

How can we negotiate our differences more productively?

No matter how well you and your coparent get along, you will have times you disagree on a parenting matter. Coming to an agreement on how to raise your child may require you to engage in negotiations. While this can be an emotionally charged undertaking, there are steps that can be taken to make the process easier.

The seven steps of negotiation

Once a child-rearing matter has been identified, a model of communication selected, and a meeting scheduled, you can follow a seven-step method for finding a mutually satisfying solution in your child's best interest and put it into effect.

Step 1: Name the problem

You will know if a problem needs to be solved when you or the other parent perceives that an event or situation is interfering with the best interests of your child. In the following example, Cathy and John want to resolve the issue of their son's school placement as he seems to be struggling in private school. Note that John has identified the issue to be resolved. Therefore, he will need to do the following:

- Inquire by e-mail if Cathy is also interested in resolving this particular issue
- Decide on a method of communication—in person, by phone, or by e-mail
- Determine a mutually agreeable time to address the issue that will be free from distractions.

First, John uses an “I” statement or describes the situation with facts or observations.

Dear Cathy,

I feel concerned about Greg’s school performance because his teacher told us he is struggling academically and socially. I know you are in favor of his remaining in private school, but I am wondering if he needs to be in public school next fall. What I would like is to schedule a meeting at the local coffee shop to discuss Greg’s school placement. Let me know when you are available to meet.

John

After Cathy and John have agreed on a day and time to meet, they begin with step 2.

Step 2: Give opinion; reflect opinion

This is the most crucial step in the negotiation process and the most difficult to achieve. One parent takes a turn giving opinions on how he or she views the problem, followed by the other parent using reflective listening skills to repeat what the first parent stated. The purpose of this step is for each parent to fully explain his or her thoughts on the subject matter. Typically, this initial dialogue restates each parent’s position regarding his or her opinion on the subject and what is desired.

John gives his opinion:

“I felt sad and concerned when Greg’s teacher told us that he is struggling both academically and socially in his private school. High school should be the best years of his life. Greg shouldn’t be spending them alone or having to deal with so much homework. I would like you to consider letting him attend the public school next year where there are more neighborhood friends and the workload is less strenuous.”

Cathy reflects:

“You feel worried about Greg ever since the parent-teacher conference when his teacher reported how much he is struggling in school. You think that high school should be the best years of a kid’s life. You would like me to consider registering him for public school in the fall.

As long as John feels heard, then Cathy gives her opinion:

“I think Greg’s private school provides many opportunities for him. We both know that teachers expect more at his school, which should prepare him better for college. Besides, he seems to like his school. I think it is a mistake to change schools next fall.”

John reflects:

“You think the private school allows Greg to be involved in more opportunities and that the curriculum will prepare him better for college than the public school. You also believe that Greg really likes his current school. As a result, you believe it would be a mistake for Greg to transfer to the public school in the fall. Is that right?”

Position versus interest

John and Cathy have both taken a position—public versus private school. Their positions are not negotiable because their son cannot attend both schools. It is important to understand what each parent’s actual interests are to effectively resolve or negotiate his or her issue. Interests, unlike positions, typically can be

resolved. Positions are the concrete results you say you want—public or private school. Interests are the intangible motivations that lead us to take our positions. According to Ury (2007), “Identifying each other’s interests means determining the real concerns, needs, fears, and desires that underline and motivate the opposing positions. Then you explore different options for meeting those interests. Otherwise, you will both be trying to resolve your positions, which are not compatible” (p. 5). Positions become an either/or and are nearly impossible to negotiate.

Using the example of Cathy and John, it appears that there are many factors influencing Cathy’s position for Greg to remain in the private school.

Cathy’s interests include the following:

- She fears public school will not provide enough enrichment.
- She feels guilty because they could not afford private school for their older daughter. John is now able to contribute to private school.
- She believes the private school will better prepare Greg for college.
- She believes that Greg is capable of better grades and fears public school will not push him to achieve.

John’s interests include the following:

- He values diversity that the private school does not offer.
- He recognizes that Greg’s primary friendships are in the neighborhood.
- He believes that Greg’s self-esteem and increased success in the public school are more important than attending a difficult private school.
- He took a new job and is now concerned about after-school transportation. Greg could walk or take the bus home from his neighborhood school but not from private school.
- He has a desire to spend more time with his son by eliminating the one-hour transportation time coming and going to his private school.
- His current wife is pregnant, and he is concerned about overall expenses with college around the corner.

