

Accessing the Parental Mind Through the Heart: A Case Study in Child Inclusive Mediation

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Practice Notes

Children in all families rely on sensitive parental attention and care for the growth of their wellbeing and sense of self-worth. This attention often diminishes when a parent is preoccupied with the consequences of a relationship break-up and is engaged in conflict with the other parent. Mediation inevitably struggles with enabling motivation in feuding parents to better manage hostilities towards each other, and finding a mutual desire for an end to conflict often proves elusive. Yet research continues to show that reducing acrimony between parents is one of the most powerful ways to improve the lives of their children (McIntosh, Wells, Long, 2007). Consistent with this, practitioners in the field have found that Child Inclusive Practice (CIP) can, within a mediation context, provide parents with a sustained motivation for positive change by bringing to the fore the emotional and developmental toll of their conflict on their children. Child Inclusive Practice enables parents to gain an insight into the impact of their conflict on their child's happiness and wellbeing, and aims to facilitate a *parental* alliance between former partners or spouses which, in turn, enables the child to reengage with normal developmental processes. This article describes and comments upon a recent case involving the author as a child consultant within a mediation process. It outlines the step-by-step approach employed to reduce acrimony between the parents and to refocus their attention on their children. It illustrates how the intrinsic concern that parents have for their children can be harnessed to bring about a shared desire for improvement in their children's lives, motivating them to forego their own perceived needs for "justice" or retribution with respect to each other, in the service of a deeper understanding of the negative consequences of their conflict on their children.

Key Words: Child Development; Conflict; Mediation

Child Inclusive Practice

The child inclusive mediation process described in this paper follows the model described by McIntosh, Long, and Moloney (2004) and further developed and researched by McIntosh (McIntosh & Long, 2006; McIntosh, Wells, & Long, 2006). It is an approach designed to accelerate the process of parental recovery from postseparation conflict and grief by targeting the most influential ingredient that prevents it – parental acrimony. McIntosh and her colleagues found that reduced interparental acrimony and reestablished parental emotional availability are predictive of improvement in children's emotional wellbeing, up to 1 year postintervention. This corresponds with the common clinical observation that once parents recover sufficient "parental attunement", that is, an ability to again tune into and respond more sensitively to the needs of their children, the child too can begin to relax. The child no longer has to work so hard to maintain a sense of order in his or her life. Life becomes less fearful, more predictable, and more nurturing.

Lack of Parental Focus Versus Indifference

Child Inclusive Practice (CIP) begins with an assumption that most parents have an instinctive concern for the welfare of their children. Parents struggle to put those concerns into action due to extreme distress from the breakdown in their own relationships. It is a process not dissimilar to

protecting a broken bone from being bumped. That is, we may protect ourselves from emotional hurt by turning inwards and paying ourselves a great deal of attention. We may also be focused on who has caused us the pain and distress. These processes, however, can often dilute parents' capacities for attunement towards and for sensitive care of their children. For the child, the relative absence of predictable nurturance may herald reasons to doubt his or her own worth.

Through CIP, each parent is supported and educated toward a higher understanding that neither parent is in fact indifferent to the children. Parents are assisted to understand how they are both struggling, each in their own way, to focus clearly amidst the emotional debris of the ongoing disputes. They can also be helped to understand the ways in which their children are trying to make sense of the break-up – to see their children's behaviour and attitudes in terms of strategies they are adopting in an effort to ensure their own survival. Parents are helped to see how such strategies make sense to the children within their own developmental sphere of logic. Crucially, parents are supported to understand better how, as their children try to prop up their parents' failing relationship or develop an ideology of support for whichever parent looks most able to ensure their ongoing care, their emotional resources are in fact being continually drained. Once former partners begin to refocus on their *parental* alliance, their children's exhausting need to maintain strategies to keep their world in some sense of order can begin to diminish. They can, once again, become children.

