

INTEREST BASED NEGOTIATION

“If war is the violent resolution of conflict, then peace is not the absence of conflict, but rather, the ability to resolve conflict without violence.” —C.T. Lawrence Butler

Emotionally healthy families experience changes. Change is inevitable... except from vending machines. Children learn life lessons from watching how the adults in their life interact. They learn how to stay in school even if they don't like their teacher; they learn how to stay in a job even if they don't like their boss; and they learn how to communicate even when it is difficult.

Conflict is not always negative. In fact, conflict can be healthy when it is effectively managed. Healthy negotiation of disagreements can lead to:

- Growth and innovation.
- New ways of thinking.
- Additional parenting and coparenting options.

Einstein wrote, “In the middle of difficulty lies opportunity.” As changes arise, work on finding the gray instead of both households seeing the situation as black or white. By exploring each other's interests, you may even find that black is the best solution, or you may develop a new option, such as blue. You may find sometimes that what you both want seems like the same thing, but it is actually very different.

There is a large difference between positions and real interests. Exploring each other's interests may help answer these questions: Why do you want what you want? Why does your coparent want what he or she wants?

For example, suppose a mother and father are arguing over who has their son on Wednesday evening. Both have the position that they need to have their parenting time with the child on Wednesday. They decided on a compromise: they would rotate the parenting time of their son to every other Wednesday. The father took their son to church every other Wednesday, because it was his interest for their son to participate in church as often as possible. The mother got to spend some Wednesday evenings with their son because it was her interest to spend as much time as possible with her son. Neither parent got as much as they would have liked, but given the situation, what else could they have done?

Better solutions probably seem obvious to you now:

- They could have agreed on another weekday night, which would have allowed the father to take their son to church every Wednesday and the mother to spend time with their son every week on another evening.
- They could have agreed for the mother to take their son to church every Wednesday during her parenting time.
- They could have explored if there were other options for additional church involvement.

But instead of exploring each other's interests, the parents focused on each other's position (the what): "I want him on Wednesday," and not on each other's interest (the why): "for him to participate in church" or "for me to spend more time with him."

Interest vs. Position

People often confuse interests with positions. For example, a parent may be interested in fostering responsibility in his or her child. There are many possible ways of addressing this interest. One might be setting up chores for the child. Another option might be having the child take care of something, like a pet. Still another could be having the child organize a school folder for his or her homework.

Focus on interests, not positions.

Focusing on interests, rather than on positions, makes it possible to come up with better agreements. Even when coparents have opposite positions, they have shared interests, such as raising an emotionally healthy child.

Families will have multiple interests, and it takes time and effort to identify them. To set the agenda for interests, parents can ask themselves questions, such as: What do we want for our child's future in terms of education, relationships, psychological functioning, and security with us as coparents? What will be important to our child in regard to these areas a year from now, five years from now, and when our child is an adult? Both coparents may not even be clear about their own interests in regard to their child. It helps to write down each coparent's interests as they are discovered and to ask why your coparent takes the positions or makes the decisions he or she does.

Develop optional solutions

When developing optional solutions that meet the interests of both coparents, try to meet as many of each side's interests as possible. Start by inviting all sides to brainstorm ideas and write them down, no matter how crazy they may seem (before reaching a decision).

Some obstacles to developing coparenting options are:

- Judging and rejecting prematurely.
- Starting by searching for a single best answer.
- Putting limits on scope or vision.
- Considering only your own interests.



To overcome these obstacles:

- View the situation through the eyes of your coparent.
- Focus on shared interests to make the process smoother for all involved.

- Don't reject any options at first.
- Hear the other parent out fully to understand their proposal.
- Look for meaningful opportunities, not simple solutions.
- Welcome diversity.

Only after both coparents have finished listing options should the options be discussed. Most people tend to immediately eliminate options before all options have been presented, which often limits the solution in some way. After all options are presented, determine together which ideas are best for satisfying various interests. Talk about likes or dislikes for each option. Explain why you like or dislike each one. You may hear something in the other parent's explanation that will generate yet another option to be considered. The options that each of you dislike can be eliminated. Consider the consequences for each one that remains. Those that both coparents agree upon become part of the solution.

For Example:

Jessie and Blake are separating. They need to come up with a plan for their son's education. Both parents agree that their overall interest five, ten, and fifteen years later is for their son to have a good educational experience and foundation for future education. Their next step is to plan how to get there, starting today. They begin to explore options.

Jessie wants their son to attend ABC private school, but Blake wants their son to attend XYZ public school down the street. Those are their "positions." So, what are their interests?

Blake asks, "Why do you want our son to attend ABC private school?"

Jessie says, "It's highly rated, the class size is smaller, and they have a great program to address his dyslexia. Why do you want him to attend XYZ public school?"

Blake answers, "That's where his siblings from my first marriage attend. With my back problem, driving two hours a day to ABC private school will be very difficult for me. XYZ is a highly rated public school, and I think it is an equally good education. And I can't afford to help pay for private school."

Now that both coparents have heard the "why" behind the interest, and not just the position, it is easier for them to develop options.

Here are a few examples of options that they could develop:

Option 1 – Jessie could pay for ABC school and either drive their son every day or pay a driver to take their son on Blake's days.

Option 2 – Their son could attend XYZ public school until middle school and then switch to ABC private school, or vice versa.

Option 3 – Their son could attend public school, but they could hire a private tutor to work with their son on his dyslexia.

Example of evaluation of the options:

Jessie says, “I don’t have time to drive our son on your days, but perhaps a carpool would be available or a combination of a carpool and a private driver could work. Would your back be okay if you had to drive it only one day a week? I could drive it three days, you could drive it one day, and I could hire a driver for one day a week, perhaps.”

Blake says, “If our son could have a few years at the public elementary school that would allow him to make friends in the neighborhood, and his siblings would be older when he switches to private school. Hopefully, my back problem will be solved by then. How about if we enrolled him in public through fifth grade with a tutor for dyslexia and then switched to private school?”

As you can see from this example, the more that the parents talk about the things they like and don’t like about the options, the more other options become apparent until eventually an acceptable option becomes apparent to everyone.

Once solutions are reached, put them in writing. This helps ensure that agreements are remembered and communicated clearly. Remember, each coparent must be confident that the other coparent (and any significant others) will carry out his or her parts of the agreement.

Handouts

Step 1:

Shared Interest: _____
(For example: One parent wants the child enrolled in soccer, but the other parent wants the child enrolled in dance classes. Their shared interest could be "Participation in group extracurricular activities.")

Step 2:

Options:
(Option development takes a lot of work and creativity. Try to create as many as you can and this may take more than one sitting, 10 is a good number.)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Step 3:

If one option developed works for both of you, write up your agreement. If not, begin the discussion of options and add options if they arise. If there are any options both of you agree likely would not work draw a line through them. With the options left, begin ranking each of your 3 least favorite options by writing the initial of each parent next to that parent's least favorite option and number the options starting from the least favorite.

Step 4:

Begin discussing what each of you like and don't like about the remaining options, and more options may develop. The goal is to reach an acceptable solution that will work, or multiple solutions that can be experimented with for a determined amount of time.

Step 5:

Write out the agreement as specific as possible including who, what, when, where, and how:

