



THE TRIAL COURT OF MASSACHUSETTS  
PROBATE and FAMILY COURT

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Boston, MA 02108

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## **Suspension of Probate and Family Court Standing Order 2-16: Parent Education Program Attendance**

The decision to suspend mandatory parent education for divorcing parents was not made lightly or suddenly. Shortly after I became Chief Justice in 2018, I began gathering information about the parent education requirement in Massachusetts, as well as other states, and assessing the viability of the requirement in its current form.<sup>1</sup> Then, we all experienced something unlike what we had ever experienced before - a global pandemic.

During the last fifteen months, the Probate and Family Court has operated in ways previously not imagined. We faced many challenges. Those challenges, however, brought us the time and opportunity to evaluate how we operate and whether we are serving the public effectively. One area of evaluation was the parent education requirement and the parent education programs. An internal assessment revealed several key issues to be worked on. Below is a summary of the key findings that lead to the suspension and further reevaluation of the parent education program, as well as the subsequent steps the Court is taking into consideration in order to revise this resource.

### ***Most States do not Require All Divorcing Parents to Attend a Parent Education Program***

Massachusetts is one of just 17 states (Alaska, Arizona, Connecticut, Delaware, Florida, Hawaii, Illinois, Massachusetts, Missouri, New Hampshire, New Jersey, Oklahoma, Tennessee, Utah, Washington, West Virginia, Wisconsin) that require all divorcing parents, **regardless if the divorce is uncontested**, to attend a parent education class. Four states (Idaho, Minnesota, Nebraska, and Virginia) require all parents filing a contested divorce to attend a parent education class. The rest of the states either leave it up to the judge's discretion (18 states) or only mandate parent education classes in certain counties or judicial districts (12 states).

### ***No Reliable Data Exists that the Massachusetts Parent Education Program is Effective at Producing Desired Goals***

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<sup>1</sup> In November 2020, an article appeared in Boston Magazine and described several parents' reaction to the Massachusetts mandatory parent education program as "insulting... trafficked in shame and guilt..." A program that "retraumatized" parents long after their "thoroughly thought-out decisions to divorce. And, to add injury to insult, they actually had to pay for it." See, Elton, C. (2020, November 25). Is Massachusetts Shaming Divorced Parents? Boston Magazine. <https://www.bostonmagazine.com/news/2020/11/25/state-parenting-classes/>

Since its implementation in 1994, the Massachusetts parent education program has never been formally evaluated by any external professional. Moreover, empirical research has never been undertaken to determine whether the expected benefits of the parent education program are being realized.

In addition, class observations by a Court representative are not being conducted in accordance with the *Massachusetts Probate and Family Court Guidelines and Procedures for the Approval of Parent Education Programs* (hereinafter, “the Guidelines”).<sup>2</sup>

Finally, there is no requirement in the current Guidelines that court-approved parent education programs must be evidence-based.<sup>3</sup> Instead, parent education providers are given broad latitude to develop their own program provided that their program meets the goals and objectives as set forth in the Guidelines. The goals and objectives of the Massachusetts parent education program have not substantively changed since they were first developed over 26 years ago in 1994.

### ***Management of the Numerous Parent Education Providers and Programs in Massachusetts is an Administrative Burden for the Probate and Family Court***

As of April 2021, a total of **twenty-two (22)** in-state organizations were approved to provide parent education in Massachusetts. Approved providers include dispute resolution centers, family services agencies, counseling practices, and private groups. Each county in Massachusetts has at least one parent education provider serving that area with the exception of Franklin and Nantucket.

Of the twenty-two (22) court-approved providers, **twelve (12)** have more than one approved site, resulting in approximately **sixty (60) separate court-approved provider sites** within Massachusetts.

To date, a total of **nineteen (19) separate parent education programs** have been approved by the Probate and Family Court.

The Massachusetts parent education program is managed by the Administrative Office of the Program and Family Court and specific requirements are set forth in the Guidelines.

### ***Massachusetts Parent Education Providers Fail to Adhere to Several Guideline Requirements***

Of the **twenty-two (22)** in-state organizations that were approved to provide parent education in Massachusetts, **all have failed to request re-approval every two years as required by the Guidelines. Some appear to have repeatedly failed to request re-approval on more than one due date.** Pursuant to the Guidelines, the Chief Justice of the Family and Probate Court may suspend any program provider that has not submitted an application for re-approval within 60 days of the expiration of the existing approval.

Of the **twenty-two (22)** court-approved providers, **less than half** regularly submit attendance, insurance, and fee waiver data as required by the Guidelines.

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<sup>2</sup> The Guidelines were last revised in June 2010 and can now be found at <https://www.mass.gov/doc/parent-education-programs-approval-guidelines-and-procedures/download>.

<sup>3</sup> Evidence-based programs (“EBP”) when implemented appropriately, have been certified to have a high likelihood of producing positive impacts on the issues they target. EBPs have been rigorously evaluated and have demonstrated scientific evidence of improving, child, parent and/or family functioning.

## *Massachusetts Treats Divorcing vs. Never Married Parents Differently*

Divorcing versus never married parents are treated differently in Massachusetts under the Probate and Family Court Standing Orders that require mandatory attendance at a parenting education program. For example, differences exist in cost, format/delivery, and program options.

**Moving forward, the Court will consider the following to address the above issues:**

**Recommendation #1:** Survey judges and other key stakeholders to determine whether the Massachusetts parent education program should be mandatory in all cases, certain case types, or if judicial discretion is warranted; and if a high conflict parent education program and/or a program for children should be offered based on current research.

**Recommendation #2:** Consider partnering with external stakeholders to design a long-term follow-up study of parents who have participated in parent education programs to measure outcomes such as re-litigation rates and sustained child adjustment. In the short term, establish an effective alternative evaluation method and require an annual evaluation of any parent education program offered with a report to the Chief Justice of the Probate and Family Court.

**Recommendation #3:** Evaluate the need for more than one provider to administer the parent education program. Instead, consider offering one evidence-based parent education program that includes proven strategies that track participant outcomes in an online self-paced and/or remote format only, eliminating the need for in-person parent attendance, program facilitators, and numerous program providers.

**Recommendation #4:** Ensure that all parents are treated equally and receive the same benefits and quality when mandated by the court to participate in a parent education program.

**Recommendation #5:** Consider establishing a steering committee of judges, parenting professionals, attorneys, and AOPFC staff to make further recommendations.

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