

Applying Motivational Interviewing to Parenting Act Mediation:

The Promise of the Process

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Introduction

Motivational Interviewing (MI) is a research-based method of helping people engage in behavior change. MI tools and strategies have been used successfully to help people tackle drug and alcohol addiction, weight loss, and other unhealthy behaviors. MI methods aim to uncover and support a person's

desire to change while simultaneously respecting an individual's autonomy. Historically, MI has been employed in support settings, such as counselors working with clients. In Nebraska, probation officers now employ MI practices to help encourage positive changes while still maintaining accountability if people choose not to follow the terms of their probation.

Mediation is all about change. Parties come to mediation because at least one party is unsatisfied with the status quo. Parties who reach an agreement, in essence, agree to change in some respect. In no place is the change more prevalent than in parenting act mediation.¹ Parenting plan mediations almost always involve questions of changing parental arrangements, bettering party communications, and ensuring the best interests of children.



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The synergies between the two processes hold a lot of promise. MI skills help people plan and support change. Parenting act mediation involves putting a plan together for parties that explicitly describes changes in relationships, interactions, and parenting. Mediation, however, involves a situation that MI research has yet to test—whether MI skills can be employed successfully in a situation involving a neutral party with opposing parties.

With the support of the University of Nebraska-Lincoln's Social Behavioral Science Research Consortium, we are undertaking a pilot study in which mediators from The Mediation Center in Lincoln are being trained in MI skills. This article gives some background on MI, mediation, and that ongoing pilot project.

What is Motivational Interviewing?

Motivation is a fundamental concept in moving toward behavioral change. MI² is a tool or a set of strategies for helping people to change in a person-centered approach focused on the enhancement of intrinsic motivation and confidence building. Over 30 years of research in the behavior change field (such as substance abuse and other counseling situations) have shown the use of MI to be an evidence-based practice that improves outcomes. More recently, MI has begun to branch out into different areas, including mediation, to address conflict and the overwhelming emotions that are often present when facilitating conflict between parties.³

MI did not begin as a specific theory. Instead, it was based on the underlying principles of Rogers's client-centered approach, Festinger's theories of cognitive dissonance, and Bem's self-perception theory. These theories each purport that people have greater commitment to what they hear themselves defend. The implicit theory behind MI is that it will lead to an increase in change talk and diminish resistance to change.

Since its inception, MI has been examined through a number of theoretical lenses, perhaps most prominently including self-determination theory (SDT).⁴ SDT, like motivational interviewing and mediation, emphasizes the support of autonomy—as well as the meeting of relatedness and competence needs—as essential to human functioning, growth, and motivation. Autonomy-supportive relationships and environments are theorized to increase intrinsic motivation by meeting one's basic psychological needs.

Intrinsic motivation refers to impetus for action that comes from within the person. There are different levels of intrinsic to extrinsic motivation. At the most intrinsic, a person engages in the action because they find the action is inherently enjoyable or satisfying. For example, parents may spend time with their children because they love and enjoy doing so. At the most extrinsic, people perform the action because they believe it will

lead to a reward or help them avoid punishment. For example, a person who pays child support to avoid legal consequences would be extrinsically motivated. In between these two ends of the continuum are motives that are extrinsic, but increasingly internal. Research suggests that when people engage in behaviors due to intrinsic motivation, or increasingly internal motives, they tend to show greater persistence and resilience in the face of obstacles and difficulties.

MI is embodied by a style and a set of strategies that seek to create an environment supportive of positive change—when possible, increasing internal motivation and confidence for change. As a style of conversation, MI is directive and elicitive, but not prescriptive. MI uses a directive and eliciting style to explore and resolve barriers in the change process. MI is a communication style that is focused and goal-directed, emphasizing personal choice and responsibility. MI supports change in a manner congruent with a person's own values and concerns using collaborative, goal-orientated methods of communication.

