. Each type of boundary speaks to an inappropriate level of closedness or openness and in turn impacts the manoeuvrability a professional may or may not have when drafting and implementing a parenting plan with high-conflict separation and divorcing families.

According to Garris-Christian (2006), families may show signs and degrees of each type of family, and this may vary at any given point, depending on factors such as the age of the children, economic circumstances, and the family's stage of development. Other factors also influence the degree of enmeshment or disengagement in a family, such as the families in which the parents grew up, the culture and values of the family, and health or mental issues in the family. Over time, families may change from one style of boundaries to another.

The findings indicate that the professional may need to adopt a different interactional style. An interactional style should be flexible enough to accommodate meeting the needs of the family, but structured and firm enough to provide appropriate direction and calm when chaos escalates. These findings are reflected in the literature reviewed for this study such as Saposnek's (2004) study that identified four distinct modes in which a mediator may conduct mediation: the rational/analytic mode, where the mediator is the decision manager; the therapeutic mode, where the mediator is considered to be a healer; the educational mode, where a mediator performs the role of a teacher; and lastly, the normative mode where a mediator becomes and serves the function as a monitor. These styles require that a mediator be versatile and flexible enough to permeate between styles at different points. This may present significant professional challenges, such as adopting a different approach to the process.

The findings of the study emphasised the importance of the professional remaining neutral, but also the challenge they experience in maintaining a neutral stance in spite of human instinct to be subjective towards certain people or situations. The responses suggest that it is very difficult to maintain obsolete neutrality when you are being influenced by your own levels of empathy, compassion, or personal biases. Literature reviewed in this study is consistent with these findings. Smoron (1998) is of the opinion that a professional can never truly be free of his or her biases. Life experiences make up the framework for understanding of events, attitudes, and values. Smoron (1998) emphasised that every individual has these biases and that to a certain extent, prejudices are controlled by them. This creates a

significant challenge for the professional drafting and implementing parenting plans with high-conflict separating and divorcing families, since impartiality and neutrality are key elements in the process. According to Smoron (1998), the impartiality suggests that the professional assists all parties, rather than individual parties, in reaching a mutual agreement. This is done free of bias or favouritism toward one party. The professional should not take the adversarial role. In addition to impartiality, the professional is required to maintain a level of neutrality. Smoron (1998) is of the opinion that neutrality relates to the relationship between the mental health professional and the separating and divorcing family. It is understood that if the professional or one of the separating and divorcing parties feels that the professional's background or personal experiences would prejudice the professional's performance, the professional should withdraw from the process, unless all parties involved agree to proceed.

g) Challenges of inter-sectorial engagement

The findings of this study indicate the importance of inter-professional collaborations, and opportunities to foster these collaborations. However, the data obtained from the participants suggest that there is a shared consensus among professionals that there is a lack of inter-professional collaboration and support. Furthermore, the findings also commented on the impact that opposing professionals may have on the families, professionals, and the process. According to Sauer (2007), the court system itself, such as procedures, delays, or errors contribute to feelings of unfairness and frustration, or facilitate the continuation of the conflict. In addition, interactions and consultation with mental health professionals who are working to support their case may cause clients to solidify already negative, polarised views, which encourage them to adopt uncompromising stands against the former spouse (Sauer, 2007). Sauer emphasised that while challenges are inherent in facilitating interaction between high-conflict couples, it is possible that certain mediation techniques could be used to help even the most litigious of parents engage in active problem-solving to benefit their common children. To understand the causes of post-divorce high conflict, in addition to looking at the ways in which one or both members of the couple create and maintain the conflict, it is argued that the larger context of the conflict and the ways in which the conflict is often embedded in and encouraged by a larger system needs to be considered, namely, extended

family and friends, so called support groups with their own political agendas, therapists, and especially attorneys and the adversarial legal process (Friedman, 2004).

5.2.1.2 Themes related to personal challenges

The participants' responses suggested that there are personal challenges experienced by professionals who draft and implement parenting plans with high-conflict separating and divorcing families in the South African context. These challenges reflect the participants' personal experiences of being in the role of a professional, and are identified as being diverse, multifaceted, and uniquely associated with this particular context. The challenges have been divided into two sub-themes and are discussed below.

a) Emotional impact

The findings of this study suggest that the emotional impact of working with high-conflict separating and divorcing families is a significant challenge. The data obtained from the participants stress the importance of the professionals' readiness to deal effectively with these high-conflict separating and divorcing families. This is supported by their emphasis on the strong emotions that are directed at and felt by the professional in this process. The responses suggest that emotions such as anger and hatred create resistance to cooperate and accommodate each other.

Literature reviewed in this study highlights the characteristics of high-conflict separating and divorcing families as identified by Stewart (2001). A family systems theory perspective (Goldenberg & Goldenberg, 2004) explains the recursive nature of interactions in a system, meaning that the high-conflict separating and divorcing families are influenced by the drafting and implementing of parenting plans process and the professional is in turn impacted on some level by the high-conflict separating and divorcing family.