A Case Illustration

Relationships Australia Canberra and Region personnel have been trained and supervised to employ CIP within its mediation processes for several years. This training has included acting as one of the research sites in the recent longitudinal study of McIntosh and Colleagues (2007). The following case is typical of those in which child inclusive practitioners have seen significant benefit with respect to mediation outcomes, with parents reporting reduced acrimony and children reporting increased levels of wellbeing.

The Jones family¹

The Jones family comprised parents, Tobias and Rhia, and children Durham (9) and Chrissy (12). Tobias and Rhia were separated for 4 years, divorced for 1 year, and had agreed to child inclusive mediation after being referred by a collaborative lawyer². The parents had spent a significant amount of money and time using various court processes and more conventional mediation. Both parents had taken out domestic violence orders against each other and both had sought variations, which allowed contact for mediation. They were also in dispute about property and child support payments.

History

The arrangement for time spent with parents had been roughly 50/50 with variations to suit school, birthdays etc. This had recently broken down, with Chrissy claiming that she no longer wanted any contact whatever with her father. Durham claimed that he was happy to continue visiting his father, but wanted to live predominantly with his mother. Rhia was supporting Chrissy in her decision to cease contact with Tobias, justifying this with the view that both children were distressed about going since Tobias had repartnered. Rhia stated that Chrissy felt she was treated unfairly, with Tobias frequently losing his temper and sending Chrissy to her bedroom.

Both parents were questioning the sanity of the other and were able to give vivid examples

¹ All identifying features of this case have been altered.

² *Divorce Solutions Pty Ltd* define collaborative law as follows: In collaborative law, divorcing couples agree on a time frame to settle the divorce out of court and work with a team of professionals including lawyers, financial advisors, and counsellors to reach an agreement that minimises disruption, distress, and expense. If the process fails and the couple cannot reach settlement, the legal and financial teams as well as the counsellors are obliged to withdraw (*Divorce Solutions website, 2005*).

of extreme behaviour such as visits to psychiatric institutions. Rhia made frequent calls to the police due to concerns about her safety. Tobias claimed that the police had been sympathetic to him and had privately indicated that they felt Rhia was wasting their time. Tobias said that Rhia was jealous of his new relationship; while Rhia said that she was glad to be away from Tobias and that her only concern was the welfare of the children. Rhia stated that Tobias's new partner was well known as a "home breaker" and that her children were badly behaved and "smelly". Both parties said that they were reluctant to spend time with each other in the same room for the feedback from me as a child consultant, but would do so if it increased the likelihood of a satisfactory outcome.

Tobias wished to use CIP to ascertain whether or not it was Chrissy's genuine feeling that she no longer wished to have contact with him, or whether she was being pressured to do so by Rhia. Rhia hoped to resolve issues relating to child support and to ask Tobias to stop a court process that she could not afford. Rhia said that she actively encouraged the children to spend time with their father and that this was distressing for her as they begged her not to make them go.

The Children's Interviews

The children came to speak with me as child consultant on different days; Durham came with his father and Chrissy with her mother.

The interview was semistructured, within a clear focus on the parental separation and the children's experiences of this. Intensity, frequency, and resolution issues were explored, together with the child's sense of each parent's emotional availability to them. Some of the projective tools, which capture each child's predicament (which can then be conveyed to the parents) consisted of:

- "Bear Cards", a series of 15 cards which show cartoon style bears representing a variety of emotions – joyful, happy, content, confused, stunned, sick, avoidant, dejected, sad, grumpy, angry, engaged, shocked, afraid, and alarmed. Children are asked to pick one or more that match their feelings before their parents' separation (before) and one to show how they currently felt (now).
- A dream drawing, in which the child is invited to draw a picture of a pleasant dream about their family.
- A family Kvebaek sculpture (Cromwell, Fournier, & Kvebaek, 1980), which shows closeness and distance within the family.
- Separation Story Stems (McIntosh, 2003) which are short stories featuring animals in conflictual situations, in which the child is asked to finish the story, this allows some insight into how the child rationalises the conflict within the family.
- Advice to other children in a similar situation.

