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Article 26

Advocacy in the Real World: Connecting the ASCA National Model to Family Court Systems and Students of High-Conflict Divorce

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The American School Counselor Association (ASCA) National Model promotes advocacy as one quality a Professional School Counselor (PSC) should infuse throughout the comprehensive school guidance program to include the academic, career, and personal/social domains. Skills required in advocating for students must be learned through school counseling training programs, professional development workshops, or self-study. Often PSCs must develop professional improvement strategies for dealing with their daily roles through self-study targeted on a specific issue. Often this self-directed learning is a necessity targeted at a specific topic (advocacy per se) or time.

In the case of students burdened with issues of high-conflict divorce, PSCs may initially not see this as their role, but need to embrace advocacy as a social justice opportunity, aligning their practice with the American Counseling Association advocacy competencies. Ratts, DeKruft, and Chen-Hayes (2007) presented a compelling argument for PSCs to use the American Counselor Association (ACA) advocacy competencies. They state advocacy is an important skill of the "21st-century professional school counselor." ACA advocacy competencies divide advocacy skills into three levels: (1) student level; (2) school/community level; and (3) societal/public level (Lewis, Arnold, House, & Toporek, 2003). It appears PSCs working with high-conflict divorce cases are best served by calling upon the ACA advocacy competencies at the student advocacy level. The six skills listed under the student advocacy domain are: (1) Negotiate relevant services and education systems on behalf of clients and students; (2) Help clients and

students gain access to needed resources; (3) Identify barriers to the well-being of individuals and vulnerable groups; (4) Develop an initial plan of action for confronting these barriers; (5) Identify potential allies for confronting the barriers; and (6) Carry out the plan of action (Lewis et al., 2003). Following is an example of how PSCs may embrace one role of advocacy, as it relates to a student experiencing high-conflict divorce.

Case Study: Samuel

Samuel is a 10 year old fifth grader at High River Elementary school. He is an only child with parents who love him dearly. Samuel was born prematurely. His parents were rarely away from his incubator during his hospital stay. Samuel's family dynamics were perceived by school officials and the elementary school counselor to be the "ideal" loving family with devoted parents up until December of Samuel's fourth grade year. Samuel's parents decided to divorce due to irreconcilable differences and continual high-conflict in the home. The divorce was filled with high-conflict between the parents and often Samuel was in the center of the conflict, witnessing the hostility and disparaging communication displayed by both parents. His parents refused to follow the custody and contact schedule ruled on by the courts. Each parent degraded the other when Samuel was visiting with them, not promoting the relevance of the other parent to the child, and unknowingly put him in a loyalty bind. Samuel felt 'caught in the middle' of his parents' conflict and was torn. At school Samuel became withdrawn and refused to do any class work. He began to exhibit behaviors of defiance toward adults, harassment of fellow students, and episodes of vandalism. Samuel's behaviors have increased due to his parents' increasingly negative verbal attacks towards one another, blatant disregard for the court-ordered contact schedule, and inappropriately sharing adult and court information with their son, such as disclosing the fact that they are returning to court to amend the child custody agreement. The parents were putting their anger towards each other before their love for Samuel, ultimately contributing to his emotional and psychological distress, suffering self-esteem, and confidence. The PSC, in collaboration with the Parent Coordinator, is uniquely situated to advocate for Samuel by identifying resources and helpful interventions that will help him achieve in school and be successful.

Effects of Divorce on Children

Samuel's case is not unlike situations experienced by thousands of other children being educated within American public school systems. To this end, numerous studies that explore the impact of divorce on children have contributed to the literature. Over the course of 3 years, Butler, Scanlan, Robinson, Douglas, and Murch (2004) followed 104 children of divorce, aged 7 to 15 years, and observed their varied experiences. Critical to their study, the researchers found that children who experienced divorce perceived the parental separation as a crisis. These children were also twice as likely to experience poor outcomes as compared to children who were raised in families that remained intact. Greater levels of poverty (due to a decrease in financial support of the household), behavioral problems, alcohol and drug abuse, symptoms of depression, and smoking have

