

# **HIGH CONFLICT INTERVENTION PROGRAMS IN ALBERTA: A REVIEW AND RECOMMENDATIONS**

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## EXECUTIVE SUMMARY

This project has reviewed five programs developed and administered by Alberta Justice that deal with complex family law cases. In addition to reviewing relevant literature from other jurisdictions, several data collection strategies were implemented to answer the research questions identified in Section 1.2.1. Specifically, data were collected using the following methodologies: telephone interviews with program managers; review of Family Justice Services files; survey of stakeholders including judges/justices, lawyers, psychologists, social workers, and others; and an analysis of FOCIS evaluation forms supplied by Alberta Justice.

### Overall Program Success

The information collected for this project clearly indicates that Alberta's programs for high conflict families are successful. Respondents to the Stakeholder's Survey were very positive about all the programs: a substantial majority thought that the programs were effective in reducing conflict, saving court time and costs, and facilitating settlements in both the short- and long-term (see Chapter 5.0). The Family Justice Services file reviews indicated that, for each program, the number of court orders decreased in the period following the intervention. Moreover, this decrease continued up to 30 months post-intervention (see Chapter 4.0). Participants who attended FOCIS were overwhelmingly positive about the program (see Chapter 6.0). They felt that they were more knowledgeable about the topics covered following completion of the course, that the coverage of the topics was "just right," and that the course leaders were clear, easy to understand, and knowledgeable. A clear affirmation of the success of the program is the finding that 96% of participants said that they would recommend FOCIS to others.

### Issues Arising from the Review and Associated Recommendations

#### Family Justice Services Files

In conducting the Family Justice Services file review, it was apparent that the completeness of the files varied substantially across programs and locations. This lack of information limited the amount of data that could be collected from the files. Fortunately, obtaining access to the CASES and JOIN systems ameliorated this problem somewhat. The lack of complete data may well affect service provision, as well as research.

#### *Recommendation # 1:*

Alberta Justice should ensure that Family Justice Services files are complete and up-to-date, including: clients' personal information (e.g., birth dates, dates of marriage/separation/divorce); details of participation in any other programs such as mediation, PAS, FOCIS, etc. and whether these programs were completed; copies of all court orders; and copies of pertinent letters, reports and assessments.

## FOCIS Evaluation Forms

Several different versions of the FOCIS Evaluation Form are being used in different locations across the province. This makes meaningful analyses of these forms very difficult.

### *Recommendation # 2:*

Alberta Justice should consider whether it wants to continue use of the FOCIS evaluation forms. Given the extremely positive ratings that FOCIS obtained in this project, the evaluation forms could probably be discontinued at this point. If Alberta Justice wishes to continue administering FOCIS evaluation forms to participants, it should consider shortening the existing form and ensure that a consistent form is employed at all locations across the province.

### *Recommendation # 3:*

If Alberta Justice wishes to continue using the FOCIS evaluation forms, it should ensure that a staff member has a responsibility for entering them into a database and keeping this database up-to-date. CRILF will be providing Alberta Justice with the database used to analyze the FOCIS evaluation forms for this project, which could be used for future data entry.

## Education

In analyzing the Stakeholder's Survey data, it became apparent that a number of professionals working in this area were not familiar with one or more of the programs under review. For example, for the FOCIS program, which is available in both Court of Queen's Bench and Provincial Court cases throughout the province, it is surprising that almost one-half of the judges/justices were not familiar with the program. Further, there seemed to be confusion regarding the actual names of some of the programs; for example, Open Assessments are referred to as Bi-lateral Custody Assessments by some professionals.

### *Recommendation # 4:*

Given that many professionals were unaware of the current high conflict intervention programs in Alberta, Alberta Justice should consider an educational campaign to inform professionals working in the area about the existence and potential benefits of the programs.

### *Recommendation # 5:*

Alberta Justice should standardize the names of the programs across the province to reduce the current confusion among professionals.

## Funding Arrangements

As reported in Chapter 3.0, the programs differed widely on unit cost, ranging from \$416 for FOCIS in 2005/2006 to \$1,477 for Brief Conflict Interventions. This difference is to be expected given that the programs have different mandates. While FOCIS is an educational program that is presented to a group, Brief Conflict Intervention is an individualized counselling program. In general, the more intensive the intervention, the higher its cost. Given this fact, it is surprising that many couples who received the most intensive programs do not appear to have participated in the less intensive programs first.

When asked whether the current funding arrangements for the five programs under review were adequate, the majority of respondents to the Stakeholder's Survey either said that they were, or that additional subsidies were needed (see Chapter 5.0). Respondents overwhelmingly expressed the opinion that all programs should be available to all Albertans regardless of location, financial means, or court in which their cases are being resolved. However, respondents also noted that it is important that there be some cost to parties for assessment and intervention services to ensure a commitment to the process. Several respondents suggested that this could be accomplished by using a sliding scale that is tied to parties' income, as is currently used with some programs. Respondents also noted that the financial guidelines for subsidies should be reviewed and updated.

### *Recommendation # 6:*

As expected, the unit costs of the programs varied substantially with the least intrusive program also being the least expensive (i.e., FOCIS). Given the positive findings regarding FOCIS in this project, Alberta Justice should consider making attendance at FOCIS mandatory for high conflict cases prior to subsidizing clients for more intrusive and expensive interventions.

### *Recommendation # 7:*

While the majority of stakeholders thought the current funding arrangements for the programs were appropriate, they did call for additional subsidies to ensure that all Albertans have equal access to these programs. Alberta Justice should review the fee structure for professionals who provide these services. Alberta Justice should also consider increasing the subsidies available for these programs, and should review the eligibility criteria for individuals to receive subsidies.

### *Recommendation # 8:*

Funding for different programs comes from different sources, which sometimes affects clients' eligibility for subsidies. If possible, Alberta Justice should consider pooling the different sources of funding for these programs to ensure equal access to all Albertans.

## Service Delivery Model

While, overall, respondents to the Stakeholder's Survey were very positive about the programs under review, several comments were made regarding the lack of coordination and problems with delivery of services. Specifically, respondents expressed the need for an integrated system with a common intake point and a mechanism for directing clients to the most appropriate service. Also, respondents suggested that the less intrusive interventions should be mandatory before clients access more intrusive and more expensive services.

### *Recommendation # 9:*

To ensure universality and equal access to these programs by all Albertans, Alberta Justice should consider implementing a standardized intake process across the province in both Court of Queen's Bench and Provincial Court. The function of this intake process would be to screen clients and direct them towards the most appropriate services and programs. This process could also serve to ensure that clients access the appropriate least intrusive programs for their case before progressing to more intensive interventions. The screening process should include an assessment of risk of domestic violence.

### *Recommendation # 10:*

The international literature review identified several integrated triage models for dealing with high conflict cases. Specifically, the following innovative programs hold great promise for dealing with high conflict cases: the Sieve Model in Florida; the Connecticut Family Services Model; and the Family Relationship Centre model in Australia. Alberta Justice should further examine these service delivery systems to determine the extent to which they could be adapted in Alberta.

### *Recommendation # 11:*

Much useful information about the programs was obtained during this review. If Alberta Justice decides to revise its service delivery model, it should consider conducting a full evaluation to coincide with implementation of the new model. Further, given that Practice Note 7 has recently been revised and little data were available for this report, Alberta Justice should consider conducting a full evaluation of the revised Practice Note 7 once it has been in operation for at least one year.

