



Navigating The Civility High Road

Strategic Advice for Managing Difficult Co-Parents and
Adversarial Relationships

Textbook/Workbook

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Introduction

Welcome to my co-parenting with civility course. It's designed to help you deal with and avoid conflict during and after a divorce or if you are parenting a child as two single parents. I have created this course and workbook based on more than thirty years of experience and thousands of cases working with high conflict parents who are going through or have gone through a contentious divorce or who are single parents trying to raise a child from different homes. I have seen first hand what happens to children when their parents involve themselves in bitter custody and parenting feuds. I have also seen what this does to the quality of life and the emotional, social and financial aspects of the lives of the adults. It is essential that parents who don't see eye to eye communicate and make decisions in an atmosphere of civility and neutral communication. Like most self help philosophies there is no magic in the words contained in this program. The magic is in my motivation to convince you to stick with what you will come to learn as "high road" strategies for how to deal with one another as co-parents. We often forget that the term "co-parent" is short for "cooperative parents." That is a key concept, because without "cooperation" the "co" stands for "conflicted."

This course is divided into three parts. The first part can be described as training yourself to accept civility and collaborative problem solving as the best options for dealing with a co-parent. It is the best way to raise your kids, and it is the best "strategic" approach to dealing with a difficult co-parent. Strategic thinking is essential when interacting with court decision makers (like judges) and decision "influencers" like attorneys for children and court mental health and custody evaluators. I emphasize the term "strategic" throughout this course because I understand that people in conflict can have no particular desire to "be nice," and being nice is what people often mistakenly assume civility is aimed at. While it is best to be nice while being civil, the notion of civility covers a lot of ground that I will sometimes describe as "neutral co-parenting," which points your strategic thinking toward managing a difficult or



adversarial parenting partner. Neutral co-parenting is aimed at addressing your co-parent's behavior in ways that do not drive the civility quotient of your relationship down. Neutral co-parenting requires that you behave in strategically civilized ways even when the co-parent has no incentive to do the same.

The second part is a list of civility strategies, and if you follow them your co-parenting relationship will be less stressful and your children's lives will be less stressful too. Many of them will seem like "common sense" but when people engage in conflict, common sense is often the first thing that people set aside in favor of agendas that seek revenge, retribution and antagonism through insult.

The course concludes with a civility contract and report card that you can modify and sign to remind you to keep the basic principles of civilized co-parenting as priorities. Civility contracts are also helpful tools to employ when working with a professional who helps keep your co-parenting relationship pointed in the right direction.

The civility report card will give you feedback about the conflict and help you track your progress at neutralizing it over time.

Good luck!

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A Quick Overview from Ten Thousand Feet Above Your Battle

Raising a healthy, well adjusted child during and after divorce is difficult enough. Doing that job with someone you dislike (or even hate) in a relationship where the other person's sole mission is to make you upset and miserable is just a lousy way to have to live. Yet, I work with many people who live exactly this way and often without intending to, make it worse for themselves. What I have learned from more than thirty years of working with parents embroiled in disputes over their children, is that co-parenting conflict can intrude on every day of each co-parents life. It is a never ending drama that worsens with every text message, telephone call, email, letter in the mail (announcing a new court date, motion or complaint), dirty look, snarky comment or attempt the co-parent makes to influence your child against you.

I designed this manual and course to help you change the co-parenting dynamic and start a new, better type of life. Some of the material you will welcome because it will bring you relief to know that you are not crazy or alone in your struggles, and some of it you will not like at all because it will feel like I am not encouraging you enough to "win."

However, it's the part you won't like that you need to pay closest attention to because your definition of winning might be rooted in revenge and I can't say I blame you. You get hurt—you want to hurt back. When someone upsets your child, your goal is to protect that child. When a lie is told about you, the liar should be punished, right? I get all of this and I would agree with the demand for revenge and retribution if revenge or retribution put an end to conflict. But the reality is that revenge and retribution in high conflict co-parenting relationships only starts another chapter of a book whose story ultimately ends unhappily for your children.

As a psychologist who works primarily with high conflict co-parents, I often earn a living selling people the content of common sense - advice that any reasonable person could figure out on their own most of the time. But my experience in the high conflict world you are



living in can help you with more than just common sense advice (which by the way can steer you wrong when you act on it with poorly constructed strategy). Common sense is not nearly as important as the execution of strategies which benefit you and ultimately your children - and getting people to act on common sense with efficient strategies (plus a helping of uncommon sense) is the real work that I try to do.