also been documented as compounding factors for children of divorce. Shaw (2004) noted that appearing in school with poor hygiene, tired/lacking sleep, increasingly aggressive, worried, and exhibiting a lack of motivation may be other behavioral signs that are displayed by these affected youth. Research has found that children of divorce may also have lower educational attainment and be in poorer health. If parental conflict and parental distress are intense, the risk of such outcomes increases (Shaw, 2004). In addition, Shaw reported some children who experienced strained relationships with one or both parents felt very angry toward and betrayed by them. As in Samuel's case, some children feel caught in the middle of the parental conflict, while others may feel compelled to divide their loyalties (Butler et al., 2004; Mitcham-Smith & Henry, 2007). Dunn (2004) observed the dynamic of parental separation and subsequent creation of stepfamilies, further compounded the stress felt by many children.

According to Butler et al. (2004), younger children may tend to be more affected by the divorce and divorce proceedings. This state is often caused by their lack of awareness and limited ability to comprehend what is happening around them. Situations such as these may directly correlate with why younger children tend to have issues surrounding fear of abandonment. Butler and colleagues proffer that children may have a great sense of uncertainty about the future, which may lead to preoccupation with concerns about their fate and the fate of other family members. Butler et al. report that children value continuity in their lives; it is critical to maintain as much consistency in a child's daily life prior to, during, and after a divorce.

Ellis (2000) alleges it is the level of conflict in the divorce and not the divorce, per se, that is responsible for children's poor academic achievement. In fact, major stressors for children growing up in chronically high-conflict homes surrounded divorce and/or continued post-divorce conflicts. Ellis found that teens from such high-conflict circumstances typically exhibited poorer grades, were more anxious, more withdrawn, and tended to act out more when compared to teens from divorced homes with no conflict post-divorce. In addition, a very good relationship with one parent, particularly the mother, was found to mitigate the effects of the divorce and conflict for children (Ellis, 2000). Given the increased risk of poor performance, elevated anxiety, and asocial behaviors for children of high-conflict divorce, there is a need to more strategically examine interventions and proven practices that may be available as resources to help these children. A common factor that provides consistency for children of divorce appears to be daily exposure to a positive school setting with supportive teachers, principals, and professional school counselors (PSC). All of these educators have the potential to provide much needed help and assistance based upon their particular professional role. The PSC, however, stands out because they are specifically trained to serve as an advocate for all students, particularly those in high need. Furthermore, the PSC may be a stable force in assisting children of divorce to cope with the challenges they face due to their newly formed family dynamics (Mitcham-Smith & Henry, 2007).

School Counselor as Advocate

The American School Counselor Association (ASCA) defines a professional school counselor (PSC) as a "certified/licensed educator trained in school counseling with a minimum of a master's degree in school counseling making them uniquely

qualified to address all students' academic, personal/social and career development needs" (ASCA, 2009, para. 1). Historically, the traditional duties of the PSC involved the provision of responsive services. Essentially, the PSC typically provided service or activities to meet the students where they were; many of these student needs emerge from the circumstances surrounding life events, situations, and environmental conditions in the student's daily functioning. As such, the PSC historically provided varied reactive assistance such as counseling, consultation, referral, and opportunities for peer mediation. This is in direct contrast to current professional school counseling practice, which supports responses to student needs that are proactive and preventative in nature.

Contemporarily, the role of the PSC has been expanded to include provision of services to a varied student clientele; such provisions are inclusive of gifted, racially and linguistically diverse, 'at-risk' students, as well as those in need of family/parenting education. The ASCA website provides many position statements relevant to the service delivery roles of PSCs. Of note is the Association's focus on 'family/parenting education' and 'at-risk' students. ASCA upholds the PSC as a leader and an instrumental resource who provides family/parenting education materials and programs such as improving parenting, decision-making, and alternative coping skills (ASCA, 2007). Such programs can work to effect behavioral change in children by improving parental skills. With regard to 'at-risk' students, ASCA places great confidence in the ability of the PSC to be instrumental in the intervention or prevention of behaviors which may interfere with academic success and provide lifelong implications. Noting that behaviors such as "low self-esteem, relationship problems, unresolved grief, trauma, involvement with drugs/alcohol, neglect or abuse" (ASCA, 2004) stem from personal and social concerns, ASCA is adamant that PSCs are competent professionals who are equipped to provide appropriately attuned assistance.

