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Mediation of Same-Sex Couples for Copareting

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Abstract

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MA, Walden University, 2009

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Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

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Abstract

Scholarly literature supports that individuals who identify as lesbian, gay, bisexual, transgender, and queer face inequities as a result of living in a heteronormative society. However, scholarly literature lacks body of research available that provides insight as to the experiences that counselors have while providing mediation to same-sex couple regarding coparenting. Thus, a literature gap exists pertaining to the lived experiences of counselors who provide mediation for same-sex couple coparenting. The purpose of this hermeneutic phenomenological study was to develop an understanding of counselors who provide same-sex couple coparenting. The theoretical framework used in this study was the equity theory, which speaks to how inequities in inputs and gains from a relationship affect behaviors. Participant selections criteria included being 21 years of age, a licensed counselor, and having worked with same-sex couples for coparenting mediation for 1 year. Data were collected from 5 counselors through interviews and analyzed, which produced 5 main themes and 18 subthemes. Data analysis was conducted by considering the whole transcription, statements and phrases and a line by line approach. The 5 main themes were practices, skills, knowledge, beliefs, and challenges noted by the participants. The results of this study provide insight as to similarities and differences in education that are necessary for both counseling and mediation. A better-defined understanding of counselor mediation experiences may promote changes in counseling programs to include mediation skills, increased multicultural competence, and knowledge of basic family law in regard to child custody.

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Dedication

This dissertation is dedicated to my family and friends who have never given up

on me and have always believed that I have what it takes to finish my doctorate degree.

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I would like to thank Dr. Jason Patton for his gentle nudging to keep writing and to include the details that make this dissertation more credible. Thank you as well to Dr. Corinne Bridges for taking me on when my initial committee member left after my first quarter of dissertation. I would also like to thank Dr. Jennifer Gess for her keen insight while doing the university review of my dissertation.

A special word of thanks to my husband for helping me believe that I can write even when I didn't feel that I had the ability to write anything more on this topic. His support through this process is what made it all possible.

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Chapter 1: Introduction to the Study

Introduction

Traditionally, same-sex parenting has been met with skepticism by lawmakers (Pruett, Ebling, & Cowan, 2011) and mental health professionals regarding parenting effectiveness (Grove, Peel, & Owen-Pugh, 2013). Same-sex couples who co-parent children face unique challenges associated with inequities in family law (Stern, Oehme, & Stern, 2016) as well as in the counseling arena, in regards to myths about same-sex couple parenting abilities (Grove et al., 2013). Family laws are based on opposite sex couples who are both biologically related to the children and therefore have equal rights to the children. However, with same-sex couples there is often one biological parent who, due to current family laws and judge biases, could become the sole legal guardian in cases of separation and divorce (Stern et al., 2016). Furthermore, the sole legal guardian is not legally bound to permit access to the child to the nonbiological parent in cases of separation or divorce (Pruett et al., 2011).

Myths associated with the effectiveness of same-sex couples' parenting abilities further exacerbate problems associated with the inability of professionals to assist this population (Sherman, 2014). Counselors are often not aware of the legal inequalities that same-sex couples face and may be less versed in other biases and inequities that this population face, which can make the mediation process much more difficult (Dodge, 2006). Furthermore, same-sex couples may not feel comfortable working with counselors who have had minimal experience with mediation (Sherman, 2014). Mediation, as discussed by Boardman (2013), differs from typical counseling in that counseling refers

to diagnosing, healing, and bringing about change. Alternatively, mediation is the process of attaining agreement between two parties to bring about change, without concern for background reasons for the issue(s). Furthermore, Boardman noted that specialized training is necessary for counselors to become effective mediators. Dodge (2006) noted that there is now a greater need for counselors to be able to provide mediation within their sessions. Not only do couples need to be able to come to an agreement regarding how to coparent but many also need to be able to understand their own motives (i.e. whether they really need to keep the child or children away from the other parent, or if they are hurt because of the relationship break up) in order to come to that agreement.

There are now more that 858,896 same-sex couples in the United States, according to Fisher, Gee, and Looney (2018). Pruett et al. (2011) purported that family law was written to address opposite-sex couple custody issues. These laws, to this point, have not taken into account how to address married of unmarried same-sex couples (DeDiego, 2016; Hermann, 2016); thus, same-sex couple custody issues are often dealt with unfairly (Lombardo, 2012). Examples of the inequities that same-sex couples face include custody only being awarded to the biological parent and an inability of same-sex couples to adopt through some adoption agencies as well as from many overseas countries (Gato & Fontaine, 2013). While same-sex couples have received the legal right to marry and adopt, judges at the local and state levels often create more difficulties and hurdles for same-sex couples to address than opposite-sex couples (DeDiego, 2016) With the increase in divorce rates for all couples (Pruett et al., 2011) and the potential for judges to impose their personal family biases on custody decisions (Williams, 2018),

there is an increased need for counselors to assist in divorce mediation for these couples with coparenting issues. Williams (2018) stated that mediation decreases the use of bias custody evaluators and shifts the need for legal discretion to the parents being able to determine what is in the best interest of the child. There is a challenge in that there is a lack of research pertaining to the lived experiences of counselors regarding processes necessary for effectively mediating separation and divorce issues associated with coparenting for same-sex couples. This gap in research presents a concern for counselor educators and supervisors in their attempt to adequately train and prepare counselors to mediate same-sex couples for coparenting issues associated with separation and divorce.

Purpose of the Study

The purpose of this hermeneutic phenomenological study was to develop an understanding of the lived experiences of mental health professionals who have worked with same-sex couples to mediate for coparenting issues. Hermeneutic phenomenology is a methodology used to interpret an occurrence that is being experienced (Sloan & Bowe, 2014). This understanding may provide insight as to the skills necessary for counselors to feel prepared to mediate coparenting issues associated with same-sex couples as well as the inherent challenges therein. This phenomenological approach allowed me to explore the experiences of mental health providers who work with same-sex couples and attain an understanding of their experiences with mediating separated or divorced same-sex couples for coparenting. Furthermore, through an equity theoretical framework, a better understanding of the skills necessary to feel prepared to mediate same-sex couple coparenting was delineated (see Myers & Goodboy, 2013). Equity theory allowed me to

depict how differentials in power lead to the behaviors (ex. anger, frustration) of same-sex parents as well as the skill set necessary for counselors to feel prepared to mediate same-sex couples for coparenting.

Research Questions

The primary question that guided this hermeneutic phenomenological qualitative research was the following: What are the lived experiences counselors have had mediating coparenting for same-sex couples?

The subquestions were as follows

- How do counselors who work with coparenting same-sex couples who are separated or going through divorce describe the skills they need to feel prepared to mediate?

- What skills do mental health providers feel are necessary to provide effective mediation?

- What challenges do mental health providers face when providing mediation to same-sex couples for coparenting?

The subquestions were developed and asked to enhance an understanding of the main research question.

Theoretical Framework

The theoretical framework used in this phenomenological study was the equity theory. The equity theory states that individuals contemplate the effort put into a relationship versus its benefits, and this has an impact on his or her behavior within the said relationship (Myers & Goodboy, 2013). The literature review helped provide insight

as to the current lack of equity that same-sex couples feel in society, due to the potential

biases of both the legal system and society, as well as at times within their own

relationship. Furthermore, the impact of the inequities may and often do impact the

behaviors that individuals have (Myers & Goodboy, 2013). The literature review also

indicated that the inequities in the relationship as well as in society have an impact on not

only the couple but also their children when the relationship ends. This research

addresses the inequities in the legal realm, due to potential biases by judges that may still

exist, as well as the legal implications of relationships ending and the need for mediation

in these situations. Thus, a better understanding of the lived experiences of counselors

who mediate same-sex couples for coparenting was a necessary question. This

hermeneutic phenomenological research study can assist in the development of a better

understanding of the relationship between not only the couple but also the relationship

between the counselor and the couple throughout the mediation process. Attaining an

understanding of the lived experiences of counselors while providing mediation,

challenges faced, and skills necessary to provide effective mediation is of the utmost

importance. Without an understanding of experiences, challenges, and necessary skills

one cannot understand how inputs and benefits are affected and thus may not be able to

understand how to make the relationship between counselor and same-sex couples

effective for same-sex couple coparenting mediation. Through the analysis of the data I

was able to identify potential inequities that may have an impact on the relationship

between the couple as well as the individual and the counselor providing mediation. The

counselors did not feel there was any position of power noted based upon the sexual identity of the mediator.

Justification of the Study

Hermeneutic phenomenology is a methodology used to interpret a natural occurrence that is being experienced (Sloan & Bowe, 2014). A hermeneutic phenomenological approach was best suited for this research, as it allowed for an in-depth exploration of the essence of the complex phenomenon that occurs during mediation of same-sex couples for coparenting–what it means to be a counselor working with this population. The primary justification for the current study was the lack of information available pertaining to mediation of same-sex couples for coparenting and the challenge this lack of information presents to counselor educators and supervisors in training counselors to work with this population.

Williams (2018) noted that there is a need for the legal institutions to initiate a more formal system in which judges have to consider and better understand family law in a more diverse meaning. Until such time as this occurs there is a need for mediation to assist in developing equitable custody for families (Feigenbaum, 2015). This need is not surprising, as in modern history, same-sex relationships were hidden in most countries (Chenier, 2013). Furthermore, same-sex couples who do not have the support of their families have a greater potential for dissolution of relationships with negative outcomes regarding coparenting (Lanutti, 2013). Holtzman (2013) added that adoption is often a manner in which same-sex couples become parents; however, adoption by both same-sex parents can still be difficult in some states, leading to adoption by only one parent.

Khimm (2015) noted that while same-sex couples have received the right to marry in all states, some states, such as Michigan, Virginia, North Dakota, and Mississippi still have restrictions that can be imposed on same-sex couples' abilities to adopt children. Hertz, Wald, and Shuster (2009) noted that agreements made between same-sex couples prior to having children are not always recognized in family court. Thus, there is an increased need for mediation, as same-sex couples do not receive the same rights as heterosexual couples while in the relationship or even after they leave the relationship. Examples of the inequities that same-sex couples face include custody only being awarded to the biological parent and an inability of same-sex couples to adopt through some adoption agencies as well as from many overseas countries (Gato & Fontaine, 2013). Furthermore, even here in the United States the legal system does not does not see genetic and nongenetic parents in the same light, when granting custody rights (Feinberg, 2016)

Dodge (2006) stated that mediation has the potential to decrease lengthy legal battles, which leads to a potential to minimize emotional harm to children. While in the intact family, children experience the love, support, validation, and financial security. According to Dodge, when same-sex parents divorce there is a possibility for the psychological foundation of the children to be damaged when they are not allowed to see the nonbiological parent. This severed relationship could lead to feelings of abandonment as well as psychological disorders resulting from the loss (Dodge, 2006). Thus, there is a great concern about the lack of research pertaining to the lived experiences of counselors regarding the processes necessary for effectively mediating separation and divorce issues associated with coparenting for same-sex couples. This gap in research presents a

challenge for counselor educators and supervisors in their attempt to adequately train and prepare counselors to mediate same-sex couples for coparenting issues associated with separation and divorce.

Limitations

This research can have practical and theoretical value for counselors, counselor educators, and supervisors. Furthermore, the impact of mediation on same-sex couple parenting and to the children may result in a significant decrease in emotional harm that children experience, leading to less instances in which the children experience mental health issues such as adjustment disorder with anxiety and depression. However, the applicability and scope of this research should not be overstated. There are limitations to this research to be noted.

First, hermeneutic phenomenology, by nature, involves small samples that are criterion based. The purpose of this small criterion-based sample is to ensure the relatively similar demographics of the participants resulting in the saturation of data. The similarities of the participants allowed for a full exploration of the present phenomenon, providing a snapshot of same-sex couple mediation. However, there are mental health professionals and mediators who provide mediation across the country, cultures, and time. Thus, the information gained by this study may not represent the views of providers in other states or even in rural or big city areas. While the information attained within this study was attained from a small group of individuals who provide mediation, the information obtained from this research can be of value as phenomenology assumes that the essence of the experience is common, regardless of the demographics.

Another limitation that must be considered in this research is the ability of the participant to effectively convey his or her experience in the mediation of same-sex couples for coparenting. There is a possibility that the participant felt inhibited in some ways from fully discussing the essence of his or her experiences of mediating same-sex couples for coparenting due to the societal homonegative oppression. However, a purposive criterion sampling technique was based upon the ability of the participants having shared characteristics and in essence similar experiences (Creswell, 2007). I hoped is that these participants would gain a greater level of comfort in sharing their experiences knowing that their identities would remain anonymous, and that they would be assisting in the development of programs that can help others to understand the processes needed to assist in the mediation of same-sex couples for coparenting; thus, decreasing the likelihood that these parents will do what is in the best interest of the children resulting in decreased mental health illnesses for the children (Trub, Quinlan, Starks, & Rosenthal, 2017).

A third limitation of this research is that I needed to be aware of the potential for my own biases. I needed to make sure that I was transparent with my thoughts throughout the analysis of the data. My transparency assisted my methodologist in understanding my thought processes while coding as well as the development of accurate coding.

Definitions

In order to best evaluate the need for a phenomenological exploration of mediators of same-sex couples for coparenting, several definitions must be considered.

The following definitions are provided to assist in providing consistency or understanding and meaning;

Coparenting: Two parents not living together and raising their children in a harmonious manner.

Mediation: The use of a neutral third party to assist parents in settling their own differences and custody arrangements (Pruett et al., 2011).

Same-Sex: Refers to any relationship outside of a heterosexual relationship.

Summary

In Chapter 1, I presented the background, purpose of the study, and theoretical framework used in this hermeneutic phenomenological research study regarding the lived experiences of counselors providing same-sex couple coparenting mediation. I also discussed the research questions, methodology, and pertinent definitions. In Chapter 2 I delineate a review of prior literature regarding lived experiences of same-sex couples and the biases and stigmatisms that they face as a result of legal inequities and homonegativity in society.

Chapter 2: Literature Review

Introduction

A meticulous review of current pertinent literature pertaining to same-sex couple coparenting mediation, regarding counseling, revealed a scarcity of research on this topic. Much of what I found indicated that mediation is necessary due to the inequities of family law toward same-sex couple families, in favor of different sex couples (see Chenier, 2013; Hertz et al., 2009; Joslin, 2011; Sobel, 2015: Trub et al., 2017; Williams, 2018;).

There is a greater need for counselors to attain the competencies necessary to mediate same-sex couples for coparenting. In this chapter, I consider these inequities and their effect in accordance with the equity theory. Thus, I detail empirical data as well as qualitative findings regarding inequities and biases that same-sex couples face in the following order: (a) census, (b) marriage rights, history, (c) psychological needs of same-sex couples and families, (d) marriage of same-sex couples, (e) family and community recognition of same-sex couples, (f) challenges same-sex couples face, (g) myths regarding parenting for children of same-sex couples, (h) family law and child custody, (i) impact of same-sex couple divorce, (j) mediation, and (k) cultural competence.

Literature Search Strategy

I began the literature review considering search terms. I used search terms such as *same-sex, mediation, family law, marriage, cultural competence*, and *census*. I searched a multitude of databases, including Academic Search Complete, LGBT Life, PsycArticles, PsycINFO, and SocINDEX. I then read through article abstracts and articles to determine

if they had information that was appropriate for this study. Upon exhausting my search I began to write the literature review.

Theoretical Framework

Adams developed the equity theory in 1963, according to Mahoney (2013). Adams (1963) purported that inequities can be noted when individuals compare their ratio of input or effort put into the relationship versus the perceived outcome or what they get out of the relationship to their perception of another person's input to outcome ratio, in hopes that the ratios will be equitable. Myers and Goodboy (2013) stated that the behaviors one exhibits toward others, while in a relationship or when leaving the relationship, are based upon his or her feelings of equity within the relationship regarding the perception of how much effort was put in by both parties versus what has been gained from the relationship by both parties. This theoretical framework was appropriate for the study because this study was founded on the basis of inequities on multiple levels: (a) power differentials within family law, (b) power differentials within coparenting relationships, (c) power differentials within society toward same-sex couples and their coparenting, and (d) power differentials within the counseling arena based on social norms and the lack of skills to feel prepared to mediate same-sex couples for coparenting.

Thus, in using the equity theoretical framework I considered how power differentials impact different aspects of mediation experiences, challenges, and relationships. This was accomplished by asking about the differences in how power affects the relationship between the couple as well as the couple and the

counselor/mediator. I considered how power creates challenges as well as changes the experiences that the counselor/mediators have.

Census

DiBennardo and Gates (2014) stated that questions regarding inequalities and political rights for same-sex couples can be difficult to assess due to inaccuracies within the Census and American Community Surveys data. Furthermore, the authors indicated that these inaccuracies in data impede the examination of the impact of state and local antidiscrimination laws on same-sex couple wages and rights in family courts DiBennardo & Gates, 2014). There are multiple reasons for accuracy issues, according to DiBennardo and Gates. Two such reasons are that same-sex couples may feel uncomfortable with identifying the true nature of their relationship or that neither partner may identify as the head of the household. Gates and Cooke (2011) noted a 15% discrepancy in the Census' identification of same-sex couples. Thus, it is estimated that there are 858,896 same-sex couples in the United States (Fisher et al., 2018). However, in considering the data from the 2000 census Hopkins, Sorensen, and Taylor (2013) stated that one third of female same-sex couples and one fifth of male same-sex couples have at least one child in their household. The importance of this information is to depict the number of couples and children that are affected by inequities of family law and may potentially need mediation for coparenting either currently or in the future, making this a relevant topic for the times.

Changes in Perspectives of Family

Khimm (2016) stated that prior to the second half of the 20th century, a nuclear family was defined through religious eyes. Thus, the definition was heteronormative in nature. The authors noted that the heteronormative definition proposed that a family consisted of two or more people who are legally related, share living quarters, and share responsibilities in each other's lives (Khimm, 2015). Khimm (2015) purported that the old idea of the nuclear family is now a thing of the past as 54% of children no longer live in married heterosexual households. Thus, the definition of family has changed and is now based by the individual's personal and social beliefs (Powell, 2017). Powell (2017) noted that the definition of family has diminished the role of biology and marriage and is now a cultural concept of family. Powell added that for many, family includes step-families and couples with or without children.

Marriage Rights History

Chenier (2013) noted that prior to 1957, same-sex relationships were not accepted in most countries in modern history and were to be hidden from the public eye. According to Chenier, this began to change when Britain's Wolfenden Commission began to support the decriminalization of same-sex relationships, which led to Christian leaders who held the bulk of power in the United States to start to consider the impact of religion in the oppression of same-sex couples. Furthermore, this became a consideration when Christian leaders were largely not ready to officiate same-sex marriages within their churches.

Chenier (2013) contended, in the early 1970s, that Baker began to question what constitutes the institution of marriage as well as what constitutes the nuclear family. Furthermore, Baker and McConnell as well as a handful of same-sex couples began to push for the legalization of same-sex marriages (Chenier, 2013). This led to some clergy beginning to marry same-sex couples in their churches as early as 1972. Furthermore Chenier noted, this movement led to Reverend Troy Perry's case in the California courts contending that the marriages that he performed were legal as California law did not stipulate the sex or gender of couples who could be married. However, Reverend Perry lost his case, and his marriages of same-sex couples were not considered legal. Phyllis Marshall and Grace Thornton challenged the state of Ohio in 1974, arguing that their marriage should be legal. They also lost. Chenier also noted that during the early 1970s the American Psychological Association was taking a closer look at the classification of same-sex couples as being *sexual deviants*, as that diagnosis was also being challenged. The code in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM) II was a 302.0 according and did not actually completely come out of the preceding DSM until 1987 according to Drescher (2015).

Between the 1970s and 1990s, cases continued to be tried in the court systems and continued to lose (Chenier, 2013); however, public awareness continued to increase. With awareness of the push toward legalizing same-sex marriages states such as Utah, in 1995, began to pass laws that limited marriage to heterosexual couples (Sobel, 2015). In 1996, the federal Defense of Marriage Act (DOMA) was passed, stating that the only marriages federally recognized would be those of one man marrying one woman. In 2004,

Massachusetts became the first state to legalize marriage in the United States (Dodge, 2006). By 2008, marriage laws limiting marriage to heterosexual couples existed in 32 states, with some of the states allowing same-sex couples the option of attaining domestic partnerships and civil unions. However, by 2009, same-sex couples' marriages were recognized in six states within the United States (Hertz et al., 2009). In 2011, when same-sex couples were able to marry in some states, the process of divorce could be difficult if they were living in a state that did not recognize same-sex marriage as they could not be granted a divorce in that state (Joslin, 2011) Furthermore, prior to 2012, bans on same-sex marriage were placed on ballots and consistently passed (Dodge, 2006). In 2012, popular opinion began to change and voters in the states of Maine, Maryland, and Washington approved marriage equality for all adult couples. However, 40 states continued to prohibit same-sex marriage (Knauer, 2012). In 2013, the Supreme Court deemed DOMA's recognition of only heterosexual couples being married as being unconstitutional. In June of 2015 the decision of Obergerfell versus Hodges, by the Supreme Court, ruled that refusal to allow same-sex couples to marry, by the states and federal government, was unconstitutional (Duke, 2015). Thus, all couples are now allowed to marry in the United States regardless of their sexuality or gender; however, family law and biased judges have yet to adjust parenting rights to provide the nonbiological parent equal custody opportunities, often leading to the best interest of the child not being considered (Williams, 2018).