However, according to Goldenberg and Goldenberg (2004), an epistemological principle located within the systems perspective allows professionals to manoeuvre their way around these challenges, such as the emotional impact of working with high-conflict separating and divorcing families. A professional working with these high-conflict separating and divorcing

families, who takes a first-order cybernetic viewpoint, might view the family system as a passive, objective thing that can be freely observed, manipulated, and taken apart. A professional taking a second-order cybernetic viewpoint will be working with the family system, and also recognises the system as an agent in its own right, interacting with another agent, which is him/her, the observer (Goldenberg &Goldenberg, 2004).

b) Self-Care

The findings of the study indicate the levels of burn-out that are being experienced. The responses emphasise early indications of burn out. These indications are experienced as compassion fatigue and tolerance depletion. The participants' responses also stress the importance of self-care in preventing and/or managing burn out among professionals who work in this field. They also suggest ways in which to implement self-care.

The findings of this study are consistent with literature reviewed by this study Such as studies conducted by Gaudier et al. (2007) whom identified that more recently it has become more common for the court to turn to professionals to aid them in high-conflict separating and divorcing cases. These referrals from the court are made to mediators for intervention and recommendations. This creates a power that is given to mediators, but simultaneously, significant responsibility to understand what is happening in a high-conflict separation and divorce. This responsibility weighs heavily on a mediator, because if they do not wish to help, the future for the children is bleak. These high-conflict separating and divorcing couples present to mediators as sometimes aggressive, hostile, some substance abusing, or in the criminal justice system as delinquents. These difficult situations can create a high level of burn-out rates among professionals in this field of work because of the huge responsibility and expectations that they have to live up to (Gaudier et al., 2007).

5.2.1.3 Themes Related to Professionals' Perceptions regarding Parenting Plans

The data obtained from the participants in this study suggest that the perceptions regarding parenting plans among professional vary. The perceptions have been divided into two sub-themes and are discussed below.

a) Parenting Plans as a Useful Tool

The findings of the study suggest that most of the participants consider parenting plans to be a useful tool. The professionals responses suggest that they measure parenting plans against the function that they are meant to fulfil, as a way of viewing them as a useful tool. The responses also emphasise the function a parenting plan serves as a useful tool in high-conflict separating and/or divorcing situations. Literature reviewed by this study is consistent with the findings of the study. Advantages of a parenting plan that have been highlighted by Botha (2011) support parenting plans as a useful tool. Botha (2011) is of the opinion that one of the parents may inevitably spend more time with the child(ren) on a daily basis as per the agreement, but a parenting plan is also understood to give structure to the continuous involvement of both parents with the child(ren). A parenting plan is considered to be a flexible agreement that makes provision for future mutually agreed revisions and offers a concrete record of decisions that have been jointly made by the parents in the spirit of the best interests of the child(ren). This concrete record can serve to facilitate and foster collaborative co-parenting (Botha, 2011). A parenting plan prevents one parent from making changes to the plan unilaterally.

Certain procedures are stipulated that elaborate on how future differences can be handled without necessarily approaching the court (Botha, 2011). This further facilitates a collaborative approach to co-parenting. Botha (2011) suggested that an objective third party with the essential expertise regarding children's developmental needs, works to assist parents in exploring further co-parenting issues. This objective third party also participates in compiling a parenting plan together with the parents, that provides for the child(ren)'s needs, as well as a day to day schedule. In addition to the mediation process creates an opportunity for parents to reaffirm their parenting, and to redefine their future roles as co-parents, but no longer as spouses or a couple (Botha, 2011). Additional advantages have been identified and discussed by Birbaum and Fidler (2005). Studies conducted by Bosman-Swanepoel et al. (1998), Hauser (1995), and Roberts (1997) have also emphasised the advantages of parenting plans and have been discussed in Chapter 2.

b) Drafting and implementation obstacles

The data obtained from the participants suggest that there is a perception that parenting plans are considered not to be fulfilling the function that they were originally meant to serve. Their responses suggest that the weak enforceability of the parenting plan in the South African context adds to the difficulty of parenting plans serving their function.

The literature reviewed in this study is consistent with these findings. Studies have identified specific aspects of inter-parental conflict that appear to have detrimental effects on children's adjustment to separation and divorce such as: Cummings and Davies (1994) who identified frequent conflict as a factor contributing to the detrimental impacts on children; Buehler, Krishankumar, Anthony, Tittsworth and Stone (1994) who identified hostile and intense conflict that often results in physical aggression as a contributing factor; and Pedro-Carroll et al. (2001) who also identified child-related conflict as having a negative impact, such as instances when a child internalises the blame for the conflict. Ellis (2000), in her review of divorce-related literature, noted that parental conflict is more predictably associated with problems of under-control (i.e., acting out, running away, argumentativeness, defiance, using drugs, dropping out of school) in children. In addition, it has been suggested that through observing parental conflict, children begin to adopt negative styles of interacting with others (Cummings & Davies, 1994).