This program and manual is about civilized co-parenting. Most people do not need to have to be taught civility. By the time we are adults, we know the difference between civilized and uncivilized behavior. Often co-parents have to be convinced to be civil and to employ civilized behavior when they do not necessarily want to. The first part of this course concentrates on motivating you employ civilized behavior with the co-parent, even when you don't get much of it in return. The second goal is to help you use civility as a means of being strategic.

Strategy is important for several reasons:

1. It helps you de-escalate conflict which ultimately makes your life easier.
2. It helps your child stay out of the line of fire, which is even more important.
3. It gets the attention of decision makers in a positive way, and if you are seeking decisions which help your children, you have to know how to behave even when you don't feel like behaving well.

Strategic co-parenting requires going against the grain of how your emotions tell you to act in difficult situations. I will tell you right up front that in the event that your real aim is to be strategic by learning to "fight dirty," and win by humiliating your co-parent, you are in the wrong place. If that is the case, share this program with someone else and warn them they might not get anything out of it either. This program requires a leap of faith in understanding that fighting more viciously will not earn you anything more than a



victory on paper and an opportunity to fight again, if it wins you anything at all. It does not require that you become a pushover or a fool either — it requires a different pattern of action-reaction to the adversarial nature of your co-parenting relationship. It requires civility in the face of hostility or even barbarism. It requires “killing with kindness” not because you are afraid to fight, but because civility is what ultimately causes your child to win a bigger battle than the one you and your co-parent are fighting.

Why Humans Fight When It Is Possible To Make Peace

When you are in a custody or co-parenting struggle you can fight or you can make peace and collaborate. It will appear to many that making peace is hard if not impossible—and that makes sense because humans do not seem particularly inclined to end conflict and disagreement by making peace.

Making peace can happen when both sides grow weary of the carnage that can occur, but but by that time there are large stores of mistrust and resentment and sadly lots of emotional injury to your kids. It has been like that through human history and it is true today as well in the “big battles” that humans fight and in the small ones as well. People try to kill one another when they disagree over property, religious beliefs, food, water, oil — just about anything they deem important; so to disagree harshly over something as important as a child seems to be a perfect fit with human propensity. I include this observation and this entire section to point out that as a human being you might get dragged into a battle that you respond to in ways which might be aggressive and combative because you are designed that way. Individuals in conflict often surprise themselves at how angry they can feel and how hostile they can act, even if that is not the way they normally act; and that is the difference between “normal” and “natural.” If you want to see how humans “naturally” behave, lock 100 people in an area with only enough food and water to sustain 50. It is a sobering scenario to ponder but it is one that actually plays out in parts of the world where people have to fight to survive. When threatened, the human brain encourages us to “fight” or “flee.” More often, people do not want to run away from their



children so they fight. It is as simple as that. However, if you can strategically interact with a co-parent without “threatening” them you and your children will have less stressful lives, and that is the true work of civilized co-parenting — managing threat and relieving stress so that you can go on with the rest of the business of living. Managing threat is not the same as “being nice,” although we could all benefit from living in a nicer, kinder world. However, if my job is difficult to do because I have to teach people to manage threat by behaving civilly, imagine how hard it would be if I demanded everyone always do it with a smile on their faces. This leads me to a one of the most important organizing principles of my program:

Co-parents do not have to be nice to one another, they just need to learn not to hurt one another or their children any more.

Engaging in conflict seems to be a very essential part of being human — but it is a part that can be destructive. Humans are very good at destroying things but it does not have to be that way. Paradoxically, humans are also remarkable when it comes to putting their heads together to make a bad situation better. We often rally to avoid or deal with catastrophe and we see that when humans selflessly and courageously step up during a flood or natural disaster — and that is what you might want to consider thinking about, because the impact of high conflict divorce on children can be catastrophic unless co-parents rally and collaborate.