Same-sex couples have attained the right to marry in the United States (Duke, 2015). However, their struggles have not ended with this right to marry. There is now

cause to consider what happens when the marriage does not work out. When considering the family law that exists, it is necessary to understand that it was written based on heterosexual couples marrying who are biological or adoptive parents to the children. The laws are not yet equipped to address the fact that in some marriages there may only be one adoptive or biological parent, thus the decisions are left to judges who may impose their own personal judgments (Williams, 2018). Thus, there is a need for mediation to make sure that the best interest of the child is being considered, decreasing the emotional impact to the child(ren).

<div style="text-align:center">Psychological Needs of Same-Sex Couples and Families</div>

Same-Sex Couples

Gates (2015) indicated that there is no difference in the amount of love seen in same-sex couple families or opposite-sex couple families. Khaddouma et al. (2015) indicated that same-sex couples and different-sex couples are noted to have similar couple functioning in the areas of conflict, relationship satisfaction, intimacy, and commitment. The authors also stated that same-sex couples live in a heteronormative society and this has a negative impact on not only the individuals' health but also their relationships (Khaddouma et al., 2015). Furthermore, the social context in which the couple lives is likely to have an impact on the stability of the relationship. Thus, the authors conveyed that same-sex couples are at greater risk of relationship dissolution that different sex couples (Khaddouma et al., 2015). The authors depicted three main areas of potential risk for relationship instability including individual factors, relationship factors, and contextual factors (Khaddouma et al., 2015). The individual risk factors include

whether the individuals have depression or sexual identity distress. Relationship risk factors include relationship satisfaction, quality of alternatives, level of commitment, and couple conflict. Contextual risk factors include relationship support and gender differences. Khaddouma et al. (2015) also purported that women from both same-sex relationships and different-sex relationships are more likely to exhibit sexual identity distress and end relationships that they feel are not working than are men.

When same-sex couples separate and or divorce the family laws do not support the non-biological parent of the couple's child or children (Dodge, 2006). Thus, the biological parent trumps the non-biological parent's right to the child or children, and may be left in a situation where he or she does not have to allow any visitation rights to the non-biological parent. The author also noted that the parent with the custodial rights may be left without the financial support of the other parent as, in the eyes of the law, that parent does not have any legal responsibilities to the child or children (Dodge, 2006). This leads to financial and emotional hardship on the custodial parent. As the author further noted, these legal issues have led to the development of pre-arrangement agreements, which are not always considered in family courts (Dodge, 2006). Furthermore, relationships that have not been recognized by the law, friends, family and co-workers can cause same-sex couples to feel disempowered emotionally, while working through the ending of their relationship (Hertz et al., 2009).

Children

Gates (2015) noted that children being raised by same-sex couples fare just as well as those raised by opposite-sex couples in the realms of academics, cognitive

development, mental health, sexuality, and substance abuse. The author indicated that

discrepancies noted by researchers regarding the success rates of children of opposite-sex

couple and same-sex couples is not in the raising of the children but in the instability of

the parental relationships (Gates, 2015). The author also purported that some of the

research that has been conducted is not accurate as it has been conducted through a

heterosexual lens (Gates 2015).

The needs of children of divorcing parents are of great concern in the family court

system, as custody laws have not kept up with marriage laws in all states (Kazyak &

Woodell, 2016). Kazyak and Woodell (2016) noted, the family courts attempt to assure

that a consistent relationship is maintained between that child and his or her biological

mother and father but have yet to do so for same-sex parents, in many cases. This

becomes a source of contention when the parents are same-sex as either one or both of

the parents are not biological. However, the authors purported, children of same-sex

couples have also grown accustom to the love, support, validation and financial means

that both parents provide simultaneously in the relationship (Kazyak & Woodell, 2016).

When divorcing, due to current family law, there is the potential for only one parent to

have legal rights to the child or children. Kayzak and Woodell (2016) further contended

that the child or children's psychological foundation could be damaged if the relationship

with the non-biological parent is severed, thus the non-biological parent is encouraged to

adopt the child(ren). This severed relationship could lead to the child having feelings of

abandonment. Thus, Stern et al. (2016) claimed, in the best case scenario the child is

shielded from the realities of their parent's separation and a custody arrangement is

developed that would be in the best interest of the child. Stern et al., (2016) also stated

that children of divorcing parents often have law guardians that speak for them in the

courts and make the judge aware of what is in the best interest of the children. However,

as Feinberg (2016) denoted, children of a nonmarried couple, of which only one parent is

the biological parent, have the potential of not being able to see the other parent whom

they are used to having in their life on a daily basis, and this loss may lead feelings of

abandonment.

While the law is the determining factor of who attains custody of the children,

there is another important component, the relationships between parents and children

(Stern et al.,, 2016). Park Kazyak and Slauson-Blevins (2016) noted that there are several

ways in which same-sex couples can become parents. These ways include donor

insemination, surrogacy, adoption, and fostering of children. Tornello, Kruczkowski, and

Patterson (2015), in their quantitative study of 52 male same-sex male couples who

became parents through surrogacy, noted that biological linkage to the child(ren) did not

determine the division of household or childcare labor within the household. However,

the authors also stated that in the case of female same-sex couples the division of

childcare labor is often determined by biological linkage to the child(ren) (Tornello et al.,

2015). The authors noted that the division of labor between the couple is related to the

level of satisfaction within the relationship. Furthermore, the authors indicated that the

equitable distribution of household and childcare labor within the household is often a

determining factor as to their happiness within the relationship (Tornello et al., 2015),

which is in accordance with the equity theory proposed by John Stacey Adams in 1963

(Mahoney, 2013). Within the equity theory, a person only feels happy with a relationship if he or she feels that he or she is getting out of the relationship as much as he or she is putting into the relationship. Thus, when considering the division of labor in a relationship, if one person feels that he or she is putting more into the relationship than the other person he or she may become unhappy with the relationship, bringing an end to the relationship.

Marriage of Same-Sex Couples

Stability (Partnership Maintenance)

Buzzella, Whitton, and Thompson (2012) stated that same-sex couples are at greater risk of relationship dissolution than married heterosexual couples, due to the stigmas, biases, and heteronegativity associated with same-sex marriages. The authors cited this greater risk as being due to the increased stress, inability to marry in some states, discrimination, lack of social support, and a lack of relationship modeling that they have experienced (Buzzella et al., 2012). Lannutti (2013) noted that although friend's reaction to their relationship is important family reaction to their relationship is of greater importance.

Lanutti (2013) conducted a qualitative research study to assist in the understanding of the opportunities and challenges that same-sex couples experience within their family relationships. Lanutti based her premise on how same-sex couples' regulation of private information affects family interactions. In Lanutti's qualitative research study, 48 couples over that age of 18 were interviewed. A snowball sampling technique was used in this study, which was conducted in Massachusetts. Lanutti used an

inductive reasoning approach to code the data and assess the themes of the interviews. In the study three major themes were depicted (a) how making same-sex marriage legal effects how the relationship is discussed within families, (b) how families share the news of same-sex marriage outside of the family, and (c) how and what information same-sex couples discuss with their family regarding their relationship. The author noted sharing of information amongst family members might induce added stress to the couple as family members often share with other family members and friends (Lanutti, 2013). The author also contended, in effect this sharing may reveal the couple's sexual orientation to others whom the couple did not intend to make it known to (Lanutti, 2013). Furthermore the author stated that the acceptance or non-acceptance of family members and others places a strain on same-sex couples (Lanutti, 2013). These pressures can lead to the dissolution of the relationship.

Household Organization

Tornello et al. (2015) noted the importance of the division of household and childcare chores is directly related to relationship satisfaction. Nico and Rodrigues (2013) completed a research study to assess how household work is distributed in same-sex couple homes. Nico and Rodrigues (2013) used a qualitative research approach, a snowball approach, to attain participants. Semi-directive interviews of the couple were conducted in an individual one on one approach with different researchers for each individual. Nico and Rodrigues discovered that the more complementary the couple is the more balanced the distribution of tasks appears to be. Nico and Rodrigues also noted that in most cases the jobs that appear less pleasurable often still cause tension within the

relationship. However the authors also contended, distribution of household chores is often determined based on like, dislike, and time availability to address the chore (Nico & Rodrigues, 2013). Thus, it could be said that the determination of what is fair in the relationship, regarding chores, is based on what is natural and what is possible versus the male/female division of chores.

Nico and Rodrigues (2013) claim that the distribution of household chores and childcare are based on what is pleasurable to the individuals. Civettini (2015) conducted a qualitative research study that considered both gender expression as well as time availability considerations in regards to distribution of labor within the household of household chores and childcare. Civettini purported that gender expression is whether the individual displays more feminine or masculine traits and is not based upon the biological sex of the individual. Civettini noted, through the research that the more feminine individual often takes on a greater amount of the routine household tasks as well as primary child care tasks. However, Civettini's research more highly supports time and availability being the main factors that determine the distribution of household chores and childcare.

When time and availability are the considerations for how household and childcare chores are completed there is an increased chance that there will be an increase in the chance for dissolution of the relationship (Tornello et al., 2015). This is further confirmed when considering the equity theory that was proposed by Adams (Mahoney, 2013). According to Mahoney, the equity theory states that relationship satisfaction is based upon individuals within the relationship feeling that they are each contributing

equitably to the relationship and the chores. The author also noted that when considering

only time and availability one or both individuals from the relationship may feel that he

or she is contributing more than the other individual, leading to relationship

dissatisfaction and, eventually, a dissolution of the relationship (Mahoney, 2013).

Maternity and Paternity Care

Hammond (2014) noted that with legislative changes in fertility there are more

same-sex couples having children as noted by the increase of 24 births to same-sex

couples in the United Kingdom in 2009 to 608 in 2013. Hammond contended that with

this increase in births to same-sex couples comes acknowledgement that nurses and

midwives have chosen in the past not to provide services to same-sex couples or to leave

one partner out of the birthing process. The author noted that this discrimination might

also be seen in the hospital forms that couples must fill out prior to having the child

(Hammond, 2014). The author further purported that in addition hospital policies about

only allowing next of kin into the hospital room during birth has also exacerbated the

feelings of discrimination that same-sex couples have experienced (Hammond, 2014).

The author also noted there is a need for changes in the laws associated with maternity

leave (Hammond, 2014). Furthermore the author stated, there is currently a movement in

the medical realm to increase the training that hospital staff receives to include training in

diversity that addresses the needs of same-sex parents (Hammond, 2014).

Family and Community Recognition of Same-Sex Couples

Attributes of Same-Sex Couples

There are multiple aspects of same-sex relationships that contribute to their success (Dziengel, 2012). One demonstration of this was presented by Dziengel (2012), who conducted a qualitative research study of same-sex couples to determine what assists them in remaining together through the years. The author stated that maturity, integration, as a couple, compatibility, being complimentary, and ambiguity of external supports are some of the key elements to successful same-sex relationships (Dziengel, 2012). The author noted, maturity included subcategories of honest and respectful engagement within the relationship, the ability to negotiate and compromise within the relationship, and the ability to address minority stressors within the relationship (Dziengel, 2012). The author contended, *integration* as a couple included subcategories such as shared commitment to trust and growth, attraction to one another even when third party distractors are present, working together to develop a cohesive home, and the ability to be comfortable with the relationship socially (Dziengel, 2012). Furthermore the author affirmed, *compatibility* consisted of subcategories such as having interests in common, having shared values, and being able to develop shared goals, decisions, and dreams (Dziengel, 2012). The author also contended, *complementary* consisted of two subcategories, skills sets and growth interests (Dziengel, 2012). The author also purported, the final area of interest was in *external supports* such as family, friends, and social (Dziengel, 2012). The author also stated that *integration* as a couple is dependent

on all of these areas and the couple's ability to work through conflict resolution together
(Dziengel, 2012).

Acceptance and Rejection

Prior to the legal of recognition of marriages and, even currently, in some
situations, same-sex couples often have felt that same-sex relationships were devalued by
family and society, which led to relationship stress (Rostosky, Riggle, Rothblum, &
Balsam, 2016). The authors noted these feelings of being diminished negatively effect
relationships at work and within their families (Rostosky et al., 2016). The authors
contended that when these individual's feelings were noted within the relationship they
cause (caused) discord within the relationship as evident by an increase in disagreements
within the relationship as well as relationship dissolution (Rostosky et al., 2016).

Dziengel (2012) noted that it is common for same-sex couples to feel ambiguous
loss (i.e. loss of friends and family support due to sexuality). The author further stated,
this feeling might come as a result of the lack of emotional support from family members,
mixed messages about their place in the family due to their choice in partners, or
uncaring nature of the family due to the individual's choice of partner (Dziengel, 2012).
The author also contended that the partner of the individual being left out of significant
life events might exacerbate this feeling (Dziengel, 2012). Furthermore the author
purported that this feeling may be very confusing when there are differences in the level
of acceptance across family members (Dziengel, 2012). This feeling, resulting from
homonegativity, may lead to feelings of inferiority as well as physical and mental health
issues.

While recognition of marriage and family acceptance of these relationships has been difficult to attain, same-sex couples have found acceptance through alternative networks such as friends, lovers, and constructs of families, which they have developed (Hopkins, Sorensen, & Taylor, 2013). However, not all societal encounters are pleasant for same-sex couples as in many cases they continue to feel the stressors associated with living the life as a member of a sexual minority (Dziengel, 2012). One of the stressors that same-sex couples encounter is that they have the right to marry but that in some situations members of the clergy are unwilling to perform the marriage ceremony (Stevens, 2014). Stevens also noted, while the First Amendment allows for the separation of church and state, allowing clergy to marry whom the feel are fit to marry, the First Amendment Establishment Clause forbids the transfer of legal acts from the government to religious affiliates. Thus, as the author also stated, the act of marrying an individual is a licensed act provided by the government (Stevens, 2014). Therefore, religious officials must observe the antidiscrimination laws set forth by the government or their licenses to marry could be revoked (Stevens, 2014). Regardless of antidiscrimination laws the regular daily stressors for same-sex couples include job inequities, fears of violence and fears of discrimination. These daily stressors can be a source of dissatisfaction within the relationship (Dziengel, 2012). The author also noted these dissatisfactions can lead to the dissolution of the relationship and the need for mediation to assist in making sure that both individuals are treated justly whether they were or were not married (DZiengel, 2012). These dissatisfactions within the relationship responsibilities are what relate to the

equity theory, which will be used to discuss how the relationship ends and why there is a need for mediation when the relationship dissolves.

Legal Acceptance or Rejection

With the emergence of the legalization of same-sex marriages has come an external validation of their relationships as well as the development of antidiscrimination laws (Jackson, 2017). When considering the antidiscrimination laws, the United States Constitution must first be considered as the First Amendment does not recognize nor tolerate the separation of class amongst its citizens (Knauer, 2012). According to the Jackson (2017), same-sex marriage is now legal throughout the United States. The author noted courts have also been ruling on other forms of discrimination against same-sex couples (Jackson, 2017). The author also contended, states have legislated laws that prevent discrimination based sexual orientation (Jackson, 2017). However, Knauer (2012) noted that there are still many legal barriers that exist for same-sex couples. As the author specified, legal barriers and discrimination are still evident in the areas of relationship formation, parenting, health care, taxation, immigration, housing, government benefits, employment, and education (Knauer, 2012). The author also purported legal barriers continue to add stress to the relationship and provide a platform for relationship dissatisfaction and potentially dissolution of the marriage or relationship (Knauer, 2012). Thus, when the relationship ends there is a need for mediation to assist the individuals in attaining equitable rights to the benefits of the relationship that they were in (i.e. children, financial security, and housing).

Challenges Same-Sex Couples Experience

Stigmatism, Prejudices, and Discrimination

Homonegativity has been defined as negative feeling and action directed at LGBT individuals and groups with the purpose of belittling and oppressing them, as defined by Slootmaeckers and Lievens (2014) in their quantitative research study of Flemish individuals. The purpose of including this research here is that in the United States homonegative also exists as noted by the need for antidiscrimination laws (Jackson, 2017) and Knauer's (2012) discussion of hate crimes. There are five factors that have been noted to affect the level of homonegativity that an individual feels toward lesbian, gay, bisexual, and transgender (LGBT) individuals and communities (Slootmaeckers & Lievens, 2014). Slootmaeckers and Lievens indicated these factors to include religious affiliation, gender, age, education level, and the amount of contact that one has had with LGBT individuals and communities. The authors purported, homonegativity has been noted to be relatively high based upon the meaning that an individual gives to religion as well as how often an individual attends religious services (Slootmaeckers & Lievens, 2014). Slootmaeckers and Lievens also stated that men often exhibit more homonegativity than women. Furthermore, older individuals have been found to demonstrate higher levels of homonegativity (Slootmaeckers & Lievens, 2014). The authors' research indicates that more highly educated individuals are more likely to think with an open mind and display less homonegativity (Slootmaeckers & Lievens, 2014). The authors contended, individuals who have interacted more regularly with LGBT individuals have been found to display decreased levels of homonegativity

(Slootmaeckers & Lievens, 2014). Thies, Starks, Denmark, and Rosenthal (2016) purported that homonegativity can also be experienced by LGBT individuals as they internalize the feelings of others and in turn decrease the quality of their relationship.

Same-sex couples have been the victims of stigmatization, prejudice, and discrimination for many years (Jackson, 2017). Kazyak and Woodell (2016) noted, one realm in which prejudices and discrimination has existed is in the area of parenting. Until more recently, same-sex parents were often considered unfit due to the belief that they were sexual deviants and over sexualized which might lead to sexual abuse of their children (Hopkins, Sorensen, & Taylor, 2013). Furthermore, even the family law has discriminated against same-sex couples, as until 2015 there was a lack of legal recognition of these couple's relationships both at the state and federal levels (Kazyak & Woodell, 2016). Hopkins et al. (2013) specified that as of a 2004 report 1,138 statutes infringe on equal benefits, rights, and privileges for same-sex couples. The authors noted, included among the statutes that are biased against same-sex couples are the inability to claim Survivor's benefits, inability to attain family health insurance, economic penalties for not being married, and decreased wages for gay men and lesbians (Hopkins et al., 2013). Stevens (2014) noted that not only have state and federal laws been considered discriminatory, but also some of the religious community's biased behaviors have resulted in their unwillingness to perform marriages of same-sex couples. The author claimed that these same churches have refused to allow same-sex couples to engage in adoption of children (Stevens, 2014).

Stigmatization of same-sex marriage extends to the lack of societal recognition that same-sex couples experience (Frost 2013). Frost noted, societal devaluation of same-sex marriages places couples at risk of not meeting intimacy and mental health needs. The author also claimed that devaluation of same-sex relationships is noted in the negative stereotyping that same-sex relationships have different meanings for romance and intimacy than heterosexual couples have (Frost, 2013). Furthermore, the author stated that there is a belief that same-sex couples have a diminished moral levels, which also serves to devalue the same-sex couple relationship within the community (Frost, 2013).

Same-sex couples also experience discrimination on social and personal levels (Frost, 2013). Frost noted, same-sex couples are often the victims of hate crimes, violence, and harassment. Frost stated internalizing the stigma associated with these issues often causes same-sex couples to internalize the issues making them feel as if they are doing something wrong. Furthermore Frost contended that often families of same-sex couples do not accept their relationships. As Frost also purported, although in the short term the couple may be able to conceal their relationship, the cognitive burden of this social stress may lead to a decrease in relationship quality and satisfaction.

While cultural diversity has been at the forefront of teaching within the helping professions, research suggests that helping professionals still often demonstrate inappropriate attitudes and behaviors toward LGBT individuals (Brinson, Denby, Crowther, & Brunton, 2011). The authors noted, helping profession are said to display their personal negative feelings toward LGBT individuals even within counseling sessions (Brinson et al, 2011). Furthermore the authors stated, LGBT individuals have

reported being displeased with treatment due to the attitudes and prejudices of helping

professionals (Brinson et al, 2011). Thus the authors contended, the attitudes of these

helping professionals have a significant personal and professional impact on the

effectiveness in working with this population (Brinson et al, 2011). For the current study,

the personal and professional impact of working with this population became evident,

and the need for greater multicultural training became more apparent.

Societal and Cultural Inequities

Societal inequities also exist for same-sex couples in regards to how their

relationship is considered by society (Holtzman, 2013). Holtzman noted that some of the

most important inequities are parental and spousal relationships, rights to inheritance,

benefits claims for insurances, hospital visitations, and health decision-making. As

Holtzman contended, state and federal laws contribute to the societal and cultural

inequities. An example of these inequities can be seen in how marital and custody laws

exist within the legal system (Holtzman, 2013) and furthermore how those laws are not

transferrable between states (Park, Kazyak, & Slauson-Bevins, 2016). Park et al.

indicated that state and federal laws are currently based upon societal definitions of sex,

gender, and the biological nature of relationships between parents and children. Thus,

only biological parents and parents by marriage are considered when custody

arrangements are being determined in the court of law (Dodge, 2006).