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# 1.0 INTRODUCTION

## 1.1 Background

In recent years, the area of family law has seen an increase in the use of alternative dispute resolutions/processes such as mediation, negotiation, settlement conferences and collaborative law to settle cases arising from separation and divorce. This trend has resulted in many cases being settled out of court, thus leading to decreased litigation and substantial time and cost savings for both parties and the justice system. The resolution of cases without resort to litigation also tends to promote a better relationship between separated parents, and hence serves the interests of children. However, there are a small number of family law cases that are categorized by high conflict between the parties, and that continue to rely on the courts to adjudicate disputes.

While there is no single definition of “high conflict,” recent national surveys conducted by the Canadian Research Institute for Law and the Family (CRILF) of lawyers, judges and mediators found that approximately half of the respondents thought that “high conflict spousal relationships” should be defined in legislation and dealt with differently from other cases in the family justice system.<sup>1</sup> Specific components that respondents thought should be included in a definition were: long-term disputes involving high degrees of anger and distrust; chronic disagreements over parenting issues; and history of misuse of the legal system. Experienced professionals agree that exposure to unresolved, high conflict situations increases risks to children. A large majority of the professionals who were surveyed thought that there should be specialized legislative provisions or other procedures to deal with high conflict disputes. Mechanisms that were endorsed by a substantial number of respondents included: specialized education for parents on high conflict cases; special counseling services; special assessment services; and special provisions for case management.

In 2004, Alberta Justice developed the Family Justice Strategy, governed by the following four principles:

- (1) Application of law while minimizing damage to individuals;
- (2) Encouragement of alternative means of dispute resolution;
- (3) Geographic accessibility; and
- (4) Economic and procedural accessibility.

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<sup>1</sup> Paetsch, Bertrand & Hornick (2001), *Family Mediation Canada Consultation on Custody, Access and Child Support*, Ottawa, ON: Department of Justice Canada; Paetsch, Bertrand & Hornick (2001), *Federation of Law Societies of Canada Consultation on Child Support Guidelines and Custody and Access*, Ottawa, ON: Department of Justice Canada.

The goals of the Strategy are to create an integrated family justice system that offers equitable, seamless service to family law litigants, regardless of the court which is dealing with their case, and to coordinate activities in family justice, according to the principle that family matters are to be resolved in a timely way that is as beneficial as possible for children and separated spouses. The Strategy focuses on services that provide early intake and screening, as well as those that provide high conflict families with intervention and assessment services.

Alberta Justice requested a review of five programs that deal with complex family law cases: (1) Practice Note 7 Interventions/Assessments; (2) Bi-lateral Custody Assessments (Open Assessments); (3) Brief Conflict Intervention; (4) Home Studies; and (5) Focus on Communication in Separation (FOCIS). (These initiatives are described in Chapter 3.0.) Alberta Justice's Court Services Division issued a Request for Proposal (RFP) for a review of these programs, and CRILF was contracted to conduct the review.

## **1.2 Purpose of the Project**

The purpose of this project was to review the current programs in Alberta targeting high conflict separating parents who are unable to resolve parenting matters by consent or through mediation/ADR services. This review involved the following components:

- gathering information from stakeholders regarding current programs and future recommendations;
- completing a national and international review of best practices in court-connected programs for high conflict families;
- preparing a summary of program funding options; and
- making recommendations for future direction of Family Justice Services in the area of high conflict programs.

For the purpose of this project, high conflict cases were defined by Alberta Justice as follows:

*High conflict family law files are those where the intensity and duration of the conflict between the parents is such that it puts the children at risk. These files are characterized by the parents putting their battle in priority to the needs of the children.*

### **1.2.1 Research Questions**

The review addressed the following research questions:

1. What are the best practices in court-connected programs for high conflict families in other jurisdictions?

2. What are the components and characteristics of the five current programs in Alberta targeting high conflict families (based on a logic model approach, including inputs, outputs and outcomes such as: program description, personnel, client characteristics, caseload, case outcome, cost, unit cost)?
3. What are stakeholders' views of the current programs and what changes would they recommend?
4. What are the various funding options that might be feasible for these programs?
5. What changes could be made to Family Justice Services to facilitate consistency in program delivery, both between courts and within Alberta?

### **1.3 Methodology**

#### **1.3.1 Literature Review**

A review of literature relevant to high conflict intervention programs was conducted. This review included published and unpublished reports obtained from academic and government sources, as well as on the internet. The review included programs in Canada, the United States, England, and Australia. The literature review is presented in Chapter 2.0.

#### **1.3.2 Review of Program Information and Statistics**

Available written information on the five programs under review was provided to CRILF by Alberta Justice. This information included descriptions of the programs as well as data relating to program costs. Additional information relevant to describing the programs and completing logic models was obtained through the Program Managers' Interviews discussed in Section 1.3.5 below. This information is presented in Chapter 3.0.

#### **1.3.3 Family Justice Services File Review**

Alberta Justice provided CRILF with a list of clients in Calgary, Edmonton and Red Deer who were involved with any of the five programs under review for a two-year period from April 1, 2004 through March 31, 2006. CRILF research assistants contacted personnel at Family Justice Services in these three locations to request that they pull the files of the targeted clients. While it was initially believed that all necessary information would be contained in these files, preliminary file reviews indicated that they frequently were incomplete. Therefore, Family Justice Services staff in Calgary and Edmonton provided the research assistants with access to the on-line CASES and JOIN systems, which allowed for a more complete collection of data. File reviews were conducted on-site at Family Justice Services offices in Calgary, Edmonton, and Red Deer during the period October 5, 2006 to November 28, 2006. Table 1.1 presents the number of files analyzed for each of the five intervention types at each site.

**Table 1.1**  
**Number of Family Justice Services Files Analyzed, by Program and Location**

Program	Location						Total	
	Edmonton		Calgary		Red Deer			
	n	%	n	%	n	%	n	%
Practice Note 7 Interventions	8	88.9	1	11.1	0	0.0	9	100.0
Bi-lateral Custody Assessment (Open Assessment)	98	87.5	14	12.5	0	0.0	112	100.0
Brief Conflict Intervention	3	4.2	65	91.5	3	4.2	71	100.0
Home Study	31	100.0	0	0.0	0	0.0	31	100.0
FOCIS	80	51.6	53	34.2	22	14.2	155	100.0
<b>Total</b>	<b>220</b>	<b>58.2</b>	<b>133</b>	<b>35.2</b>	<b>25</b>	<b>6.6</b>	<b>378</b>	<b>100.0</b>

Source of Data: Family Justice Services File Review.  
Total N=378.

The major objective of the file review was to determine if the number of court actions decreased following completion of the target intervention, under the assumption that a decrease in court activity would serve as one indicator of program success. A computerized File Review Form was developed to facilitate data collection (see Appendix A). Basic demographic information on the case was collected, including date of marriage or common law relationship, date of separation or divorce, the presence of family violence, substance abuse and child welfare involvement, and the date of birth of each child. In addition, all court orders on the file were coded by date, type of order, and applicant. Finally, information on any other interventions both the applicant and respondent might have received was coded, as well as whether the interventions were completed.

For purposes of data analysis, the number of court orders before and after the target intervention were counted and coded. Since different files had been open for differing periods of time, it was important to be able to code the number of court actions occurring within a specific unit of time following the target intervention. For example, a file that had been open for 30 months following the target intervention would have a greater probability of having more court actions than a file open for six months following the target intervention simply by virtue of the longer time interval. To account for the effect of differing time intervals, the numbers of court orders were coded into the following time periods: before the target intervention and 0-6 months, 6-12 months, 12-18 months, 18-24 months, and 24-30 months following the intervention. With the time period chosen for inclusion of files, all files had a minimum of six months following the intervention during which further court orders could have been issued; the maximum length of time post-intervention during which court orders could have been issued was 30 months.