The MI professional leads the conversation in a way that is subtle and responsive to the client, as opposed to being prescriptive toward problem solving. Prescriptive advising is based on an authoritative model, with the primary responsibility for providing information and the prescribing of solutions for problems falling to the professionals rather than the client. In contrast, MI promotes a collaborative conversation that explores the barriers to change, which fits well into the mediation framework. This approach is both client-centered and directive and aims to increase engagement in the change process and reinforce client self-motivation.

Engaging, focusing, evoking, and planning are MI processes that are used to enhance collaboration during conversations to maintain a direction toward positive change and encourage continued client involvement.⁵ Using these processes, strategies for creating a change-supportive environment include discussing change using the client's own arguments for change, eliciting change talk,⁶ and helping people work through the reasons why specific changes may or may not be beneficial in their particular situation. Thus, MI embraces individual autonomy and decision-making, and MI strategies help individuals determine when change is best for them. If the person decides that change would be beneficial, additional MI tools are used to help individuals work through the steps and develop the motivation they need to take to achieve the targeted behavior.

MI has a strong emphasis on client motivations involving their own perceptions and values. Using a set of skills, labeled OARS (*Open questions, Affirmations, Reflections, and Summaries*), conversations to explore ambivalence and barriers to change proceed by emphasizing the client's role in managing his or her own goals in the process of how change happens. This approach leaves behind any authoritarian attitude

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while focusing on what is best for a person. Mediators using MI emphasize engagement with their clients in the process of change and focus on a client-selected behavior to evoke their thoughts and ideas about change. Planning for the change is an essential component to reach client goals and encourage continued trust in the mediator and confidence about changing.⁷

Strategies to open up the conversation are based on MI-consistent behaviors that fall within the “Spirit of Motivational Interviewing,” namely partnership and autonomy, acceptance of the client’s position, collaboration in planning the outcome and compassion for the individual’s situation. MI Spirit is at the foundation of the principles of MI, including providing empathy, supporting self-efficacy, developing discrepancy, and resolving ambivalence to change. *Rolling with resistance* has become a familiar saying when trying to stay out of arguing for change while helping clients to maintain dignity and encourage the clients to promote ideas about change as a result of the conversation. An additional focus is to assist the client to see and feel how their current behavior is inconsistent with their personal goals and values, causing counterproductive behaviors.

Why Might Motivational Interviewing Help Families in Mediation?

In mediation, the role of the mediator is to help the parties

determine the best course of action for them, as opposed to dictating an outcome based on the mediator’s personal preference. The tools that mediators employ include asking questions, summarizing, acknowledging, and reframing, among others. MI, essentially, gives mediators a complementary framework and purpose for using many of the tools that they are already using.

Traditionally, mediators use active listening skills for the purposes of clarifying information and ensuring that the parties feel heard. In MI, the purpose of these skills is more focused on planning for change and executing change. Mediators using MI emphasize engagement with their clients in the process of change and focus on a client-selected behavior to evoke their thoughts and ideas about change. Planning for the change is an essential component to reach client goals and encourage continued trust and confidence about changing.⁸ A few hypotheticals may help illustrate the use of MI in mediation contexts.

Example 1: Communication

Mom filed for divorce roughly 6 months ago, and Dad moved out of the family home. Dad cheated, and Mom is still very upset. They have two children, ages 6 and 8. Dad is supposed to have the children every other weekend at his apartment. Mom and Dad cannot communicate well, and most of the time when they talk on the telephone, they end up shouting at each other, calling each other names, and hanging up on one



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another. These conversations are rarely about the kids, but are instead about past hurts. The kids barricade themselves in their rooms and watch TV at high volumes to drown out the sound. In mediation, both parties acknowledge that they need to do a better job of communicating for the sake of their children.

In this example, the parties recognize that their current conduct is detrimental to the children's wellbeing and they have both expressed some willingness to change. A mediator trained in MI might recognize that the parties are early in the change process, merely contemplating change rather than ready to make changes. Having made this recognition, the mediator could use the OARS skills to test the parties' actual willingness to engage in more constructive communication and help them make plans for doing so. For instance, asking *open questions* can help parties move from a discussion of positions to interests. The mediator could also *affirm* changes in the parties' thinking and movement toward settlement or use *reflections* to help acknowledge, elicit, and reframe parties' viewpoints. *Summaries* of the conversation provide opportunities to check for understanding and allow parties to clarify and expand on their perspectives.