This program promotes a point of view which encourages you to respond a different way than how your impulses tell you to respond. I will be asking you to do things which might feel “unnatural” especially if you are a competitive or threat sensitive person who thinks that you need to “beat” the co-parent to protect your children. In short, you might have to change your definition of “winning,” to accomplish what is best for your child. Winning is not achieved by capturing more time or more influence, two commodities which people compete for in custody wars. Having a certain amount of time or decision making ultimately defines a very small part of the relationship between you and your child. You want to be influential as a force in your child’s life and that is understandable, but being



influential is not a mathematical calculation of what you think is a fair number of minutes. Being influential is also not being able to choose a doctor or dentist, as important as it might appear. Being influential is about being a good role model and civilized people are good role models for children. Now, of course, in order to be a good role model you need to have the opportunity to demonstrate that, but there is no difference in opportunity when you divide time in such a way as if one parent gets a bit less than a mathematically equal portion of time. I have seen parents battle bitterly over relatively small differences in parenting time and when they do it is not about having the opportunity to influence a child favorably.

When parents fight over time it's usually about pride, validation or money – and those are bad reasons to put a child through divorce or co-parenting hell.

Fighting Doesn't Require Much Thinking

Let's get back to the nuts and bolts of human design. Here's more insight into the answer to the question of why humans choose to fight when they can make peace:

Fighting requires less thinking, and when people are in conflict the more primitive parts of their brains go on auto pilot and stimulate aggression and hostility.

Fighting is easier because we are designed to do it without a lot of thinking. How do you suppose we made it to the top of the food chain? Addressing your natural or automatically triggered ways of thinking is the first building block of making more strategic decisions.

Throughout human evolution, we have always had choices about how to live when more than a few of us inhabit the same space at the same time. Strategically, there are advantages to be gained by working cooperatively. Ten people building a house together accomplish more than just one person doing all of the work. However, there are also strategic advantages to breaking into



someone's house aggressively forcing them out of it and stealing it for yourself – and I say “forcing them out of their house” because in many high conflict custody disputes many people believe this is exactly what happened to them.

Civilized societies put laws into place which try to prevent aggression as a means of promoting the welfare of the group. The goal is to create cooperative membership in society, but it's hard to escape that despite the laws of civilized living people do some pretty horrible things to one another. Laws don't often work to make certain that people are nice to one another. Laws work to make people less aggressive toward one another and sometimes that means just keeping people separated from one another – and the laws which surround divorce and parental separation are no different. High conflict parents often do better when separated by physical space, but that makes the logistics of sharing time with one's children complicated and ultimately very difficult.

Beyond practical aspects like logistics people stay out of one another's hair as a result of either fear or hope. Fear of punishment or hope of reward. These are two incentives that lie at the foundation of all human behavior. Civilized societies formulate laws to frighten people out of doing bad things. Relatively few incentives are offered for being a “good citizen,” though. The incentive for being a good citizen or a civilized co-parent is the avoidance of punishment and that might not be enough to matter to difficult co-parents because bad co-parenting behavior is often not punished and often seems rewarded.

Uncivilized people in custody and co-parenting struggles are not always fearful of being punished for being jerks – there are no laws preventing most behavior that falls into that category and the laws that are in place are often not enforced. And people often find that there don't seem to be many rewards for “doing the right thing,” so... Why should they? Consider the conundrum that every person in a high conflict custody battle faces at one time or another:



“Why does my ex get away with everything he or she does wrong, and why is it that I do what is right and it is always ignored?”

Ask anyone in a custody battle if bad behavior in their co-parent results in punishment. For many it does not seem so, except in extreme circumstances and even then not so much. Then ask them if they feel as though they have been adequately rewarded for doing what they are supposed to do. Not too many people feel they get the outside credit they deserve for doing the right thing. Believe it or not punishment does happen, and when it does, it is usually a pretty severe consequence, but for some it doesn't happen when it should or as often as it should. It is very important to point out that punishment happens primarily when co-parents do two things wrong:

1. They react harshly to a perceived injustice done to them. Ironically it is the reaction that gets punished not the provocative act that results in the harsh reaction.
2. They engage in a pattern of behavior that is easy to identify and track which violates an agreement or court order. In short they perform bad behaviors over time that are easy to prove.

The legal system that might be tracking the temperature of your conflict with the co-parent is not perfect but if you know what that system responds to you can be more strategic and being more strategic does not mean that you will get very far by single handedly trying to convince the system to change to suit your view of “fairness.” Search as you might, the “system” changes slowly. You will understand this more as we go through this program. So if that is the case, a key to successfully adjusting to your custody circumstance is to change your orientation to it – if you can't change the system, change the way you think about it. I refer to this as a “Perspective Switch.” If your perspective is to demand that the system should change in a way that you think should be more fair, you will continue to encounter circumstances that show that it really doesn't matter what you think should be. You have to deal with what it is.