Court orders were not analyzed separately by type of order; only the total number of orders per unit of time were counted. In order to provide an indication of the length of conflict prior to the target intervention, the earliest of the date of separation, divorce, or the first court order was coded. This date was also used as an indication of the date of

relationship breakdown. Since the length of time between relationship breakdown and the date of intervention varied considerably, it was important for comparison purposes to calculate the average number of court orders per year prior to the intervention. The results of the file review are presented in Chapter 4.0.

#### 1.3.4 Stakeholder's Survey

A Stakeholder's Survey was developed to determine the extent of knowledge and experience with the five programs under review among professionals working in the area of high conflict families (see Appendix B). For programs with which respondents were familiar, they were asked their opinions regarding their effectiveness, whether the programs should be expanded beyond their current mandates, and whether the current funding structures for the programs are appropriate. The list of potential respondents for the sample was compiled in consultation with representatives from Alberta Justice and included lawyers, justices from the Court of Queen's Bench, Provincial Court judges, psychologists, and social workers.

All potential respondents, with the exception of justices and judges, received the survey by e-mail and were asked to complete the survey electronically and e-mail it back to CRILF. The first surveys were sent out on October 19, 2006 and a reminder e-mail was sent to respondents who had not returned their survey on November 1, 2006. A total of 291 surveys were distributed via this method and 28 were returned as undeliverable. Completed surveys were returned by 59 individuals resulting in a response rate of 22.4% out of the total number possible (i.e., 263).

Due to concerns about access to e-mail by justices and judges, hard copies of the survey were produced and forwarded to justices and judges by Alberta Justice. Justices and judges were requested to complete the survey and return it to CRILF in an enclosed self-addressed envelope. A total of 192 surveys were distributed in this manner and 31 completed surveys were returned, resulting in a response rate of 16.1%.

Open-ended responses were coded and data were entered into an SPSS database. Findings from the Stakeholder's Survey are presented in Chapter 5.0.

#### 1.3.5 Program Managers' Interviews

An Interview Schedule was constructed to guide telephone interviews conducted with the managers of each of the five programs under review (see Appendix C). A list of managers to be interviewed was provided by Alberta Justice, and four interviews were conducted during the period December 12, 2006 to February 7, 2007. The interview asked respondents to comment on the development of the program(s) with which they were involved, as well as whether they thought the program was achieving its primary objectives. Respondents were also asked if they would recommend any changes to the program and what they thought the program would look like in five years. Information required to complete the program logic models was also obtained through these interviews.

### 1.3.6 FOCIS Evaluation Forms

Alberta Justice currently uses an exit survey of FOCIS participants to provide an indication of program effectiveness. Forms completed in Calgary, Edmonton, and Red Deer during the two-year period from April 1, 2004 through March 31, 2006 were provided to CRILF and analyzed for this report. Different versions of the exit survey have been used at different times, and only the two most frequently used versions were analyzed for this project (see Appendix D).<sup>2</sup> Open-ended responses were coded and data were entered into an SPSS data analysis program. In addition to collecting basic demographic information, respondents were asked how they found out about FOCIS, the extent of their knowledge of various topics covered in the course both before and after completing it, the extent to which they found the various components of the course helpful, and any suggestions they might have regarding changes or improvements.

A total of 575 FOCIS evaluation surveys were analyzed for this project. The majority of the surveys were from Edmonton (52.9%), followed by Calgary (28%) and Red Deer (19.1%). Results from the analysis of these surveys are presented in Chapter 6.0.

## **1.4 Limitations**

Several limitations should be kept in mind when reading this report. First, it should be noted that this project is a review of the five programs under consideration, rather than a comprehensive evaluation of the programs. The short time-frame of the project precluded conducting a complete evaluation.

Some of the programs have considerably more detailed written descriptions available than others. This affected the level of detail that could be included in the program description chapter. It should also be noted that Practice Note 7 was revised in the summer of 2006 and now includes both short- and long-term interventions as well as assessments. It is possible that some of the stakeholders' comments may be reflective of the earlier version. Further, the number of cases that could be identified as proceeding under Practice Note 7 was small (n=9), and therefore conclusions regarding Practice Note 7 should be interpreted with caution. However, it should be noted that some cases classified as receiving another intervention (e.g., Bi-lateral Custody Assessments) actually proceeded under Practice Note 7, although this was not indicated in the file.

In conducting the file reviews, it became apparent that some files were considerably more complete than others. While gaining access to the CASES and JOIN on-line systems helped considerably with locating missing information, it should be kept in mind that, at least in some cases, relevant data could not be accessed. In addition, when analyzing court actions included in the files, only the total number of actions was counted, not specific types of actions. We realize that this has provided a rough estimate of conflict in these cases.

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<sup>2</sup> These two versions were very similar, and only differed on a few questions. Therefore, they were both included in the analyses.

The response rate to the stakeholder's survey was somewhat lower than would be desired. For this reason, it should not be assumed that the responses are necessarily representative of all professionals who deal with high conflict cases in Alberta.

Completion of the FOCIS evaluation forms following attendance at the course is voluntary. For this reason, the sample included in this report is not necessarily representative of all individuals who attend FOCIS.



## **2.0 LITERATURE REVIEW: COURT-CONNECTED SERVICES FOR HIGH CONFLICT FAMILIES**

### **2.1 Introduction: The Costs of High Conflict Separations**

It is now recognized that high levels of conflict between separating/divorcing parents have very significant detrimental effects on the children involved, and impose very substantial costs on the judicial system as well as on the parents (Bragshaw, 2005; Gilmour, 2004; McIntosh & Deacon-Wood, 2003; Texas Association, 1999).

The greatest social concern arising from high conflict separations is that parents' conflict negatively affects children's academic achievement and social development (Amato & Keith, 1991, see Chandler & Stewin, 2006; Lampel, 1986). Further, research suggests that the relationship between the parent and child may also be affected by this conflict, ultimately leading to the child's detachment from one, or both parents (Johnston & Roseby, 1997; McIntosh & Deacon-Wood, 2003; Texas Association, 1999).

Another significant concern with high conflict disputes between separated parents is that they impose significant resource costs on the judicial system. These cases typically involve frequent court appearances, but the issues raised could often be better resolved outside of the courtroom (Finman et al., 2006; Gilmour, 2004; Hoffman, n.d.). In high conflict cases, the disputing parties generally communicate poorly with one another, and assume that court proceedings are the only possibility for resolution of their disagreements (Carter, Vandersteen, & Haave, 2006; Finman et al., 2006). As a result, these cases are most likely to end up in court and take up a disproportionate amount of judicial time in an already overstrained judicial system (Finman et al., 2006; Oklahoma Bar Association, 2004).

Some commentators claim that lawyers representing the parents in a high conflict case can play a role in exacerbating the poor relationship between the parties and increasing the use of courts to resolve disputes (Moe, 1997; 2000). Moe (1997; 2000) argues that family conflict would be minimized if lawyers were to consider the issues from the children's perspective, rather than simply from their clients' perspective; the interests of the child should ultimately be the interests of the parent, but Moe argues that lawyers are not doing enough to ensure that parents understand that the interests of their children are not likely to be served by frequent court appearances. Moe (1997) also argues that lawyers are often not adequately advising parents about the emotional and financial implications of their resort to the litigation process. It must, however, be noted that parents in high conflict cases are frequently self-represented, or disregard the advice of lawyers to settle their cases.

Without further research, it is not possible to ascertain the extent to which lawyers may be exacerbating rather than reducing tensions between high conflict parents. It is, however, clear that these cases consume a disproportionate amount of court time, as well as straining legal aid resources (Gilmour, 2004; Hoffman, n.d.).