Durham. Durham appeared fairly calm, feigning an air of disinterest. There seemed to be a flatness about him, a sense of defeat, resignation, and acceptance that implied he felt a change for the better was unlikely. Nonetheless, once we started he was happy to talk and to participate.

Durham chose the same Bear card to illustrate what it was like to be him, before and after his parents' separation. The card showed a bear looking sad and not far from tears: "They didn't get on that well before you know, and I guess it's not much worse now, but it's not better". Durham's Kvebaek sculpture showed his father at one end of the page with his mother and Chrissy at the other. He put himself in the middle and suggested that the communication between his mother and himself was "good", that things between himself and his father were "good", but the communication between his parents was "horrible". Durham felt the cause of the fighting between his parents was "myself or us children" and frequently used the word "sad" to describe his feelings. Durham drew a happy dream showing the whole family together on holiday and stated "they'd be getting on, one big happy family". For his three wishes Durham chose:

1. For them to be happy
2. For them to be happy
3. For them to be happy....then everything would be great.

Durham's advice to other children belied his struggle to cope with overwhelming conflict: "If parents fight a lot and the children wake up in the night and hear parents shouting, throwing things

and fighting, the children could scream 'stop it' it will sometimes work". Durham recommended that talking to others was a good idea and that he had been to a course for similar children and they had got balloons at the end. Durham said that the fighting also "sort of separates brothers and sisters. they don't get on so well. I don't see Chrissy as often as I'd like". Durham said that he was worried about his sister, "because she's sometimes sad and scared of Dad". Durham struggled with the question of how things might be improved. He became much quieter when asked to project how things might be in the future, with his optimism about his parents' capacity for change very low.

Chrissy. Chrissy looked flushed and agitated. She seemed both sad and angry, but also keen to talk. She spoke without any prompting about how unfair her father was being. She seemed brittle and close to breaking down, emanating frustration, impotence, and a fury about being unable to express fully the injustice in her life. She described her father's demands for her to spend time with him, and on the other hand gave many examples of his lack of care and interest in her.

Chrissy chose two Bear cards to illustrate how things were for her prior to the break-up, showing one crying and another sad and dejected. She said her parents were always fighting and that she would hear them "yelling, fighting, and throwing stuff every second night". The four cards she chose now included a sad looking bear with "butterflies in my stomach" and of "feeling all nervous" when going to her father's house. Chrissy also chose cards looking confused: "Why is dad doing this?"; angry "Why"; and finally a card of a Bear with its back turned. "Then he just leaves me. he just sends me to my room. he doesn't care. just goes and spends time with his girlfriend."

Chrissy's dream drawing showed herself, her mother and her brother in a house and an arrow pointing away with the word "nowhere" for her father and his new partner. For her three wishes Chrissy chose:

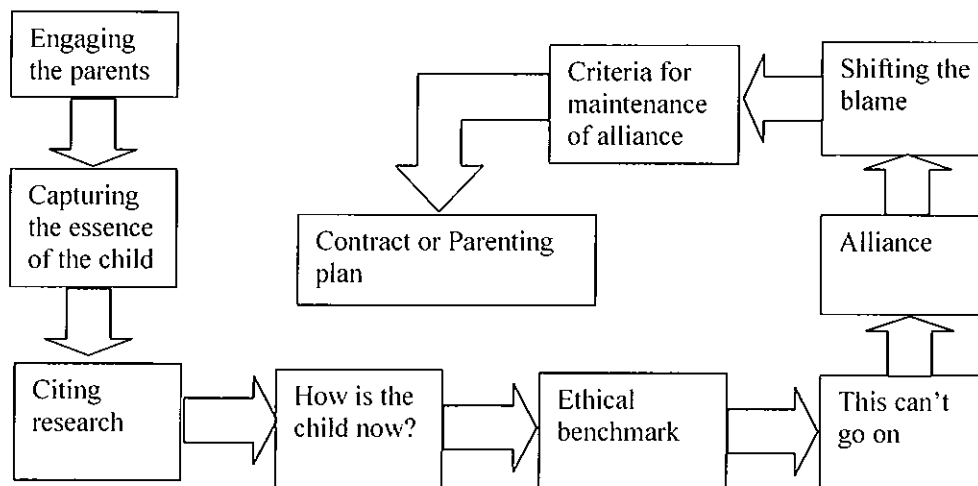
1. Dad and girlfriend go away and don't come back
2. Mum can earn more money
3. I want things to stay as they are.