Thomas (2014) conducted a research study to focus on the experiences of same-

sex couples married in Canada, California, and the United Kingdom. This

phenomenological research study included 18 British couples, 11 Canadian couples, and

16 Californian couples. Thomas sought to depict the impact of legal marriage on legal

rights and entitlements, family relationships, and career acceptance. Thomas's study

revealed that through the legal recognition of marriage same-sex couples attained

recognition and respect from family, legal, and healthcare entities. Furthermore, Thomas

noted these couples attained rights to visit their partners when receiving medical care,

rights to their partner's insurance policies and property if the partner dies, rights to

quality medical care regardless of sexual orientation, and family and social recognition of

their relationship.

Myths Regarding Parenting for Children of Same-Sex Couples

According to Prickett, Martin-Storey, and Crosnoe (2015) some of the public

debate about same-sex couples raising children has been in regards to the myth that

heterosexual couples provide a better lifestyle for child development. The authors noted

that myths about parenting also include the investment that heterosexual couples make in

parenting being greater than those of same-sex couples (Prickett et al., 2015).

Furthermore, there are myths regarding the idea that lesbians and gay men have mental

health issues that includes their being over-sexualized (Hopkins, Sorensen, & Taylor,

2013).

These myths are a result of homophobia and heterosexism (Hopkins et al., 2013).

Heterosexism is a form of power, which is considered in the equity theory and speaks to

how same-sex couples have not been treated in an equitable manner. In addition, those

who are heterosexual and observe gender conformance experience social and legal

privilege (Brandes, 2014). Brandes noted the increase in social and legal privilege is a

result of approximately half of the individuals living in the United States feeling that same-sex relationships are wrong on many levels. Furthermore Brandes contended, sexual minority individuals are subjected to medical and mental health providers and medical forms that are insensitive to their feelings and needs.

Being treated as an inferior individual has affected sexual minority individuals in many ways but the focus here will be on the fears resulting from noted provider biases as indicated by Snowdon (2013). Gust, Shinde, Pals, Hardnett, Chen, and Sanchez (2012) purported that there are communication barriers between providers and sexual minority individuals. These barriers include a fear of not being treated and delaying treatment (Snowdon, 2013). Snowdon noted these fears are a result of sexual minority individuals being subjected to verbal abuse as a result of their sexual preference, being subject to physical abuse, and being rejected by family. Furthermore, Brandes (2014) claimed that some medical and mental health professionals have defined sexual minority individuals as perverted and sinful. Thus, sexual minorities are less likely to trust and access mental health of medical treatment due to fears of being discriminated against or having their illness being minimized as a result of their sexual status (Snowden, 2013).

When considering the discrimination that same-sex couples have experienced throughout life, it is necessary to wonder if they would be willing to engage with a mental health provider. Furthermore, the vulnerable state that they are in when they enter into a separation in addition to the effect of previous discrimination that they have endured will affect their ability to find a counselor that they are willing to work with. Finally, when considering mediation, if the counselor does not have the skills to engage

in mediation combined with the cultural competence to work with same-sex couples this is a recipe for disaster that could potentially result in the same-sex couple feeling further stigmatized.

Family Law and Child Custody

Child Custody Laws

Current United States family law is based on biological or adoptive parents having consistent custody rights when children are involved in a divorce or separation of two individuals (Kazyak & Woodell, 2016)). Kazyak and Woodell (2016) noted that the laws of legal parenthood and custody are decided at the state level. The authors also contended that these laws could create difficulties for the non-biological parent to retain custody, as parenting agreements made before the birth of the child are not always enforceable (Kazyak & Woodell, 2016). Thus, in regards to parenting, state laws and judges' biases may impact the ability of the nonbiological parent to attain or retain custody of a child (Kazyak & Woodell, 2016).

Best Interest of the Child

Current family law is based upon inherent rights of a mother and child to custody of his or her child (Reed, 2014). Reed noted, the consideration of best interest of a child is based on the concept that the courts have developed, a process which each case moves through to determine what each child needs and how to best meet those needs, given the child's parents' abilities. The author stated that Wisconsin, in particular, has developed a list of 16 criteria which they consider when determining who will be the custodial parent of the child(ren) (Reed, 2014). The author purported, these criteria include, but are not

limited, to who the child wants to live with, relationships between parents and child(ren), prior time spent with child(ren), child's need and ability to adjust to new community, health and age of child(ren), stability of the parent(s), and the ability of the parents to support the child(ren) (Reed, 2014). The author noted, while the courts use these criteria to decide the custody of children this does not alleviate the feuding between parents and in most cases the parents continue to battle in the courts, regarding custody of the child(ren) throughout the years, to the detriment of the child(ren) (Reed, 2014).

Premarital Agreements and Parenting Agreements

Often when same-sex parents decide to have a child parenting agreements are developed in an attempt to safeguard the non-biological parent when and if the couple separates (Zalesne, 2015). The author noted, however, that family law fails to protect the rights of same-sex couples in regards to parenthood (Zalesne, 2015). Zalesne (2015) purported that even family contracts are not always enforceable in family court. The author contended, when the non-biological parent brings that contract to the court system the contract is often not considered binding and becomes a moot point (Zalesne, 2015).

Adoption Issues (U.S. and International)

Holtzman (2013) stated that adoption is a common pathway used by same-sex couples to become parents. Since the early 1990s there has been a decrease in the opposition of same-sex couple adoptions (Becker, 2012). However, adoptions are still difficult for same-sex couples in some states, due to some states having a ban on same-sex adoptions (Holtzman, 2013). Barbash (2016) noted that while a federal judge ordered that Mississippi to drop it's ban on same-sex couple adoptions, Mississippi's legislature

passed a bill that stating that individuals can not be punished for refusing to provide

licenses for same-sex marriages. Arthur (2015) indicated that same-sex couples, as well

as single gay men and women still have a difficult time with adoption, due to state and

international laws. Furthermore, some states have still bans on adoption for same-sex

couples. This ban results in only one parent being able to adopt the child and the other

parent having no legal rights to the child. Hamer (2015) claimed that Wisconsin is one

state in which the court has not allowed the non-biological spouse of a same-sex couple

to adopt the biological parent's child. Hamer (2015) also purported that the state refuses

to change the wording on the birth certificate from "mother" and "father" to "un-

gendered parent".

Fertility Inequities

Wykes (2012) stated that having children is a human right and the World Health

Organization (2008) further noted that access to quality fertility programs is necessary for

infertile individuals to move through pregnancy safely. However, Wykes (2012)

affirmed, there has also been a question, in the past, about whether same-sex couples

should be allowed to participate in fertility programs. The author specified, the initial

Human Fertilization and Embryology Act banned same-sex couples from participating in

fertilization as it purported that the child has a right to a father and a mother (Wykes,

2012). However the author contended, in 2008 a new Human Fertilization and

Embryology Act was enacted which removed the clause that a child has the right to a

father and a mother and lifted the ban on same-sex fertilization (Wykes, 2012). Wykes

(2012) professed, while there have been some changes in legal access, there were and are

still barriers to fertilization for same-sex couples. The author noted one such issue is how to define infertility, as it is commonly defined as being unable to conceive after one year of unprotected sex (Wykes, 2012). This definition creates difficulties for same-sex couples, as there is no possibility that they will get pregnant with their partner's child.

The laws for reproductive technologies are not as clear for same-sex couples as marriage does not provide both parents with legal rights to the child(ren) in all states (Wexler, 2018). Thus, in some states the non-biological parent must seek parenthood through the process of adoption. Furthermore, the Nevada Supreme Court (2013) had difficulties with a case in which two women decided to have a child together. The Nevada Supreme Court stated, one woman was the egg donor and the other woman carried the child to term. The author noted that when the women separated custody of the child became in question (Nevada Supreme Court, 2013). The author purported that the initial trial court determined that the biological mother was the only mother and deemed that the other mother was just a surrogate mother with no rights (Nevada Spreme Cout, 2013). The Nevada Supreme Court later deemed that the non-biological mother should, at the very least, have visitation with the child. However, in Kansas the Supreme Court decided to accept the coparenting agreement that was signed prior to the birth of a same-sex couple's children, when they decided to separate (Kansas Supreme Court, 2013). In this case the non-biological parent was deemed to be the residential custodian of the children. Thus the Kansas Supreme Court, claimed that the decision about whether a non-biological parent is in fact awarded parenting time is in the hands of the court and the judge's understanding of the current laws that exist in each individual state.

Same-Sex Couple Divorce

The judicial system and state law typically determines the specifics of divorce in the United States (Pruett et al., 2011). The authors noted that within this process each opposing party attains a lawyer who works to assist his or her client in determining and pursuing what is rightfully his or hers from the relationship (Pruett et al., 2011). As the authors purported, the lawyer in-turn has the responsibility to shed light on parenting differences between the parents, which often leads to the development of mistrust between the divorcing couple (Pruett at al., 2011). The authors stated that this distrust often fuels the destructive family dynamics that led to the divorce at hand (Pruett at al., 2011). The authors also indicated this escalation of destructive behaviors often trickles down to the children of who custody is being sought, in the family courts (Pruett at al, 2011).

While the divorce process is standard procedure for opposite sex couples, it is still not standard procedure for same-sex couples (Hertz, 2015). The author noted, the Supreme Court verdict in the Windsor v. US case overturning the Defense of Marriage Act has set the stage for same-sex couple relief in the areas taxation and financial issues (Hertz, 2015). However the author also claimed, the laws regarding the divorce of same-sex couples continue to be an ever-changing landscape of complexities that lawyers need to keep abreast of (Hertz, 2015). Hertz further contends that when couples live in states that do not allow both partners of a same-sex marriage to be legal parents, the biological parent may have the ability to prevent the non-biological parent from being able to see and co-parent the child(ren). Fillisko (2016) noted that there are cases in the court in

which same-sex couples have married and the non-biological parent has not adopted the child, which has led to a lengthy adversarial court battle. Fillisko also stated that these highly adversarial trials were often publicized, bringing about homophobic arguments and negative behaviors within the community toward the non-biological parent. These encounters often trickle down to the child(ren), producing a potential for greater mental health issues (Fillisko, 2016).

The current law and legal system is not equipped to address the issues that same-sex couples and their families experience, when separating. There are many sociocultural considerations that are not taken into account within the courtroom. Thus, in order to best meet the needs of all parties experiencing the separation mediation is the best solution. In the case of mediation all parties are heard, lawyers do not spend time pointing out flaws in parenting, there is a decrease in mistrust between parents, and the best interest of the child can be considered.

Coparenting

Coparenting refers to two parents who parent collaboratively, but are not in a relationship and are not living in the same residence (Dodge, 2006). The author purported that effective coparenting requires both parents to support the opposite parent in front of the children so that the children are seeing their parents as a united front (Dodge, 2006). Furthermore, the Dodge (2006) noted that the children of these parents are also getting the same message from both parents, which tends to mitigate the necessity for children to focus on their security with each parent. Through effective coparenting children's behavioral issues can be diminished (Dodge, 2006).

Parenting between two parents who are not getting along can be extremely difficult, but parenting during and after a divorce can be even more difficult when the two parents cannot get along (Togliatti, Lavadera, & diBenedetto, 2011). The authors noted that divorce not only represents a breakdown of a relationship, but also the breakdown of the family as a whole (Togliatti et al. 2011). As the authors purported, this breakdown represents both the breakdown of psychological process as well as the need for a reorganization of family life and new psychological processes to be developed Togliatti et al., 2011). The authors stated that the need for the rebuilding of psychological processes is due to the loss of dual parenting within the home, loss of an intimate partner, and, in some cases, loss of social supports (Togliatti et al,, 2011). Thus the authors contended, following breakup individuals often go through a period in which their mental health and perhaps even physical health may decline (Togliatti et al., 2011). The authors claimed, the individuals may experience psychological symptoms such as anxiety, depression, persecutory symptoms, or substance abuse (Togliatti et al., 2011). For these individuals the thought of divorce can promote destructive behaviors and destructive conflict within the divorce proceedings. Thus, the authors professed, through the inability to accept the end of the relationship these individuals promote dysfunctional coparenting (Togliatti et al., 2011). The authors also indicated that dysfunctional coparenting can be played out through the competition between two parents, attempted exclusion of one parent, making the child(ren) choose between the two parents, or using the child as a go between, elevating the child's role within the conflict (Togliatti et al., 2011).

Coparenting requires that both parents put their emotional issues aside and develop a plan that is in the best interest of the child or children (Dodge, 2006). According to the Dodge, parents must work to protect their children from the conflict that the parents are having. Thus Dodge claimed, messages should not be sent through the child, causing the child to feel that he or she is in the middle of the conflict. Dodge also stated that the child should not be exposed to the hostility that the parents are feeling toward one another and may be expressing verbally. Dodge also indicated that if there are family issues, they might be best addressed through family therapy, which may assist in the development of routines that promote positivity for all parties involved. Furthermore Dodge articulated that there are several strategies that a parent may employ to assist in attaining and maintaining effective coparenting including: (a) education about the child's or children's needs, (b) continue to work with the other parent to make sure that the parenting agreement is in the best interest if the child or children, (c) development of effective communication, (d) attend counseling to address feelings about conflicts, (e) parents must allow themselves to heal from the issues that caused the breakup, and (f) have regularly set times to talk about the current coparenting plan and if changes might be necessary. Dodge argued that when parents are able to co-parent effectively the negative effect on children is mitigated. Effective coparenting also results in appropriate emotional development of children who grow to be adults and feel that they are able to enlist the assistance of their parents in times when they need emotional support, such as their marriage, graduations from schools, and potentially the birth of children (Togliatti, et al., 2011).

Effective coparenting provides an effective way for children to grow up with two parents who both love them regardless of their biological parentage. It allows the parents to heal from a relationship that did not work and potentially move on to a new relationship. Through effective mediation, individuals are able to move through the process of losing the relationship and maintain relationships with their children, with a decreased amount of discourse. When the parents come together and let go of the past they are congruent with a decrease in power and a decrease in behavioral issues, which is in accordance with the equity theory.

Children of Separating or Divorcing Parents

When same-sex couples separate there is no guarantee that the non-biological parent will continue to have visitation rights with the child or children, due to potential anti-gay prejudices that still exist today (Stern, Oehme, & Stern, 2016). Stern et al. (2016) also noted that even since marriage equality courts struggle with custody litigation and decision-making in same-sex couple divorces. This struggle is due to judges using societal norms and past legal standards in the decision making process, which at this point are heterosexist in nature (Stern et al., 2016). Thus, the best interest of the children will still need to be addressed and considered on a case-by-case basis, which can be a difficult task (Stern et al., 2016). Furthermore, parents have been encouraged in many cases to use mediation versus the legal system to come to a mutual decision regarding parenting time and decrease bitterness between them so that they can put the wellbeing of the child first (Stern et al., 2016)

Mediation

According to Ballard, Holtzworth-Munroe, Applegate, D'Onofrio, and Bates

(2013), each year more than one million children are affected by the divorce or separation

of their parents. The authors noted, due to the family breakups as well as lengthy stressful

animosity laden court battles, these children are at risk of mental health, behavioral, and

academic difficulties (Ballard et al., 2013). Ballard et al. (2013) stated, parental stress,

parental conflict, financial issues, and new family structures to adjust to further

exacerbate these issues. Furthermore, courts and the legal system have been concerned

about the effects of separations and divorce on children for quite some time, which has

led to some courts requesting or requiring that parents attempt mediation outside of the

courtroom (Ballard et al., 2013). The authors also indicated that children of same-sex

couples are at further risk due to the lack of provisions set in family law for same-sex

couples (Ballard et al, 2013). Thus Stern et al. (2016) purported, courts in family law

jurisdictions have begun to recommend mediation to same-sex couples to assist with

decreasing animosity between the parents and mutual decisions about custody issues that

lead to what is in the best interest of the child.

Defining Mediation

Boardman (2013) noted that mediation and counseling are not the same thing;

however, mediation and counseling are both used to assist individuals in understanding

their feelings so that they can make the best decisions possible and perhaps with

appropriate mediation training counselors would provide more effective mediation. The

author noted that mediation is a process that involves the two parties that have an issue

and an unbiased third party (Boardman, 2013). As the author purported, the third party

uses mediation strategies to develop distinct real world solutions to the issues at hand

(Boardman, 2013). The author also contended that through this process the two parties

are assisted in developing guidelines for change and future behaviors (Boardman, 2013).

Thus, the focus of mediation is the goals that the individuals have and the process

mitigating destructive behaviors and enhancing positive behaviors, Boardman (2013)

indicated. The author also affirmed that these positive behaviors include being able to

identify what is in the best interest of the children, communicating effectively, refraining

from speaking negatively about the opposite parent, and being able to compromise to

make sure that the final decision is in the best interest of the child(ren) (Boardman,

2013).

Similarities and Differences Between Mediation and Counseling

Mediation and counseling can seem similar in many ways when considering the

types of issues they can be used for; however, the purpose of mediation is to decrease the

legal discourse between individuals (Boardman, 2013). Boardman stated that similarities

are most often seen when the mediator has a comfort level in addressing communication

and psychological issues. For example, an attorney may be more likely to focus on legal

issues over the communication issues that a mental health professional would focus on.

There are also similarities in that the overall goals of mediation and counseling in that

they both seek to promote positive behaviors and a decrease in destructive behaviors

(Boardman, 2013). Furthermore, both mediation and counseling seek to assist individuals

in identifying conflicts as well as their feelings in regards to those conflicts.

While mediation and counseling appear similar in several ways there are also differences (Boardman, 2013). Boardman purported that one such difference is the focus of mediation versus the focus of counseling. As the author claimed, mediation is focused primarily on the issue and behavioral change while counseling is focused primarily on the issue and why it exists (Boardman, 2013). The author also noted another difference is in the process of the sessions as mediation is primarily focused on the issue and counseling can be focused on the issue as well as the background that brought about the issue (Boardman, 2013). The author alleged that another difference is in the education that individuals attain in order to provide mediation or counseling (Boardman, 2013). The author subsequently professed that attorneys, mediators, and counselors can provide mediation with the right training but only counselors can provide counseling (Boardman, 2013). The author stated that mediation sessions are also typically longer than counseling session, as mediation sessions can last upwards of two and a half hours while a counseling session typically lasts and hour or less (Boardman, 2013). Furthermore, the author avowed that counseling has more recently become based on a pathological (medical) model, whereas mediation is not (Boardman, 2013). Finally, the author specified that the goal of mediation differs from that of counseling as the goal of mediation is to bring about an agreement between two parties and the goal of counseling is to change the inner being in order to bring about an agreement between the two parties (Boardman, 2013).

Purpose of Mediation

Typically, in the United States, divorces take place in a courtroom (Pruett et al.,

2011). Within the courtroom there are lawyers that represent each of the individuals

seeking a divorce (Pruett et al., 2011). Furthermore, Pruett et al. noted that these lawyers'

job is to make sure that their client receives his or her fair share of monetary and physical

interests in both the couple's equities as well as rights to the children. The authors further

contend that often there is a legal guardian assigned to the children in order to assist in

determining what is in the best interest of the children (Pruett et al., 2011). However,

throughout the court processes, mistrust and animosity begin to develop and lengthy

destructive court battles ensue. The authors also stated that desire for a less adversarial

and time involving approach to divorce has led to couples engaging in mediation (Pruett

et al., 2011). Mediation shifts the focus from what each parent can attain out of the

relationship to what is in the best interest of the family (Pruett et al., 2011). Furthermore,

mediation takes the decision about what will happen within the family out of the hands of

the court and places it in the hands of the family members. Pruett et al. contend that

mediation is the use of a third party to assist couples in developing a plan that will best fit

their family needs. Thus, the authors purported that the purpose of mediation is to

decrease child exposure to disagreements, educating parents about the divorce process,

and assist parents in learning to co-parent effectively (Pruett et al, 2011). The importance

of this for same-sex couples, with the current state of family law, cannot be understated

as without mediation the biological parent may end up with sole custody and the

nonbiological parent may end having to engage in stringent litigation to attain visitation

(Stern et al., 2016). Furthermore, mediation offers same-sex couples the ability to work through their disputes privately, avoid being held to the biased nature of family law, and the ability to prevent having their case determined by a homophobic insensitive judge (Stern et al., 2016).

Role of Mediator

In contrast with long adversarial legal battles through which lawyers assist their clients in navigating the legal system and having a judge deciding the outcome of their new family dynamics, mediation assists the family in negotiating their own solutions to the issues at hand (Pruett et a., 2011). Pruett et al. delineated the primary role of the mediator is to be a third unbiased third party. The authors stated, the mediator does not impose his or her impressions on the decision making process, but assists the couple in looking at what makes sense to the family and will cause the least distress on the family (Pruett et al., 2011). Furthermore, the authors purported, the role of the mediator is to promote cooperative coparenting. Baitar et al (2013) stated that there are two types of mediators, facilitative and evaluative. Facilitative mediators focus on the process and may provide legal information but do not push the client to make decisions based on the information provided (Baitar et al., 2013). Furthermore, these facilitators focus mainly on the process at hand and assisting the client in exploring their options, without offering their advice. Additionally, the authors also purported that evaluative mediators not only assist the clients in examining their options but also advise about how to reach the best scenario (Baitar et al., 2013).