Focus for a moment, on the concept of “shoulds.” Much of human stress comes from disappointed expectations, and disappointed expectations arise from demands about how life “should” be as opposed to adjustments to how life is. People can really hate it when I point this out because they think I am telling them to just sit around and take whatever injustice is dished out to them whether it is from the co-parent or the system. However, that is not what I am suggesting at all. I am suggesting something much more difficult than that. Feeling sorry for yourself and looking for attention for being a victim of an unfair system or co-parent, promotes inertia — or doing nothing because presumably nothing can be done. Doing nothing different from engaging in high conflict conflict does nothing for your kids.

The “something” that you can always do is promote civility even if you are getting nothing in return because:

- that is what your kids will see,
- that is what will influence your kids,
- that is what will inoculate them against whatever else is going on.

When you entered into conflict with your co-parent you did not enter into an agreement to do so with the guarantee that it will proceed the way you think it should or in the manner which you define as fair. Expecting this type of presumed fairness inevitably leads you down a path of frustration and disappointment. You can react to frustration and disappointment with anger and hostility, however, the only reasonable relief available to the stress you encounter is in changing your orientation to the system and to your co-parent.

If you dedicate yourself to changing your perspective, your expectations and your strategic opportunities start to change. The key to changing your perspective is to look for ways to minimize conflict. Don’t fight fire with fire. Instead fight fire with water. For example, consider being a bit more flexible regarding minor requests from your co-parent. If they are asking for an extra dinner because a family member is in from out of town, let that happen. You can still say no as often as you wish, but when you say yes you might be



surprised to find that you might get some flexibility in return and more importantly you protect yourself from the legal attack that you are an inflexible co-parent and a pathway for the co-parent to prove it.

Is Fighting Really Easier? Let's Sum Up

To sum up, people fight when they could make peace because it seems easier. Aggression is in our nature. When we are babies, we do not have to be taught to be aggressive, we have to be taught to inhibit aggression. As animals, our innate tendency toward aggression is how we climbed to the top of the food chain. In high conflict co-parenting people fight when they could make peace because they are frustrated and disappointed, and those are two states which motivate people to do what is in our “nature.” However, aggression and conflict escalation is a “low road” strategy if you care about your children. Low Road strategies are easy and tempting but ineffective.

Let's explore why.

What Drives People Down “The Low Road” More Insights

These are circumstances that drive us down the low road of conflict escalation as a result of becoming more and more frustrated and disappointed by what happens in and out of court:

1. The Desire to Punish

Judges are too busy to punish every little stupid thing that your co-parent does, but nonetheless people going through the system believe that punishment is the best solution to making the co-parent stop, so they develop the hope that bad behavior will always be punished. This is an unreasonable expectation, not very frequently fulfilled and so it will create frustration and disappointment.

2. There are No Rewards for Doing The Right Thing



In custody battles people are not rewarded for doing what is right because good behavior is an expectation, and often the legal system does not reward behavior where the assumption is that people should do the right thing because it is the right thing. The combination of your efforts and good faith not being rewarded along with the co-parents bad behavior not being punished make it seem pointless to “do the right thing.” This creates frustration and disappointment.

3. Your Efforts Are Positioned as Wrongdoing so What is The Point?

Your good behavior is often repositioned as bad behavior by the adversarial nature of how lawyers communicate to the court and how lawyers communicate to one another. Your poorly behaving co-parent is often paying a poorly behaving lawyer to make everything you do look bad, even when your intention is child focused. For instance, I cannot tell you how many times a co-parent offers extra parenting time to the other co-parent (who complains about not having enough time) only to be rebuked for attempting to use the co-parent as “a babysitting service.” Actions like this will create frustration and disappointment.

4. My Favorite Analogy: “The Courthouse is Not a Bakery”: You Don’t Get What You Pay For

People pay attorneys to help them get justice. As a consumer you expect to get what you pay for, but paying for justice is not like going to a bakery and paying for a loaf of bread. As long as there is bread and as long as you have enough money to buy bread, you are getting bread at a bakery. But you can pay all the money you have, go to court and not purchase the justice you went there for and believing you should have gotten. You go to court with money to buy a loaf of bread, and then find out what you are paying for is the opportunity to fight someone else for the same loaf of bread. This lack of “value” will create frustration and disappointment.

5. Feels Like No One is Listening And Often There is No One To Complain To