Chrissy's advice to other children amounted to a dire warning: "Its going to be really rocky. then its going to maybe settle down. Parents are just really mean to each other, and some of them do bad things to the other person. They are both so angry with each other even if the fighting went down a little bit it would still be bad".

Chrissy said that she suspected that her father's new partner was on occasions nice to her only when it suited her. Chrissy stated that her father had only rung her once and, "doesn't say a thing about me and doesn't care anymore". Furthermore, she stated he had sold her bike, given all her toys away and was renting out her room. Finally when asked if she had a message for her parents she said, "Tell my dad to leave me alone and never ever come back" and, "Tell my mum 'I'll see you in 5 minutes'".

Sequence for Feedback Session

Figure 1 illustrates the sequence of interventions that currently inform the practice of child inclusive mediation.



Engaging the parents. Engagement with the parents is crucial if the concept of a parental alliance is to be seriously considered. Parents may already have strongly held views about the wellbeing of the children and they will not relinquish these easily. Often, the parents' perspective of the child's capacity to cope will be influenced by their own particular agenda. It is also necessary to bear in mind that capacity for executive thought is diminished by anxiety. If, for example, a parent has experienced trauma as a result of being, in their view, maltreated by the other parent, they might struggle with differentiating their experience from the child's. Often, concerning behaviour exhibited by the child is attributed to bad parenting by the other.

The engagement process must strike a chord with the parent's natural concern for the children and argue powerfully for them to listen and be open to influence. In order to encourage the parent to review their unhelpful rationale it is necessary for the CIP process to offer a powerful and alternate explanation. This can only be achieved through establishing the credibility of the child consultant who appears to "know" something about the child and therefore to be deserving of an audience. Once the parents see that this process has picked up on deeper insights into the child, their natural curiosity about the welfare of their child is piqued and their capacity to listen attentively is increased. The skill and training required of the child clinician to formulate accurately the child's material within the developmental context, and then relay pieces of digestible news to parents is obviously considerable, underscoring the specialist nature of this role.

Engaging the parents by capturing the essence of the child. The child consultant must be diligent in noting his or her own intuitive response to the child:

- How eagerly does the child seem to want to talk?
- How was it for the child leaving the parent?
- Does the child seem worried, overwhelmed?
- How easy it is to warm to the child?
- Does there seem to be a theme to the child's perspective?
- How does the child make you feel?

The child consultant's capacity to note the child's demeanor and personality and then to express concisely how this child at this particular point in her or his developmental journey is managing conflict between the two most important people in her or his life, will largely determine how willingly the parents will accept the need for a reduction in their conflict.

It is considered that the power to influence change through CIP is largely embedded in its capacity to "bring the child into the room". The more effectively the child's conundrum is highlighted, the more readily parents will be open to change. A discussion about children in general and their responses to conflict in a generic sense will not inspire the parents as effectively to relinquish their desire for retribution against each other.