Client Concerns and Considerations

One of the main concerns of the client is whether the mediator will be biased due to the sexual orientation of the couple (Hertz et al., 2009). Furthermore Hertz et al. noted, the couple may want to make sure that the mediator will not be biased by the roles that each of the individuals plays within the couple. Thus, the clients might want to know the sexual orientation of the mediator as well as whether the mediator is willing to openly discuss his or her thoughts about same-sex marriage (Hertz et al., 2009). The authors also stated that clients might try to ascertain an understanding of the mediator's sensitivity to the types of discrimination that these couples may have experienced as well as what legal complexities that couple may face (Hertz et al., 2009).

Types of Mediation

Baitar et al. (2013) stated that there are two components of mediation, mediator's goal and mediator's role. The authors contended that the mediator's goal refers to the issues that the mediator must assist the clients in identifying and assessing. The authors noted that the mediator's role also refers to the strategies that the mediator will use to assist the clients in reaching the necessary goal. Thus, the authors purported, there are several strategies than can be employed in the mediation process.

One type of mediation is the child-informed mediation approach (Ballard et al., 2013). Ballard et al. noted, this type of mediation assists the parent in making sure that they keep the needs and perspectives of their children first. The authors indicated that a psychoeducational approach is first used with the parents to assist them in developing an understanding of the effects of divorce and parental conflict on their children (Ballard et

al., 2013). As the authors claimed, the mediator then works an unbiased third party to assist the parents in developing a parenting plan that is agreeable to both parties (Ballard et al., 2013). Successful mediation of this type will promote closeness of the child to both his or her mother and father.

Another type of mediation is in the area of collaborative family law (Pruett et al., 2011). Pruett et al. noted, within this process the attorneys agree to assist the parents in working together to develop a coparenting agreement. The authors also indicated that this process does not include litigation and adversarial actions but the parents return to the courtroom and propose their agreement to the court (Pruett et al., 2011). One might perceive this practice as out of the scope of counseling, but I contend that when parents come together and develop a plan for coparenting, not only are they developing a sense of who they are as a parent but, they have also further developed their self-esteem and mental health. Furthermore, they have learned coping strategies that they can then pass on to their children in the area of conflict resolution.

Pruett et al. (2011) developed, researched, and used the Collaborative Divorce Project (CDP) as an intervention to address effective coparenting practices. The authors used a clinical trial design to research the effectiveness of the CPD in assisting married and unmarried couples, which were separating or divorcing, in the development of coparenting plans (Pruett et al., 2011). The authors noted that there were three goals of this study, (a) better understanding of family dynamics and their effect on children, (b) test the effectiveness of the intervention in improvement of parent-child relationships, and legal involvement, and (c) promote family law reform (Pruett et al, 2011). Of the 161

families that were initially included in the study and randomly placed in either the intervention or control group, data was collected from 142 of those families (Pruett et al., 2011). The authors stated that these families were chosen from the Connecticut court population (Pruett et al., 2011). The authors used several scales and Path modeling to determine the effectiveness of the program (Pruett et al., 2011). The authors used a regression analysis to determine Path analysis (Pruett et al., 2011). Finally the authors indicated, the analysis showed the effectiveness of this program in reducing conflict between parents and an increase in parental support of one another, which increased the parenting time of the non-custodial parent as well as increasing parenting consistencies between the parents (Pruett et al., 2011). As the authors also specified, limitations of this study included the inability of this study to address bidirectional influences or alternative models and a lack of multicultural and ethnic reciprocity (Pruett et al., 2011).

The research by Pruett et al. (2011) is a further indication of how effective coparenting can have a significant effect on the mental health of parents and their children. When mediation is effectively provided parents and children have more positive responses to the divorce or separation decreasing current and future mental health issues. Furthermore, if counselors were trained to provide mediation it is possible that effective mediation of the situation as well as mental health needs would be addressed at the same time leading to a decrease in future family discourse as well as an increase in coping strategies being learned within the family.

Effectiveness of Mediation

Baitar et al. (2013) purported that mediation is the middle ground between counseling and litigation in divorce cases. The authors noted that legal interventions, handled by lawyers, often pit parents against each other; however, mental health professionals are better equipped to manage emotionally charged issues bringing parents together to work through issues (Baitar et al., 2013). Shaw (2010) conducted a meta-analytic research study to quantitatively compare previous literature to compare the effectiveness of litigation versus mediation. The author noted how inclusion criterion included only studies comparing litigation versus mediation effectiveness (Shaw, 2010). Thus the author indicated that a meta-analysis was conducted on five previous studies to determine the effectiveness of mediation in the divorce process (Shaw, 2010). Additionally, the author claimed that the mean effect size for the effectiveness of mediation over litigation for these studies was .36 (Shaw, 2010). The author indicated that this moderate effect size shows that mediation is a more effective approach to use than litigation in divorce proceedings, when children are involved (Shaw, 2010) The author insisted, when individuals are asked to create their own agreements, with an unbiased third party, often the agreements made are more to both parties likings and less adversarial (Shaw, 2010). Thus the author stated mediation has the potential to decrease negative impacts on both the parents and the children, both short and long term (Shaw, 2010).

Cultural Competence

Bassey and Melluish (2013) purported that cultural competence refers to theoretical perspectives, belief system, and practical guidance that a mental health provider uses to provide effective therapy to his or her client. Sue, Arredondo, and McDavis (1992) stated when considering cultural competence the provider must be cognizant of the needs of the individual, based upon all aspects of the individual's culture. The authors noted culture to include age, socioeconomic status, religion, race, ethnicity, sexual orientation, gender, etc. (Sue et al., 1992) Thus, a mediator who is culturally competent will work to assess the client(s)'s needs based upon all socio-cultural aspects of a client's life and how they affect the client (Bassey & Melluish, 2013). As noted throughout this paper, there is a great deal of biased and stereotyping that same-sex couples face on a daily basis. There is also a great deal of information that counselors are unaware of in regards to legal and cultural differences that same-sex couples face. Thus, the question remains, how do counselors provide effective and efficient mediation without being culturally competent with this population as well as the knowledge necessary to assist this population in navigating the legal realm, which is also biased to heterosexual couples. This research study provides data regarding the legal and cultural competence issues that still exist regarding same-sex coparenting mediation. Furthermore, through attaining a better understanding of the legal inequities that same-sex couples face counselor mediators will also be better able to assist and advocate for their clients to do what is in the best interest of the both their clients and the children. Without being culturally competent a counselor may stereotype or have biases against the

couple and may push his or her beliefs onto the couple which creates an inappropriate power differential and could diminish the effectiveness of the mediation. This differential of power and diminished effectiveness if an example of the equity theory, as behaviors of the individuals are changed due to the power differential and what individuals perceive they are putting into and getting out of the relationship.

Summary

Traditionally, same-sex parenting has been met with skepticism by lawmakers (Pruett et al., 2011) and mental health professionals with regard to parenting effectiveness (Grove et al., 2013). Same-sex couples who co-parent children may face unique challenges associated with inequities in family law (Stern et al., 2016), as well as in the counseling arena, as a result of myths about same-sex couple parenting abilities (Grove et al., 2013). Family laws are based on opposite sex couples who are both biologically related to the children and therefore have equal rights to the children. However, with same-sex couples there is the potential for the biological parent, due to current family laws and biased judges, to become the sole legal guardian, in cases of separation and divorce (Stern et al., 2016). Furthermore, the sole legal guardian may not be legally bound to permit access to the child to the non-biological parent in cases of separation or divorce (Pruett et al., 2011).

Myths associated with the effectiveness of same-sex couples' parenting abilities further exacerbate problems associated with the inability of professionals to assist this population (Sherman, 2014). Counselors are often not aware of the legal inequalities that same-sex couples face and may be less versed in other biases and inequities that this

population face, which can make the mediation process much more difficult (Sherman, 2014). Furthermore, same-sex couples may not feel comfortable working with counselors who have had minimal experience with mediation (Sherman, 2014). Mediation, as discussed by Boardman (2013), differs from counseling in that counseling refers to diagnosing, healing, and bringing about change, whereas mediation is the process of attaining agreement between two parties without concern for background reasons for the issue(s). Furthermore, Boardman noted that specialized training is necessary for counselors to become effective mediators.

According to Fisher et al. (2018) there are more than 858,896 same-sex couples currently living in the United States. Pruett et al. (2011) purported that family law was written to address opposite sex couple custody issues; thus, same-sex couple custody issues are often dealt with unfairly. Examples of the inequities that same-sex couples face include custody only being awarded to the biological parent and an inability of same-sex couples to adopt through some adoption agencies as well as from many overseas countries (Gato & Fontaine, 2013). With the increase in divorce rates (Pruett et al., 2011) and the potential for legal and judicial biases (Sternet al., 2016), there is an increased need for counselors to assist in divorce mediation for these couples with coparenting issues. Dodge (2006) stated that mediation has the potential to decrease lengthy legal battles, which leads to a potential to decrease emotional harm to children. There is a challenge in that there is a lack of research pertaining to the perceptions of counselors regarding processes necessary for effectively mediating separation and divorce issues associated with coparenting for same-sex couples. This gap in research presents a

challenge for counselor educators and supervisors in their attempt to adequately train and prepare counselors to mediate same-sex couples for coparenting issues associated with separation and divorce. In considering this from the position of the equity theory, it could be inferred that the couple may feel that the counselor has the power in the relationship and that they are not getting out of the session what they are putting into them and make the decision to end the mediation. Thus, there is also a need to make sure that counselors have appropriate training so that they can effectively mediate and provide same-sex couples with the service of which they are in need.

Chapter 3: Research Method

The main purpose of this qualitative, hermeneutic phenomenological research study was to explore the lived experiences of mediators, counselors, and psychologists who are providing mediation for same-sex couples in the realm of coparenting. In this chapter I detailed the process that I took to achieve this goal. In choosing the methodology for this research, my responsibilities were to attain an understanding of what type of information was sought, how to present the information to consumers, and how this information could be used to further develop the field of Counselor Education and Supervision.

Research Design

I chose a qualitative methodological as it allowed me to attain an understanding of the lived experience of mediators, counselors, and psychologists who are assisting same-sex couples in the process of mediation for the purpose of coparenting, by following the guidance of van Manen (2015). This methodology also permitted me to assess the main research question: What are the lived experiences mental health providers have had mediating coparenting for same-sex couples? and subquestions: How do counselors who work with coparenting same-sex couples, who are separated or going through divorce describe the skills they need to feel prepared to mediate?: What skills do mental health providers feel are necessary to provide effective mediation?: and, What challenges do mental health providers face when providing mediation to same-sex couples for coparenting? Through the process of immersion and consideration of all of the threads of

information, research questions, and sub-questions, a voice was given to the experiences of the participants.

Role of the Researcher

My role as the researcher was that of an observer as well as an individual who asked questions. I asked questions of the participants to attain an understanding of their experiences in providing same-sex couple coparenting mediation. I had no prior personal or professional relationships with any of the participants.

In an attempt to provide transparency and postulate validity to my research, I believe that it is important to provide insight as to the importance of this subject matter to my life's work and the potential biases that may still exist. This narrative provides a glimpse of my life's journey to this point in time and perhaps a stepping off point for my continued life's journey.

My childhood and adolescence was filled with a secure attachment to my parents (father and mother). I was raised in a protestant household in which a heteronormativity was not only present but expected. It was not until I was married and at a family baby shower that I experienced being made fun of by my sisters in-law who stated that their female cousin was coming onto me while her girlfriend watched in order to make her girlfriend jealous. This experience made me fear all individuals who were not heterosexual as I was afraid I would be made fun of again. Many years later, I developed a friendship with another individual whom I did not know was a lesbian, and through this experience I have learned that I need to consider the person, not his or her sexual

orientation. Furthermore, I now feel compelled to assist in breaking down walls oppressed persons after having a realization of such an experience.

At the time of this research study, I had been working in the mental health field for over 5 years. I have noted that there is a need for mental health providers to assist in mediation for coparenting as there are not enough mediators in the area to assist all of those who are in need. More recently, I became aware that there are also legal inequities that exist in the area of coparenting for same-sex couples. While my home state of New York has legalized the marriage of same-sex couples, it has not made changes in family law to make sure that same-sex couples have equitable rights to the children living within their relationships, creating a greater need for mediation. Thus, I want to assist in the development of knowledge to illuminate the experiences of mental health providers and mediators who are meditating coparenting for same-sex couples; perhaps this will decrease the negative effects to children of same-sex parents when the laws do not provide them with the ability to see their non-biological parent. My understanding of my past and present biases were managed by my reflection on them throughout the hermeneutic loop process of data. My committee was also tasked with assisting me in keeping my biases in check.

There do not appear to have been any other ethical issues associated with this research study. I did not conduct this study at my place of employment. I did not know any of the participants prior to this study. There were no incentives used to get individuals to participate.

Research Methodology

The methodology of this research was hermeneutic phenomenology. According to van Manen (2015), phenomenology is the study of lived experiences. Hermeneutic phenomenology is often considered a philosophical approach to studying the lived experience that focuses on the researcher being able to present those lived experiences in a manner that accurately depicts the thoughts and feelings of the individual as he or she is experiencing the phenomenon. The equity theory applied within the hermeneutic phenomenology approach provided the study with a lens through which a structural and contextual understanding of the participants' experiences was better conveyed. Through the uninhibited telling of their experiences meaning was able to be derived. Furthermore, this study is an interpretive phenomenological approach from which a researcher infers or interprets meaning. Thus, this methodology is only chosen when a certain type of question is trying to be answered. In general the main question to be answered was abowas the lived experiences of individuals are who are experiencing a specific phenomenon.

The methodological structure for hermeneutic phenomenology, according to van Manen (2015), consists of six activities: (a) choosing the phenomenon, (b) researching the experience, (c) identification of themes, (d) writing about the phenomenon, (e) maintaining a strong understanding of the phenomenon to be studies, and (f) assessing all aspects of the research (sum and total). In considering the choice of phenomenon for this research, it was important to make sure that the topic was relevant to today and that I, as the researcher, was passionate about the topic. Furthermore, while I did my best to

provide a phenomenological description, this invites further research for providing

complimentary, richer, and deeper descriptions from being developed in the future. As

the researcher investigating this phenomenon, my responsibility was to not only consider

the phenomenon itself but also how the phenomenon fit into lives on a greater scale.

Through the process of immersing myself in the relived experiences of the participants

and engaging the hermeneutic loop, I was able to develop an understanding of not only

the appearance but also the essence of the phenomenon. Once the essence of the

phenomenon was discovered it was conveyed, through writing, in a manner that

accurately depicted its meaning. Throughout the above-mentioned process, as the

researcher, I remained focused on not only the research question but also the need to

follow the appropriate procedure when researching answers to the question. Varying from

the initial questions would have resulted in superficial findings or falsities in reporting.

The sixth and final aspect to be considered during research was both the parts and the

sum of the information that was discovered. Thus, I considered the information presented

as well as how that information fits with the big picture of the phenomenon. In the case of

this research, working through the process with these concepts in mind provided a better

understanding of what it means to provide mediation to same-sex couples.

Unmasking the textual essence through the expression of shared meanings of

experiences is the goal of phenomenological research. Heidegger (as cited in Heidegger,

Stambaugh & Schmidt, 2010) noted that experiences in the world are built off of primary

senses as well as an understanding of fundamental objects. Furthermore, Heidegger

purported that hermeneutic phenomenology is like a puzzle. He stated that only through

piecing pre-conceptions and pre-understandings together can we develop local and global understandings of the experience that make sense. Finally, only through the process of putting the pieces together are we able to further develop understanding and knowledge. van Manen (2015) stated that all things are contextual. In this research study, there were no assumption that the truths found for this group of participants would be consistent with all other mental health providers and mediators working with same-sex couples for coparenting. However, if other mental health providers and mediators were exposed to the same societal pressures it is plausible that the contextual experiences would be similar.

Participant Selection Criteria

The sample for this study consisted of five participants. At five participants, I was able to reach saturation of data. van Manen (2015) suggested that phenomenological research should have between eight and 10 participants. The relatively small sample size will allowed me to conduct rich and in-depth interviews, but will prevented the information derived from being generalizable.

Selection criteria for each participant wasas follows: Each participant (a) must be 21 years of age or older; (b) must have experience with mediating same-sex couple coparenting; and (c) must be certified or licensed as counselors, mediators, social workers, or psychologists. These criteria ensured that all participants shared the phenomenon being studied (see van Manen, 2015).

There are no data available regarding the number of mental health professionals and mediators who currently mediate coparenting for same-sex couples. This lack of data

poses a sampling dilemma. Thus, to recruit for this project, an initial pool was identified by making requests through the COUNSGRADS and CES.net listserves as well as through insiders who made contact with potential participants. Purposive criterion sampling based on the participants prior experience in mediating coparenting for same-sex couples ensured that the participants had experienced the phenomenon that was being studied (see van Manen, 2015).

Interviews were semi-structured in nature. Prior to the formal interviews, participants contacted me and I provided them with information about the study in the form of an informed consent. The informed consent can be found in Appendix A. When participants agreed to be a part of the study the initial interview was set up to begin the process of gathering data. No further interviews were set up as saturation of data was reached.

Data Collection and Management

One recorded interview was conducted with each of the participants, with the option for a follow-up interview by phone or in person. These interviews were semi-structured in nature so that themes were appropriately explored that meet the goal of this study. The interview themes are provided in Appendix B of this research paper.

The interviews were conducted over an 8-month block of time, at places of convenience for the participants, based on the availability of the participants as well as my ability to accommodate those times. Interviews were conducted and recorded via Skype. The initial interviews lasted up to 57 minutes. At the end of each interview the

participant was able to assess the information that he or she has provided for accuracy as well as appropriateness for inclusion in the research project, through an email.

Interviewees were asked to depict their lived experiences of providing coparenting mediation for same-sex couples. These explanations included personal experiences, narratives, and reflections. The information included legal, societal, and formative pressures that they experience.

I transcribed the recordings as soon as possible after each session. All participants will receive a pseudonym in replacement of their name to maintain their anonymity. Following transcription, all electronic data will be destroyed. Transcription data will be maintained in a confidential folder on my computer for 5 years post-collection.

Analysis Phase

van Manen (2015) stated that through hermeneutic phenomenology all human experiences could be understood. This understanding comes from the evaluation of the data, which encompasses the lived experiences of the phenomenon. I identified commonalities amongst the experiences of all participants in this process.

An essential step in the analysis of the data was looping, attempting to attain an unbiased assumption of the participants' assumptions of the phenomenon (Creswell, 2007). While attaining an unbiased assumption of the phenomenon is seldom achieved (van Manen, 2015), time and effort were given to the exploration of the true meaning of the phenomenon. Time was also spent obtaining an understanding of my biases and deconstructing them in an attempt to assure that my biases did not adversely affect the true understanding of the phenomenon. Furthermore, my committee also assessed the

data and my biases to determine whether my biases came into play or whether they were set aside and results reported accurately.

Transcription was recorded verbatim in text format of the information that was obtained in the field. This process assisted me in becoming immersed in the data and the experiences of the participants. The transcripts were checked and rechecked for accuracy prior to the electronic data being destroyed. Through this process I became well versed in the participant's experiences as well as the meaning making that emerged.

After all of the data was recorded in text format, statements of significance were identified. These statements of significance provided me an analysis with textural and structural depictions as to how the phenomenon was experienced. In keeping with the hermeneutic loop, as put forth by van Manen (2015), I looked at themes based on the whole transcription, statements or phrases, and line-by-line approaches. Like statements were combined in clusters that conveyed the different aspects of the lived experiences of mental health professionals and mediators who provide coparenting for same-sex couples. From these clusters, I wrote a description of the experiences of mental health professionals and mediators providing coparenting to same-sex couples. This information included all aspects of lived experiences of mental health professionals and mediators provided a rich description of the meaning mental health professionals and mediators have regarding same-sex mediation for coparenting. These descriptions are the foundation of the synopsis of the essential themes regarding the essence of the lived experiences of mental health providers and mediators providing coparenting to same-sex couples.

Evidence of Trustworthiness

Trustworthiness is qualitative research criteria that mirrors internal validity, external validity, reliability, and objectivity according to Schwandt, Lincoln, and Guba (2007). The authors further stated qualitative research criteria for trustworthiness consists of credibility, transferability, dependability, and confirmability (Schwandt et al, 2007). This section will describe how this criterion was met, in this study.

Credibility

Credibility refers to the researcher's ability to confirm that the conclusions drawn from the data are and accurate reflection of data. In an effort to certify the credibility of this research study I used the following strategies: 1) researcher positionality, 2) extended engagement with the participants, 3) triangulation, 4) committee review of data, and 5) member checks. Through the lens of the equity theory, I was also able to consider how my potential personal biases and thought processes may have impacted my interviews as well as my ability to accurately represent the data. I understand that as the interviewer I was in the position of power and this may have impacted the information provided by the participants as well as their ability to speak freely. Researcher positionality refers to my ability to reflect on my biases as well as see the phenomenon through the participants' perspectives. Extended engagement was accomplished through spending ample time for the interviews, allowing the participants to review their transcripts and review the initial findings, which is considered member checking. Triangulation was accomplished through crosschecking data consistency across participants. The dissertation committee also reviewed the data and process to provide process integrity.