Ethics guide the profession of school counseling. ASCA's Ethical Standards for Professional School Counselors mandates that the "professional school counselor...encourages the maximum development of every student" (ASCA, 2007, Responsibilities to Students section, para. A.1.b) and "recognizes that working with minors in a school setting may require counselors to collaborate with the student's parents/guardians" (ASCA, 2007, Responsibilities to Parents/Guardians, para. B.2.b). As such, by virtue of an ecological approach to providing service to the student, (i.e., concern with the educational, academic, career, personal, social, and familial needs of minors), the school counselor may essentially be viewed as a student advocate.

The Education Trust (2009, School Counseling, para. 1) defines school counseling as "a profession that focuses on the relations and interactions between students and their school with the express purpose of reducing the effects of environmental and institutional barriers that impede student academic success" (para. 1). Proponents of The Education Trust believe that the PSC may be an assertive advocate who may effectively work with varied school personnel (i.e., teachers, administrators) and the family to improve student success. The Education Trust also maintains that the PSC may be a valuable consultant who may influence families to empower their children. The Education Trust takes a strong position that the PSC role and responsibilities begin with being a student advocate.

How does a PSC learn to position appropriately to serve as an advocate? In a worthwhile attempt to equip PSCs with the skills needed to fulfill an advocacy role, The

Education Trust (2009) provides professional development training. An example of this training was facilitated under the National School Counselor Training Initiative and funded by MetLife Foundation. The Training Initiative was designed as a series of workshops to help PSCs associate their role and responsibilities with school reform, and become an essential part in building an equitable learning environment. Moreover, the workshops using empirically based data imparted leadership, advocacy, teaming and collaboration, and counseling and assessment skills; “all of which are directed toward systematic change designed to provide access and equity for all groups of students” (The Education Trust, NCTSC Professional Development for School Counselors, para. 2). According to the Education Trust, advocacy also entails the PSC championing “policies and practices that promote academic success for all students” (The Education Trust and MetLife Foundation National School Counselor Training Initiative, 2002, Advocacy section, para. 4).

While ASCA and The Education Trust are currently leading the cause for advocacy to be an integral part of a PSC’s role, there is also increasing support for this approach at the scholarly level. Advocacy has been noted by researchers as a crucial key to bridging the achievement gap between students of racial minorities, students with low socioeconomic status, and their middle to upper socioeconomic White counterparts (Bemak & Chung, 2005; House & Hayes, 2002; House & Martin, 1998; Mitcham-Smith, 2007). In addition, the advocacy role of PSCs has been highlighted as even more crucial in urban settings (Lee, 2005; Mitcham-Smith, Hayes, Jackson, Bryant & Fefer, 2010). According to Lee, urban school settings are often characterized by their need to close the ‘achievement gap,’ areas of ‘concentrated poverty,’ and locales of ‘increasing cultural diversity.’ Added to these characterizations, “urban school settings also face higher teacher turnover rates, limited school resources (e.g., ‘aging facilities,’ lack of books and school supplies), significant “student absenteeism, family instability, and increasing school and community violence” (p. 185) more so than their non-urban school counterparts. As such, to ensure student development, the PSC is required to provide support to students and to advocate for students against a backdrop plagued with challenges. The PSC needs to be a “systematic change agent, working to impact urban social systems in ways that will ultimately benefit the students” (Lee, 2005, p. 186).