At present, both parents are experiencing ambivalence in this new set of circumstances, but they have started to exhibit change talk. Mediators would structure the conversation using MI to normalize ambivalence and to assist the parents to explore pros and cons of both sides of the equation. The mediator could use MI skills to create a communication protocol between the parties to set a change plan in motion. For instance, the mediator could ask a question about how current communication is working between the parents, and then explore the pros and cons of using a different communication strategy. This type of analysis can help the parents see how the current situation is unhelpful, and perhaps harmful, to the children. The strategy can also identify the difficulties of changing and explore the benefits of change.

Example 2: Introduction of Dad in Child's Life

Mom and Dad were never married. They have a 14-month old son. Mom and Dad had a brief fling about 2 years ago. Mom never told Dad that she was pregnant. Recently, the State issued a child support award against Dad, and Dad (now knowing that he is a father) wants to be part of the child's life. Mom knows that Dad should be part of the child's life, but she has serious reservations about introducing Dad into the child's life. Mom is concerned about Dad's alleged immaturity and "party lifestyle." Dad is hurt that he has already missed out on the first year of his child's life. He also admits to being scared about being a parent, but he is willing to try.

This example involves a situation of dramatic change for both parties. Unlike the previous example, each party faces a very different change in their lives. For Mom, the change will

involve allowing Dad to become part of the child's life, and for Dad, the change will involve becoming a parent for the first time. The MI-trained mediator would focus on the change talk to diminish resistance from both parties and to evoke what areas of change each are looking at and then provide a safe environment for them to discuss how their child's best interests can be met.⁹ Additionally, the mediator could assess each party's stage of change using the *readiness ruler*. When using the readiness ruler strategy, the mediator asks the parties to rate the level of importance of specific changes being discussed. This helps the mediator choose strategies appropriate to lower or higher readiness levels. The mediator also can ask the parties questions about how each party can change, focusing both on their intrinsic factors motivating change (i.e., their personal desire to change) as well as extrinsic factors motivating change (i.e., the likelihood that a court will intervene and award parenting time to Dad). This helps the mediator better understand sources of motivation in order to help the parties explore change further.

Throughout any mediation process, mediators can use the OARS skills of *affirmation* and *summary* to motivate the parties in the process and to ensure mutual understanding not only of the situation but also for the behavioral changes the parties will undergo to reach and implement a parenting plan. These examples are only a couple of hypothetical situations, and we are engaged in this project in order to test MI's true applicability in mediation. We are hopeful of MI's promise and applicability to mediation. In particular, our hope stems from the hypothesis that MI may be able to help clients grapple with change while also building trust.

How Does Motivational Interviewing Relate to Trust in Mediation?

Trust theory intersects with SDT and MI when it references intrinsic motivation. That is, trust is commonly defined as an intrinsically felt willingness to be vulnerable as a result of positive expectations. Rather than reluctantly being willing to be vulnerable because one is forced into a situation offering little other choice, one believes the situation or actors in the situation are worthy of their trust. Trust-relevant vulnerability comes in part from dependence under conditions of risk and uncertainty.¹⁰ Within family mediations, each party is faced with choices about the extent to which they will make themselves vulnerable through depending (or not) on the mediator who is assisting them, cooperating (or not) with their parenting partner, and cooperating (or not) with the mediation process.

Because of the emphasis on intrinsic motivation in the definition of trust, constructs from SDT—which are also supported by MI methods—are likely to support the development of trust, as some prior research has found.¹¹ This is evident in theoretical treatments of trust. Relatedness needs from SDT

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are described as needs to feel cared about and like one belongs. Meanwhile, a major antecedent of trust is the perception that an actor is benevolent (caring and having one's best interests in mind). Likewise, in MI, relatedness needs are emphasized by the practices of compassion, empathy, and acceptance.