In this case example, as child consultant, I joined the mediator for the feedback session with Tobias and Rhia. They agreed to meet together, although Rhia expressed concerns about how she might cope with close proximity to Tobias. It was agreed that the feedback session would stop at Rhia's instigation and that Tobias could do the same. Beginning with establishing my connection with the two children, I expressed a sense of incongruence when meeting with Chrissy. The combination of a sense of injustice and anger, mixed with a longing to be cared for and cared about, seemed to predict a likelihood that her true feelings could be easily misunderstood. I wondered aloud whether this confusing mix might be increasing her frustration and sense of impotence. I also noted the incongruence of Durham's initial placid and indifferent manner with his later sentiments expressing a deep sadness and a desire for change. I wondered why Durham had chosen such a strategy and whether as a young man he might feel limited in his options to express his true feelings.

Citing research. Once the credibility of the child consultant has been established, it is necessary to create a backdrop of empirical evidence that firmly establishes the link between parental conflict and the developmental damage caused to children. This information is used

frequently during a CIP mediation, as a reference point against which the child consultant can compare the individual information gained from the child interview. It is essential that the child consultant takes an unequivocal position and an "expert" role about the clear evidence supporting the essential requirement to reduce parental conflict to avoid severe consequences for children.

In this case, I was able, when citing findings from recent research, to point out that children, who were subjected to entrenched antagonistic views between parents, would sometimes become aligned to one parent to reduce their own confusion and frustration, and manage the hurtful effects of travelling between warring homes. The research I spoke of suggested that if a child had become vehement about one parent, this may be an indication of the intensity of the conflict rather than an insight into qualities of the maligned parent. Further research highlighting the consequences of entrenched conflict on child development was also mooted.

I then judiciously selected evidence from the children's interview to enhance the notion that a reduction in conflict was essential. On occasion, it may be necessary to highlight the hope held by the child that a better way is possible. This can be illustrated by examples such as a drawing of a pleasant dream or what they would wish for. On other occasions, it may be necessary to highlight worrying or concerning demonstrations of the child's predicament through advice they would give to other children and story stems indicating their response to conflict. The child consultant needs to ascertain in each case the parental capacity to listen reflectively and to adapt the feedback process accordingly. It is necessary to balance this process in a way that is both supportive and challenging to bring about the primary objective - an emerging alliance between the parents, designed specifically to improve the emotional environment of the child.

How is the child now? The child consultant then needs to illustrate the manner in which the child has dealt with his or her own journey through parental conflict, bearing in mind that no child can be immune to the consequences of parental conflict and that coping strategies used by the child may mask their distress.

Initially, Durham seemed to be indicating that he was unperturbed by his parents' conflict but later revealed a deep sadness. Chrissy was seething with anger and tended to lay all the blame on one person. As child consultant, I wondered aloud to the mediator, in the presence of the parents, whether Durham's sense of resignation and flatness and Chrissy's brittle anger were a direct response to trying to live amongst Tobias and Rhia's mutual fury. I was able to graphically demonstrate the children's perspectives by carefully choosing evidence that would not encourage the parents to blame each other or to use information to support their individual perspectives, namely, material that supported their desire for a reduction in conflict between Tobias and Rhia.

Ethical benchmark. "Developmental forecasting" is a technique coined by McIntosh (McIntosh & Long, 2006). This phase of the feedback will allow the child consultant to hypothesise whether or not the strategy currently used by the child to deal with the conflict may in the future damage the child's own relationship prospects (e.g., using a strategy of "pretending there's no problem" and refusing to discuss difficult issues to avoid escalating conflict). This process is designed to energise the parents' capacity for change through tapping into their natural desire for their children to thrive now and as functional adults in the future.

In the present case, I noted the current coping strategies used by the children and showed these responses to be developmentally predictable. I projected that these strategies were understandable responses, but would become more problematic for the children in the future, as both Durham and Chrissy might struggle in their own relationships as adults if these strategies could not be reviewed while they were still young enough to learn more beneficial and effective ways of relating and thinking about conflict resolution.