Timeliness of School Counseling Advocacy Role

Given the No Children Left Behind Act of 2001 (NCLB, 2001, Executive Summary), the evolution of the PSC role to include advocacy is quite timely. NCLB essentially focuses on raising the academic achievement of all children, but particularly the achievement of those who are low achievers, minorities, and from disadvantaged backgrounds. As a student advocate, the PSC may contribute to this educational reform through the promotion of academic success (Mitcham-Smith, 2007). Taking responsibility for student achievement outcomes gives PSCs an opportunity to create more effective school environments and development opportunities for students (Paisley & McMahon, 2001). Paisley and Hayes (2003) state that when working to raise the academic attainment of students, the role of the PSC shifts from a service provider to program orientation, and toward creating student advocates who foster social emancipation and personal empowerment. Howard, Solberg, and Scott (2006) refer to

this role shift as social justice. They suggest that by working from a social justice perspective, the PSC may also provide low-income and disenfranchised students with self-advocacy skills used to overcome challenges (e.g., academic, emotional, social and environment-based challenges). This is supported by the work of Ratts et al. (2007), who express the need for PSCs to become social justice advocates and Mitcham-Smith (2007), who asserts that PSC's must be social change agents who embrace their advocacy role and ultimately choose to empower their students and close the achievement gap.

Field and Baker (2004) also embrace the concept of effective school counseling incorporating advocacy. Integration of advocacy relies on PSCs; the authors examined the state of advocacy among current PSCs with specific focus on their definition and beliefs about advocacy. In interviews conducted with a nine-person PSC focus group, Field and Baker revealed the definition of advocacy for these PSC as "focusing on students, exhibiting specific advocacy behaviors ('supporting students, writing letters, making phone calls, finding ways around the red tape'), and going beyond educational business as usual" (p. 9). Supporting and standing up for students, along with appealing to those with the power to elicit influence and thus creating improvements in the student's life, were beliefs outlined in this research.

Recognizing the importance of advocacy, Trusty and Brown (2005) focused their efforts on what is required for the PSC to gain advocacy competency. Examining advocacy competencies adapted from special education professionals, these researchers highlighted three key areas: disposition, knowledge, and skills. Disposition was defined as including advocacy awareness, family support/empowerment, social justice, and ethics in practice. The Knowledge category referred to PSC awareness of useful resources, dispute resolution mechanisms, and system change. The Skills area incorporated the use of communication, collaboration, organization, problem-assessment, and problem-solving techniques. In essence, in the case of a student involved in high-conflict divorce, the advocacy competent PSC may collaborate with a Parenting Coordinator, and incorporate their disposition, knowledge, and skills to ensure the needs of the child are met despite the parents' discord. This advocacy role is already built in as a component of the ACSA comprehensive school guidance model under the personal/social domain.

Application of ASCA Standards to Our Case Study

To best meet the needs of Samuel, the PSC employed the disposition, knowledge, and skills of a consultant when collaborating with an administrator of the Family Court, commonly referred to as the Parenting Coordinator. The Parenting Coordinator provided a copy of the court order for parenting coordination to the PSC; the document outlined the role and significance of this unique family court intervention. Due to their knowledge of the situation and relationship with Samuel, the PSC adapted an advocacy disposition and worked with the parents, teachers, and the Parenting Coordinator to put an action and accountability plan into place. These efforts resulted in services that supported Samuel's adjustment and transition through the divorce. The intervention included counseling for Samuel in a small group at school with other students experiencing loss due to separation or divorce. Further, periodic education-focused meetings with the parents were held to problem-solve and help them learn to communicate and cooperate around school issues and be a united front for their son's success at school. Additionally, the PSC raised

parent's awareness in accurately promoting the relevance of each other in Samuel's educational life in order to reach a common goal: academic success for their son. The "united front"/partnership also led to a commitment to attend future meetings and school events as a separate yet cohesive body; and effective co-parenting (Mitcham-Smith & Henry, 2007). The impact of this intervention yielded a seamless collaboration with the Parenting Coordinator and implemented an effective conflict resolution strategy for the parents, school, and child. This intervention outlines the importance of how PSCs may advocate for students by employing family support and empowerment, conflict resolution strategies, and utilization of appropriate resources, while fostering a strong collaborative relationship with a Parenting Coordinator.

