

EPPM Information for Parents

Early Parenting Plan Mediation (EPPM) is a family-specific mediation process designed to help parents who are in conflict regarding the parenting plan that is in their children's best interest.

According to Colorado law, all families with children who are involved in a divorce are required to present a parenting plan to the Court as part of the dissolution process. A parenting plan consists of three parts: 1) parenting time, i.e. how much time the child(ren) spends with each parent, 2) decision-making, i.e. how decisions are made on behalf of the child(ren) in the areas of health, education, religion, and extracurricular activities, and 3) the method that will be used to resolve disputes in the future short of going to court, such as mediation, arbitration, mediation/arbitration, and the involvement of a Decision-Maker.

EPPM is a confidential process that provides parents information and a format within which to decide upon the parenting plan that best fits the child(ren)'s needs and the dynamics of the family. Information obtained during the EPPM process is shared with your attorneys only. Even then I share only that information needed to resolve the dispute. I do not share information with the judge, other family members, or evaluators who may enter the divorce process in the event that the EPPM process does not result in a mutually agreeable parenting plan.

The first step in the process is a joint meeting with both parents to talk about 1) the EPPM process, 2) conflict and successful conflict resolution, 3) the use of lengthy questionnaires that each parent will be asked to complete (which can also be done in advance of the initial meeting), and 4) anything else that you think that I should know at the outset.

The second step involves individual meetings with each parent to review the questionnaires. Each parent is provided roughly two hours to elaborate on their answers and to discuss the parenting plan that he or she believes is in the child(ren)'s best interest. It is likely that I will give preliminary feedback about the plan each parent has proposed, including information regarding child development, the types of parenting plans that are usually considered given the developmental age(s) of the child(ren), the types of co-parenting relationships that usually fit with your particular family dynamics, and the methods by which disputes are most likely to be resolved in the future given the relationship that exists between the parents.

The third step is another meeting involving both parents, this time to discuss each person's parenting plan proposal with the other parent. It is my job to help you fashion a plan using the information you have provided. It is also my job to help you identify and overcome obstacles that must be addressed for the EPPM process to succeed. The amount of time needed for step three varies from family to family.

Unless you decide to ask your attorneys to complete the process, the fourth step involves my preparing what is known as a Memorandum of Understanding (MOU). An MOU is a summary of the agreement(s) you have reached. It may include a very detailed parenting plan, a less detailed parenting plan, or those components of a parenting plan to which you have agreed. The MOU may be presented to your attorneys who then use it to prepare a legal document that is sent to the judge who converts it into a court order. In the alternative, and with the permission of your attorneys, you may sign the MOU in my office to make sure the agreement sticks.

The length of the EPPM process varies depending on each family's circumstances and the complexity of the issues that need to be addressed. My best guess is that the entire process will take between eight and 12 hours, although that is only a guess based on my work with other families. The actual length of the process will depend on how much time you need to convey information to me and reach an agreement during the conjoint meeting.

The EPPM process has its pros and cons. On the positive side, EPPM gives parents an opportunity to reach an agreement regarding a parenting plan in a cost effective manner. It is designed to resolve parenting plan disputes early in the divorce process before parents have become entrenched in a legal process that requires them to consider the other parent an adversary.

In my opinion, based on almost three decades of working in the area of divorce, the worst possible way of resolving disputes regarding children is to go to court. Going to court is not only expensive financially, but is very expensive emotionally. If you are unable to reach an agreement with the help of your attorneys and/or a mediator, it is likely that you will be asked to undergo either an investigation performed by a Child and Family Investigator (CFI) or an evaluation performed by an Allocation of Parental Responsibilities (APR) evaluator. These roles will be discussed during our first meeting. Suffice it to say at this point that you will feel that you have been placed under a microscope, and will likely pay thousands of dollars more than you would spend on a mediator to achieve the same end.

The problems don't end there. CFIs and APR evaluators are required to prepare what are often lengthy reports of their findings and recommendations. These reports are submitted to the Court for the judge to use when deciding your fate as a family.

Should you end up in court, it is likely that the attorney on the other side will use the report to bring up issues that you would prefer to keep private. It is also likely that you will feel that you have been treated poorly during the court hearing and that you will blame each other for the treatment you receive. You and your former partner are likely to leave the courtroom with a damaged co-parenting relationship and wounds that will take a long time to heal, if they ever do.

Furthermore, the decision regarding the parenting plan for your child(ren) will be made by the Court who, as I have heard stated by many judges, is the person least informed regarding your individual family and your individual situation. Going to court means giving up your autonomy as parents. EPPM (and other forms of mediation) allows you to remain in charge of your future and that of your child(ren).

There is another reason to resolve your differences regarding a parenting plan without engaging in a bitter fight, namely that it is likely to minimize the level of conflict between you and your spouse as you proceed through the remainder of your divorce.

The reason that keeping parental conflict at a low level is so important is that every research study demonstrates that a child's post-divorce adjustment is highly dependent on parents getting along with each other. The more parental conflict during and after the divorce, the less well your child(ren) will fare not only when it comes to adjusting to the divorce, but also when it comes to the developmental steps they will need to take to become full-functioning, mature, and happy adults.

Children whose parents maintain a high level of conflict between them are more vulnerable to depression, anxiety disorders, learning problems, low self-esteem, substance abuse, and problematic relationships with members of the opposite sex, including premature sexual activity. Children whose parents do not get along are also more likely to become divorced themselves later in life.

Having addressed the positive and negative aspects of EPPM, I would like to make sure that you understand that this process is not for everyone. If your goal is to punish your spouse for the harm he or she has done to you by fighting about the parenting plan, EPPM is not the way to go. Similarly, EPPM is not a good choice for people who are unable to place their children's needs ahead of their own, or for parents who are inflexible and unable to compromise. Unless you and your spouse are willing to protect your future co-parenting relationship for the sake the children, EPPM is not likely to help you.

Which brings me to the other downside regarding EPPM. If the process fails, you will have spent money without the return you had hoped for and may have to hire a CFI or an APR evaluator to finish the job. It is, therefore, important to decide at the beginning if EPPM is a process that is likely to help you. It is my responsibility to let you know as soon as I do if I believe that the process is not going to help so that you don't waste time, energy, and money.

I hope that you have found this document helpful. It obviously does not answer all of the questions that parents have about EPPM and dispute resolution. It is simply an overview. Should you need additional information, please let me know. I have other documents that I could share with you before you decide to use or not use EPPM, including a copy of my fee agreement (which is more about responsibility than money), a copy of my resume, and a copy of the questionnaires I mentioned previously.

Even if you decide against using EPPM to reach an agreement regarding a parenting plan for your child(ren), please do your best to divorce in a manner that diminishes the conflict between the two of you and keeps it at a low level over time.

I cannot emphasize how important this is for the sake of your kids, the most important people in this process. Please do this for them. They will be grateful for it even if they can't show their gratitude until later. And you will feel better about yourself knowing that you have done your best to protect them from your disputes as they work through the losses they are forced to experience as a result of the break-up of their family.