In most jurisdictions, court connected intervention programs and services have been established to address the problems that high conflict parents create for the court system, their children and themselves (see Gilmour, 2004). There are, for example, private and publicly subsidized family mediation services in many jurisdictions. These services, however, are designed for couples who are prepared to resolve their disputes in a rational manner, and are not well suited to dealing with parents who are enmeshed in highly emotional disputes (Cantwell, 2006; Hoffman, n.d.; Rogers & Gee, n.d.). Despite the success these programs have had in dealing with lower conflict families (British Columbia, 2000; Lampel, 2006), these programs are not well suited to dealing with situations of high conflict (Carter et al., 2006; Gilmour, 2004; Hoffman, n.d.).

Research in this area suggests that high conflict parents are not successful at resolving disputes through standard mediation and negotiation techniques. Those who attempt to settle conflict through such methods are less likely to comply with any agreements or court orders that are the result of these efforts, which leads to repeat custody applications and court appearances (Hoffman, n.d.). The majority of the literature in this area suggests that high conflict cases require innovative, specially designed programs and services to address the needs of these particular cases (Finman, Frazier, Silver, and Starnes, 2006; Gilmour, 2004; McIntosh & Deacon-Wood, 2003).

## **2.2 The Definition of “High Conflict” Separation**

Historically, there were no special programs or services for high conflict cases; these cases were treated in the same way as all other divorce/separation cases in terms of services available and procedural rules, though inevitably these cases used a disproportionate amount of time and resources from any available service. Recently, however, initiatives have been undertaken in many jurisdictions to identify high conflict cases and provide specific services to meet the special needs of the parents and children involved (Cantwell, 2006; Finman et al. 2006; Trussler, 2006). A central conceptual issue in conducting research and establishing effective programs and services for high conflict cases is articulating a definition of what is a “high-conflict” case (Gilmour, 2004). Not surprisingly, there is a range of definitions, though with some common themes. At least to some extent, the definition of “high conflict case” depends on the purpose for which the definition is being formulated.

Broad definitions of high conflict cases characterize them as having “high rates of litigation and re-litigation, high degrees of anger and distrust, incidents of verbal abuse, intermittent physical aggression and ongoing difficulty in communicating about and co-operating in the care of their children” (Maccoby & Mnookin, 1992, quoted in Rogers & Gee, n.d., p. 7).

In some jurisdictions more specific and detailed definitions have been formulated (Hoffman, n.d.; Oklahoma Bar Association, 2004; Rogers & Gee, n.d.; Trussler, 2006). For example, the Australian Law Reform Commission characterizes high conflict cases primarily based on whether there have been multiple court applications, whether couples have used considerable court resources and legal aid, and whether there have

been significant difficulties in arriving at an effective parenting plan (Rogers & Gee, n.d., p. 7). In other jurisdictions, statutes define “high-conflict” cases as occurring when there is evidence of on-going litigation, extreme anger, distress, verbal and/or physical threats and/or abuse, and multiple, unsuccessful attempts at communication (Carter et al., 2006; Oklahoma Bar Association, 2004).

In a legal analysis of the definition of high conflict, Main (2006) examined the various factors that judges, researchers and academics have used to assist them in classifying high conflict cases. She identified the following factors: the presence of domestic abuse, including physical, emotional, sexual, or verbal; the number of child abuse or neglect allegations made by one parent against the other, including both substantiated and unsubstantiated allegations; attempts by one parent to alienate the children from the other parent; failure to communicate between the parents, especially concerning matters related to the children; the number of court applications filed by the parents; and the presence of emotional or psychological problems in the parents. Main (2006) further notes that judges in Canada have not defined the term “high conflict” in their decisions. Bala (cited in Main) suggests that adoption of a narrow or strict definition could be limiting and could lead to a labeling effect that may be detrimental to resolving the case. He proposes that a definition based on a continuum of conflict may be more useful.

Despite the differing definitions, themes, and characterizations of high conflict families, one of the overarching commonalities is that all these cases involve distressed, angry parties who are unable to resolve conflict independently or through traditional mediation programs (Carter et al., 2006; Gilmour, 2004; Trussler, 2006; Rogers & Gee, n.d.). Thus, additional services and techniques are required to help the parents to resolve conflict. Once this conflict is addressed, these programs may help parents move towards developing and adhering to an effective parenting plan that suits the interests of all those involved. If successful, these programs may ultimately lessen the number of court applications and appearances of high conflict cases by dealing with these disputing parties outside of the courtroom. In recent times, jurisdictions in Canada, the United States, England, and Australia have developed and implemented different types of programs and services that address the needs of high conflict cases. The balance of this chapter reviews the literature on these programs and services, and, where available, discusses research on the effectiveness of these interventions.

## **2.3 Court-connected Programs for High Conflict Cases**

### **2.3.1 Canada**

Recognizing the limitations of traditional litigation and lawyer-assisted negotiation, alternative programs and services have been introduced in many places in Canada to help deal with high conflict cases (Bala, 2005; 2004; British Columbia Bulletin, 2002; Carter et al., 2006; Children in the Middle, 2006; Gilmour, 2004; Trussler, 2006). These include parenting education programs, mediation services, expert assessments, lawyers for children, services to assist in the development of individualized high conflict focused parenting plans (some of which are mandatory), short and long term post-separation intervention, and therapeutic or impasse-directed

mediation (Bala, 2004; British Columbia Bulletin, 2002; Gilmour, 2004; Trussler, 2006; Ministry of Justice, 2000).

In quite a few places in Canada, including Alberta, there are education programs for parents who are separating. While these programs vary considerably in terms of length and focus, all are intended to provide parents with information about the effects of separation on children, and some of the more ambitious programs help parents to develop better communication skills. Parents spend two to twelve hours at these programs, with the longer programs doing more skills development work. Separated parents typically do not attend together, but rather attend separate, mixed gender groups. In some jurisdictions, parents who want to litigate are required to attend the course before they can litigate. In 1999, the Canadian Research Institute for Law and the Family conducted an evaluation of Alberta's Parenting After Separation Seminars (PASS)<sup>3</sup> (Sieppert, Lybarger, Bertrand, & Hornick, 1999). PASS is mandatory for parents who are applying for parenting, custody or access orders in the Court of Queen's Bench. The objectives of PASS were to:

- provide information about stages and experiences of separation and its effects on both parents and children, changes in family relationships, ways to communicate effectively, legal aspects of separation and divorce, parenting plans, and mediation;
- encourage parenting plans to resolve disputes between the parents on how their children to be cared for; and
- promote mediation as a way to help parents resolve the parenting issues in dispute between them and develop a parenting plan.

Findings of the evaluation indicated that participants found the information provided highly valuable, and that the seminars were both relevant and useful. A spin-off of PASS is the Focus on Communication in Separation (FOCIS) program, which is targeted to high conflict families and is one of the programs under review in the current project. Alberta Justice has also recently instituted a High Conflict PAS course, which is mandatory for all case-managed cases in Calgary and Edmonton.

A multi-site Canadian research study suggests that parenting education programs have a significant positive effect on low and moderate conflict parents, in terms of reducing conflict and improving co-operation and communication, with less positive impacts on high conflict families (Bacon & McKenzie, 2004). The researchers did find, however, that high conflict parents had greater levels of satisfaction with custody/access issues following completion of the course, which is an important finding given that high conflict parents are viewed as "difficult" and unlikely to benefit greatly from these courses.