The School Counselor and the Parenting Coordinator

Given that professional groups and research have created a strong foundation for the role of advocacy in school counseling, the adult connection between PSCs and students needs to be formally addressed. From an ecological perspective, a PSC has the capacity to be a central player in the life of a child. The PSC is well positioned to have an immediate impact on all systemic circles of the student's life, with the first circle being that of the student's academic life and the second being the essential circle provided by the family. Familial life impacts a student's ability to do well in the classroom, as well as negotiate life socially outside of the classroom. As such, the structure and state of the child's family may promote or impede the student's ability to succeed academically and in their daily life. Given the effect of divorce on many children, the fact that approximately half of all marriages end in divorce, and the subsequent difficulties faced prior to and after the dissolution of a marriage (Butler et al., 2004; Ellis, 2000; Mitcham-Smith & Henry, 2007), it may be worthwhile to embrace the PSC as an advocate that lends valuable expertise to the family court system. PSCs may be hesitant to work with this special population and may not readily see this advocacy role as vital, but collaboration with Parenting Coordination fits well within the ASCA National Model as it relates to expectations pertaining to school counseling program advocacy. Special training may be needed for PSCs to better appreciate the myriad challenges of students experiencing divorce and high-conflict divorce, which affect nearly half of all students.

Within the family court systems, the Parenting Coordinator is the court mandated professional chosen to act in the child's best interest. Translating the shared parenting plan, mediating with parents and guardians in high-conflict divorce cases, and reducing the conflict and removing the child from the center, highlights this active role (Henry & Mitcham-Smith, 2008; Mitcham-Smith & Henry, 2007). Thus, Parent Coordination is a "child-focused alternative dispute resolution process" (The Association of Family and Conciliation Courts [AFCC] Task Force on Parenting Coordination, 2005). According to Mitcham (2010), Parenting Coordinators are typically licensed mental health counselors who are certified as Family Mediators and trained in Parenting Coordination. Their role is to work with couples that are divorcing, or have divorced, and need help with communication regarding their children and translating the shared parenting plan. These high-conflict couples are typically court-ordered to parenting coordination for close supervision and oversight, and guidance in dealing with their pressing parental issues. A Parenting Coordinator works with these couples to reduce their interparental conflict and

facilitate a positive co-parenting relationship, without placing the children in loyalty bind. Additionally, Parenting Coordinators interface with attorneys, step-parents, guardians ad litem (GAL), judges, mental health professionals, and educators involved with the case. This quasi-legal process combining assessment, education, case management, conflict management, and sometimes decision-making functions offers disputing parents an alternative to a mental health intervention in high-conflict situations (AFCC Task Force on Parenting Coordination, 2005).

The Parenting Coordinator's job is multifaceted. It includes a) translating and modifying the shared parenting plan with minimal conflict, b) monitoring/facilitating the effective execution of the plan, c) teaching conflict resolution and effective communication skills, d) teaching effective strategies for minimizing parental conflict, e) helping parents promote and encourage positive relationships between the child and the other parent, and g) making referrals for outside psychological help if one or both parents exhibit need (Coates, Deutsch, Starnes, Sullivan, & Sydlik, 2004; Garrity & Baris, 1994; Mitcham-Smith & Henry, 2007). The Parenting Coordinator is recognized by several entities as a highly valued referral resource (Ho, 2000; Ho, Monaco, & Rosen, 2000; Kelly 2004) who may help divorcing couples in conflict re-align themselves as co-parents, learn conflict resolution strategies, communication skills, and ultimately, how to parent with the best interests of their children in mind.

Parenting Coordination is a non-confidential intervention (Kelly, 2002) and thus, in creating his/her recommendation for the Court, the Parent Coordinator may meet with various other professionals such as a PSC, family doctor/nurse, and may even speak with the child. Given that the PSC and the Parenting Coordinator both wish to serve the best interests of the child, they may effectively act in unison on the child's behalf. Our research suggests that the PSC is currently an untapped yet viable resource, whose professional training and skills may provide key services to the Court and by extension, the student-child. The PSC is an objective person who may have daily access to the child, providing them with stability in their ever changing-world now complicated by a myriad of experiences related to their divorcing parents.