5.3 Summary of the Findings

From the above discussion of the study's findings it is suggested that professionals' experiences of drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context are multifaceted. The results suggest that significant challenges are experienced by these participants when drafting and implementing parenting plans with high-conflict separating and divorcing families. These challenges are identified into three major themes, and several sub-themes were also identified and discussed alongside the relevant literature and theory. The first major pattern identified was themes related to the challenges of working with high-conflict separating and divorcing families. Sub-themes under this theme included a complex and draining task; professional training; professional role clarification; challenges of a unique population; pressure to deliver a successful parenting plan; managing a challenging process; challenges of inter-sectorial

engagement. The second major pattern identified included themes related to personal challenges. Sub-themes under this theme included the emotional impact; self-care. The third major pattern identified included themes related to professionals' perceptions regarding parenting plans. Sub-themes under this theme included parenting plans as a useful tool and drafting and implementation obstacles.

5.4 Strengths of the study

The major strength of this study is that it was conducted with various professionals. These professionals included two educational psychologists, a social worker, an accredited mediator, and a clinical psychologist. The experiences of these professionals are influenced respectively by their unique professional training, experience, knowledge and skills, and in turn provide rich information about the experience of drafting and implementing a parenting plan with a high-conflict separating and divorcing families.

In addition, the participants in this study collectively had extensive experience in drafting and implementing parenting plans and could therefore provide rich and detailed information regarding the professionals' experience of drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context.

The literature review clearly indicated that drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context have not yet been sufficiently researched. Most of the literature regarding parenting plans or high-conflict separation and divorce cases that have been conducted have focused on the impact of the intervention on children and parents. More attention needs to be paid to professionals' experiences of drafting and implementing parenting plans in high-conflict separating and divorcing families, where there are significant challenges that need to be highlighted and addressed.

The researcher is of the opinion that research conducted in South Africa is an ongoing process, and there continues to be a strong need for more research to be conducted in this field of intervention. By researching and exploring professionals' experiences of drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context, professionals could obtain a better understanding of their personal and professional experiences. Professionals who assist high-conflict families with Parenting Plans

might need knowledge relating to this specialised and challenging area of practice to effectively service or guide parents/families. The researcher is of the opinion that this study has contributed to the existing body of knowledge. Hopefully this study's contribution to the knowledge and insights will assist in tailor-made training models for professionals who are working with high conflict separating and divorcing families.

5.5 Limitations of the study

The findings of the research is considered as adding a valuable contribution to the literature regarding the professionals' experience of drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context. However, a number of limitations do need to be highlighted and considered. The sample size of this study is considered relatively small, focusing on the experiences of only five professionals. Participants from the Gauteng Province were selected for the convenience of the researcher. Therefore, findings are not necessarily representative of all professionals who draft and implement parenting plans with high-conflict separating and divorcing families in the South African context.

5.6 Recommendations

Based on the findings of this study, recommendations can be made for professionals who wish to engage in drafting and implementing parenting plans with high-conflict separating and divorcing families in the future. The results of this study suggest that professionals' perceive the function that parenting plans are intended to serve as effective and workable when intervening with high-conflict separating and divorcing families. However, the parenting plan is also considered to fail in effectively managing high conflict in separation and divorce, and in some cases is considered to contribute to the escalation of conflict. This has been partly attributed to the weak enforceability and lack of familiarity of the parenting plans in the South African context. Although professionals' may at times be overwhelmed with the daunting task of drafting and implementing parenting plans, it is important that mechanisms be put in place that strengthen the enforceability and familiarity of parenting plans amongst professionals.

Professionals require training that will enable them to effectively draft and implement a parenting plan with a separating and divorcing family. This training should cover important legal aspects regarding the procedures involved in drafting and implementing a parenting plan. In addition, this training should cover important aspects regarding the emotional processes involved with separating and divorcing families, especially high-conflict separating and divorcing families. The findings of this study also suggest that the lack of standardised training amongst professionals creates issues related to trust and support amongst professionals. Therefore, training ought to be standardised amongst professionals to ensure a level of ethical accountability amongst professionals.

The findings of the study also lead to certain recommendations regarding future directions for research. It is important that more research be focused on drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context. This is important as it may aid professionals with the specific skills needed to work with this unique population in producing a workable and effective parenting plan.

5.5 Concluding Remarks

This study explored the experiences of professionals in drafting and implementing parenting plans with high-conflict separating and divorcing families in South African. The results revealed that professionals' experiences of drafting and implementing parenting plans with high-conflict separating and divorcing families in the South African context are multifaceted and several significant challenges were identified. These challenges need to be addressed if effective and workable parenting plans with high-conflict separating and divorcing families are to be drafted and implemented.

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