An example of a program that is focused on higher conflict parents is a day-long program called "For the Children's Sake," directed at parents in high conflict

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<sup>3</sup> "Seminars" was recently dropped from the name of the program, and the current acronym is now PAS.

separations; this program is offered by the Family Service Association of Toronto. In some places, these courses are provided without charge to separated parents, while in others there are fees, though these are relatively modest.

One of the important services that are intended to help parents to negotiate their own plans to care for their children after separation is mediation. Mediation can also help parents to develop the ability to better communicate with one another. Mediation is provided by professionals in private practice in most places in Canada. In some places, such as the 17 Unified Family Court sites in Ontario, there are government subsidized programs that provide mediation services on a sliding fee scale. In Quebec parents are obliged to attend at least one session with a mediator to learn about the process before proceeding to court, with exceptions for cases where there are domestic violence concerns (Canada, 1988, Canada, 2006). Mediation is not, however, appropriate for all high conflict cases; in some cases there are serious safety or abuse issues and a concern that one party, typically the woman, will be intimidated into accepting an arrangement that is contrary to the interests of her children, or that compromises her safety. There are also cases in which one or both parties is too hostile or unreasonable to meaningfully participate. Some parents are so angry that they may need therapy before they can meaningfully engage their former partner and focus on the needs of their children.

Mediation has a good record of helping separating parents to avoid the litigation process. Research suggests that separated parents are more likely to comply with an agreement that they have reached in mediation than with a resolution imposed by the courts. A Toronto based study published in 1999 found that “[o]nly ten percent of mediated couples returned to the courtroom after two years with problems related to custody or visitation, compared to 26 percent of the couples who chose not to mediate” (Vestal, 1999).

A study of government sponsored family mediation programs at four Canadian sites was conducted by Richardson in the 1980s. He found that “[t]he overall settlement rate is estimated by mediators at about 54 percent and, in another 17 percent, [it was believed that] there [was] a partial settlement or a ‘narrowing of the issues’” (Canada, 1988, at 19). Most parents also report relatively high satisfaction with mediation. Richardson reported that up to 90% of participants in his research “felt the mediator was fair, understood their situation, was friendly and approachable, had given them an opportunity to express their concerns and feelings and had clearly explained the choices to them” (Canada, 1988, at 27). Only 16% stated that they felt pressured to accept an agreement they did not feel completely comfortable with.

It has been suggested by some critics that, in general, women might be disadvantaged by mediation, and are better served in the more public court process, where rights can be protected. Richardson addressed this issue, finding that women (typically the custodial parent), on average, obtained 22% larger support payments as a result of a mediated settlement than if the case was resolved through the court process (Canada, 1988, at 36). This study was conducted before the *Child Support Guidelines* came into effect, so that this research should be approached with some caution today. This research does, however, suggest that, if there is screening out of cases where

exploitation or abuse are concerns, mediation can produce results that are fair for custodial parents.

The use of court-appointed assessors is also an important way of facilitating resolution of high conflict custody and access disputes (Bala, 2004; Gilmour, 2004). An individual professional or team of mental health professionals is appointed to conduct an evaluation of the family's situation. Professionals involved in this type of work include psychologists, social workers, and psychiatrists. Some have had specific training in doing assessments, though some assessors lack training and education, and there are continuing concerns about the quality of assessments. Although assessments vary in duration, content, and approach, the majority include an interview with each of the parents and the child, observations of parental-child relations, and discussions with others who hold significant relationships with the parent and/or child, such as family physicians, caregivers, or grandparents. Assessments may also include an analysis of all records pertaining to the history of the family, and in cases where a psychologist is involved in the assessment, may include psychological testing of each of the parties.

Generally assessments deal with all of the significant issues relevant to custody and access, and include recommendations. However, in some cases, a focused assessment that concentrates on more specific issues may be more appropriate. These types of assessments are usually less expensive, less intrusive, and less time consuming (Bala 2004; Trussler, 2006).

The cost of assessments conducted by psychologists generally range between \$6,000 and \$20,000. These costs are either shared by both parents, in which case the court dictates payment schedules, or the party who initiated the assessment may offer to cover all costs (Bala, 2005). In some provinces, such as Ontario, a judge has the authority to request a government funded service to arrange for a social worker to conduct an assessment; these assessments are typically less extensive and more factually focused, and typically cost the government \$1,500 to \$3,000 per case. It is notable that in Ontario, in custody and access cases involving private litigants, the judge can request an assessment by a government paid social worker, but the Office of the Children's Lawyer, which provides the service and has a fixed budget, will decide whether the case meets its criteria and can be handled within its budget. However, in child protection cases in Ontario, if a judge orders an assessment, the government will generally pay for this to be done by a psychologist in private practice or a clinic separate from the child welfare agency. Given the nature of the issues in child welfare cases, it is judges in Ontario who have the final authority over whether an independent assessment will be paid for by the government; in private custody and access cases in Ontario, it is the government funded agency that has the final responsibility for allocating resources and deciding whether an assessment will be done without charge to the parents.

According to the literature, assessments provide relatively objective opinions to parents and the courts about the present and past family situation, and offer recommendations about the future. Assessments allow for the views of the child to be obtained in a relatively sensitive fashion, and shared with the parties and the court. Most cases that are sent for assessment will reach a settlement based on the recommendations of the assessor. If a case goes to trial, the judge will often place

considerable weight on the opinions and recommendations of the assessor, though the court is never bound by the views of an assessor (Bala 2005; 2004).

Nonetheless, research suggests there are limitations to assessments (Bala, 2004; Trussler, 2006). For example, assessments may be considered intrusive to some, they may delay a trial, and disputing parties may be financially burdened by the costs of this procedure (Trussler, n.d). In addition, although the assessment is expected to be relatively “objective,” the preparation of an assessment is not a science, and some assessors regularly prepare reports that are biased or unreliable (Bala, 2004). Judges, lawyers and parents need to be aware of the limitations of the assessment process (Bala 2005; 2004).

Despite their limitations, assessments are conducted in all jurisdictions in Canada; in high conflict cases they are almost always ordered, if the parties have the resources to pay or there is a government funded service available (see Bala, 2004). Research suggests that the assessment process is often successful in producing a settlement without trial. In cases that are not settled, since the assessment generally provides a relatively objective analysis of the family’s situation, the recommendations are usually followed by the judge (Bala 2005; 2004; Trussler, 2006).

In Edmonton, Alberta, a program called Family Restructuring Therapy (FRT) has also been launched in an effort to resolve high conflict custody disputes (see Carter et al., 2006). Referrals for FRT often come directly from the court, if the judge believes that family conflict has reached the point where it is emotionally or physically threatening to the child. Once referrals are made, FRT designates an individual clinical psychologist, or if necessary a team of psychologists, to work with both of the parents, and often directly with the children. The aim of the therapeutic intervention is to improve relationships and communication between family members in order to promote the future well-being of the child (Carter et al., 2006). Parties are responsible for paying for FRT, but government subsidies are available to those who qualify.

The services provided by FRT are closely related to the family law proceedings. Neither party is allowed to submit an application for the making or variation of custody and/or access orders without authorization from the psychologist(s) (Carter et al., 2006). This program also emphasizes open communication between the therapists and the court; the therapist may have communicated with the court by providing written reports or by providing expert testimony. All of the parties have access to any reports and have an opportunity to hear the therapists testify, so the open approach of FRT encourages the parties to be accountable for any hostile actions (Carter et al., 2006).