Transferability

Transferability was established through the identification and depiction of rich descriptions of the phenomenon as presented by the participants. Participants were sought from across the United States in an attempt to be sure that there is variation in the participant's experiences. Furthermore, both male and female counselors participated in the study to ensure variations of experiences across gender increasing transferability of the data.

Dependability

Dependability refers to the possibility that another researcher could repeat the study and ascertain a similar result to this study. Krefting (1991) noted that dependability is the stability of the study. To foster dependability, I delineated a clear and precise research process that would enable future researchers in being able to replicate the work.

Confirmability

Confirmability refers to the ability of the researcher to present the results in a manner that is free of bias. I have in the researcher role section of this chapter provided the reader as well as my committee with a look at my background and biases that may affect the lens through which I saw the data, to provide transparency of the biases that I may have. The committee acted as peer reviewers as they were aware of my biases and assisted in reviewing my work to assure that my biases did not influence the findings of this study.

Ethical Procedures

The proposal for this research was forwarded to the International Review Board (IRB) at Walden University along with the IRB application for approval. The IRB approval number for this research study is 11-21-17-0024767. There was no participant involvement prior to the IRB process. In fact, no participants were chosen prior to the IRB process completion.

Flyers were developed (appendix C) and sent to Counsgrads, CES.net, as well as insiders. A snowball approach was used to locate potential participants. No participants were coerced into or remunerated for their participation. All participants were capable of fully understanding the extent of their participation in this research study.

Involvement in this research posed minimal risk for the participants. However, each participant signed and receive a copy of an informed consent, that contains the nature of the study, potential risk factors, and assistance that they can receive if they should feel distressed at any point before, during, or after the interview, that we reviewed together prior to their participation. The participants are trained in dealing with delicate information that would be potentially distressing to a layperson further decreasing the risk to participants. No participants stated that they felt any distress during the interview process. Participants were provided with a complete understanding of the research so that they could make an informed consent to be a part of the research study. They were also made aware that participation was voluntary and that they could withdraw from the research project at any time or abstain from any particular questions or topics.

Confidentiality was maintained throughout the process as pseudonyms were used in place of the participant's real identity.

Summary

This chapter discussed the research design, role of the researcher, methodology used for the study, trustworthiness of the results and ethical procedures. The lived experiences of counselors providing same-sex couple coparenting mediation were depicted in this hermeneutic phenomenological research study. Explanations of data collection and analysis were reviewed in enough data to permit future researchers in duplicating this study. Chapter four depicts data analysis and findings of the study.

Chapter 4: Results

Introduction

The purpose of this hermeneutic phenomenological research study was to explore and understand the lived experiences of mental health professionals who have worked with same-sex couples to mediate for coparenting issues. The results can bring to light the voices of the participants, provide a rich depiction of their experiences in working with same-sex couples for coparenting issues, and offer a better understanding of the challenges, skills, and knowledge necessary to provide same-sex couple coparenting mediation. The principal research question was as follows:

RQ1*:* What are the lived experiences mental health providers have had mediating coparenting for same-sex couples?

The sub-questions were as follows:

SQ1: How do counselors who work with coparenting same-sex couples who are separated or going through divorce describe the skills they need to feel prepared to mediate?

SQ2: What skills do mental health providers feel are necessary to provide effective mediation?

SQ3*:* What challenges do mental health providers face when providing mediation to same-sex couples for coparenting?

Setting and Demographics

The participants in this study were contacted via the COUNSGRADS and CES.net listservs as well as by contacting insiders who contacted participants. The

participants then contacted me and I was able to ascertain whether or not they had experience in working with same-sex coparents for mediation of parenting issues. All five of the participants contributed to the study voluntarily and were chosen based on their having worked previously with same-sex couples in the area of coparenting mediation.

All five of the participants have been in the counseling field for more than 10 years. Four of the participants identified as female and one identified as male. Participant 1 was from New Jersey, participant 2 was from Ohio, participant 3 was from New York, and participants 4 and 5 were from California. Participant 1 had a degree in both counseling and law. Participants 2 and 4 had strong backgrounds in the legal aspects of mediation. Participant 3 had a strong background and was a strong advocate for developing counseling programs that are culturally appropriate for individuals who identify as gay, lesbian, bisexual, transgender, and queer. All participants had computers and the capability to be interviewed via Skype.

Participants

In this section I provide a depiction of the counselors who participated in the study. I did not assign pseudonyms to each participant as to do so would have made known who the male participant was. Because the participants are not likely to know one another I have included some of the demographic information in the following descriptions.

Participant 1(**P1).** P1 was a counselor who had a degree in counseling and in law. The participant has provided mediation in two states in the northeast. P1 also indicated that her/his family background assists s/he when it comes to understanding the lesbian, gay, bisexual, transgender, and queer (LGBTQ) community and some of the societal issues that they face.

During the interview, P1 stressed how important multicultural competence and basic legal knowledge are to be able to mediate same-sex couples for coparenting issues:

I think what you need that goes above and beyond the ordinary skill set is multicultural competency and uh a better understanding of the added issues that same-sex couples sometimes go through… I think mental health counselors across the board um lack legal knowledge and legal expertise and I think when you're going to mediate you need to be aware of laws in general but also the nuances of the laws within your jurisdiction.

The participant also indicated that there is a need to remain unbiased and not use counseling/mediation power in an authoritarian way:

I think it is largely the same as with any mediation or any counseling situation because power is power and in any case if the counselor has a set of beliefs that they allow to bleed into the process or a mediator has a set of beliefs that they allow to bleed into the process then there is a violation of the code of ethics that talks about us not imposing our own values.

Participant 2 (**P2).** P2 was a counselor who worked in the Midwest predominantly in the field of counseling and mediation. This participant indicated that s/he had a good technical understanding of legal issues and mediation strategies. Furthermore, the participant indicated that family law has caught up to marital law in her/his state decreasing the chance of legal biases toward the biological parent.

During the interview P2 indicated that there are several challenges that counselors face when providing mediation to same-sex couples for coparenting. One such challenge is to assist individuals in working to do what is in the best interest of the children:

Well the challenges with any mediation is really with people who have, really have dramatic injury with that person. They are not able to be present, or people who simply do not have good problem solving skills and they are not able to participate well because they simply aren't good creative thinkers.

P2 also noted that there is one main benefit to mediation:

One of the biggest issues in mediation and actually it's a real benefit of mediation is that the law is so unevenly applied to individuals, so with what the law is there, is a grey area for a magistrate or judge to make a ruling.

Participant 3 (**P3).** P3 was a counselor from the Northeast who has assisted the

LGBTQ community in being better understood and accepted in the community. P3 noted

that this process began in the 1980s with educating the public. "We've been bringing um

LGBTQ speakers, writers, poets, plays, educators to do presentations to our community

for professional audiences, lay audiences since the early 1980s."

During the interview, P3 discussed the challenges that counselors face in

providing mediation to same-sex couples for coparenting:

> The counselors in this agency need training for working with people who
>
> are being contentious with each other and um not really amenable to um seeing
>
> the best interest of their children, if it means that either one of them has to give up
>
> something that they feel very right about.

P3 also indicated that counselors need to be multiculturally competent to be able to

provide effective mediation to same-sex couples for coparenting.

> The counselors really have to do some bias work within themselves, that's
>
> number one if not their work with LGBT will be skewed in a not helpful way for
>
> the clients, so that's number one.

Thus, it is safe to say that P3 had significant experience in working with the LGBTQ

community in her/his area.

Participant 4 (**P4).** P4 was a counselor who worked on the west coast and P4's

work concentration was mediation. P4 indicated that while s/he has worked with same-

sex couples for coparenting s/he has not done so since the legalization of gay marriage: "I

don't think I've had, I don't think I've had a gay coparenting couple since marriage for

gay couples was passed here." Thus, s/he has not had experience with how the legal

system has changed since gay marriage was passed: "I don't know what kind of legal

differences that is going to make hopefully it will make some differences." Therefore,

P4's references were from at least a couple of years ago.

P4 was very forthcoming, during the interview, with providing her/his

experiences mediating same-sex couples for coparenting, especially how parents feel

about the children:

> I've got a couple of cases in which the bio moms you know lesbian couple
>
> indicated that she was the rightful and only parent and it didn't seem to matter at
>
> all to her that there had been plans and agreements and un efforts made together
>
> to have this child. She felt like she was the rightful owner of this child and the
>
> other mother was kind of out. So, that's been very very hard and that's of course
>
> exacerbated by any hostilities left over from issues in the relationship.

P4 was also able to provide insight about legal changes in her/his area that may affect

coparenting in the future:

> The most recent change that I'm aware of it's pretty recent I think within the last
>
> six months stating, maybe it's longer than that certainly within the last year, that
>
> the child can now have more than two parents. So, that's making a difference in
>
> what judges may feel comfortable deciding when it comes before a bench officer.

Participant 5 (**P5**). P5 was a counselor from the west coast. P5 was in her/his

office during the interview, via Skype. P5 worked primarily with children but has also

provided coparenting to same-sex couples as a means of counseling with some mediation

included, assisting with the coparenting process. P5 noted that s/he has worked in the field for many years and is not a stranger to working with same-sex couples for coparenting issues as well as working with the children of same-sex parents.

As a part of the interview P5 noted that the work that is done regarding coparenting is not very different between same-sex couples and different-sex couples:

I kind of have always approached it as if um, I mean there are differences in some ways that are nuanced, but in general I am working with two parents that aren't together any longer and that um, I don't really see my experience of it as having that much difference between you know, with um, you know, um with people of different sexual orientations.

P5 also indicated that this is not as difficult as other areas in the divorce arena:

It depends on the case the couple, you know. I think that if people need it really badly it is but um, it's not easy. They do have to agree to things but out of what I do in the divorce arena and the high conflict divorce arena and court related, call it what you will divorce whatever you want to call it, I consider split up, it's I don't think it's the most difficult. There are other procedures that are much more difficult.

P5 noted that there is a great deal of knowledge necessary in the areas of child development, assessment skills, and working with people with difficult personalities:

I think there's a lot of knowledge necessary. So um, I think there needs to be knowledge around child development mental responses to parents splitting up. Um, I think there needs to be knowledge about um assessing degrees of conflict

that create level of conflict between parents and um there needs to be knowledge and experience in understanding how to work with people who have difficult personalities styles or potentially personality disorders.

Data Collection

Each of the five participants emailed me stating that they were interested in participating in the study. I sent each of them a copy of the informed consent (see appendix C) and asked them to read it and send back an email that stated that they consented to participating in the study and times they were able to do an interview. When I received the email I sent a return email stating the time of the interview and asking if there were any questions about the informed consent, the interview or the study. I received consent from each of the participants and answered their questions about the research study. Each of the interviews was held via Skype. Upon beginning the interview I thanked each participant for his or her time and asked if they had any questions about the study.

With the participant's consent and no further questions I began to record the interview, via Skype Ecamm. The interviews were on average 45 minutes long with the shortest one being 40 minutes in length. I also spent time with the participants making sure that I understood the information provided during the interview as well as sent them a copy of the transcripts afterward so that they could check them for accuracy. The only variation from my anticipated data collection procedure was that the recording was both audio and video versus just audio as there were no programs available to have it be just audio which made it possible to save the file directly to my computer.

Data Analysis Process

The purpose of this hermeneutic phenomenological research study was to explore and attain an understanding of the lived experiences of mental health professionals who have worked with same-sex couples to mediate for coparenting issues. After the interviews were conducted, I immersed myself in the data as I listened to the recordings and transcribed them. I then listened to the recordings again to make sure that the recordings and the data that was transcribed matched. Thus, I made sure that the transcribed data was accurate.

I then used a line by line approach to identify statements of meaning, textural descriptions of lived experiences, structural depictions of the experiences, and then determined what some of the units of meaning were. In identifying units of meaning I was able to develop codes for each of the items. I then went back through the data and through a word document developed a depiction of the codes as well as the textural and structural experiences of the participants (which were denoted by their statements next to their identifying number in this study) that are examples of how these codes are accurate. Initially, I analyzed the data in the order of the six main questions asked. I noted commonalities among the participants' answers. I then created a document to show the themes and subthemes within the questions. At this point, I downloaded the NVivo 12 program to my computer and used the program to develop a list of nodes. Through this process, I noted that some of the themes noted by hand coding and in NVivo 12 could actually be added into an overall theme and were actually subthemes. I was then able to narrow the themes down to five main commonalities/themes; 1) practices, 2) skills, 3)

knowledge, 4) beliefs, 5) challenges. Through the use of the NVivo 12 I further engaged with the data in a hermeneutic loop as I was able to look for themes and subthemes with a new perspective.

Coding in NVivo 12 was a process of re-reading each interview, developing nodes, and connecting the data to the nodes. The nodes I used were similar to those used in my hand coding, however, I realized while coding that some of the nodes would fit across several of the questions. Thus, the use of NVivo 12 assisted me in identifying succinct themes with varying sub-themes. This second pass also helped me to develop more subthemes. Thus, the first pass helped me to discover structure. The second pass helped me to focus on the detail that I had previously missed. The data analysis process was consistent with my initial plan, which was to a use the parts to understand the whole (van Manen, 2015). The next section will present the major themes, subthemes, and their supporting quotes.

<div align="center">**Evidence of Trustworthiness**</div>

Credibility

Confidence in the credibility and reliability of the data and conclusion were accomplished through the use of; 1) researcher positionality, 2) appropriate length of time spent with participants, 3) committee assessment of accurate data representation, 4) field notes for the purpose of triangulation of data, and 5) member checks. As I transcribed the interviews, I began to immerse myself in the thoughts and feelings of the participants. I also kept in mind my biases and my thoughts about the data being presented to me. Through the equity theory lens I considered the impact that my biases and potential

perceived power may have had on the participant's ability to be forthcoming with accurate information or to correct me during the interview if I did not understand a concept s/he was presenting. As I analyzed the data, I strove to maintain a neutral and unbiased thought process regarding the themes and sub-themes that began to present themselves. Thus, in order to assess the accuracy of the themes, I made sure that the themes were supported by quotes. Prolonged engagement with the participants took the form of the average interview lasting 47 minutes. Since the interviews I have reached out by email to thank the participants for their participation, ask them to review their transcripts, and offer them the opportunity to add or clarify their positions. After completing the fourth and fifth interviews and transcriptions, I began to further immerse myself in the data. I hand coded the data, then I used the NVivo program to code the data. I worked my way line by line through the transcriptions over and over again to ensure that the data was accurately represented through the themes and sub-themes. I also found that the data from participants four and five were consistent with the data attained from the first three participants. Having found that the data, themes, and sub-themes were consistent with the first three participants I determined that I had reached the point of data saturation. My dissertation committee has served as my check for accurate data representation. Furthermore, I have included the transcriptions in appendix D, to show transparency of my integrity as well as give the reader the ability to form his or her own thoughts about the themes and subthemes that I have arrived at.

Transferability

The themes and subthemes that arose in this study may offer future researchers insight as to the types of information and knowledge that counselors need to have in order to provide effective mediation to same-sex couples for coparenting. Furthermore, the themes and subthemes may also promote an understanding of whom counselors may need to team up with to provide effective same-sec couple coparenting. Finally, the themes and subthemes may provide insight into the need for more in-depth courses in multicultural competence.

Dependability

The clear and precise research process outlined in the methodology section of this paper was strictly adhered to, thus if the same process was repeated in a similar context the results would be consistent with this study's results. I have kept a detailed audit trail and integrated a peer review process that included my committee. I listened to the recordings several times and compared them to the transcriptions to ensure their accuracy. I also, through the transcription process, became immersed in the data. I then used both a hand transcribing technique and NVivo to identify and confirm the themes and subthemes.

Confirmability

To protect the research from bias I considered the possible researcher biases in Chapter 3 and endeavored to maintain neutrality, subjective and objective positionality, and genuine openness. Through maintaining these processes I was able to assess the data in such a way that my own experiences had minimal effect on the data outcomes. My

minimal experiences with mediation in general, and having not had any experience with same-sex couple coparenting mediation added to my openness to remain neutral in regards to the data. The structure of the interview questions was based upon a need to understand the experiences of the counselors who provide same-sex couple coparenting mediation. These questions offered broad areas, but the themes and sub-themes clearly emerged from the responses provided by the participants. My committee was also made aware of my biases and they offered feedback throughout the research process.

<div align="center">

Results

</div>

Major Themes and Subthemes

The interview questions were centered around five structures of their same-sex couple mediation narrative; 1) overall experience, 2) skills, 3) power differentials, 4) challenges, and 5) knowledge. After data collection and analysis, all but one of these structures seemed to serve as a good point to present the data. Power differentials will not be used and beliefs will be used in its place. The five themes to be presented with their sub-themes and supporting quotes are 1) practices, 2) skills, 3) knowledge, 4) beliefs, and 5) challenges.

Practices

The practices theme included content closely related to the overall experiences of the counselors when providing same-sex couple coparenting mediation. Their practices surrounding same-sex couple coparenting mediation encompassed four sub-themes

including similarities to heterosexual couple mediation for coparenting, differences from

heterosexual coparenting mediation, process, and benefits.

Mediation similarities between heterosexual couples and same-sex couples.

All five participants noted that they have had experience with mediating heterosexual

couples as well as same-sex couples. They were all quick to note that many aspects of

mediation are seen in nearly all mediation work, regardless of whether it is with same-sex

or heterosexual couples:

- P1: My experiences have been essentially the same as they have been with

  opposite-sex couples, um of their children's lives. I find that they

  generally um have the same issues. They're often angry at one another

  because of the split or the um separation, and they love their children, and

  they want to continue to be a part of their children's lives.

P2 agreed with P1 in that the actual mediation of same-sex and heterosexual couples is

similar, as you must treat all of clients as individuals with individual issues.

- P2: So of course same-sex couples are different than heterosexual couples

  only in that they are all individual people… the elements in the parenting

  plan are exactly the same.

P3 added that other than the "male/female power imbalance" mediation is similar

between same-sex and heterosexual couples.

- P3: I would tell you that aside from the male/female power imbalance in

  heterosexual couples the issues are um dramatically similar… The

challenges are similar in terms of working with people to see that their

ongoing conflict is not in the best interest of their children.

P4 agreed that same-sex and heterosexual mediation is very similar.

- P4: You know I would have to say that for the most part it hasn't been

  much different from heterosexual.

P5 also agreed that same-sex and heterosexual couple mediation is similar:

- P5: I kind of have always approached it as if um I mean there are

  differences in some ways that are nuanced but in general. I am working

  with two parents that aren't together any longer and that um I don't really

  see my experience of it as having that much difference between you know

  with um you know um with people of different sexual orientations.

Mediation differences between heterosexual and same-sex couples. There were three participants that outwardly noted that there are also differences in mediation. These three participants noted two areas that are different when mediating same-sex couples for coparenting versus heterosexual coparenting mediation.

P1 noted that state laws could have an impact on power leveraged by one parent against another.

- P1: However in one case that I worked on, to agree to the agreement that was going to be nothing that the other mother one of the parents was going to be living in a state where they did not at that time recognize same-sex marriage and so um that gave one party a little bit of leverage over the other and so the one woman was arguing that she wasn't going to have to allow as much contact with the other mother because she was going to be living in a state where it wouldn't be enforceable so when she would get angry she would occasionally to once the one mother left the state it would be an issue where um if she didn't want could do.

While P1 discussed the potential legal leveraging that goes on between same-sex couple parents, P2 discussed the societal leveraging that may take place in mediation sessions.

- P2: Now, there is definitely topics that I would bring up with a same-sex couple having to do with the messaging they are giving their child, the messaging their giving their public school, or private school for that matter.

P4 added to the concept by stating that mediation another difference is in trying to figure out who the parents are and how that can impact their legal rights.

- P4: However, there certainly are a few things that make it more complicated. It can be tricky sometimes to figure out who the parents are and um that could include surrogates. It's possible for non-bio parents to lose their rights fairly easily so many times. It's a lot of fear.

Process. While all of the participants have worked with same-sex couples for mediation there was not a lot of discussion regarding the processes used for mediation. There were two participants that made references to the processes they use in mediation.

P1 discussed how using the definition of mediation could assist parents in working toward a "good faith process".

- P1: So um I would have to bring them back to the fact that mediation is a good faith process that's about reconciliation not about anger, and that by participating in mediation they are making a commitment to one another to do what's right for each other and for the children and to get through the process with dignity.

While P1 discussed that mediation is a "good faith process" P2 discussed some of the steps that s/he uses to assist clients in maintaining that "good faith process".

- P2: I always start a mediation by having them set goals. They have four or five vision statements that I can reflect back on. So I might have them say at the beginning that they want something that's fair for their child or keeps the child out of the middle. So then I can reflect back when they are

behaving badly and say help me understand how this is going to help you

keep your child out of the middle. It keeps, it keeps point it points out that

it's their responsibility, but sometimes they need a question that helps

remind them of what they say their primary goals are for their child.

Benefits. One of the participants also noted that there is a major benefit to

mediation. P2 discussed one of the benefits of mediation as being able to keep decision

making in the hands of the parents and out of the hands of people who may be biased

against same-sex couples.