Competence needs in SDT refer to needs to master skills and effectively achieve outcomes. MI methods quite explicitly aim to help the party develop change competencies. In trust theories, a second major antecedent of trust is the perception that the trustee is competent. Trustee competence may thus substitute for party competence in achieving end goals related to coming up with an acceptable agreement.

Finally, autonomy needs are described as needs to choose, to act congruent with one's sense of self, and to self-determine one's outcomes. Again, MI methods also support autonomy needs. While little to no theoretical attention has been given to why autonomy support may lead to trust in context as found by Deci, it is possible that autonomy support, because it meets a basic need, is interpreted as caring, a perception commonly found to increase trust.¹²

Our Research Project and Preliminary Results

Our pilot research aims to provide data that will, first and foremost, create and enhance trainings appropriate for use of MI tools in mediation contexts. It is hoped that this training will then provide the foundation for later research which will allow us to begin to formally evaluate MI's usefulness in mediation contexts and advance our understanding of the potential theoretical linkages between MI practices, SDT constructs, and trust.

To date, we have introduced more than a dozen Lincoln-area mediators to MI theory and strategies. Relevant to our pilot study, eight mediators gave consent to participate and completed initial surveys regarding their self-efficacy for specific skills relating to MI and mediation more generally. Eight mediators also attended one follow-up discussion of the use of MI tools and skills in parenting plan mediation contexts. Our complete research protocol will include two additional follow-up sessions for further discussion of mediators' ongoing use of MI in their cases, and a post-survey including the same self-efficacy questions as were on the initial survey.

During their initial MI training, mediators were provided with some historical and theoretical background on motivational interviewing and then introduced to the skills and strategies which it provides. Mediators were led in discussions about how they felt MI tools and strategies were similar to and different from those they already use and engaged in some practice of the skills.

Immediately after the training session, mediators were

asked to rate their self-efficacy for a number of MI skills on a scale of 0 (not at all) to 10 (exceedingly well). Our group of mediators felt most confident (above 6.5 on average) about their abilities relating to generally supporting party autonomy, encouraging the best interests of the children, reality testing, and exploring pros and cons of different options. That the mediators felt most confident about supporting autonomy suggests a firm foundation upon which to build MI skills.

Respondents reported the least confidence (below 5.0 on average) in their abilities to identify and discuss stages of change and to help parties explore how to increase their motivation to make changes. Assisting parties in identifying persons who can support their change and helping parties see their ambivalence as a normal part of the change process were also rated low (below 5.2 on average). This suggests that MI may be most useful for increasing mediator awareness of the various conflicting motives and barriers to change that their clients may be facing.

To support reflection on the use of MI in mediation, mediators were asked to complete reflection sheets containing questions designed based on the MIA: STEP (Motivational Interviewing Assessment: Supervisory Tools for Enhancing Proficiency) after completing a mediation session or case. It is intended that mediators complete these reflection sheets on their own and then discuss them during the 90-minute follow-up sessions.

While our pilot work is still ongoing, the discussions that have occurred among mediators during our training session and first follow-up session have already revealed important considerations related to the training and use of MI in mediation contexts.


- **Clarify what "new" strategies MI offers.** Because MI uses many of the strategies and skills already used in mediation, it is important to make salient what is "new" and different about MI. For example, OARS skills such as "open questions" and "summaries" are tools mediators likely already use frequently. Discussion of these concepts typically led to questions like, "How is this different from what we do already?" On the other hand, our pilot mediators indicated that many of MI's change-related concepts and strategies were new to them, and considering them resulted in new approaches within their mediations. One mediator shared that learning about stages of change helped the mediator to recognize that a client was only in the contemplation stage of change in many areas of his or her life, and not ready to enact potential changes. In response, the mediator not only adjusted questioning strategies, but also referred the client to a life coach who could assist the person with change more generally.