In the case of the team approach, FRT begins with an initial consultation between the psychologists, the parents, and the child. From there, a psychological assessment of each party is conducted (Carter et al., 2006). These assessments contribute to developing a case plan for the family, which identifies the main issues to be addressed. Ongoing therapy is continued for each of the parties as needed. Joint sessions between the parents are eventually held in order to address the main issues of conflict, such as parental alienation, the child’s alignment with one parent, and/or the lack of connection that the child may feel to one of the parents. The child’s therapist

also shares his or her findings during these joint sessions to ensure the concerns of the child are heard by the parents. The ultimate goal of these joint therapy sessions is to move the parents away from personal, emotional disputes and instead develop a parenting plan that meets the child's interests and ensures a healthy future for all members of the family (Carter et al., 2006).

A similar model that has been used in challenging cases in Edmonton courts is the Post Separation/Divorce Intervention Model (PDI) (Chandler & Stewin, 2006). PDI may occur with either a single therapist or with a team approach, but a team approach is more common. Mental health experts are assigned to conduct an analysis of the family's situation through reviewing relevant documentation and interviewing each family member. Causes of conflict are then identified and dealt with accordingly. Parents are responsible for the costs accrued during therapy; however, Chandler & Stewin (2006) point out that costs of this service are much less than the costs of litigation.

The PDI model is designed to help parents in high conflict understand the needs of their children and develop an effective parenting plan based upon those needs. These objectives are accomplished through negotiating a new family system, in which a co-parenting relationship replaces the previous spousal relationship between partners. Furthermore, the PDI model explores issues of children's living arrangements, visitation sessions, and decisions about children's education, medical care, extracurricular activities, and religious practices. This program also deals with communication issues by encouraging non-hostile encounters during child-care exchanges and promoting email communication until parents can interact with one another in a civil manner.

Overall, the PDI model focuses on reducing conflict and alleviating the pain inflicted upon the child by this conflict. According to some of the descriptive literature, it has been successful in completing these objectives. For example, Chandler & Stewin (2006) report that since PDI teaches skill-building techniques of negotiation and opens the lines of communication between disputing parties, it helps place the parents' focus towards the welfare of the child. These authors also state that the PDI program successfully reduced the number of court applications and appearances for high conflict cases, but there does not appear to be any published research to substantiate these claims.

Recently, the Family Justice Services Division of Newfoundland and Labrador has implemented a number of programs and services specifically for high conflict families (Family Mediation Services Division, 2006), including providing funding for the creation of 11 new positions to expand family law services across the province. However, since these programs are new, information regarding their policies and procedures is sparse. According to the Draft Operations Manual, the Division has outlined a number of preliminary actions in order to identify whether a case is considered high conflict. This identification is done using the Civil Family Law tool, which measures the degree of conflict occurring in the family at the present time. Cases may also be considered high conflict if the child is rejecting one or both of the parents, if one of the parents is denying the other access to the child, or if there are any other major issues regarding the overall parental relationship. In domestic violence

cases, alternative measures may be taken, which may include involving social workers from Family Services who deal with child protection concerns.

If the case is deemed high conflict after the preliminary screening, parents must first attend a high conflict information session, in addition to the general information session and from there, referrals are made to the Family Justice Counselor (Family Mediation Services Division, 2006). With agreement from both parties, the Counselor will then designate appropriate team interventions for dispute resolution, which may take longer than the initial three months designated for standard resolutions. Information obtained throughout the intervention may be used in future court proceedings; further, the Family Justice Counselor may recommend future services for the court to order. These services may include therapeutic counseling for children and parents, psycho-educational support, parent communication, counseling, as well as psychological testing.

In British Columbia, the Child Protection Mediation Program (CPMP) is another recently instated program specifically for high conflict families. The CPMP was established in 1997 by the Ministry of Attorney General Dispute Resolution Office and the Ministry of Children and Family Development Division (British Columbia Bulletin, 2004). This program emphasizes the use of focused mediation for child welfare issues and is available to anyone with custody related disputes. In the case of high conflict disputes, the judge may recommend that the parents attend the CPMP, or else either party may request adjournment in order to attend these sessions. Either way, both parents and the child must agree to proceed with mediation before the process can begin (British Columbia Bulletin, 2004).

Before the CPMP commences, a mediator from the Child Protection Mediation Roster must be selected. There is generally only one mediator per region available (British Columbia Bulletin, 2004). Once the parties agree on the mediator, meeting dates are set up with all family members. Individual and joint sessions are conducted to address issues such as the services the family will receive from the mediator as part of the child's care plan, the times and amount of access each parent will have with the child, and the specific details of the court-directed supervision or access order (British Columbia Bulletin, 2004, p. 1). The overall goal of this program is to resolve or narrow the scope of disputes so that eventually the parties can agree on an effective parenting plan; however, in order to participate in this program, parents must be able to pay up to \$200/hour for CPMP services, a cost that may not be affordable for many families (British Columbia Bulletin, 2004).

A growing practice for dealing with high conflict cases is to have a parenting co-ordinator appointed. These professionals, who may be psychologists, social workers or lawyers, are appointed pursuant to an agreement of the parents or an order of the court to implement a parenting plan (Gilmour, 2004; Birnbaum & Fidler, 2005). The parenting co-ordinator is intended to help the parents resolve relatively minor problems, and is not authorized to vary custody or access. The parenting coordinator is assigned to help the disputing parties adhere to directions from the court and address specific issues through promoting open, non-hostile communication. Through opening the lines of communication, the parties are then able to work together towards an effective

parenting plan that suits all members of the family. Research suggests this type of service is usually successful in achieving these goals (Gilmour, 2004; Kramer et al., 1998).

The parenting co-ordinator might, for example, deal with problems related to vacations, birthdays or extracurricular activities; usually the first effort is at mediation, and if this is not possible, the parenting co-ordinator will make a decision about the matter. In theory, decisions of the co-ordinator are appealable to a judge, but in practice the expense and time involved effectively preclude appeals. Often parenting co-ordinators do most of their work by conference call or email, but there may also be meetings in person. The parents are required to pay the fees of parenting co-ordinator, which are usually in the range of \$100 to \$250 per hour, and this service is effectively only available to fairly wealthy parents. Further, most of those trained to provide this type of service are in larger centres.

### 2.3.2 United States

There are many programs that have been established in the USA that are intended to help separated parents, especially those in high conflict cases. These include the Children in the Middle programs in Texas, the Pre-Contempt/Contemnor's Group Divisionary Program in Los Angeles, Parents Beyond Conflict in Oregon, the Parenting Coordination Program in Oklahoma, the Post-Separation/Divorce Intervention Model, the Sieve Model in Florida, the Connecticut Family Services model, and many others (Bartlett, 2004; Bauchert, n.d.; Chandler and Stewin, 2006; Children in the Middle, 2006; Cramer & Hegyi, 2006; Finman et al., 2006; Gilmour 2004; Hoffman, n.d.).

Children in the Middle, an organization based in Texas, concentrates on teaching skills and strategies which parents can use to avoid placing their children in the middle of conflict (Gilmour, 2004). These skills are taught through workshops, seminars, and mediation sessions. As their website explains, Children in the Middle's specific programs include Case Management and Parenting Coordination (Children in the Middle, 2006). Throughout the Case Management program, co-parenting case managers assist parents with decisions surrounding the care and custody of the child. Parents also learn co-parenting techniques and communication skills that may be helpful in reducing conflict. Case managers also serve as mediators, negotiators, parenting co-ordinators and arbitrators when addressing high-tension issues between the two disputing parties (Children in the Middle, 2006; Gilmour 2004). Parents must initially pay a \$900 retainer in order to receive case managers' services, with hourly costs of \$150. These costs are often shared by both parties (Children in the Middle, 2006).

