

## **Scenarios for Military Mediation Panel**

### **A. Domestic Violence**

Corporal Jim Gray and his wife, Ann, have two children, James, Jr., age 10, and Kathy, age 6. Corporal Gray has completed two deployments to Iraq and has now been back at home for six months. This has been a rocky time in the couple's eleven-year marriage. Jim was not injured in Iraq, but he does have frequent nightmares about the experience. On two previous occasions, he has threatened and slapped Ann during arguments about the children. During the most recent argument, which occurred while the children were home, he shoved Ann hard and she slipped and hit her head on the coffee table. Luckily, she only suffered bruises and a slight bump on her head. The following day, while Jim was at work, Ann went with a friend to file a domestic violence protection order (DVPO) or (PFA, in Kansas) against Jim. She also talked with a lawyer and is ready to get a divorce.

#### **Questions:**

1. What are the possible career consequences for Jim from Ann's actions if the assistance sought is strictly off base? What if Ann decides to report to Jim's commander?
2. Are there any options available to Ann that would keep her safe, but preserve Jim's career? What advice might her attorney give her about off-base and on-base alternatives?
3. What happens to the family if Jim is terminated from his job? Many military spouses are afraid to report domestic violence because they fear they will be left without any financial resources. Is there anything available for Ann if Jim loses his job?
4. What questions should the mediator ask of Ann and Jim when/if they come in for their individual sessions? Is this case appropriate for mediation? What options are available to make it safe for Ann?
5. Are there other services available that might help Jim, Ann and their children?

### **B. Length of Marriage**

Sergeant Gary Green and his wife, Sara, have been married for 9 years and 4 months. Since Sergeant Green returned from Iraq 3 months ago, things have been tense between him and Sara. Often the evenings end with arguments and anger. Sergeant Green met someone new during his last deployment and he recently told Sara that he wishes to get a divorce as soon as possible. Sara is devastated by this news and doesn't know what to do. She has no family and few friends nearby.

Neither party has an attorney because finances are scarce in their family. Together they have a daughter, Kimmy, who is three years old. Only recently, Kimmy's preschool teacher told Sara that Kimmy seems to be having some behavioral difficulties in the classroom. Sara is feeling overwhelmed, but thinks that maybe it would be a good idea to just get the divorce over with and start a new life. She and Gary call mediation services to help them to make a parenting plan and fill out the divorce papers they found online.

**Questions:**

1. Is getting a divorce immediately a good idea for both parties? Are there any consequences to that decision? What if they had been married 19 years and 4 months?
2. Since neither party has an attorney, what should the mediator do?
3. Are there any services that the mediator might recommend for this family?

**C. Tax Exemption and Parenting Time**

Carrie and Eric met while they were both deployed to Afghanistan. It was a whirlwind romance and they were both very young. Carrie was 18 and Eric was 19. When they returned to the states, they were both stationed at Fort Riley. Baby Layla was born 18 months ago. Six months ago, they decided to divorce. Now both are ready to move on and away. Carrie is leaving the Army and returning to her home state of New York. Eric is being transferred to another post in Texas. When they first divorced, Eric agreed that Carrie would have the tax exemption for Layla because she agreed to pay off the debts on their car and some child care arrears. Eric agreed that he would pay off the credit card debt and a department store debt for their dining room set. Carrie paid her share of the debt, but Eric has not yet done so. Eric now feels that he should have a share in the tax exemption. They have come to mediation to work out this disagreement and to create a parenting plan based on their two different locations.

**Questions:**

1. Couples often share the tax exemption for a child. Is this a simple issue for mediation?
2. Are there any military rules that might affect the outcome of this dispute? Are there any services available to help this couple work out their financial dispute if they are not able to mediate it?
3. Carrie and Eric have decided that they will share parenting time with Layla on a fifty-fifty basis. In that way, there should not be any child support issues. The parent who has parenting time will pay all of Layla's expenses. They propose that the exchanges will occur every two months. They will meet halfway between New York and Texas and spend half a day as a family – seeing the area and having lunch together before returning to their respective homes. Is this a good plan for a child Layla's age? If not, what alternative plans might be available?

Carrie and Eric are millennials. They move around often. Both have parents and other relatives in their respective home states. Layla is not yet in school. Does the current law on moving out of state with a child work well for them? Is there any research on whether making these arrangements will be positive or detrimental for Layla?