- P2: Mediation keeps all of that out of the hands of people who might have

  a bias, might not understand and keeps the decision making in the hands of

  the individuals who are going to be raising the child. So it's a really good

  reason to mediate it's ah honestly going to court is a crap shoot you don't

  know what you're going to get and so like I said even if the law allows for

  placement of a child here or there you never know

In summary, all five of the participants noted that there are similarities in

providing mediation to same-sex couples and heterosexual couples, for the purpose of

coparenting. However, only three of them noted differences that can be found between

the mediation of same-sex couples and heterosexual couples. Furthermore, only two of

them spoke of the processes that they use in mediation and only one spoke of the benefits

of mediation versus putting faith in the court system. P2 offered this rich description of

the importance and benefit of mediation:

Mediation keeps all of that out of the hands of people who might have a bias, might not understand, and keeps the decision making in the hands of the individuals who are going to be raising the child. So it's a really good reason to mediate it's ah, honestly going to court is a crapshoot. You don't know what you're going to get and so like I said, even if the law allows for placement of a child here or there you never know.

Skills

The participants' statements were concentrated around three subthemes. These subthemes were consistent across several questions that were asked. The subthemes that emerged were multicultural competence, counseling skills, and mediation skills.

Multicultural competence. Effective mediation requires special types of skills. Thus, I inquired about the skills counselors need to have to provide effective mediation as well as what skills counselors are currently lacking to provide effective mediation. The grouping of common responses assisted me in understanding that while counselors have some skills in the area of multicultural competence they may not have the skills necessary to provide effective coparenting mediation to same-sex couples. This may be result of the fact that they have not done the work necessary to understand and diminish their own biases.

P1 discussed the need for counselors to attain an understanding of multicultural skills associated with laws as well as dealing with their own biases in order to be able to provide effective mediation to same-sex couples:

I think what you need that goes above and beyond the ordinary skill set is

multicultural competency and uh a better understanding of the added issues that

same-sex couples sometimes go through…. the added burdens within society and

the added obstacles that same-sex couples sometimes face even notwithstanding

law that now allows same-sex marriage in every state… but when you're dealing

with the added biases associated with same-sex unions in this country the ongoing

fights um in the current political climate um yeah I absolutely think that mediators

have to be invested in the needs of the couple that they are dealing with not

necessarily their own views or biases and more importantly I think they need to be

aware that coercive control can become more of a problem if one party has

leverage over another because of the jurisdiction in which the matter is pending…

so I think that it is important to get to get to know the cultural context of the

individuals that you are working with in order to be most effective regardless of

same-sex or opposite sex.

P3 also discussed the need for counselors to be aware of their own biases and added that

counselors must be aware of the oppression that same-sex couples face within society:

They need to be very clear on issues of oppression especially heterosexism,

transphobias. They have to be very clear on their own issues in relation to

LGTBQ communities and that requires some time and energy because like with

any issue of oppression people say I'm great with LGT issues but the challenge is

that everyone in this country by church and by state have without our knowledge

been propagandized into seeing the LGTB not as normal in comparison to

heterosexual, and the counselors really have to do some bias work within themselves… an anti-oppression or social justice lens upon which to look at the case and I think that is the biggest area and um that I find lacking.

P4 agreed with P1 and P3 but also added that not only do counselors need to be aware of their biases and the oppression of same-sex couples but they must be intrigued to further explore them:

> Then in addition to that empathy for a particular structure that may be different from dominant societal norms so that people feel understood and seen in ways that their particular case ahh views them so my ability to see. I guess to accept differences and not just accept differences but be intrigued by differences and uh just see people as humans I think has made has made a big difference.

P5 added that it is not enough to be aware of biases and oppression but counselor/mediators need to understand that there may be differences within same-sex couple relationships and divisions of labor within that relationship:

> I think it's valid to consider that there are unique differences and unique aspects that are important to be aware of and either look out for work with or be able to determine, you know. That they are they're um definitely I mean even even in terms of "sigh" different ways that you know that um like lesbian couples they may have very different ways of operating, in their relationship. Their qualities of their relationship that might be different just just like um just like gay men that are coupled and parents is it you know there can be very different ways in which they um they. There are different dynamics in their relationship and um it's

important that someone be aware of that you know like sometimes different

couples regardless of the gender they take on various sexual stereotypes.

Sometimes they don't sometimes um they're ah given what they've gone through

they're kind of more they have a closer bond or I mean there are different things

that I think are you know I think have to be considered I think that we can't

assume that that the dynamics between them are going to be exactly the same as

the range of the dynamics that can occur in heterosexual couples

 It just requires that someone you know not not have biases and be open minded

to people and a parent being a parent.

Counseling skills. There are skills that are common across mediation and general

counseling. Several of the participants noted that some skills used in counseling are also

used in mediation. However, this section will focus on all of the necessary skills. P1

discussed the skills sets being very similar between counseling and mediation:

The skill set is the same. I think um the other thing is I don't think that mental

health practitioners get enough of a base or a framework in domestic violence,

intimate partner violence um power and coercion in relationships. I also think that

is a critical component to be an effective mediator regardless of your background.

While P1 focused on the similarities between counseling and mediation P2 noted that one

difference is the need for counselor/mediators not to get attached to the outcomes:

So I would say that the most important skill is distance from the couple not

getting attached to their outcomes and that applies equally whether they are same-

sex couple or any other couple… the number one skill is staying out of it. You

just can't get too worked up about the outcomes that they're choosing and it's

hard. It's really hard not to get involved and give an opinion.

P3 added to the concept of staying out of the outcomes but added that it is necessary for

the counselor/mediator to assist the parents in making sure that they are doing what is in

the best interest of the child:

…understanding power and balance with these contentious cases… the skill of

helping someone to untangle how their behavior is undermining the best interest

of the child, appealing to people's higher desire to make sure that their children

are well cared for, and this is not easy because everyone has their in these cases

both both parents have their heals dug in very deep.

P4 furthered the discussion by adding that there is a need for the counselor/mediator to

maintain boundaries and neutrality:

Well, I say all of the usual skills with mediation skills and an ability to be neutral

and evenhanded, good boundaries.

P5 also noted the need for good counseling skills are necessary as being able to manage

conflict is of the utmost of importance:

Well I think that they're the same skills as um any couple. I've also done co-

parent, I've also done coparenting with families with there are two mothers and

one father or three mothers so um you know it's the uh the skills that I think are

necessary… I think that being able to identify and being familiar with different

conflict.

Mediation skills. Four of the participants indicated the importance of mediation skills in the mediation process. The participants also indicated that it is these skills that assist people in coming together and reaching agreements. P2 noted a reason mediation skills are so important:

> So many counselors buy into their client's story and run with it without maintaining an objective opinion… I always start a mediation by having them set goals. They have four or five vision statements that I can reflect back on so I might have them say at the beginning that they want something that's fair for their child or keeps the child out of the middle. So, then I can reflect back when they are behaving badly and say help me understand how this is going to help you keep your child out of the middle. It keeps, … it points out that it's their responsibility, but sometimes they need a question that helps remind them of what they say their primary goals are for their child.

P4 also indicated the need for mediation skill and how it helps to work with the clients:

> I would say we also need mediation skills, lots of mediations skills… This way I can reflect and affirm both sides if you will and help educate them about how their they have their two separate positions on an issue and unless they are willing to look for a third option that is good for the children and that they can both live with they are going to be at the mercy of some bench officer making the decision for them and so a lot of times it's a matter of shifting their perspective that they can be creative… They get to be more creative if they can put their heads together and that's where skills like interest based negotiation comes, it's handy helping

them to look beyond polarized positions to the human interests. That will often

soften those positions and help them be a bit more compassionate toward one

another and a bit more willing to come up with um, different kinds of solutions…

That might help them decide another thing that we steal from collaborative

divorce the model of collaborative divorce is the child specialist and um

sometimes if I can help a coparenting couple to consider the use of a child

specialist who will meet with a child or children and be able to represent to us as a

team what the children are needing and wanting, not that a child gets to make the

choice, but that a child's voice gets heard in the process... there is a possibility of

using a hybrid kind of model which would be somewhere between collaborative

and a single mediator model.

P5 also considered mediation skills helpful as s/he stated "I think that it's important I

think mediation skills are helpful I co-parent counseling very very helpful."

In summary, the participants noted that use of skills is an important aspect of their

mediation work with same-sex couples for coparenting. The noted that not only are

counseling skills necessary but the importance of multicultural skills and mediation skills

are paramount. P4 depicted a mediation session with counseling skills, multicultural

competence and mediation skills in a rich description:

This way I can reflect and affirm both sides, if you will, and help educate them

about how their, they have their two separate positions on an issue and unless they

are willing to look for a third option that is good for the children and that they can

both live with they are going to be at the mercy of some bench officer making the

decision for them, and so, a lot of times it's a matter of shifting their perspective that they can be creative. They can find a third way that a bench officer is not going to think of probably. They get to be more creative if they can put their heads together and that's where skills like interest based negotiation comes in handy, helping them to look beyond polarized positions to the human interests. That will often soften those positions and help them be a bit more compassionate toward one another and a bit more willing to come up with um different kinds of solutions that might do the trick for them…

Knowledge

The importance of skills is not unprecedented as there is also a need for knowledge in the mediation arena. As with the skills necessary for mediation, the knowledge base necessary can be found across counseling and mediation, with some specialized knowledge needed for effective mediation. Three subthemes for derived for knowledge. The subthemes are legal knowledge, domestic violence/intimate partner violence, and developmental stages of children and adults.

Legal knowledge. Legal knowledge is one subtheme to be included in the theme of knowledge that emerged during the interviews. Four out of five of the participants made mention of the importance of the need for at least a basic understanding of how the legal system works in regards to custody agreements. Two of the participants also noted the importance of understanding mediation terminology and contracts. Thus, this section will address the legal knowledge that the participants feel is necessary to provide effective mediation to same-sex couples for coparenting.

P1 discussed the lack of legal knowledge that counselors have regarding custody issues:

> I think mental health counselors across the board um lack legal knowledge and legal expertise and I think when you're going to mediate you need to be aware of laws in general, but also the nuances of the laws within your jurisdiction.

P3 noted that legal knowledge is helpful but not at the level of a lawyer:

> I don't believe that the counselors need to also be versed in the twists and turns of legal ease, … I would call a lawyer if to be a um a support if we need that kind of support like what's legal and what's not. Typically cases like this come through the courts and the court has handled as to what is legal, what's required. Um, we're really dealing with the emotional and psychological and the relational issues of course.

P4 indicated that legal knowledge is imperative to the mediation process:

> …an awareness with and familiarity with the whole family law arena… Ah yeah, being familiar with all of that and kind of knowing how to navigate thought that and having some awareness of what often does happen to people when they go through the various process options for doing their separations and doing divorces, so that I can help educate them about what their choices are. I love to be able get to do that upfront so that people have the opportunity to choose a process that fits their value system rather than thinking they have no other choice but litigation.

P5 also concurred that legal knowledge is important to the mediation process:

I don't know that I would call it a skill, but I think um, people really need to understand something about how the legal system works in their state regarding this work in terms of who they're meeting with and you know um especially under what circumstances a parent brings a child to a therapist.

Domestic violence/intimate partner violence. Domestic violence/intimate partner violence is an area that four of the five counselors made mention of during the interviews. They noted that in order to provide effective mediation it is necessary for counselors to assess for and decease the potential for future violence. They also noted that this knowledge is necessary regardless of whether a counselor is providing counseling or mediation.

P1 provided insight as to the need for knowledge across counseling and mediation:

… I don't think that mental health practitioners get enough of a base or a framework in domestic violence, intimate partner violence um power and coercion in relationships. I also think that is a critical component to be an effective mediator regardless of your background.

P2 noted that in Ohio no one can provide mediation without domestic violence training:

In Ohio you can't even mediate without having a domestic abuse class and our classes are two twelve-hour classes. Matter of fact I take it myself about every three years even… I want to take a few days every few years to really think about it and how it impacts the clients um not just physical abuse to me . Coercion is more of an issue than um like where there is a situation where mom and dad beat up on each other. I'm going to

view that very differently than I view a situation where mom or dad

believes there has been coercive control that has been under the radar for

years, very different situations, very different levels of self-worth in these

situations.

P3 commented on the need to be able to assess for intimate partner violence:

They need to know an awful lot about domestic abuse, now called

intimate partner abuse to be able to recognize the many, many ways that

intimate partner abuse shows up. Um you know, the strategies of also of

sometimes making decision of you're not going to see a couple together.

P5 indicated the need for being able to assess for future intimate partner violence when

mediating:

… I think knowledge and understanding around domestic violence is important

for any mental health professional; but, in these situations when it has to have

known more about it and there's been a lot through AFCC through the decades

developed around evolved around assessing domestic violence and … assessing

the extent of which someone could be at risk after an incident of of of future

incidents. You know who's at higher risk who's at lower risk. There's all sorts of

assessment tools now that have gotten to differentiating different degrees of and

types of of um people who commit um you know intimate partner violence… So,

I mean one thing in high conflict divorces regardless of the gender, uh, you know

or sexual identity of the people involved, of the parents um in the high conflict

ones unlike the rest of the population there are more, more of the accusations for

example about like substance abuse, of child abuse, and domestic violence are false than more the allegations are false, than in other then in general population allegations are. You know it's a different rate it's a different percentage because there's the added piece of I need to find some reason to use in court for custody. There are a lot more false allegations involved.

Developmental stages of adults and children. Two of the participants indicated that the developmental stages of adults and children were also important areas of knowledge for counselors and mediators to have. They noted the importance of understanding where the parents and children are at emotionally within the developmental stages of life so that they can be worked with.

P3 denoted that by understanding developmental stages it is easier to understand relational issues by stating "all of the parenting you know the developmental stages of kids, you know all of the relationship issues, they need to know an awful…"

P4 depicted how understanding the developmental stages is linked to cultural knowledge.

I remember when I was going through my Master's degree there was some something that passed saying that we needed a new course now and it was called cradle to grave that there needed to be a course cradle to grave and I think that was along these lines to some degree with a greater cultural awareness of different developmental stages, not for just children, but for adults and perhaps a cultural and the little tiny bit of cultural information.

In summary, the participants felt that some knowledge is necessary for counselors to be effective in both mediation and counseling. However, each of the participants had

slightly different opinions on what the most important knowledge to obtain would be.

Furthermore, P4 provided a rich description of why domestic violence/intimate partner

violence knowledge is important:

> I rarely want to see couples together when there are, when there is an abusive
>
> partner. I see them individually because they do not need to be in a room together.
>
> They need to come to some agreement and if they are in a position where since
>
> they are going to be coparenting the children the least contact with each other as
>
> is possible. One of the big issues is wanting to control how your other parent is
>
> doing the parenting when they have the children that's a huge huge issue.

Beliefs

The previous sections have focused on skills and knowledge necessary for

counselors to provide effective mediation. This section will be focused on beliefs that

lead to potential issues in mediation. Thus, both counselor/mediator beliefs and same-sex

couple beliefs will be presented in this section as they were discussed during the

interviews.

Counselor/mediator biases. Counselors and mediators are pre-set with beliefs

and biases. Not only do counselors and mediators have their own set of beliefs but the

judges that work in family law also have their own beliefs that counselor/mediators must

know may come into play in the courtroom. P1 depicted how the legal system and

counselor/mediators can effect coparenting custody decisions:

> Even if they, the laws say that a same-sex couple can get married you run the risk
>
> that you're going to get a, an, I'm going to use the expression good ole boy's

judge, um who doesn't um necessarily agree with the law, or you are going to get a clerk who gave them a hard time about getting a marriage license, or you're going to get a judge who is going to take a position that because you could not have biologically had this child or these children together one of you has rights and one of you does not… I think it is largely the same as with any mediation or any counseling situation, because power is power and in any case if the counselor has a set of beliefs that they allow to bleed into the process, or a mediator has a set of beliefs that they allow to bleed into the process then there is a violation of the code of ethics … and so if you have a mediator or counselor that doesn't necessarily believe in same-sex relationships or believes that one party has more rights than the other, then that person has the ability to control the process and to manipulate the facilitation to the detriment of one party and the advantage of another... It's a problem because they don't have same necessarily egalitarian place in society yet, and I don't know, but I guess on some level that might make them more vulnerable.

P3 noted that it is the beliefs that counselor/mediators have as well as their power in the sessions that needs to be considered when providing same-sex couple mediation:

I think we need bias information or oppression information and I don't think that it is, I don't think justice is blind and I think that counselors from a lens of what's best for the children and not being swayed by issues of oppression that you're not aware of are in a very good position to recognize that one side is making sense and one side is being obstinate and I think you're are required to deal

authentically with what you see in front of you …when we say we need to be

impartial and impartial means that if I see you doing something that is

undermining the safety of your children and your partner sees it and you don't I'm

not going to remain impartial I am going to say what you are saying is proving to

be undermining the emotional health of your daughter… everything is based

again on um acknowledging what is the counselor by nature of being the

counselor is an imbalance of power and to recognize that to recognize that our roll

as counselor is to use it and never abuse it. We want to hold ourselves and our

field to a very high standard. One where when we have the privilege of working

with gay, lesbian, bi, or trans couples who have some very difficult work to do

and it's hard enough then to manage to traverse it through the lesbian, gay, bi,

trans world is another layer of process difficulty in a country that is heterosexist.

P5 discussed the fact that while there may be differences between same-sex couples and

heterosexual couples in the dynamics in their relationships and stereotyping is not

acceptable:

I think it's valid to consider that there are unique differences and unique aspects

that are important to be aware of and either look out for work with or be able to

determine, … lesbian couples they may have very different ways of operating in

their relationship. The qualities of their relationship that might be different just

just like um just like gay men that are coupled and parents is it, you know, there

can be very different ways in which they um, they there are different dynamics in

their relationship and um it's important that someone be aware of that… They

take on various sexual stereotypes. Sometimes they don't sometimes um, they're ah given what they've gone through, they're kind of more, they have a closer bond, or I mean there are different things that I think are, you know, I think have to be considered. I think that we can't assume that that the dynamics between them are going to be exactly the same as the range of the dynamics that can occur in heterosexual couples.

Client biases. This section discusses the importance of client beliefs and biases. Client beliefs speak to concerns for biases and power. Thus, client beliefs can also have an impact on mediation outcomes. P2 discussed clients needing to feel that the counselor/mediator has the ability to understand them as indicated by her/his statement "people want to be known, even before you know all of the fact of their case. They want to know that you can relate to them."

P3 noted that clients are in a difficult place and often feel that they do not have a voice in the sessions:

> I don't know what the client's themselves would feel it, but sometimes they do and then they don't have any way to voice, I think you are being heterosexist or I feel you're being um this work is not done.

P4 depicted what circumstances that a client may believe that a mediator is being biased:

> I could imagine that it would show up somewhere, … that would be easier to pin on a mediator who doesn't take a real non-hierarchical approach and who does kind of stand on his or her power, if you will, that doesn't usually happen to me.

P5 discussed ways in which client concerns about counselor beliefs may be minimized:

If they come, they often want to ask, you know, what my sexual orientation is and I tell them and because I'm heterosexual and I tell them and ask if it's a problem sometimes I just ask, you know, do you have any questions or concerns about that or would you feel more comfortable if you went to somebody who's gay. …but often they they're telling me that before I even ask like we want to see you regardless, because we know of you, we you know that kind of thing so … I don't know how much it's real but I always kind of have a feeling and this is a challenge, like um, like a worry kind of a fear that they're going to feel that I don't understand because I haven't gone through that the way they have, … we're not having to deal with what the other dynamics are in some ways, but at the same time I always feel like, like I hope that they aren't feeling like I don't understand or um like, I wouldn't be able to understand because I haven't gone through that I mean and there are times when the parents, I'll say you know how's that different or how's it different being that you're both men or both women being that there's you know previous divorce from another woman and the two of you women are here so you know is that, you know, sometimes I'll even start by saying you know, along the way if there is way that you feel like there's something I'm not understanding and based on, based on who I am and who you are or based on our differences in our orientations please speak up.

In summary, beliefs and biases are also a principle aspect of the mediation sessions. It is not just the counselor/mediator's biases but also the client's biases that

impact the effectiveness of the session. P1 provided a rich description of her personal and professional experiences that have led to effective mediation:

> I think so um one of the reasons I don't think I've ever experienced that is um, and I'm very open about this. I actually have or had, he's passed away in 2004, my gay father and my father was actually married to my mother for 25 years. They adopted two of us and then had 2 biological children. My father, when he passed away, had been in a same-sex relationship with his partner for thirty eight years and so I'm very open about that and you know have shared with people because I think there are times when you self-disclose, and times when you don't, but I have found that my disclosure in that regard has also helped people that I've worked with feel more comfortable; because, they know that, you know, that I grew up in a same-sex parenting dynamic to a degree and I have a step-father who is actually my father's partner not my mother's partner, and so, you know, my comfort level is different and so therefore I don't know that I have ever felt that push back, because I don't think the people that I have worked with felt the need to push back. They know I accept and I'm okay with it from the get go.

Challenges

The participants openly discussed the beliefs that both clients and counselors may have and the impact that those beliefs may have on mediation effectiveness. The participants also provided insight into the challenges that they experience in providing effective mediation. This part of the discussion led to the emergence of five subthemes.