Both parents are able to share their interests so they may be able to find an effective solution. When Cathy shares her concerns regarding enrichment and

college preparation, then John is in a better position to brainstorm ideas that address both his and Cathy's needs. Cathy was aware of her underlying issues, while John was not fully aware of his underlying issues.

Questions to discover underlying interests

In order to discover interests, you must ask your coparent open-ended questions to understand the basis for his or her position. Sometimes you may want to ask questions such as *why*, *why not*, *what if*, *who*, *how*, *what*, *when*, and *where*. The way you ask these questions should show your desire to understand while encouraging your coparent to think and share.

Ury (2007) noted that questions designed to solve problems should always be open ended. Using open-ended questions will encourage your coparent to speak more, relaxing the tension between the two of you. A question is open ended when it cannot be answered with the word *no*. Your questions should make the other parent think.

For example, Cathy needed to ask questions to help uncover John's interests. Cathy asked the following:

- "How would you feel if Greg continued in the private public school in the fall?"
- "Help me understand why public school is so important to you at this time?"
- "What are your concerns about Greg attending his current school?"
- "What is the most important benefit of our son attending public school?"

Open-ended questions will help you discover both your interests and your coparent's interest so you can negotiate the issue.

Creating a third story

It is natural, when sharing our thoughts and interests, to get caught in thinking that our personal experience is an objective truth. For example, John might believe that his son's friendships are not that strong at the private school, so he states this to Cathy as a truth rather than an observation or opinion. Cathy might believe their son is shy and has trouble making friends, and this belief becomes her truth.

One very helpful technique used by experienced mediators is to find a way to combine both parties' views and truth. If you really look, you will usually see partial facts in both stories that do indeed match. According to Stone, Patton, Heen (2000), the third story is created by describing the problem in such a way that both parties feel heard and understood simultaneously. The third story removes all judgmental descriptions and describes the problem as a difference that they can both agree upon. It weaves together the threads of each person's story. For example, John and Cathy could both agree that their son's self-esteem and social life are very important. They both want to give him the best opportunities; they just have different ideas about how to achieve this goal. They both might even agree that their son is slow to make friends, but he does have the ability to make friends, particularly through sports. They both acknowledge that Greg is not the most motivated student. They both agree that this decision needs to be addressed and resolved as soon as possible. When trying to create a third story, it is best to start with the details of the other parent's opinion first and weave your part of the story in afterward.

After you understand the interests of your coparent, then you can work together to find a satisfying outcome that addresses both your needs. Weave together the threads of each person's story. It may sound like this:

"Can we come up with an approach that meets both your needs/goals for ____ as well as my needs/goals for ____?" One idea I have is _____. How do you feel about this? What might you suggest?"

Using John and Cathy's school placement problem, the third story might sound like this:

"We are both very committed to ensuring our son has the best academic and social high school experience possible. We want him to feel good about himself and have ample opportunities for success both academically and socially to prepare him for college. We need to look at all the pros and cons of making a change."

This type of statement makes it less about Cathy's solution or John's solution and more about the third story.

Step 3: Brainstorm solutions

This step is where ideas and creative solutions are explored. Brainstorming is a powerful technique. It encourages people to come up with thoughts and ideas that can, at first, seem a bit out of the box. As a result, some crazy ideas may lead to a creative solution, while others may spark more ideas. Here's what brainstorming options to the school dilemma would look like:

- Greg remains at the private school.
- Greg attends the public school in Cathy's neighborhood.
- Greg attends the public school in John's neighborhood.
- Greg attends a different private school in the fall.
- Greg enrolls in on-line school.
- Cathy homeschools Greg.
- John homeschools Greg.
- Greg's grandparents cover the costs of private school.
- Greg participates in tutoring.
- Greg drops his advanced classes to remain at private school.
- Greg takes the bus to John's home on John's parenting days.
- Greg participates in enrichment activities in the local neighborhood rather than taking all his extracurricular activities at his private school.
- Greg attends a social skills group for one semester.
- Greg is tested for his academic struggles.
- Greg drops out of school.
- Greg gets his GED.
- Greg goes to live with his grandmother in another state and attends the award-winning public school in her area.
- Greg makes the final decision.

