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## Reducing family conflict is new goal for courts

By Linda Stout  
Journal staff

ITHACA — As parents and lawyers battle in court, custody battles can be incredibly stressful for kids, Tompkins County Family Court Justice John Rowley said.

But that's been changing since October when Christine Manning took on a new family court position as the family services coordinator.

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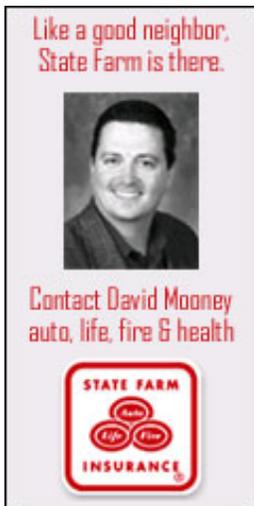
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“Even this early into it, it's surprising how well it's going,” Rowley said.

Rowley said he and the other Tompkins Family Court justice, John Sherman, each have about 200 family court cases at any given time, and the information the new social worker gathers streamlines the process. Some family court proceedings that usually took six to nine months have been cut in half or more, he said.

It's not so much about making the judges' and attorneys' jobs or even the parents'



lives easier, though.

Research shows that reducing conflict between parents is the key factor in how children overcome the challenges of divorce or separation, Manning said.

Even the language has changed, she said. For instance family courts are replacing the term "visitation" with "parenting time," implying that parents will be, well, parenting.

Rowley said local changes are aligned with the program, "Putting Children First" by the state Matrimonial Commission created in 2004 to examine divorce court processes in New York and recommend reforms, particularly around custody disputes. The commission aims at "reducing undue trauma, cost and delay to the parties and, most importantly, the children," according to the New York Unified Court System Web site. Erie and Nassau counties have also started programs aimed at reducing conflict in custody matters, Rowley said.

The commission aims to "slow litigation traffic," said Kim Kopko, a psychologist who teaches at Ithaca College and contributed to local efforts such as developing Manning's position.

"Tompkins County is one of three counties in New York state on the cutting edge of implementing the recommendations of the Commission," Kopko said.

Rowley envisioned Manning's new post along with help from fellow Tompkins County Family Court Justice John Sherman, Department of Social Services Commissioner Patricia Carey, domestic violence prevention workers, mediators and collaborative lawyers, probation and other local and state players.

He was inspired by Andrew I. Schepard's book, "Children, Courts, and Custody: Interdisciplinary Models for Divorcing Families."

"It lamented the state of New York custody practices, talking about the lack of alternatives to knock-down drag out trials," he said.

Manning's position got initial funding from the county and an anonymous private family foundation grant, but the state Office of Court Administration is taking over funding this month. Rowley said he appreciates how Commissioner Carey sees the broader picture of how court changes can help families, so she approved starting the position early before state funds kicked in.

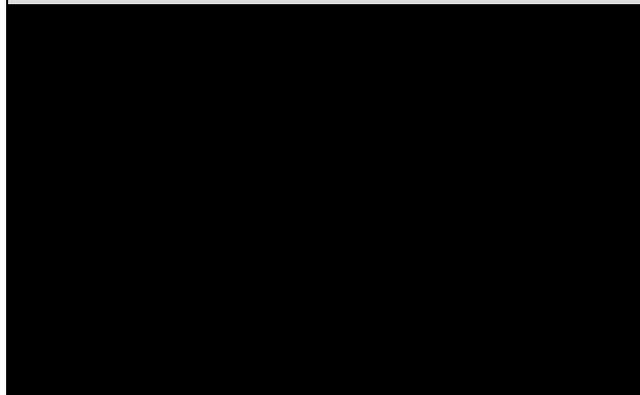
Manning also has a broad background with local human service agencies. She directed the Teen Pregnancy Parenting Program of Daycare Council, and at the Department of Social Services she worked with the families of teens involved in the juvenile justice system and was a Child Protective Services worker.



SIMON WHEELER / Journal Staff

Christine Manning is the new family service coordinator in the Tompkins County Family Court. This new position is primarily aimed at looking out for the best interests of children in family court proceedings.

**Court and community resource**



In her new role, Manning meets with every adult involved in a custody or child support petition. She spends an hour to two with each of them, then writes a report for the court. In Tompkins County, Family Court is separate from the Supreme Court, which in the context of formal separations and divorces also deals with custody and child support; Manning is not working in the Supreme Court.