Anger. Anger can be present in the mediation sessions. There are many reasons that anger may exist and that anger can be difficult for a counselor/mediator to manage and diffuse. Two of the reasons that were discussed in these interviews were issues left over from the relationship and both parties not wanting to give up any time with the child(ren).

P1 discussed how parents may react to having to give up time with their child(ren):

So, when she would get angry, she would occasionally, to once the one mother left the state, it would be an issue where um if she didn't want to let the other mother see the child there was nothing she could do. So um I would have to bring them back to the fact that mediation is a good faith process. That's about reconciliation, not about anger and that by participating in mediation they are making a commitment to one another to do what's right for each other and for the children and to get through the process with dignity and ultimately, we included language in the agreement that it was a mutual intention for um the agreement to be enforceable not withstanding which jurisdiction the um parties lived in.

P2 added that there can be difficulties in mediation if a client has had a previous dramatic injury by stating "Well the challenges with any mediation is really with people who have either really have dramatic injury with that person they are not able to be present."

 P4 also indicated that one of the challenges in mediation is that there may be left over issues from what occurred in the relationship that ended it:

I've got a couple of cases in which the bio moms, you know lesbian couple, indicated that she was the rightful and only parent and it didn't seem to matter at

all to her that there had been plans and agreements and un efforts made together to have this child. She felt like she was the rightful owner of this child and the other mother was kind of out. So, that's been very very hard and that's of course exacerbated by any hostilities left over from issues in the relationship.

Parental alienation. Parental alienation is similar to anger between the couple as it requires one parent to turn the child(ren) against the other parent which means that the child also becomes angry at the parent. Two of the participants spoke of the difficulties surrounding parental alienation.

P4 stated parental alienation is an issue in mediation it can have significant impact during the mediation process as well as long lasting issues in the homes:

> My first thought of course is, is parental alienation. So, whenever there is a piece in a coparenting situation, when there's a piece there of one parent aligning with a child against the other parent, that's I think, those are always the most fraught and the most nightmarish kinds of cases that I have…How will I deal with it to help that situation? Many times that will overlap with the folks who aren't very emotionally mature, because they truly don't see the damage that they might be doing to a child by aligning with that child against the other parent. They just don't and I think typically there's perspective on reality and those are tough. Those are really tough, because they are honestly convinced that they are doing the right thing for the child.

P5 also discussed the challenges of parental alienation:

I think that identifying the nature of the conflict the nature, of the child's involvement in that conflict, being able to work with that's very important, and um I think that being able to identify and being familiar with different conflict such as she's alienating me from my children or he's you know, that kind of thing and alienation is a a very um complex kind of thing in we like to look at it in terms of what types of alienating behaviors occur and also understanding what things mean in these kinds of context that are different than a different context for example the notion of how a child can be difficult upon returning from one parent to the next.

Biological connection. Four of the participants noted that biological connections could play a part in the mediation process; however, that is not the case in all states. The biological connections can also be an attempted source of power in mediation as well as in the courtroom.

P1 discussed the potential for biology to play a part in the courtroom as well as how couples are trying to mitigate that potential:

…because even if they, the laws say that a same-sex couple can get married. You run the risk that you're going to get a, an, I'm going to use the expression good ole boy's judge, um, who doesn't, um necessarily agree with the law or you are going to get a clerk who gave them a hard time about getting a marriage license or you're going to get a judge who is going to take a position that because you could not have biologically had this child or these children together, one of you has rights and one of you does not and so, therefore you deal with those prejudices

and I think that happens all of the time in family court…what a lot of men in

same-sex relationships are now doing, they are both making a sperm deposit and

they are mixing the sperm and then they are hiring a surrogate and they are

actually getting an egg that is not the egg of the surrogate and having the egg

fertilized transplanted into the, they are referring to it as the host and so that the

mother carries the baby but she is not biologically connected to the baby at all and

doesn't have any rights and because it is a mixture of sperm unless they do actual

genetic testing um they don't necessarily immediately know…What some same-

sex females are doing is that one is providing the egg and the other is carrying the

fertile egg to gestation and giving birth and they're doing that so that there is

more of a biological connection. This is still experimental and some of it is still

not recognized in some states.

P2 added that whether the biological connection is an advantage or not in the courtroom

could be based on whether the child is biologically related or not:

So I even had a big dispute just recently with a non-biological mother asking for

full custody of the child because they were sharing custody, and ran into some

snags, and she was treated exactly the same way as if she had been a biological

parent to the child, and once it was determined that they were sharing custody,

yeah, there was nothing different about it for her. I am sure that there are some

counties in Ohio that lean toward the biological parent, but the law certainly

allows for shared custody rights… It's ah honestly, going to court is a crap shoot.

You don't know what you're going to get, and so like I said even if the law allows

for placement of a child here or there you never know what you're going to get.

P4 provided insight about individuals indicating that they are the rightful parents:

… It can be tricky sometimes to figure out who the parents are and um that could

include surrogates. It's possible for non-bio parents to lose their rights fairly

easily… I've got a couple of cases in which the bio moms, you know, lesbian

couple indicated that she was the rightful and only parent and it didn't seem to

matter at all to her that there had been plans and agreements and un efforts made

together to have this child. She felt like she was the rightful owner of this child

and the other mother was kind of out.

P5 also indicated that being the biological parent may make a parent feel that he or she

has more rights than the other parent:

I actually have consulted on a few cases where there has been two women and

one's the biologic parent and that's been an issue. Umhmm, the men, there are

actually some gay couples gay male couples that um one of the parents is biologic

but um the other parent also adopt, They both like, you know, sort of did that

parent in the whole adoption and I see that dynamic, but I think that there are a lot

of reasons that parents play those things out, and it could be the reason, could be it

could be who's biologically most connected, but it could be other things, you

know, like during the marriage who's stayed home more and took care of the kids.

Emotional control. The participants noted that emotions could be a challenge in

the mediation process. They also indicated that some of the emotional issues are a result

of minimal emotional intelligence. Thus, emotions have a significant impact on the clients' behaviors and abilities to see things from different perspectives.

P2 noted the use of emotional control in work that she has done with clients, as well as issues with emotional intelligence:

Well one of the first ones I ever did, one of the, so, the biological mom became, chose a male partner after she broke up with her former gay partner, and she would use basically the leverage of you have to give me what I want with the child or I'm going to tell the child that you're a sinner. So she had decided that it was a sin to be in a same sex relationship and that to me was a blatant misuse of power…a lot of power plays that might be more prevalent among same-sex couples, because the situation is so volatile and their reputation um well I think there is vulnerability for any mom and dad or set of parents; but, that's just what came to mind for me was that there could be more sensitivity around one's reputation. I don't know maybe I'm wrong about that but I know in this one case there was a lot of sensitivity around how the biological mom was going to make references to the non-biological mom to the child and it was used as a power play… Well the challenges with any mediation is really with people who have either really have dramatic injury with that person. They are not able to be present, or people who simply do not have good problem solving skills and they are not able to participate well because they simply aren't good creative thinkers.

P3 added that emotional control could be seen in the form of bullying:

> Bullying is not asking a question. So, if you have a question let's put it on the table. Um, if you do not have a question, then put a stop to any bullying that's done in front of me. My concern is that you behave this way when no one is here to call you on it. Because in this instance, when I helped him to see what he was doing he stopped, because he didn't want to do that, but couldn't know that he was doing it and wouldn't listen if his wife told him.

P4 discussed how a client could try to use emotional control on a mediator:

> When I get them in the room together the one that said that she was afraid to start with, actually turns out to be kind of a bully. So, I don't, I really I take those things with a grain of salt, if you will, and I'll just kind of watch to see if there is a power differential and if the power differential plays out and I will call it out as I see it.

P5 added that the use of allegations against the other parent could sway emotions against the opposite parent:

> So, I mean, one thing in high conflict divorces, regardless of the gender, uh, you know, or sexual identity of the people involved, of the parents, um, in the high conflict ones unlike the rest of the population. There are more, more of the accusations, for example, about like substance abuse of child abuse and domestic violence are false, than more the allegations are false, than in other, than in general population allegations are. You know, it's a different rate. It's a different

percentage; because, there's the added piece of I need to find some reason to use in court for custody. There are a lot more false allegations involved.

Legalities. Legalities and the court systems can present another challenge to mediators. There are clients that will try to use the court systems or the current family law in their area to their advantage. Thus, the mediator needs to use mediation skills to attempt to get the parents to work in good faith and in the best interest of their child(ren). P1 discussed a case in which one of the parents was trying to use the law to his or her advantage:

I was in New Jersey, doing the work, um New Jersey laws are actually pretty good; … it didn't matter what they agreed; however, in one case that I worked on, to agree to the agreement, that was going to be nothing… one of the parents was going to be living in a state, where they did not at that time recognize same-sex marriage and so um that gave one party a little bit of leverage over the other, and so the one woman was arguing that she wasn't going to have to allow as much contact with the other mother because she was going to be living in a state where it wouldn't be enforceable, So, when she would get angry, she would occasionally, so once the one mother left the state, it would be an issue where um, if she didn't want to she could do what she wanted to. So um I would have to bring them back to the fact that mediation is a good faith process, that's about reconciliation not about anger and that by participating in mediation they are making a commitment to one another to do what's right for each other and for the children, and to get through the process with dignity and ultimately we included

language in the agreement that it was a mutual intention for um the agreement to

be enforceable not withstanding which jurisdiction the um parties lived in.

P2 added that while the state laws protect both parents, what each parent has heard might

vary resulting in disagreements:

…they need a really good technical understanding of the legal issues, so you've

got to have a really good handle on the legal issues mostly because the clients

don't. One client's going to hear it said one way from their lawyer and the other

person's going to hear it different from their brother or neighbor, and the mediator

has to be able to keep them really focused on the issues at hand, and use proper

terminology, and have a very clear understanding of the law, not that we, not that

we weigh in on legal matters. I don't think I would be very effective if I wasn't

extremely comfortable with the legal the technical elements of the parenting

plans.

P5 indicated that some of the lack of understanding of legal issues can be used to gain

control:

…so I mean one thing in high conflict divorces regardless of the gender, uh you

know or sexual identity of the people involved, of the parents, um in the high

conflict ones unlike the rest of the population there are more, more of the

accusations, for example, about like substance abuse of child abuse and domestic

violence are false, than more the allegations are false, than in other then in general

population allegations are. You know, it's a different rate. It's a different

percentage because there's the added piece of I need to find some reason to use in

court for custody. There are a lot more false allegations involved. There's things that um, it may not be the mediators or the co-parent counselor's role to assess…

In summary, there are several challenges that counselor/mediators face when providing mediation to same-sex couples for coparenting. The above-mentioned included anger, parental alienation, emotions, biological connections, and legalities. These challenges, while they can be problematic to the counselor/mediator, are often a result of what has happened in the marriage prior to the separation of the couple. According to P2, the dynamics/challenges of the mediation may even include other members of the family:

I find out what they think is going to happen. If they say something in a session that the other parent doesn't agree with I find out how much fear they've had in the relationship in the past. I find out who the other players are. Who's the decision maker. Sometimes it's somebody's sister who is really calling the shots. Um, there are times I have had, matter of fact, I've got mom and dad right now where I've asked mom to let me meet her parents (mom and dad), because her parents are so influential, I don't want her to make decisions with dad that she's not going to be able to follow; because, her parents will convince her otherwise or take over and be an obstacle to living out the agreements. So, I've got to get the parents to buy in to how they are going to communicate with me, what they can and can't support, and how they are going to live with what their daughter comes up with in mediation.

Discrepant Data

There were some discrepancies in the reporting of the participants as to the need or lack of need for in-depth family law knowledge. The participants all agreed that there is a need for mediation skills to be taught; however, several of the participants felt that the legal aspect of mediation should be left to the lawyers as they did not want to get involved in the legal ease and creating legal documents that may or may not be accepted by the courts. P3 noted:

I don't believe that the counselors need to also be versed in the twists and turns of legal ease; because, I'm not going to spend my time doing that, or I would have become a lawyer, and I need to have a basic understanding of the law, but I would call a lawyer if to be a um a support if we need that kind of support, like what's legal and what's not. Typically cases like this come through the courts and the court has handled as to what is legal, what's required. Um, we're really dealing with the emotional and psychological and the relational issues of course all of this…

While there was some discrepancy in the necessity for legal knowledge, there were also differences of opinion about how the law can affect the outcomes of custody within the court system. P5 was surprised that individuals would or could potentially not be allowed to have custody or adopt children:

I'm sure that there are states where they might say that they do legally, but they don't quite in the same way, but, but I thought that with, with gay marriage being legal that that means that marriage, that you know everyone has the same right to

be married, and that a man doesn't have to marry a woman or a woman doesn't have to marry a man.

When asked if there were legal implications, for custody, for same-sex couples P2 indicated, "I was going to say not in Ohio, but I don't think anywhere any more". Thus, it's possible that with laws changing as they have counselors in some states may not need more information regarding legal custody.

Summary

The purpose of this research study was to attain a better understanding of the lived experiences of counselors, explicitly their experiences with providing same-sex couple coparenting mediation. The interview questions were aimed at attaining an understanding of their overall experiences, skills that they use, knowledge that they use, challenges that they experience, and training that they would feel counselors lack when attempting to begin same-se couple coparenting mediation. Overall, all of the participants noted that there is specific knowledge and skills that are necessary for a counselor to be an effective counselor/mediator. Furthermore, the participants made mention of the skillsets that are necessary and the challenges that they face while providing mediation to same-sex couples for coparenting. The accounts of the participants' experiences offer rich context and descriptions of their experiences in providing mediation of same-sex couples for coparenting. In spite of the challenges that counselors face in providing same-sex coparenting mediation, the counselors expressed feeling rewarded by being able to assist parents in reaching agreements in which they can both feel respected and live with. In the

next chapter I will discuss the implications of this study, further applications for this

study, and potential necessary future studies.

Chapter 5: Discussion, Conclusions, and Recommendations

In this chapter, I provide a conclusion of the perspectives of participants regarding the lived experiences of counselors who provide same-sex couple coparenting mediation. I summarized key discoveries, regarding common themes and subthemes, and describe how this may impact the future of the development of counselor/mediators. Next, I discuss recommendations for further research and how this study may impact social change. I then address how my understandings of counselor/mediators and biases were affected by the participants' accounts and the final research.

Through this research I sought to uncover the lived experiences of counselors who provide mediation to same-sex couples for coparenting. Thus, I located and interviewed five counselors who provide mediation to same-sex couples for coparenting. Their narratives provided rich and intuitive accounts regarding their experiences in providing same-sex couple coparenting mediation. I learned how counselors from different states may have experienced some differences in managing the legal aspects of mediation; however, they provided similar insight as to the skills and knowledge that they felt was necessary for counselors to have to provide effective mediation to same-sex couples for coparenting. Their individual experiences offer insight into how the different variations of family law, from state to state, affect their mediation work and how the changes in marriage law have also had an effect in some states.

Interpretation of The Findings

I organized the codes into two levels of data, themes and subthemes. The data presented five major themes: practices, skills, knowledge, beliefs, and challenges, with 18

subthemes. The first theme practices, was broken into the subthemes of similar to heterosexual couples, different from heterosexual couples, process, and benefits. The theme of skills consisted of the subthemes multicultural competence, counseling skills, boundaries, and mediation skills. The knowledge theme had three subthemes:legal knowledge, domestic violence/intimate partner violence, and developmental stages of adults and children. The beliefs theme had just two subthemes, counselor/mediator biases and same-sex couple biases. The final theme, challenges, had five subthemes including anger, legalities, emotional control, biological connections, and parental alienation. In this chapter, I provide an analysis of the key discoveries surrounding the main themes. I also discuss how the equity theory, which states that individuals' behaviors are based upon what they feel their input into the relationship is versus the benefits of the relationship, as stated by Myers and Goodboy (2013).

Practices

The practices theme was a collection of the counselors' experiences in response to the question that directly asked about their experiences in providing same-sex couple coparenting mediation. Their experiences were varied and presented in a way that reflected the work that they have done. All of the participants at first attempted to compare and contrast their work between heterosexual couples and same-sex couples, thus, the notation of experiences that are similar to and different between same-sex couples and heterosexual couples. Furthermore, while there was not a lot of discussion about it, two participants did discuss the mediation techniques or processes that they use.

Finally, one participant also discussed the potential benefits of mediation versus court decision-making.

All five of the participants discussed the similarities between mediating same-sex couples and heterosexual couples for coparenting. They noted that the elements in the parenting plan are the same. The participants each noted that the purpose in the mediation is to make sure that parents are doing what is in the best interest of the children. This is in line with the research by Togliatti et al. (2011) who noted the importance of parents doing what is in the best interest of the children to assist in the children's emotional development. Furthermore, the participants noted that the anger left over from the relationship and potential loss of time with their children are often what makes coming to an agreement difficult. This anger left over from the relationship is in accordance with the equity theory as the individuals are feeling that they are not going to get out of the relationship what they put into the relationships that have been built with each other and/or the child(ren). P5 noted that these feelings of anger and loss are common for all parents who are no longer together. However, Boardman (2013) noted that mediation uses processes which promote the development of guidelines promoting change in behaviors, decreasing destructive behaviors, thus, mitigating some of the issues that are perpetuated in the court scenarios.

Three of the participants discussed some of the differences between mediating same-sex couple coparenting and heterosexual coparenting cases. P1 indicated that being a biological parent versus a nonbiological parent could be a sticking point and potentially create power differentials. P4 noted that it could be difficult to even identify the parents

as they may include surrogates. This relates to previous research by Park et al. (2016) who previously indicated that current federal laws are based upon societal definitions of marriage and biological or adoptive relationships of children to parents. P2 added that even the messages given to children, families, and school personnel needs to be considered when working with same-sex couples, due to stigmatisms that they experience. This concept was previously illustrated by Lannutti (2013) who noted the effect that family and social acceptance can have on the individuals, children, and interactions in society.

There were similarities and differences discussed by the participants. Furthermore, two participants discussed the processes that they use to be effective mediators. In accordance with information that the participants provided, previous research by Boardman (2013) depicted mediation as a process in which a neutral third party uses strategies to assist two parties in coming to an agreement on a real-life issue or issues. Furthermore, Pruett et al. (2011) stated that the purpose of mediation in divorces and coparenting is to decrease the adversarial nature of the proceeding as well as decrease the amount of time in the courtroom. P1 discussed the fact that while an issue can be adversarial the mediator is charged with helping the individuals remember that this is a good faith process and they are making a commitment to do what is in the best interest of all members of the family. P2 conferred using goals set by the clients to assist them in the process in remembering that they are acting in good faith and in the best interest of their children.

Skills

The skills theme was apparent throughout the interviews with all participants. The skills needed varied from those that counselors already have to those that are specific to mediation. Furthermore, some of the skills were specific to working with same-sex couples. Thus, the participants noted skills being necessary in the areas of multicultural competence, counseling skills, boundaries, and mediation skills.

Four out of five of the participants noted the importance of multicultural competence in working with same-sex couples for coparenting mediation. P3 noted that mediators need to be very clear on the issues of oppression that are experienced by same-sex couples as well as their own biases that may interfere with effective mediation. The remaining participants stated that counselor/mediators need to have an understanding of and have empathy for the issues that same-sex couples face as a result of being outside of the cultural norms by many. This corroborates the research by Bassey and Melluish (2013) who contended the importance of cultural competence in being able to effectively work with same-sex couples for coparenting mediation.

With awareness of multicultural competence being at the forefront of multiple of the participants, all of the participants also felt that many skills used in counseling are also used in mediation. However, the participants noted that there are skill sets that counselors are not proficient in such as a framework in domestic violence/intimate partner violence, balances of power, boundaries, and being able to be neutral and staying out of the middle of the discussions. P2 indicated that the most important skill necessary is to "stay out of it … can't get too worked up about the outcomes." This information is

consistent with Boardman (2013), who indicated that there are many similarities in the work and skill sets that counselors use to provide both counseling and mediation.

While Boardman (2013) noted that there are many similarities between counseling and mediation, he also noted that there are differences, such as the focus of the sessions, the potential number of the sessions, and some of the skills used in the mediation process. P1, P4, and P5 all noted the importance of having mediations skills when providing mediation to same-sex couples for coparenting. They also noted that these are not skills that counselors currently learn in their Masters programs. P2 discussed goal setting as one of the mediation processes used during the mediation session. This process assists in reigning the clients in when they are not acting in the best interest of the child(ren). P4 discussed the impact that mediation can have in high conflict situations and that without the skillset a counselor/mediator could get lost in the battle between the parents.

Knowledge

The theme of knowledge emerged from the data and was divided into three subthemes: legal knowledge, domestic violence/intimate partner violence, and developmental stages of adults and children. Even though there was not agreement across all of the counselors that all of these areas of knowledge are necessary, there was enough information provided by the participants to include each of these areas.

Legal knowledge was the most controversial area of necessity. While participants 1, 4, and 5 felt that legal knowledge is a necessity, P3 indicated that legal knowledge is not a necessity in providing mediation. However, P3 also purported that some basic legal

knowledge is helpful. The participant stated that it is not important to have a legal degree but a "basic understanding of the law" is helpful. Pruett et al. (2011) purported that the mediation process does not include litigation but does require the development of agreements that can be proposed to the court system.