Can you see how brainstorming allows you to suggest ideas at random? It stimulates creative thinking while developing new ideas. Some of the ideas provide a good solution, while others may be less than desirable. Staying open to possibilities by opening our minds requires not criticizing any of the ideas, no matter how outrageous they may seem.

Step 4: Choose a solution

For this step, think about each brainstorming idea and choose which idea to keep and which to disregard. Think about the possible consequences of each idea, making sure that the selected solution will produce the desired results—what is best for your child. You might even discover that you can combine solutions and come up with an even better outcome. The solution should attempt to address as many of your coparent's interests as possible.

When determining a solution, you may find that you are not prepared to make a decision because more information is needed. You may need to consult with professionals or collect data from other individuals. Also, you do not need to make the decision during the first conversation. Be sure if you are planning a follow-up meeting to complete this process that you and your coparent both have a written list of the brainstorming ideas. Then be sure to set a time to come back to the table.

At times, you may be reluctant to agree to a particular solution because you think it will be written in stone. When you and your coparent chose a solution, think of it as temporary. Sometimes just knowing you are not going to be locked in to the solution forever makes it easier to choose one.

After John and Cathy came up with potential ideas, they discussed the ones that seemed reasonable. They determined that ideally Greg would not have to leave his school. To address both parents' concerns, they made a temporary agreement to learn more about Greg's lack of motivation by having him tested.

Step 5: Review who does what by when

This step involves summarizing the agreement or temporary agreement by putting into words what was decided and determining who will be responsible for carrying out the actions. It is also a good idea to determine when the actions should be completed. Cathy and John agreed that Cathy would locate and schedule with a school psychologist for Greg to be tested as soon as possible. She agreed to have this scheduled in two weeks. John agreed to split this cost 50-50 with Cathy. They will meet with the evaluator and then determine their next option.

According to Boyan and Termini (1997), these questions can be used as your guide:

- Which actions are needed to carry out the decision?
- Who is responsible for each task?
- What will the person do to fulfill the responsibility?
- When should this action be completed?

Step 6: Put the solution into action

Now is the time to put your solution into action. At times you may have difficulty reaching a decision because you're not sure if you completely agree with the solution. In these circumstances, limit the solution to a designated period of time. Be sure to give the agreed-upon solution enough time to determine if it works. You may be concerned that if you agree to a solution, you will have to live with this decision for the long term. By designating a specific time frame to review the solution, you are free to return to the negotiation table if the solution isn't working for either you or your child.

The final resolution for Cathy and John was as follows: due to the mild learning disability that was identified, they chose a smaller and less intense private school for next fall. They involved Greg in selecting the school. Cathy agreed that John would not have to pay for his half and her parents would do so. Greg will take public transportation home from school and be signed up for local activities with neighborhood friends. Note that Cathy and John both attempted to come up with a solution that addressed as many of their interests as possible, which allowed them to come to an agreement.

Step 7: Reevaluate

For step 7, you need to determine a time to reevaluate the decision. According to Boyan and Termini (1997), when you evaluate the solution, ask the following questions:

- What worked?
- What didn't work?
- What needs to be changed?
- Was it a one-time situation, or does the solution need to occur on a regular basis?
- Who benefits from the solution?

- And, most of all, is this solution in the best interest of your child?

When you and your coparent evaluate the solution, follow the same steps as negotiating the agreement.

John and Cathy made a temporary agreement regarding the testing, which built in a reevaluation based upon the results. After they made the final agreement, they also decided to meet at the end of each quarter to review Greg's academic and social progress.

Negotiation tips:

- Do not state your opinion as fact.
- Do not repeat your original position; stay focused on addressing interests with other options.
- Never criticize the other parent's brainstorming ideas.
- Keep an open and relaxed mind.
- Ignore the position and stay focused on addressing all the interests.
- Accept the other parent as having a valid need.
- Avoid thinking *right* or *wrong*. Instead think *different*.
- Accept that you cannot control your coparent's reactions and that it can be destructive to try.
- If all else fails, consider a temporary solution along with a shorter period of time to reevaluate.

Tip: *Never criticize any ideas during the brainstorming step. To do so is a creativity killer.*