The Parenting Coordination program of Children in the Middle incorporates a number of techniques from the Case Management program; however, Parenting Coordination is slightly more intensive and focuses on developing a detailed parenting plan (Children in the Middle, 2006). A Parenting Coordination Program has also been established in Oklahoma that is similar to Children in the Middle's program (see Bartlett, 2004). According to Oklahoma's Parenting Coordinator Act, to access this program the

court must define the couple as “high-conflict.” This is different from Children in the Middle’s program, which does not differentiate amongst cases (Bartlett, 2004; Children in the Middle, 2006). In Oklahoma, parenting coordinators have four main roles: the primary purpose of parenting coordinators is to intervene and mediate parental conflict while teaching respect and empathy in the hopes of reducing or eliminating this conflict entirely (Bartlett, 2004). Second, they are expected to assess the family’s situation and, if needed, make referrals to mental health professionals. Third, they are to provide each parent with education regarding the child’s development and the impact that conflict has on their development. Fourth, parenting coordinators are to access all resources necessary, including schools, professionals, attorneys, and therapists to develop a comprehensive plan of resolution.

There is no specific procedure for how the sessions between the coordinator and disputing parties should be carried out (Barlett, 2004). Instead, this is up to the participants. Generally, both parties meet simultaneously with the coordinator to discuss relevant issues. After all sessions are completed, the final evaluation is sent directly to the court in order to be used in future proceedings. Bartlett (2004) explains that before a parenting coordinator is assigned, either by the court or by the disputing parties, parents must provide proof of ability to pay. Furthermore, the statute states that Oklahoma has no financial resources or obligations for the parenting coordinator program; therefore, the burden falls upon the participants.

Parenting Coordinator programs similar to those in Oklahoma and Texas have also been established in Kentucky. The Jefferson Family Court in Louisville, Kentucky launched a pilot project in the early 2000s entitled the Parenting Coordinator Program Pilot Project, which aims at reducing custodial conflicts among partners, and the court battles that result from these conflicts. According to their mission statement, the Parenting Coordinator Program is designed

[t]o facilitate parents in making and implementing joint decisions in the best interest of their children and, when necessary, to make decisions (with the exception of custody) on behalf of families. (Kentucky Divorce Parenting Coordinator Program – Louisville Attorneys, 2006, p. 2.)

Coordinators are specially trained to deal with child development matters and are expected to meet with each of the parents to develop a parenting plan. The parents then sign an “Agreed Order” with the coordinator, which resembles a contract outlining the specifics of the settlement (Kentucky Divorce, 2006). Each parent is expected to adhere to these expectations. If the parents choose not to cooperate with the coordinator, the coordinator informs the court and makes suggestions regarding the welfare of the child. Although this program is often court ordered, parents are responsible for paying the coordinators’ fees, as well as an initial retainer fee which may range up to \$900.

The Parenting Coordinator Program is private, but it is not confidential, as information obtained by the coordinator may be used in a court. Currently, a committee oversees this program and tracks its effectiveness. This committee is composed of a number of professions, mediators, the Bar, and additional therapists. Therefore, the

program is always being monitored and improved to deal more efficiently and effectively with high conflict couples (Kentucky Divorce, 2006).

The Pre-Contempt/Contemnor's Group Diversionary Program in Los Angeles County is another program designed to help high conflict families. This educational program provides an array of information to parents, including information on the effects that conflict and divorce have on children's well-being, information concerning court orders and family law procedures, the consequences of missing court dates, and information on how to improve communication in the family (Gilmour, 2004). Parents are usually ordered by the court to attend the Pre-Contempt/Contemnor's Group Diversionary sessions, which include six sessions in total. This program is for parents, and children do not attend. The program focuses first on the rules of the court in custody disputes, then moves towards conflict management, focusing on the child's needs. Eventually the sessions conclude through exploring parenting-plan options (Gilmour, 2004). Research evaluating this program reports that those who attend are more cooperative and likely to resolve custody disputes, compared to families who do not attend the program (Gilmour, 2004; Johnston, 1994).

Another high conflict education program is the Parents Beyond Conflict program in Portland, Oregon. This program, developed by Mclsaac & Finn (1999; see Gilmour, 2004), is modeled after the Pre-Contempt/Contemnor's Group Diversionary Program in Los Angeles County, previously discussed. Gilmour (2004) explains that the goal of this program is to increase parents' knowledge about the effects divorce has on children. Parents thus became aware of how their behavior affects their children. Similar to the Pre-Contempt/Contemnor's Group Diversionary Program, Parents Beyond Conflict involves six weeks worth of sessions that focus on skill-building techniques in communication and negotiation. Parents also learn how to avoid putting their children in the middle of the conflict. Research on this program suggests that it successfully contributes to conflict resolution; however, long-term evaluations have not been conducted (Gilmour, 2004; Mclsaac & Finn, 1999; Oregon Family Institute, 2006).

The "Sieve Model," which is used in the 20<sup>th</sup> Judicial Circuit of Florida (Charlotte, Collier, Glades, Hendry, and Lee Counties), is another model focused on conflict resolution for high conflict families (Finman et al., 2006). The Sieve Model places great emphasis on differentiating between high conflict and low-conflict cases. The Sieve Model distinguishes between those in need of intensive therapy, evaluation, and mediation and those who may be helped with less invasive strategies, such as educational classes and instructional workshops. There are 11 options or stages, often referred to as "elements" included in this model, each of which addresses a specific need. Finman et al. (2006) explain how the majority of divorcing/separating couples are able to meet their needs by using one of the first few elements of the model. However, those cases considered high conflict may continue through the sieve to other therapeutic and evaluative methods of dispute settlement. Some cases go through all 11 elements, though it is possible for the professionals to arrange for some elements to be omitted if it appears that they would serve no useful purpose. The aim of this model is for high conflict cases to receive the least intrusive and expensive response needed to help resolve the dispute.

Finman et al. (2006) provide a comprehensive description of how high conflict families are filtered through the Sieve Model. For example if the couple is unable to develop a consensual parenting plan after completing the Parenting Consensus Survey, they are then asked to participate in Expanded Parent Education. This program educates parents about the impact conflict has on a child and encourages them to make a parenting plan that reduces this conflict. Educators, mental health professionals and lawyers meet with groups of separating parents and provide resources to help the parties arrive at a settlement on their own.

If parties are still unable to reach an agreement, they may utilize the next element of the Sieve Model, which is referred to as Mental Health Coaching. Finman et al. (2006) explain that Mental Health Coaching helps parents arrive at an agreement using one-on-one, as opposed to group, education and counseling, which distinguishes it from the Expanded Parent Education program.

Cases that remain unsettled at this point move into more therapeutically oriented programs, including the Sieve Models' Therapeutic Dispute Resolution process (Finman et al., 2006). Throughout this process, each party meets with a therapist in order to try to resolve issues of conflict. The therapeutic worker may also work with children to gain a perspective on which type of parenting plan would be best for the child. Finman et al. (2006) explain that Therapeutic Dispute Resolution usually involves family law mental health professionals, mediators, and lawyers, who either work together or separately depending upon the specific family situation.

From this stage the disputing parties move on to a Parenting Advisory Consult (Finman et al., 2006). At this point, the respective parties and their lawyers agree to meet with a mental health professional who gathers information from all parties, assesses the situation, and provides formal feedback, including suggestions and solutions to overcoming conflict and devising an effective parenting plan. The information provided by the consult is to be used strictly for resolution purposes and is not applicable in a court of law.

