

**Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department
Office of the Chief Justice**

**GUIDELINES AND PROCEDURES
FOR THE APPROVAL OF
PARENT EDUCATION PROGRAMS**

**Honorable Paula M. Carey
Chief Justice**

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**PROBATE AND FAMILY COURT DEPARTMENT
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TABLE of CONTENTS

I.	Introduction	1
	A. Background	
	B. Purpose	
	C. Definitions	
II.	Provider Requirements	2
III.	Program Requirements	3
	A. Objectives	
	B. Goals	
	C. Format	
	D. Cost	
	E. Class Size	
IV.	Facilitators	5
	A. Qualifications of Facilitators	
	B. New Facilitators	
V.	Application Package	5
VI.	Approval	6
VII.	Non-transferability of Approval	7
VIII.	Voluntary Termination of Provider and/or Program	7
IX.	Change of Name, Ownership or Location	7
X.	Application for Renewal of Approval	8
XI.	Denial of Application, Refusal to Renew, Revocation, or Suspension of Approval	8
	A. Grounds	
	B. Procedure	
	C. Notification and Referral of Participants	

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I.INTRODUCTION

A.Background

In 1993, the Massachusetts Legislature enacted St. 1993, c. 460, sec. 107 which provides that “[t]he chief justice of the Probate and Family Court is authorized to inaugurate pilot parenting education programs in divisions of the court and to establish the fees payable by the parties therefor. Such approved fees may be payable to the Commonwealth or to a vendor approved by the court to administer such program. The chief justice may, subject to appropriation, appoint such staff and make such expenditures as have been authorized and which shall be necessary to coordinate the implementation of this section. The Court is further authorized to make participation in such programs mandatory for any case involving visitation, custody or support of minor children in such divisions. Such programs shall educate parents on the needs of minor children and the roles and responsibilities of parents who do not live together, including the legal responsibility to provide child support. Said chief justice of the Probate and Family Court shall file a report with the clerks of the senate and house of representatives on the progress of such programs and an evaluation of the programs instituted not later than December thirty-first, nineteen hundred and ninety-four.”

In 1995, the Chief Justice of the Probate and Family Court designated four (4) divisions (Berkshire, Hampshire, Norfolk and Worcester Counties) as pilot courts requiring all parties filing for divorce involving minor children to participate in an approved parent education program.

In July 1997, the mandatory parent education program was expanded to the Franklin, Hampden, and Plymouth Divisions.

Standing Order 1-98 added the courts in the Bristol, Essex, and Suffolk Divisions effective July 1, 1998, and the Barnstable and Middlesex Divisions effective December 1, 1998. Standing Order 1-99 made parent education mandatory in the Dukes Division effective June 1, 1999.

The current version of the Standing Order (4-08) entitled *Parent Education Program Attendance* became effective on April 7, 2008. All counties except Nantucket now have at least one approved program.

B. Purpose

The purpose of the Probate and Family Court's *Guidelines and Procedures for the Approval of Parent Education Programs* (hereinafter "the *Guidelines*") is to set forth the minimum standards that a provider must meet in order for a parent education program to be approved for participants whose attendance is court-mandated.

C. Definitions

The "provider" is the entity (agency, group or individual practice) which applies for and/or is approved to offer a parent education program.

A "parent education program" is a psychoeducational program to educate parents about the impact of family restructuring on children. This program is designed for families where serious or chronic violence **is not** an issue.

II. PROVIDER REQUIREMENTS

Each provider of an approved parent education program must be incorporated in the Commonwealth of Massachusetts as a not-for-profit corporation with a governing board. This requirement may be waived only upon a demonstration of satisfactory qualifications.

Each provider shall provide physical, communication, and programmatic access to persons with disabilities as needed. (e.g. alternative site locations, TTY, interpreter services, ADA, etc.). Each provider must provide for the security and safety of the participants at each program location. At a minimum, the program must keep confidential the registration list until after the program cycle has been completed.

Each provider shall establish and maintain communication with other providers of similar services within the Commonwealth.

Each provider shall establish a working relationship with the Probate and Family Court Division(s) in its geographic region.

Each provider is responsible for notifying the applicable Division of the Probate and Family Court in writing that either: (a) a court-mandated participant has completed the program by attending all sessions, or (b) a court-mandated participant has failed to complete the program by not attending all sessions.

Each provider must provide information to the Administrative Office of the Probate and Family Court, including but not limited to the number of attendees at each session and the results of satisfaction surveys.

Each provider must agree to cooperate in any evaluation process designed to assess compliance with the *Guidelines*, the success of the program, or other relevant topics. After the initial two year approval period, a request for reapproval requires observation of a class by a court representative.

Each provider must provide current contact information for the provider and program staff to the Administrative Office of the Probate and Family Court.