Focusing on including parents' strengths, she looks at parents' ability to cooperate with each other, taking past successes — before a couple's problems escalated — into account. Lower conflict cases are recommended for mediation or collaborative attorneys, who settle things out of court.

She identifies whether there's a history of domestic violence, drug or alcohol or mental health problems and things such as involvement with Child Protective Services.

Manning also educates parents on what the research suggests kids need at various ages in regard to custody arrangements. Parents also start with a brief questionnaire before she sees them.

"It helps them focus on their kids," she said.

It can still be upsetting for a parent to get served a custody petition, something that happens before Manning meets with parents. In a still adversarial court system, the petition has to outline reasons.

"The sheriff serves a petition that says all the nasty things," she said.

In Manning's discussions with parents, it's rarely completely nasty.

"Often they share a lot of common ground in regard to their children," she said.

With such common ground, higher numbers of people than ever in Tompkins County have opted for mediation, Rowley and Manning said.

Some families opt for mediation, and some end up with a hybrid of mediation and court appearances, Manning said.

Manning said she does not refer to mediation unless both parents want it.

"When there's abuse, we have to look at safety issues. We're hoping to make safe plans for kids," she said.

On a case by case basis, mediation and even collaborative law might happen

\* Family Services Coordinator at Tompkins County Family Court:

Christine Manning, 256-9432, does assessments with the adults involved in custody and child support petitions and helps connect them with services in the community such as counseling and parenting classes.

\* Child Support Services:

The Child Support Unit at Tompkins County Department of Social Services, 320 W. State St., Ithaca, receives and disburses child support payments. Doug Perine, 274-5026, helps parents involved understand the process

\* Mediation:

Community Dispute Resolution Center also provides the Tompkins County Family Court with full-time Petition Intake Assistant Patty Smith, who helps with the petition process and makes referrals to its agency. There are Petition Intake Assistants in Schuyler and Chemung Courts, too. In Ithaca, call Patty at 277-1517 or the CDRC office at 273-9347.

\* On the Net:

<http://cdrc.org/>

\* The Advocacy Center

Provides domestic violence education and advocacy such as accompaniment to court. The hotline may be called 24 hours a day at 277-5000, the office at 277-3203.

\* Parents Apart:

Parents can self-refer, and Family Court refers and court orders some parents to Parents Apart, a program hosted by Cornell Cooperative Extension of Tompkins County for parents wanting to promote a healthy adjustment for their child in separation or divorce. To register, call 272-2292, Ext. 243 to leave a voice message.

even in cases of abuse, Rowley said.

"We're into unknown territory where some of the hard and fast rules of domestic violence may not be serving the interest of women — meaning she (traditionally) had no right in mediation. Obviously there are all kinds of risks there. We don't want intimidation, but a full, equal voice in trying to resolve custody cases," he said, noting that a security guard outside the door or advocate in the courtroom can help with abuse cases.

The tides are turning. For example, Rowley said more and more local attorneys are accepting only collaborative law cases in which family disputes are settled out of court.

Rowley cited a study that's about 15 years old now. Fathers who got in six one-hour mediation sessions — versus those having to follow court orders — had much higher rate of continuing to stay involved with their kids as the kids grew up.

"Family court is at such a critical point," Rowley said, noting that referrals Manning makes contribute to making families' health.

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### Family Mediation

Even before before the Tompkins County Family Court's new Family Services Coordinator Christine Manning gets involved, there's a chance to consider mediation for custody arrangements. Those who file a custody petition at the Tompkins County Courthouse do so with help from a Petition Intake Assistant who's a Conflict Dispute Resolution Center (CDRC) employee. Patty Smith, new in the position and a former Cortland County Sheriff's Deputy, helps people with petitions and refers some of them to mediators.

CDRC has provided Tompkins County court with a worker for about five years, said Kathy Gehl, Senior Mediation Program Coordinator. There are also CDRC workers in Schuyler and Chemung County courts.

"Basically court can be very time-consuming and confusing, and with CDRC, people can go sit and meet with a mediator, and CDRC will put it on paper for them and take it to court, so the people never have to go to court," Smith said.

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