4. If there is no research, what do you as professionals think about their parenting plan?

#### **D. Parenting Time with PTSD**

Bob and Alice have been divorced for just a few months. Alice is now living with a fellow serviceman in the same unit that she once lived in with Bob. Bob and Alice's new boyfriend, Ron, were deployed together, but are no longer friends. Bob has been declared disabled due to mental problems. He has health issues and PTSD. Ron doesn't believe in PTSD and he believes that Bob is faking it because he is lazy. He has convinced Alice that this is true and that she is doing what is right for her children. She does not believe that Bob should have any time with the children due to his mental problems. Bob is asking for a minimum of parenting time – every other weekend. He is quite depressed that he has not been able to spend time with his children, a boy, age 7, and, a girl, age 9.

##### **Question:**

1. What kind of a plan would probably work best for these parents and how can you help them to find it?
2. Do you have any other concerns about the family?
3. Are there any referral services that you might suggest for them?

#### **E. Discipline versus punishment and/or abuse**

Dan and Elizabeth have been divorced for two years. Elizabeth fell for a guy while Dan was deployed and he found out about it when he got home. That didn't bother Dan so much as trying to get equal parenting time with his now four-year-old son. Elizabeth has been calling DCF about the discipline that Dan has been using on the boy and she insists that he should not have parenting time because of it. Dan does use what he calls "military techniques" when his son acts out or does something against the rules. The boy does "wall squats" if he acts out and/or push-ups. His mother thinks that this is cruel and indecent punishment.

##### **Questions:**

1. Does this scenario raise any reportable actions?
2. If not, how can a parenting plan be worked out?

## **F. Mental Health Issues for Family**

Carrie and Ron met just prior to Ron's deployment 10 years ago. They married quickly and Alexa was born just before Ron deployed to Kuwait. They had been married barely a year. Carrie felt isolated and lonely and Alexa was a fussy baby. When she and Ron talked via Skype or telephone, they often argued. The situation did not improve when he returned home. Ron wanted to leave the Army and return to Oklahoma. Carrie did not want to return there even though her parents lived near Ron's parents. They divorced and Ron moved away; Carrie stayed in Kansas to attend university. They had a difficult time agreeing to a parenting plan and the judge decided that Carrie would be the primary parent and Ron would have visitation according to standard guidelines because he was out of the state. The arguing continued. Two years prior to graduation, Carrie and Ron had a discussion about where they might want to live in the future. Carrie mentioned Florida, but offered no details. Ron proceeded to quit his job and move his new family (new wife and child) to Florida. Carrie was surprised and told him that she was no longer thinking along those lines. Ron was so angry that he decided not to return Alexa to her mother, following a weekend visit to Oklahoma with Ron and his parents. Carrie sought to enforce the parenting agreement and Ron was required to explain his reasoning to the court. The judge was not sympathetic and restricted Ron to visiting his daughter within the state of Kansas. By the end of that year, Ron had begun a nursing education program in Oklahoma, had a stable income (his wife's nursing job and his GI bill), and he returned to court. A new judge returned to the original parenting plan. However, Ron has continued to push for primary residential parent status or at least a 50/50 plan, especially since Carrie is graduating and possibly leaving the state. Carrie is vehemently opposed. She does not like to be alone with Ron because of a previous domestic incident during the marriage. She has high anxiety, is very nervous, and will only discuss the issues within a mediation setting – sometimes only via shuttle. Alexa is also very anxious. She has had several screaming and hitting incidents in the classroom and often refuses to get in the car to travel to Oklahoma to visit with her father. Sometimes she shakes for an hour during the trip. The counselors at school have recommended counseling for Alexa, but Carrie can't afford it and Ron doesn't believe that she needs it. He blames any problems that might exist on Carrie.

### **Questions:**

1. Carrie graduated and is considering a job in Kansas City, so that she can pursue her master's degree at KU. She wants to continue the plan, but agrees that Ron could have most of the summer for parenting time. Ron insists that Carrie move to Oklahoma or allow him to be the residential parent. What options do you see that might work for this couple?
2. Is Carrie obligated to move near her ex-husband so that her child can have equal time with both parents?