- **Pay attention to terminology.** In a related vein, because the terminology of MI differs from but is similar to the ter-

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minology of mediation, it is important to point out when different terms refer to the same concepts, or to adapt MI terminology to reflect mediation constructs. For example, MI reflection—where the provider reflects back to the clients what they said using different words—is similar to active listening. Exploration of pros and cons in MI is similar to reality testing. But, in MI, each of these tools is wielded to explore and pursue change. Some of our mediation participants also struggled with the MI concept of affirmation because the mediators felt “affirm” implies favoritism, which runs counter to the principle of mediator neutrality.

• **Provide concrete portrayals of MI skills in mediation contexts.** MI is frequently used in contexts where specific changes (e.g., changing drug addiction behaviors) may seem obvious. However, our mediators pointed out that, in mediation contexts, the specific changes best for the parties and their situation may be far from obvious. Because the spirit of MI is to support clients in making their own decisions about change, this is not a problem. Nonetheless, it is difficult for mediators to imagine what MI looks like in that context. We found it fruitful to engage in fish-bowl role plays involving an MI expert so that mediators could see and discuss instances of change talk (and the opposite, called “sustain talk”), and discuss different options for mediator responses. In our role play during our first follow-up session, mediators were able to recognize that MI principles and goals suggested new ideas for open-ended questions that focused not just on information gathering, but on information gathering that was specifically about potential changes and change readiness. The mediators discussed what conversation strategies might “make room for change,” even when the role-playing parties appeared to be at an impasse.

• **Address concerns about bias.** Finally, one of the biggest issues discussed by our pilot mediators was whether employing MI techniques might lead to perceptions of bias. Some mediators expressed discomfort with the time it takes to explore change with a party while the other party looks on, and whether that exploration of change might look biased. This seems especially problematic if parties are at different stages of change, because there is a tendency to focus more attention on making room for change in the mind of the person who is in an earlier stage. Our mediators discussed strategies for managing the appearance of bias, e.g., through the use of caucus and careful attention to the amount of time spent talking to each party. 

Endnotes

- 1 Neb. Stat. §43-2920 et seq (2016).
- 2 W.R. Miller & S. Rollnick, *MOTIVATIONAL INTERVIEWING: PREPARING PEOPLE FOR CHANGE* (3rd ed. 2013).
- 3 Liras Santiago M, *Motivational Interviewing in Mediation*, *REVISTA DE MEDIACIÓN* 2014, vol. 7, No. 1. ISSN: 2340-9754 (2014)

- 4 Deci EL and Ryan RM. (2000) The “what” and “why” of goal pursuits: Human needs and the self-determination of behavior. *Psychological Inquiry* 11: 227-268.
- 5 See *supra* Miller & Rollnick.
- 6 J. Hettema, et al., *Motivational Interviewing*, *Annual Review of Clinical Psychology*, 9:91 – 111 (2005).
- 7 *Motivational Interviewing: A Mediator Tool to Help Ambivalent Parties*. Blog Post <http://merrickmediation.com/tag/motivational-interviewing-and-mediation/>, Posted on April 30, 2015 by Jeff Merrick, last visited October 10, 2016.
- 8 See Miller & Rollnick, *supra* note 2; *Motivational Interviewing: a Mediator Tool to Help Ambivalent Parties*, available at <http://merrickmediation.com/tag/motivational-interviewing-and-mediation/> (April 30, 2015) (last visited Oct. 10, 2016).
- 9 R.F. Pettay, *Motivational Interviewing in Advising: Working with Students to Change*, *Academic Advising Today* 32(2) (June 2009).
- 10 Mayer RC, Davis JH and Schoorman FD. (1995) An integrative model of organizational trust. *Academy of Management Review* 20: 709-734. PytlikZillig LM and Kimbrough CD. (2016) Consensus on conceptualizations and definitions of trust: Are we there yet? In: Shockley E, Neal TM, PytlikZillig LM, et al. (eds) *Interdisciplinary perspectives on trust: Towards theoretical and methodological integration*. New York: Springer, 17-47.
- 11 Deci EL, Connell JP and Ryan RM. (1989) Self-determination in a work organization. *Journal of Applied Psychology* 74(4): 580-590.
- 12 *Id.*

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