Kelly (2002) noted the post-divorce state often included diminished parental support/contact, "high interpersonal hostility, loss of economic and psychological resources," and "disruptive life changes" (p. 130). These changes may escalate the risk for children who are already at peril due to "intense marital conflict/violence, poor parenting or poverty" (Kelly, 2002, p. 130). As such, while the Parenting Coordinator creates appropriate parenting plans, builds functional and enduring co-parenting relationships, and resolves ongoing co-parenting disputes (Coates et al., 2004), the PSC may assist by using his/her skills to minimize the impact of the divorce on the student-child. One way to achieve this is by communicating with both parents, following up all conversations with an email to make sure everyone is on the same page and that both parents feel they are included in their child's academic experience. Furthermore, the PSC may provide feedback to the Parent Coordinator on the student-child's academic stance as well as any behavioral changes. With an understanding of the possible sources of trauma in the child's life, the PSC may provide tailored counseling to the child and create an adjustable school plan that might minimize and thus stem long-term effects of the divorce.

With detailed knowledge of the child's familial situation based on information provided by the Parent Coordinator, the PSC may also encourage that in the case of high-conflict post-divorce co-parenting or single parenting, that the parents/guardians uphold the recommendations of the court regarding the minors' education and cooperate with the Parenting Coordinator. The PSC may therefore, within their limits, assist the Family Court, through collaboration with the Parent Coordinator, in protecting the student-child's right to achieve academically regardless of personal circumstances, as well as address the student-child's personal, social, and career development needs (ASCA, 2007).

The School Counselor, ASCA National Model and ACA Advocacy Competencies

In the case of Samuel, the PSC may collaborate with the Parenting Coordinator to recommend valuable or relevant services. This might include individual counseling services, family counseling, and/or tutoring services. It may also include discussing with parents the most appropriate educational placement for Samuel in joint custody situations. The PSC would work with the Parenting Coordinator, divorced parents, and with Samuel to help him gain access to resources such as groups for children of divorce. The PSC and Parenting Coordinator, in an effort to be seamless in service delivery, may also brainstorm to identify barriers to Samuel's well-being based on interactions with parents who are hostile toward each other. A plan including conflict resolution strategies may be developed by the Parenting Coordinator for Samuel and his parents to confront these barriers. For example, Samuel may need to have a signal or word cue for his parents to understand when he is becoming uncomfortable talking about or hearing details concerning the non-present parent. A simple rule of not asking Samuel for information about the other parent may be established. The Parenting Coordinator may share the devised interparental communication guidelines and conflict resolution strategies with the PSC in order to be on the same page. In turn, the PSC may serve as Samuel's ally by serving as a neutral person for him to discuss parental issues. Finally, student advocacy requires the PSC to follow-up with Samuel to see how he is doing at school and adjusting since the interventions were put in place for his academic and personal/social success. Following student advocacy competencies helps the PSC meet the advocacy initiatives required within the ASCA National Model.

Conclusion

The ASCA National Model promotes advocacy and leadership as a vital role in the PSC's daily routine. This article integrates the role of advocacy and leadership into the lives of children experiencing disruption due to high-conflict divorce. With this said, advocacy is a part of the PSC job description, although not specifically explained for this unique issue. Up to half of all marriages end in divorce, affecting nearly a million children each year, therefore PSC's serve students facing challenges of divorce every day (Henry & Mitcham-Smith, 2008). We proffer that PSCs need to have awareness, knowledge, and skills relevant to advocating for these children who are, through no fault of their own, caught in the auspices of the Family Court system and high-conflict divorce. Given the skill requirements related to the PSC position as stated within the ASCA

National Model, advocacy and leadership may be nonnegotiable parts of the puzzle that serve to enhance competent and ethical service delivery. Ratts, DeKruft, and Chen-Hayes (2007) posit that administrators should be aware of the advocacy role for PSC's as articulated in the ASCA national standards and comprehensive school guidance model and support PSC's who face challenges in delivering comprehensive guidance due to competing needs (testing, scheduling, responsive services), time constraints, role conflict, and high student-counselor ratios (Mitcham-Smith, 2007). By doing so, administrators will hopefully, in this light, embrace the PCS advocacy role as it extends to this special population worthy of special interventions.

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