The child consultant can enhance this capacity by asking the parents to establish an ethical benchmark, describing how they would ideally like their child to feel and to illustrate how they would like their child to grow up, level of self-esteem etc. This will allow the parents to note any dissonance between their wishes for the child's future (ethical benchmark) and the child's current state (how is the child now?), and to wonder what is in the way of putting these commendable desires into action. The child consultant will at this stage suggest that perhaps what is required is an

alliance between the parents that will allow them both to work together to enhance the likelihood of these wishes becoming a reality.

This can't go on. When carefully and sensitively delivered, the evidence given by the child and used by the child consultant to convey the child's predicament will be powerfully emotive in demonstrating the distress felt by the child. The child's hopes and fears are apparent in the drawings, which are shown to parents with the child's permission. Parents can be brought to understand that an age-specific logic has brought about a sense of responsibility in the child, and that strategies of dubious long-term value will also have been developed to minimise the effects of the conflict. The advice that a child has given to other children about how to manage the effects of parental conflict will, with the help and guidance of the child consultant, inform the parents as to the unique interpretation the child has made of his/her parents' apparent lack of unity.

If the parents have some capacity to reflect, they will at some point reach a stage whereby they are, individually at least, feeling that the information conveyed by the child consultant has persuaded them that ongoing conflict is damaging to the child. This may engender some insight into the need to improve the environment of the child to prevent further harm. At this point most parents are sufficiently moved to consider that, as overwhelming as their own agendas might be, there is a need to consider a need for change for the sake of the child. Tobias and Rhia agreed that their scenario was not one they wanted for their children and acknowledged that their conflict was damaging Durham and Chrissy. They both stated that they wished for their children to have happy and healthy relationships and could see that the current situation did not support these wishes.

Alliance. When parents are facilitated in understanding that their conflict and its many compromises are largely responsible for their children's demise, there is an opportunity to suggest that some alternative process might be preferable. It is at this point that the idea of a parental alliance is introduced to diminish the negative consequences of parental conflict upon the children. It would be an unreasonable request to ask parents to agree to such a concept in order to diminish each other's pain, as they may not yet be prepared to forgive each other. However, they may be prepared to consider an alliance, if it is seen as an opportunity to enhance their children's current wellbeing and their capacity to thrive in the future. Tobias and Rhia agreed that some form of alliance would ease the children's burden, but stated that they felt pessimistic about sustaining such an arrangement due to a low level of trust between them.

Shifting the blame. Typically, most parents will, at this point, view the prospect of a parental alliance with some degree of pessimism. Their past experience of the relationship may have led them to believe that the likelihood of a mutual understanding is low, usually due to concerns about the good intent, or lack of it, of the other partner. At this point the child consultant will begin to add an ingredient to this process by taking on a more systemic role.

As family therapists know, this shift requires skill and deftness. The aim is to shift the blame away from the individuals and onto the previous parenting relationship. This creates an opportunity for the parents to move from their individually focused and pathologising view of what went wrong (She/he turned out to be a cold uncaring person) to a systemic one in which blame is absent or at least less prominent (we weren't equipped as parents to deal with the pressure we were under at the time). This process opens up the possibility of forgiveness of both oneself and the other. It allows a sense of (perhaps guarded) optimism to emerge from what was felt to be a hopeless situation. It introduces the possibility of some flexibility; options that hitherto seemed impossible can be canvassed. The skills, strengths, and abilities of both parents are allowed to return, or may possibly become apparent for the first time.

In this case, I asked Tobias and Rhia to talk to me about how they had managed their differences when they first became aware that their mutual support and care was diminishing. Tobias and Rhia described their life as young parents as affected by loneliness (they had recently moved away from friends and family for Tobias's work). There had also been depression, long hours of work, isolation, and a considerable amount of bad luck.