3. If she doesn't move out of state, should residency change? What if she does move out of state? What are the rules when both parents live out of state?
4. What mental health options might there be for Carrie and for Alexa?
5. Does Ron's history of emotional abuse of Carrie have any bearing on the parenting time issues? BTW: This couple came to mediation in Manhattan three times to resolve issues small and large. All were very high conflict sessions. After Carrie graduated, she moved from Manhattan. Both parties were determined to find other mediators closer to both of them.

### **G. Becoming a parent again after a long absence**

Jeanie and Steve married after a whirlwind romance. Steve was in the Army and stationed at Ft. Riley; Jeanie grew up in Topeka. They had their first daughter, Kelly, while living in Kansas. Then Steve was transferred to Fort Richardson in Anchorage, Alaska. Soon after the move, Jeanie found out she was expecting again. With a three-year-old requiring attention, and with severe morning sickness, this pregnancy was much more difficult for Jeanie, and she felt isolated and alone in a place that she did not know. Cassie's birth added to her difficulties. The baby was born with a severe chronic illness, for which there was no cure. It was difficult to feed her and she had repeated emergency surgeries. Jeanie was exhausted all of the time and the exhaustion soon led to depression. Steve would come home from work to find Jeanie in the same clothes and same place he had left her that morning. Steve wasn't good with feelings or sickness; he had no idea what to do to help Jeanie or Cassie. When his time was up, Steve took his family back to Kansas. The move was not the cure all he had hoped for. Cassie continued to require surgeries and medical intervention. Jeanie was still depressed, but she started spending more and more time away from home. Within a few months, she asked for a divorce. She had met someone else and planned to marry him. A year later, Jeanie was married to Aaron and had a new baby boy. The girls were living with her and rarely saw Steve. Steve left the Army and joined the reserves. He moved to Lawrence and occasionally over the years visited with his daughters. Cassie's limitations, both physical and mental, were difficult for him to handle. Eventually, he met and married Elizabeth, a teacher. Finally, he had a stable family life, including her two children, Josh and Susie. She encouraged Steve to restore his relationship with his two daughters. By this time, Jeanie had divorced and remarried again. Her new husband, Ken, also has two children, who live most of the time with Ken and his new family. When they came to mediation, the two parents were so angry they could barely speak. Steve was angry about the years he had lost with his children and Jeanie was angry because she had carried the full burden for parenting her daughters all of these years. Cassie was now 10 and Kelly was 14. Cassie was desperate to spend more time with her father and would scream to visit with him, but did not feel comfortable staying over at his house and often cried for her Mother when she was with her dad. Kelly was an angry teenager who felt abandoned by her father. She resented him for not spending the

parenting time with her and Cassie. Instead, he did lawn work and spent the time focused more on his wife and stepchildren, who lived there. Jeanie was angry because Steve had not paid child support on any consistent basis and he would not help out with doctor visits to Kansas City or attend any of the girls' activities in Emporia. She felt that he was still in denial about Cassie's illness and was frustrated that he would not learn how to take care of her properly when at his house. The mediation was intense and highly conflicted. Steve threatened to walk out of mediation twice in the first joint session. Steve would like fifty-fifty parenting time and/or would like the girls to move in with him. Jeanie would like him to pay child support and take some of the responsibility for the girls if he wants more time. She says the girls do not want to spend time at his home.

### **Questions:**

1. Where would you start with this family?
2. What issues do you think are under the surface but exerting pressure on the family?
3. What type of parenting time schedule might work for this family?
4. What do you think Kelly and Cassie are feeling? Is there a way to find out?
5. How can Steve become their father once again?
6. What do you think Jeanie and Steve need individually?

### **Additional Questions**

1. What happens when the military member does not have 51 per cent of the parenting time? Does he/she have to live in the barracks? Can you have parenting time in the barracks? What do you say if the parties ask you to say that the parent has 51%, even if he/she does not, just so the service member does not have to live in the barracks?
2. What happens in a dual military family when both parties are going to be deployed, but they can't agree who will be the primary caregiver? How do they fill out their Family Care Plan? At that point, it is not parenting time that must be mediated, but back-up parenting time – basically, which family will be the back-up caregivers?
3. What are the basic requirements for a pro se military divorce? What cultural issues must be reviewed? Are there specific writing requirements to ensure that the paperwork is correct according to military standards and legal in the civil judicial system?
4. How do you handle retirement issues as a mediator?

5. **Major Discussion Question – How do mediators support and guide pro se clients without practicing law?**