



Center for Efficient Collaboration

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Minnesota Child Custody Dialogues – Principles and Criteria

During their first meetings, the Minnesota Child Custody Dialogue Group jointly created this list of principles and criteria to guide them in crafting legislation that all stakeholders would support. Throughout the collaborative process in Minnesota, every proposal was evaluated on whether it attended to each of these principles. The use of criteria shared by all is a key component of the CEC's Convergent Facilitation process.

For more about how this group used Convergent Facilitation to reach a political breakthrough, visit efficientcollaboration.org/results and download the case study.

#	Principle	What This Means
Conflict and Collaboration		
1	Reducing conflict	Setting up systems and processes that minimize and de-escalate conflict between all parties
2	Making available and offering collaborative paths and solutions	Making collaborative processes readily accessible to all parties, not just to those with the resources to identify and access them
3	Reducing stake in litigation	Designing solutions such that parties have incentives to settle disputes rather than litigate them
4	Minimizing court system intervention whenever possible	Supporting parties to come to voluntary agreements, limiting intervention by a court to be a sometimes necessary last resort
Support and Empowerment		
5	Providing support through court protection when needed	Recognizing the existence of situations where only court mandated solutions can ensure that all family members are safe and fairly treated
6	Empowering families throughout the process	Making every effort to have families be active agents rather than feel like pawns in the legal process
7	Supporting positive family transitions	Providing active support to families to adjust and heal during a particularly vulnerable time

#	Principle	What This Means
Benefit to Parties Involved		
8	What's best for the child	Making the health and well-being of children a foremost consideration in custody determinations
9	Child-centered approach	Highlighting and focusing the process on the usually-unspoken needs, interests, and experience of children
10	Honoring the contributions of both parents	Designing solutions that emerge from the recognition that both parents need respect and support for their roles in raising their children
11	Seeking to maximize benefit for everyone involved	Aiming to create settlements that attend to and respect as many needs as possible
12	Safety for all	Maintaining and enhancing physical and psychological safety in any process or outcome in a family transition
Diversity and Uniqueness		
13	Recognizing the diverse contexts in which children live	Having legal systems work with the wide variety of life circumstances of today's children and those who care for them
14	Acceptance of wide range of options for solutions to specific situations	Openness to a number of workable solutions for any particular challenge the parties are facing
15	Sensitivity to each family's needs	Designing solutions that allow the legal system to respect and respond to each family's unique challenges
Experience of the System		
16	Providing better understanding of court system and its impact	Providing families information to better understand the court system, and legal professionals with better training in understanding the impact of the court system on families
17	Sympathy for the litigants	Providing understanding and care to the parties to a divorce for the challenges they face in navigating a difficult system at a vulnerable time
18	Improved access to resources and supportive services	Providing everyone access to the kinds of assistance that currently are available mostly to people with adequate income
19	Genuinely user-friendly system	Offering understandable, sensitive, and efficient assistance to families as they navigate the legal process

#	Principle	What This Means
Support for the Court System		
20	Judicial discretion within parameters	Allowing judges the possibility of applying the law in response to specific cases while operating within the framework and guidelines provided in the statute
21	Differential case management	Establishing different pathways through the legal system to reflect the diversity of families' challenges and capacities
22	Maintaining confidence in the court system	Enhancing the favorable view of the court system by its citizenry by keeping it fair, responsive, and user-friendly
23	Implementability	Ensuring that any changes proposed are operationally feasible within the court system
Miscellaneous		
24	Acceptance of imperfection	Recognizing that no statute and no solution can be perfect for everyone
25	Evaluation criteria in the statute	Including in any new statute an evaluation to document whether the law is accomplishing its objectives and whether unintended consequences are occurring
26	Solutions informed by research and existing court data	Including available evidence and data in designing solutions