I asked how effectively their relationship had helped them stay closely connected and cared for during these difficult times. Tobias and Rhia both stated that they felt abandoned and vilified by

the other and found that their attempts to resolve their differences usually ended in arguments and further unhappiness. My comment at this point produced another less blaming lens through which the history of this couple might be reviewed: "It looks like your relationship was unable or ill-equipped to help you adequately as young parents. It is not surprising that you both started to feel uncared for and to wonder about each other's motivations." Tobias and Rhia seemed somewhat relieved by this concept and began to volunteer further examples to illustrate how naive and unprepared they both were for parenthood. They agreed with my further reflection: "It looks like what undid you both then is still undoing you today in terms of being able to provide the kind of environment you both clearly want for Durham and Chrissy".

Criteria for maintenance of alliance. The process can at this point bring about a hiatus in the parent's narrative of blame and acrimony, and a window of opportunity can be created which must be quickly filled by the CIP process to prevent a return to the original narrative of hostility. The parents are asked to describe their criteria for maintenance of the alliance. These are clearly written up on a whiteboard. Statements may need to be softened to limit the potential for reactivity and to maximise the atmosphere of cooperation. For example: "She needs to stop bad mouthing me and saying I'm a bad father" is put up on the board as, "I need to be described as a good father". The parents may need a great deal of encouragement and thanks on behalf of the child at this point. These criteria form the guidelines for the new parenting relationship. It is important that the child consultant is thorough in uncovering all the requirements that the parents have of each other because these rules will assist in preventing behaviours that may re-encourage destructive approaches to conflict. In addition, they will attend to what really lies behind the conflict by making sure that the parents look after each other and therefore the health of their parenting alliance. The point needs to be made that: "If you look after each other, you will be looking after your children." It is interesting to note that the requirements the parents have of each other are usually basic emotional needs such as a request for civility, to feel respected as a good parent, and to have good intent acknowledged.

Tobias and Rhia were invited to give indications of what sort of behaviours they would require from each other to sustain an alliance and maintain a positive environment for Durham and Chrissy. Tobias stated that he would like Rhia to assist him in fostering his relationship with Chrissy. Rhia stated that she would like Tobias to back pay some child support payments and to stop a court process for contact with Chrissy. Both asked for a more friendly reception from the other when contact occurred. They both committed to being pleasant to each other when next interacting and suggested that they observe how the children responded to this new arrangement.

As a follow-up to the original interview, the children returned 2 weeks later. Both looked palpably less weighed down by their parent's conflict. They both stated that their parents were being "much nicer", and Chrissy stated that she would now be prepared to consider spending short periods of time with her father provided that she could bring a friend, that they could meet at a public place, and that the visits should be for short periods of time. Durham stated that he now found it much easier to suggest to his father that he wanted to spend more time at his mother's house, because: "Now it's not so much about what they want, but more about what's best for me."

Contract or parenting plan. Tobias and Rhia returned to a later mediation session to finalise the details of their new parenting plan and the conditions for behaviour were further discussed. It was agreed after discussion with the parents and the mediator that I would not be required to attend further sessions. However, I did meet with the mediator to ensure that the children's perspectives would be adequately reintroduced at the beginning of the session. This is generally necessary in my experience to re-energise the momentum of desire for positive change

Closing Reflections

It is clear that CIP can evoke a capacity for change in parents who are still affected by separation and otherwise unable to forgive each other. The structure, rules, and boundaries of mediation, specialist developmental knowledge of the child consultant, and the astute use of therapeutic technique offers an opportunity for parents to re-establish a workable alliance with each other and

to again hold the children's interests to be of primary concern. Because they are party to the forming of their alliance, because parental compassion for their children is endorsed through the process, and because the child consultant can speak with credibility about *their* particular children, maintaining a commitment to the reduction of acrimony and an ongoing postseparation parental alliance is more likely to be achieved. The formal evidence with respect to outcomes of CIP in high conflict postseparation families is examined in McIntosh, Wells, and Long in this Issue of the *Journal of Family Studies*.

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