Domestic violence/intimate partner violence. While domestic violence/intimate partner violence is a problem that counselors work with, it presents serious concerns when trying to assist in mediation of same-sex couple coparenting issues. Four out of the five participants discussed the need for knowledge in the area of not only the issues of domestic violence/intimate partner violence but also how to assess for the level of domestic violence/intimate partner violence that exists between the individuals. P1 and P2 spoke about how domestic violence/intimate partner violence relates to power and coercion, which creates difficulties in the relationship as well as in the development of effective coparenting mediation. The participants noted that without this knowledge counselor/mediators would not be effective in the mediation process. This is in accordance with the research by Pruett et al. (2011), who indicated that mediators are to assist parents in developing effective coparenting while causing the least distress on the family. If there is power and coercion there will be greater stress in the family and a decrease in cooperation between the parents.

While understanding domestic violence/intimate partner violence is important, the stages that the adults and children are in are also an important component of the mediation process, according to two of the participants. Participant 3 indicated relational issues are easier to understand if there is knowledge of the developmental stages of the

parents and children. Participant 4 noted that the developmental stages can also be related to a cultural concept and may indicate how the mediation process will proceed forward.

Beliefs

In general the participants indicated that the biases of both the counselor/mediators and the clients are an important aspect of the mediation process. They noted that often we do not really know what the client biases are, in regards to the mediation process and the mediator. However, the counselor/mediators need to have a good awareness of their own biases about divorce, same-sex couples, and coparenting strategies.

Counselor/mediator biases. Pruett et al. (2011) indicated that mediators must be unbiased in order to provide effective mediation. One might think that this simply means that the mediator must be unbiased between the couple but it also means that he or she must be unbiased toward the couple as a whole. This means that the mediator needs to be sure that he or she is culturally competent in working with the couple as a whole. P3 noted that counselor/mediators need to consider their own biases and if they are competent to mediate in an unbiased manner. P3 also stated that many counselor/mediators think that just because they are good with working with same-sex couples for coparenting does not mean that they have considered how society may have influences their thinking in such a way that they may not truly be unbiased. P1 noted that counselor/mediators must also consider how the biases of magistrates could affect the outcomes of same-sex couple coparenting legal documents and should remind couples that through the mediation process they are more likely to get to work out a plan that

works for both of them or they will be taking their chances in the legal system with perhaps a judge that is not unbiased and will do what he or she thinks is in the best interest of the children. Furthermore, the participants spoke of the imbalance of power that exists between the counselor/mediators and the clients and how that can be perpetuated, inappropriately, by a biased counselor/mediator.

    Client biases. The participants spoke of the potential imbalance of power between counselor/mediators and how this can affect clients' ability to trust in the process. This mistrust is also a result of how same-sex couples have been treated within society. This trust issue and the potential ineffectiveness of counseling, as a result, is congruent with the equity theory. In this case if there is a perception by the clients that the counselor is biased in any way they could feel that they will not get out of the mediation process what they need and therefore may behave poorly in the sessions or choose not to continue them. Brandes (2014) wrote about oppression of same-sex couples in society. He spoke of how homophobia and heterosexism has led to marginalization of individuals who identify as gay, lesbian, bisexual, transgender, or queer. Furthermore, Snowdon (2013) purported that this marginalization has led to a distrust of medical and legal professionals by those who have been marginalized in these settings. This research backed the information provided by the participants. P2, P4, and P5 indicated that the parents what to know that mediators have the ability to understand them and that they (the mediators) are acting in an unbiased manner both between them as well as with them as individuals.

Challenges

The theme of challenges emerged across all of the interview questions that were asked. The participants noted some of the issues that caused hardship for the same-sex couples in their quest to develop a parenting plan that was acceptable to both of them. These challenges were broken down into five subthemes, anger, parental alienation, biological connection, emotions, and legalities. Challenges are a prevalent theme throughout literature. Khaddouma et al. (2015) noted the negative impact that the heteronormative society has on same-sex couple relationships. Hertz et al. (2009) stated that with same-sex couple relationships not being recognized by friends, family, co-workers, and previously the law often these individuals felt disempowered. Stevens (2014) indicated that while marriage is legal some clergy have refused to perform the service to marry same-sex couples. Furthermore, Holtzman (2013) noted that even the legal aspect of custody and be challenging for same-sex couples to navigate within the court system.

Anger. Anger is an element that is present in many break ups and can cause issues in development of a parenting plan. This is consistent with the research by Pruett et al. (2013) who stated that when working in the legal system with attorneys each parent is encouraged to pursue what he or she believes is to rightfully be his or hers. Thus, this perpetuates distrust and destructive behaviors by the parents on top of the anger left over from the relation that led to it ending. P2 and P4 spoke of the challenges of working with individuals who feel that they were wronged n the relationship by their partner and how that plays into the anger that makes it difficult to agree on a parenting plan. P1 indicated

that anger is often present when parents realize that they are going to have to give up/miss part of their child(ren)'s lives while they are with the other parent and that anger causes parents to dig in their heels regarding the development of an equitable parenting plan.

Parental alienation. The anger that parents experience can also spill over to the child and a parent wants to gain an edge he or she might develop a relationship with a child or children that leads the child or children to push the other parent away and treat them as if they are bad and they want nothing to do with them. This is considered *parental alienation*. P4 and P5 depicted parental alienation as some of the most difficult challenges that they face in providing same-sex couple coparenting mediation. P4 stated that when the child aligns with one parent against the other mediation becomes extremely difficult and can cause the participant sleepless nights, trying to figure out how to resolve the issues at hand. P5 noted the importance of identifying the nature of the child(ren)'s involvement in the conflict can be complex in nature as well as very challenging to the mediator.

Biological connection. Parental alienation can be enhanced by the biological connection of a child to the parent, if the parent chooses to employ that strategy, which may be heightened by current family law. This concept is corroborated by Reed (2014) who purported that current family law is based upon the idea that the biological parent or adoptive parent has natural rights to custody of the child(ren). This is further complicated when adoption is necessary, as Arthur (2015) indicated same-sex couples still have difficulties adopting children due to some state and international laws. Thus, without the

right to adopt a child or children some same-sex couple parents lose their rights to the children, if custody is decided in the court systems. P1 noted that the court system may still find in the favor of the biological parent, even if it is not what is in the best interest of the child, due to the current family law that is in place. P2 noted that as long as the parents use a mediation process the decisions remain in the hands of the parents and out of the hands of an individual who might not understand the issues at hand (the court magistrate). However, P4 and P5 denoted that if one parent is the biological parent he or she may innately feel that he or she has more rights to the child(ren) and this may make the mediation process more difficult.

Emotional control. The participants noted that emotional control of one parent to the other is a challenge in the mediation process. Emotional control can be seen in several different formats according to the participants. P2 noted that a when a female client who was with a female now decided to be with a male and now feels being with a female as a sin. This change in thought processes can cause an emotional control issue if she uses it to create leverage in the mediation process. P3 and P4 discussed how bullying is a form of emotional control, in the mediation process. P5 purported that parents using, often false, allegations against the other parent is also a form of emotional control to gain the upper hand against the other parent.

Legalities. Anger, parental alienation, biological connection, and emotions are all connected to the legal aspect of mediation and the court process. This was also indicated in the literature by Dodge (2006) who noted family law is currently based on biological or adoptive parents having preferential rights to the child(ren). Reed (2014) also spoke on

this concept and indicated that courts are to use specific criterion to determine what is in the best interest of the child(ren) prior to putting forth a custody plan. Furthermore, Gunmere and Work (2005) indicated that premarital agreements and parenting agreements made prior to court do not have to be admissible in court or used by the court when developing a ruling for custody. This prior research supports the legal issues that the participants stated that they experience. P1 noted that parents use the family law that exists in one state against the other parent if he or she chooses to move to a state that does not have the same laws in place. P2 noted that if a counselor/mediator does not have a good understanding of the family law in their area he or she may not be able to navigate an effective coparenting plan as the parents may hear something different, other than the truth, and believe it. P5 discussed how allegations of sexual abuse, child abuse, drugs or alcohol abuse, whether they are true or not can cause a change in power and be a challenge to the mediation process.

Limitations of the Study

This study was limited to counselors who have provided mediation to same-sex couples for coparenting and were willing to discuss their experiences. However, a limitation to the data provided by P4 is the fact that s/he has not engaged in same-sex couple coparenting mediation since the legalization of same-sex marriage; thus, the data provided by P4 may not be in accordance with current experiences. I completed the transcription of the data and I am not a professional transcriber; however, participants were allowed to review the data for accuracy. Furthermore, the data, themes, and subthemes were subject to member checks and reviewed by the committee. The

demographics of these participants was not as diverse as it could have been; further research should be conducted to enhance the findings. Efforts were made to assist the reader in attaining an understanding of the participants, the participants' experiences, and context of the study so that he reader might be able to transfer this information to another group or study. I made every attempt to identify my own biases and provide transparency with my research committee in an attempt to ensure that I was an active impartial part of this research study.

Recommendations

My recommendations are written for counselor educators who are developing new programs for counselors to engage in potential research. The findings provide a starting point regarding the challenges, necessary skills, and knowledge needed to provide effective coparenting mediation for same-sex couples. Upon considering the information shared by the participants counselor educators may re-work educational programs to include

- Information about mediation, benefits, and processes;

- Skills necessary to provide effective mediation;

- A multicultural course that includes a section regarding lesbian, gay, bisexual, transgender, and queer oppression and work needed to be done by counselors to address their own biases;

- Necessary legal knowledge for mediation or how to find that knowledge within their own state;

- Information about domestic violence/intimate partner violence;

- Evidence of how developmental stages of adults and children are effect

 and are affected by the developmental stages of the adults and children;

 and

- What emotional control is, how it can be applied by parents and how it can

 be managed within the mediation process.

All of the participants indicated that they enjoy the challenge of providing

mediation and that they have done a great deal of learning since their counseling

degrees were completed, in order to be able to provide effective mediation.

 This study provides answers to some questions but also raises further

questions that could be explored it the future. Below are potential research

questions that could be used to further explore counselor mediation for same-sex

couple coparenting:

1. What are the lived experiences of novice counselor/mediators providing same-

 sex couple coparenting? The participants in this study have each been

 providing mediation for over 5 years.

2. How are the lived experiences of counselor/mediators similar or different

 when providing coparenting mediation to same-sex couples versus

 heterosexual couples? This study was focused in same-sex couples but the

 participants attempted to compare and contrast the experiences of mediation

 of same-sex couples and heterosexual couples.

3. What information would be necessary, regarding cultural competence in order

 to provide effective mediation to same-sex couples? Several of the

participants provided insight as to how biases can affect the mediation process, how oppression effects the couple being mediated, and the need for the development of programs to bring about counselor awareness of their own biases.

4. Who are the resources that counselor /mediators reach out to when in need of assistance when providing same-sex couple coparenting mediation? All of the participants noted that they need legal knowledge and some of them indicated that at times they need to reach out to other professionals for assistance on certain matters that come up during mediation.

Further research of these questions may provide a sharper picture of the experiences of counselors who mediate same-sex couple coparenting, may offer a clearer picture of the importance of the need for cultural competence, and may offer insight into programming changes that need to occur for mental health counselor education.

Implications

There are multiple implications of this research study in the areas family law and for the fields of counselors and counselor educators. I also provide insight as to the potential implications for social change that this research presents. The following paragraphs include implications for family law, counselors, counselor educators, and social change.

Family Law

All five of the participants indicated that there are issues with the way that family law is currently written. They noted that these laws have not kept up or are not as friendly

to same-sex couples as current marital law is and may vary depending o the state in which the same-sex couple resides. The participants stated that the education in counseling did not fully prepare them for providing mediation to same-sex couples for coparenting. Therefore, they sought out information from lawyers, mediators, and people who identify as lesbian, gay, bisexual, transgender, and queer to assist in understanding mediation and the people that they are mediating. Legal providers may want to take more time to explain to couples how mediation can benefit families in making sure that the best interest of the child is protected.

Counselors

This research provides a basic understanding of the skills, knowledge, and multicultural competence that counselors still need to attain, after receiving their Masters Degree (in mental health counseling), in order to provide effective same-sex couple coparenting mediation. There are more than 858,896 same-sex couples in the United States, according to Fisher, Gee, and Looney (2018). Pruett et al. (2011) noted that divorce rates are on the rise. Herman (2016) purported that family law is still based on managing custody issues for opposite-sex couples, in which both parents have either a biological or adoptive connection to the child. Lombardo (2012) noted that as a result of old family laws being based on opposite sex marriages, same-sex custody issues are often dealt with unfairly in the legal system, thus mediation may be the preferred option for same-sex couples. According to Sherman (2014), same-sex couples often have concerns about the effectiveness of mediation when it is provided by same-sex couples due to the biases and stigmatisms that they face in society on a regular basis, legal inequities, and

counselor's lack of knowledge in the area of mediation skills. The participants'
interviews depicted a need for additional training being necessary, either within the
Master's program or within the Doctoral program. Counselors who choose to provide
mediation to same-sex couples may benefit from additional training in the areas of

- Multicultural competence,

- Domestic violence/intimate partner violence,

- Developmental stages of adults and children,

- Legalities in custody issues (within their areas),

- What other professionals may assist in the mediation process, and

- Mediation skills.

Counselor Educators

Counselor educators will have the ability to enhance the programs that are offered
to counseling students that impact their ability to be effective counselor/mediators.
Through additional research studies more awareness may be raised to further counselor
knowledge in the area of multicultural competence. Furthermore, counselor educators,
with further research, could develop a new division of counseling which supports the new
role of counselors as counselor/mediators, assisting in decreasing the backlog of cases
that need to be heard and go to trial in the court system.

Implications for Social Change

Lanutti (2013) noted that same-sex couples that do not have support have a
greater potential for dissolution of their relationships. Khaddouma et al. (2015) indicated
that while same-sex couples' relationships are noted to have similar functions it is

difficult for them to survive in a heteronormative society, due to the oppression and stigmatisms that they face. While same-sex marriage has brought about a validation of same-sex marriages (Hertz et al. 2009), Knauer (2012) indicated that there are still many legal barriers that same-sex couples experience. Hopkins et al. (2013) spoke of the many legal statutes, rights, and privileges that opposite-sex couples have that same-sex couples do not have. Holtzman (2013) spoke about the inequities of marital and custody laws that exist. Barbash (2016) provided an example of this when he discussed the right of officials to refuse to provide marriage licenses to same-sex couples in Mississippi. Furthermore, Park et al. (2016) noted that custody laws do not always carry across state lines. Fillisko (2016) purported there are cases legal cases in which the non-biological or non-adoptive parent is not able to attain any type of custody of the child(ren) due to his or her not being considered a parent to the child in the eyes of the law. Hamer (2015) stated that one state in which same-sex couples are at a disadvantage legally is Wisconsin where the non-biological parent of a same-sex couple is not allowed to adopt the biological parent's child. Gunmere and Work (2005) indicated that the effect that divorce can have on children can be significant, but when custody is given to one parent alone the effect on children can be emotionally damaging. Pruett et al. (2011) stated that the purpose of mediation is to take the decision out of the hands of the legal system and assist the parents in developing a plan that respects both parents and is in the best interest of the children. The participants indicated that with the necessary training counselors could provide effective mediation to same-sex couples for coparenting. Effective counselor mediation programs have the potential to assist in the decreased length and number of

legal proceedings, a potential decrease in adversarial divorces that cause distress to parents and children, and there is a potential to decrease the emotional impact that divorce has on children.

By providing effective mediation to same-sex couples for coparenting it is possible that family law may advance, stigmatism and oppression may decrease, and awareness of cultural differences may be realized. More research in the area of counselor mediation may also bring about increased counselor cultural competence in general, a better partnership between counselors and lawyers, and more trust by people who identify as lesbian, gay, bisexual, transgender, or queer toward professionals. Giving voice to the term counselor/mediator may assist counselors in providing effective mediation and decrease the discrimination and disempowerment that is felt by same-sex couples when reaching out to counselors from not only mediation but also counseling.

Conclusion

The purpose of this hermeneutic phenomenological study was to develop an understanding of the lived experiences that provide same-sex couple coparenting mediation. The results of this study proposed to clarify the phenomenon through providing a rich description of the voice of the participants. Furthermore, this study attempted to provide an overall description of the necessary skills, knowledge, and challenges that the participants reported.

Five counselors, who have provided mediation to same-sex couples, participated in in-depth semi structured interviews, via Skype. These counselors provided insight into their experiences, skills used, necessary knowledge, and challenges that they have faced.

Five main themes were revealed, experiences, skills, knowledge, beliefs, and challenges. Overall the counselors felt that basic counseling skills are necessary to provide mediation to same-sex couples for coparenting. Furthermore, the participants felt that there is a need for better training in the areas of law, mediation skills, multicultural competence, domestic violence/intimate partner violence, and the developmental stages of adults and children. While there was a basic feeling from the participants that basic legal knowledge is necessary, not participants all agreed that this is completely necessary, as an attorney could be contacted if necessary. Finally, the narratives about the participants experiences offered rich insights that will hopefully lead to changes in the counseling program in the areas of multicultural competence as well as add a course about mediation skills. These changes will assist counselors both in traditional counseling as well as in the ability to provide effective mediation to same-sex couples for coparenting which is now becoming sought after, rather than participating in the legal court battles.

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Appendix A: Informed Consent

CONSENT FORM

You are invited to take part in a research study about mediation of same-sex couples for coparenting issues. The researcher is inviting licensed counselors who have experience with mediation of same-sex couples for coparenting to be in the study. I obtained your name and email address via the APA listserv, the ALGBTIC listserv, the CES.NET, or from an insider. This form is part of the process called "informed consent" to allow you to understand this study before deciding whether to take part.

A researcher named Tamie O'Neil, who is a doctoral student at Walden University, is conducting this study.

Background Information:
The purpose of this study is to attain a better understanding of the experiences counselors have when they are providing mediation for coparenting for same-sex couples.

Procedures:
If you agree to be in this study you will be asked to:
- Consent to being in the study.
- Respond to an email asking you to choose a time to participate in a 60-minute interview.
- Participate in a 60-minute interview via Skype.
- Potentially respond to a second email requesting a second interview and respond with a good time to do the second interview.
- Participate in a second interview via Skype.

Here are some sample questions you may be asked:
- What have you experienced while providing mediation for same-sex couple coparenting?
- What skills do you feel are necessary for providing mediation for same-sex couples that are attempting to effectively co-parent their children?
- Is there any particular legal information that is necessary for counselors to know when providing mediation to same-sex couples for coparenting?
- What challenges do you face when you are providing mediation to same-sex couples for coparenting?

Voluntary Nature of the Study:
This study is voluntary. You are free to accept or turn down this invitation. No one at Walden University will treat you any differently if you decide not to be in this study. If

you decide to be in the study now, you can still change your mind later. You may stop at any time.

Risks and Benefits of Being in the Study:
Being in this type of study involves some risk of minor discomforts that can be encountered in daily life, such as fatigue, stress, or becoming upset. Being in this study would not pose a risk to your safety or wellbeing.

This study has the potential to provide information that could make counselor training for mediation of same-sex couples for coparenting more effective. Benefits to the larger community include the potential for a decrease in nasty court cases between same-sex couples in regards to coparenting and custody. There may also be a decrease in the emotional harm that children experience when their parents engage in verbal altercations over custody and coparenting issues.

Payment:
There will be no remuneration for participation in this study. This study is completely voluntary.

Privacy:
Reports coming out of this study will not share the identities of individual participants. Details that might identify participants, such as the location of the study will not be shared. The researcher will not use your personal information for any purpose outside of this research project. Data will be kept secure by destroying audio recordings after the transcriptions have been checked for accuracy, using pseudo names on the transcribed data and the transcriptions will be kept in a locked safe. Data will be kept for a period of at least 5 years, as required by the university.

An exception to privacy could happen in the case for mandated reporting. If child or elder abuse is reported I will need to be sure that it has been reported to the proper authorities. Thus, you may be asked if the incident has been reported and if it has not been reported I will have to report the incident.

Contacts and Questions:
You may ask any questions you have now. Or if you have questions later, you may contact the researcher via tamie.oneil@waldenu.edu. If you want to talk privately about your rights as a participant, you can call the Research Participant Advocate at my university at 612-312-1210. Walden University's approval number for this study is _____ and it expires on _____.

Please print or save this consent form for your records.

Obtaining Your Consent:
If you feel you understand the study well enough to make a decision about it please indicate your consent by replying to this email with the words "I consent".

Appendix B: Main Themes and Sub-themes

1. Practices

   a. Similar to heterosexual couples

   b. Differences from heterosexual couples

   c. Process

   d. Benefits

2. Skills

   a. Multicultural competence

   b. Counseling skills

   c. Boundaries

   d. Mediation skills

3. Knowledge

   a. Legal knowledge

   b. Domestic violence/ intimate partner violence

   c. Developmental stages of adults and children

4. Beliefs

   a. Counselor/mediator biases

b. Same-sex couple biases

5. Challenges

   a. Anger

   b. Legalities

   c. Emotional control

   d. Biological connection

   e. Parental alienation