

The Acronyms of Divorce Part III – PEP (Parent Education Program)

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After a Family matter is started, and the parties have children under the age of 18, they will be ordered to attend the Parent Education Program. This takes place either at the Courthouse, or via a remote session, depending on the county in which the divorce is taking place. Attorneys do not attend this session. The parents are not scheduled for the same session, so they do not have to be there together, causing tension.

During the PEP, parents hear from a family court judge that explains the process of custody and parenting time determinations. They also typically hear from a psychological expert that discusses the effect on custody battles on children. That practitioner may also educate the parents about the process of conducting a best interests evaluation in cases that the parents cannot agree on custody and a parenting time plan for the children.

The reason for this program is to make sure that parents understand the court process from an emotional and financial standpoint when custody and parenting time are outstanding issues. Oftentimes, this causes the parents to reflect on their positions.

The rules of court require a proposed parenting plan to be submitted in cases where custody and parenting time is not agreed to (in writing) prior to a divorce being instituted. This puts the other party on notice of the other party's position as to these issues. Oftentimes, they are closer than would be expected, thereby narrowing the issues, and opening the door for a resolution.

When the parents do have differing positions for custody and parenting time, they are ordered to attend a court mediation session. This occurs at the courthouse, or via remote session, with a court mediator and the parties' attorneys do not attend. The court schedules this session early on in the divorce case to explore whether the issues can be resolved early on. Custody issues can be the most expensive and time-consuming part of a divorce. Even more, it is incredibly difficult on the child or children. This is because if there is a custody issue, the court or the parties will have to retain an expert to conduct a best interests evaluation for the children. This process subjects the children to multiple interviews and is emotionally difficult for them. Custody mediation is the Court's attempt to head off these issues and try to help the parties reach an agreement which can be beneficial to the children and the parents.

If the parents reach an agreement in the court mediation session, the mediator will send a copy of the proposed agreement to the parties and their attorneys (if the parties are represented). The parents will have the opportunity to discuss the settlement with their counsel and suggest changes. The agreement does not become final until there is time to consider whether the decision made is the one a parent wants to take effect. This takes into consideration the fact that the mediation can be stressful, and people may say things, or make a decision without having enough time to think it through.

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