III. PROGRAM REQUIREMENTS

To qualify to provide instruction to court-mandated participants, a provider of a parent education program must demonstrate how it will meet the objectives and goals set forth below. The program should include practical, multi-modal teaching techniques such as hypothetical scenarios, videos, and role-playing.

A. Objectives

A parent education program must include, but need not be limited to, information that:

- validates and acknowledges an adult’s emotional stages in the divorce process;
- identifies each child’s needs in the divorce process with attention to the child’s developmental stages;
- examines parental behavior as it impacts the child (both positively and negatively);
- explores constructive conflict management and dispute resolution methods;
- provides practical suggestions for effective coparenting;
- delineates the legal and financial responsibilities of parents to their child(ren); and,
- provides parents with information about available community resources.

B. Goals

After completing the program, it is expected that parents will:

- understand that their own pain, rage, stress, needs, and vulnerability are normal in the divorce process;
- be aware of the divorce process from the child’s perspective, including the misbelief that “the divorce is my fault”, and the effect of the loss of extended family, home, school, camp, or friends on the child;
- realize that being emotionally available and involved, being able to communicate effectively, being able to give reassurance, and being able to provide consistency will benefit their child;

- understand the serious harm to children from: witnessing parental confrontation and conflict, prematurely introducing children to dating partners, bad mouthing the other parent, returning children late from visits or not having children ready for visits, using children as messengers or informants, and placing adult burdens on children (e.g. “What would I do without you?”);
- demonstrate a knowledge of reflective listening, and dispute resolution techniques, including the availability of alternative dispute resolution services;
- appreciate the need for productive, positive communication skills;
- understand the child’s right to and need for both parents;
- understand both parents’ responsibility to provide financially for the child; and,
- have written materials to which parents can refer and a list of local resources for future use.

C. Format

The program shall consist of at least two sessions which are held on different days and shall total at least five hours in length.

The provider must ensure that spouses attend different sessions. The provider **must not** notify either spouse as to which program the other is attending.

The program must be offered at a variety of times, especially weekend and evening sessions.

D. Cost

The cost of the program shall be no more than \$80.00 per person and shall be paid directly to the provider by the participant.

The Probate and Family Court will grant a partial waiver of this fee for persons determined to be indigent. Persons found to be indigent must pay \$5.00 toward the cost of the program.

Providers are required to accept up to 25% nominal fee attendees.

E. Class Size

Maximum permitted group size is forty (40) participants.

IV. FACILITATORS

Two (2) facilitators must conduct each program. There shall be one female facilitator and one male facilitator at each session.

A. Qualifications of Facilitators

All facilitators must have a graduate degree in a mental health discipline or a related graduate degree with appropriate clinical training and, have previous experience in conducting psychoeducational programs, or leading groups. At least one of the facilitators at each program must also have specialized knowledge of issues concerning divorce, separation, family dynamics, and child development.

B. New (Additional or Substitute) Facilitators

All requests for the approval of additional or substitute facilitators must be sent to the Administrative Office of the Probate and Family Court at least sixty (60) days prior to the proposed start date of the facilitator. All requests must include a detailed curriculum vita(e) of the proposed facilitator(s).

V. APPLICATION PACKAGE

Each provider must submit three (3) copies of the application package. The application package must not exceed eight (8) pages, excluding attachments which should not be more than twenty (20) pages.

The application package shall consist of:

- description of the provider (agency, group or individual practice) including organization name, structure, types of service delivery programs, name of Executive Director or equivalent, nature of staffing, and geographic boundaries of service delivery;
- program name, mailing address, and phone number;
- statement of ownership of the provider that discloses the names, addresses, and telephone numbers of all owners, directors and officers of the corporation and members of any governing or advisory boards;
- copy of the corporation's articles of incorporation and bylaws;
- identification and description of the proposed program location(s)(both city(ies) and site(s));
- indicia of proof of insurance covering available meeting space;
- documentation that the available meeting space is physically accessible to all participants or a back-up plan to accommodate the needs of all participants;

- a detailed description of security arrangements for the proposed program location(s) (e.g. restricting access into the facility, telephone available in classroom for emergencies, notifying local police that class is being held);
- description of how the provider will ensure that spouses do not attend same meeting;
- the names and resumes of all proposed facilitators;
- copies of required licenses, accreditation certificates or certificates of inspection applicable to the facilitators;
- comprehensive description of the program design;
- comprehensive description of the subject matters covered and information specifically demonstrating how the program requirements set forth in Section III above will be achieved;
- curriculum plan for the class;
- information regarding whether the program will be offered in any language(s) other than English;
- complete program materials; and,
- three (3) letters of support, including letters from the community and individuals served.

Three copies of the Application Package are to be sent to:

Probate and Family Court Department
 Administrative Office
 John Adams Courthouse
 One Pemberton Square
 Mezzanine
 Boston, MA 02108

Attn.: Jocelyne Deborah Welsh, Esq.

VI. APPROVAL

An approval by the Chief Justice of the Probate and Family Court includes the approval of the provider, as well as a separate approval for the program proposed by the provider.

The Chief Justice of the Probate and Family Court may approve parent education programs that meet the requirements of the *Guidelines* for a period not to exceed two (2) years. At the end of each two (2) year period, each provider must submit an application for reapproval to the Administrative Office of the Probate and Family Court **no later than sixty (60) days prior to the expiration of its current approval.**

VII. NON-TRANSFERABILITY OF APPROVAL

No approval shall be transferable from one provider to another, from one program to another or from one location to another.

VIII. VOLUNTARY TERMINATION OF PROVIDER AND/OR PROGRAM

A provider shall notify the Division(s) of the Probate and Family Court that they service, and the Administrative Office of the Probate and Family Court, in writing, that they intend to stop providing a parent education program at a particular location at least sixty (60) days in advance of the proposed closure. Such notice shall include a plan for appropriate notice to and referral of current participants to other appropriate approved programs.

A provider shall also notify the Administrative Office of the Probate and Family Court, in writing, in the event that they intend to cease being an approved provider. Such notice must be received at least sixty (60) days in advance of the cessation date.

IX. CHANGE OF NAME, OWNERSHIP OR LOCATION

- A. Any provider address change, provider change of name, or transfer of ownership of the provider must be submitted in writing to the Administrative Office of the Probate and Family Court at least ninety (90) days prior to such change taking place.
- B. A provider that desires to change or expand the location(s) of a program must request approval of the new site at least ninety (90) days prior to the intended date of relocation or expansion.
- C. A provider that desires to change the name of the program must request approval of the name change at least ninety (90) days prior to the intended change.
- D. In the case of the transfer of ownership, change in the majority of trustees, change in the Executive Director or equivalent, or a merger of a parent education program, the provider shall notify the Administrative Office of the Probate and Family Court within forty-eight (48) hours of the change and submit an application for approval of the new provider and program within thirty (30) days of such changes occurring.
- E. In reviewing application proposals for the approval of a new program, a request for an additional site, or a request for a change of site where there is an existing program in the same geographic area, the office of the Chief Justice shall consider, but not be limited to the following:
 - 1.) the number of filings for divorce in that county;
 - 2.) the population base in that county;
 - 3.) the days and times that the proposed program will be offered;

- 4.) the days and times that existing programs in the same area are offered; and,
- 5.) whether the proposal is for a program in a language other than English.

X. APPLICATION FOR RENEWAL OF APPROVAL

Each provider must submit a completed renewal application to the Administrative Office of the Probate and Family Court **no later than sixty (60) days prior to the expiration of its current approval**. It is the responsibility of the applicant to submit the renewal application in a timely fashion.

XI. DENIAL OF APPLICATION, REFUSAL TO RENEW APPROVAL, REVOCATION, OR SUSPENSION OF APPROVAL

A. Grounds

Each of the following, in and of itself, shall constitute full and adequate grounds on which to suspend, deny, revoke, or refuse to renew approval to operate a parent education program.

- lack of educational credentials to provide the program(s) as determined pursuant to the *Guidelines*;
- sufficient number of existing programs in the proposed geographic area;
- failure to submit information required for approval; and,
- failure to meet any applicable provision of the *Guidelines*.

B. Procedures

Denial of Approval. If an initial application is denied, the Chief Justice of the Probate and Family Court shall notify the provider in writing with the ground(s) for the action.

Refusal to Renew Approval. If an application for renewal is to be refused, the Chief Justice of the Probate and Family Court shall provide the provider with written notice of the ground(s) for the action, the provision(s) of the *Guidelines* relied upon, and an opportunity to request a meeting within fourteen (14) days of receipt of the notice. The prior approval becomes null and void automatically upon the expiration date of the existing approval.

Revocation. If an approval is to be revoked, the Chief Justice of the Probate and Family Court shall provide the provider with written notice of the ground(s) for the action, the provision(s) of the *Guidelines* relied upon, and an opportunity to request a meeting within fourteen (14) days of receipt of the notice. The notice that the approval of a provider and/or program is revoked shall state the effective date of revocation.

Suspension of Approval. If an application for renewal is not received in the Administrative Office of the Probate and Family Court sixty (60) days prior to the expiration of the existing approval, the Chief Justice of the Probate and Family Court shall provide the provider with written notice that the approval to provide a parent education program has been suspended pending the receipt and approval of the application for renewal.

C. Notification and Referral of Participants Upon Revocation or Suspension of Approval

In the event of revocation or suspension of approval, or refusal to renew an approval, the provider shall take immediate steps to notify and to refer enrolled participants to other appropriate, approved parent education programs, in consultation with the Administrative Office of the Probate and Family Court.