For cases that require more complex, invasive techniques, the Sieve Model provides that these parties participate in Psychologically Guided Dispute Resolution, where the mental health professional gathers more information about the family situation over a longer period of time (Finman et al., 2006). This information is further assessed in order to arrive at an effective parenting plan through cooperation with both parties, their attorneys, and the mental health professional.

If these previous approaches do not work in reducing conflict and developing a parenting plan, the Sieve Model has more intense, evaluative, and intrusive methods, including Court Based Reality Training (Finman et al., 2006). In this element of the program, parents are invited to watch other families going through custody-related court processes. This experience is designed to invoke empathy and influence parents' perceptions of the negative consequences that may occur if their disputes are not resolved. If the Court Based Reality Training does not result in the parents creating their own parenting plan, the parties then move on to Serial Mental Health Consultations, which include a series of consultations with a variety of mental health

experts. Each expert takes their turn explaining the advantages of resolving disputes and provides advice on formulating parenting plans (Finman et al., 2006).

The next element that high conflict cases undergo in the Sieve Model is the Court Based Parenting Tribunals (Finman et al., 2006). These tribunals consist of a panel of experts, including an attorney, a mental health expert, a financial expert and a judge. The tribunal members listen while each party is given a turn to present their case. The Court Based Parenting Tribunal resembles a trial in some respects, though the proceeding is relatively abbreviated, with evidence generally presented through documents, reports and oral summaries, rather than by witnesses being called to testify (Finman et al., 2006). An example of these tribunals has been established by the Association of Family Law Professionals in the state of Florida and is reportedly successful in resolving many high conflict matters (see Bauchert, n.d.).

One of the final options of the Sieve Model is referred to as the Preliminary Opinion from a Panel of Experts (Finman et al., 2006). Both parties write out their perspective of the issues of dispute. The panel of experts, which resembles those of the tribunal, reviews this information and provides opinions and proposed solutions to the parties' legal representatives.

If there are still issues remaining that the parties do not agree on, the Sieve Model recommends the couple move on to a Focused Parenting Evaluation (Finman et al., 2006). These evaluations are specific to certain issues and are not intended to provide overall solutions; however, they can assist with the resolution of deadlocked disputes. Once these specific issues are defined, they are then dealt with through the parties, their representing attorneys, a mental health professional, and a family law judge.

The next element in the Sieve Model is a Custody Evaluation Screening, which is considered a preliminary option for high conflict families that plan to move on to formal court evaluations (Finman et al., 2006). Screenings are designed to educate parents about the invasiveness of Comprehensive Custody Evaluations. Each party meets with the evaluator during the screening. The evaluator may also choose to meet with both parties simultaneously to assess their interactions. The evaluator then briefly assesses the family's circumstances and identifies whether a formal Comprehensive Custody Evaluation will meet the parents' expectations, and furthermore, whether this evaluation will be effective for the case.

In the Sieve Model, cases ultimately considered high conflict and irresolvable are left with one final option, which is the Comprehensive Custody Evaluation (Finman et al., 2006). Through these evaluations, experts are assigned to assess the family's situation and recommend a parenting plan based upon the assessment. This evaluation is relatively invasive, time consuming, and costly. The results of the evaluation may be used in court, which distinguishes this element of the Sieve Model from all the others.

Overall, the Sieve Model is designed to distinguish between those who need extensive therapeutic and evaluative methods, compared to those who do not (Finman

et al., 2006). Through the 11 elements of this model, families in conflict are able to find the help they need without wasting time and money on more invasive strategies. Although some cases must go through all 11 elements in order to develop an effective parenting plan, the majority receive the resources they need within the first few stages of the model and settle.

Other services offered in many counties in Florida include social work home studies for contested cases and appointment of guardians ad litem to represent the interests of children in court. In many locales in the state there are Parenting Coordinator Services, which are applicable after the court has ordered a particular parenting plan. In these cases a parenting coordinator is assigned to enforce the custody stipulations handed down by the judge (Alternative Dispute Resolution, n.d.). The coordinator finds information about the child and the family situation through interviews with the parents and the child, as well as through education and psychological records. Based on this information, the coordinator assists in creating visitation schedules, offers counseling services to children, and teaches parenting skills. Although these coordinators are not custody evaluators, they are able to make recommendations to the court about future parenting orders. The costs of the parenting services are often shared by the parents, and fees may be offered on a “sliding fee scale” and subsidized by the state (Alternative Dispute Resolution, n.d., p. 16).

Another service described in the literature on Florida’s court-connected services is the Parental Capacity Evaluations, which look at the style of parenting used in high conflict cases (Alternative Dispute Resolution, n.d.). These evaluations are carried out by professional health workers and explore a variety of skills including discipline, organization, communication, and empathetic skills. Parental Capacity Evaluations are generally ordered before the final custody judgment is made by the court. Although the community provides these services, the parent under evaluation is responsible for the financial costs; therefore, it may not be an option for low income families.

A final type of service or evaluation offered in some parts of Florida includes Child Custody Evaluations (Alternative Dispute Resolution, n.d.). These evaluations are provided by professionally trained individuals who gain information about critical family issues by interviewing all members of the family. Since these evaluations are often court ordered or requested by attorneys, the evaluator documents findings and reports back to the judge before the final custody judgment is determined. Much like the Parent Capacity Evaluations, Child Custody Evaluations are provided by the community, yet paid for by the families, which may restrict some using this service.

Elsewhere in the United States, many states and counties have programs and services that are similar to those offered for high conflict parents in Canada. (Cramer & Hegyi, 2006). For example, in Arizona the Family Services of the Conciliation Court Dispute Resolution Services have established a number of programs including the Non-Confidential Dispute Resolution and Assessment program, which was established to help disputing parties reach a settlement through the process of negotiation.

In Dispute Resolution and Assessment, the arbitrator assesses the situation through interviewing the parents, the children, and reviewing family records, which leads

to future recommendations regarding the welfare of the entire family. All recommendations may be presented to the court, especially in cases where the assessment is court directed (Cramer & Hegyi, 2006).

The ultimate goal of Dispute Resolution and Assessment is to resolve all conflict by the end of the program in order to reach a settlement that ensures the welfare of all parties involved. If negotiations do not work and a settlement is not reached, an assessment may be conducted. This is usually the situation in cases of domestic violence or when mental health issues are present (Cramer & Hegyi, 2006).

Connecticut has developed a number of related, integrated services for dealing with high conflict cases (Family Civil Intake Screen, n.d) The Connecticut Family Services model was developed with the assistance of leading American forensic child psychologist Janet Johnston and child psychiatrist Robin Deutsch, and is intended to provide the most appropriate, cost effective services to separated families, matching services to needs. In Connecticut, these services are provided without charge to separating families.

Connecticut Family Services has an Intake Assessment process that establishes the level of conflict and determines whether there are serious domestic violence concerns. This process involves use of the Family Civil Intake Screening form, which is completed by a counselor or supervisor after interviewing each parent. The form has seven sections, requiring a preliminary assessment of the context of the case, the nature and complexity of issues, the level of conflict, and the extent of violence in the family. After analyzing this information, appropriate services and interventions may be implemented to deter the amount of conflict experienced by the couple. Although the counselor may choose to screen each member together or separately, it is strongly recommended that couples be interviewed individually when inquiring about domestic violence (Family Civil Intake Screen, n.d.). In assessing the level of conflict the couple is experiencing, the counselor is trained to ask about previous court appearances and proceedings (Family Civil Intake Screen, n.d.). The counselor also asks questions about which services the couple has used previously, including traditional mediation and negotiation, and whether any of these services have been successful. These questions are important in determining what type of intervention may be needed at the present time.

The couple is then asked questions regarding their level and ability of communication (Family Civil Intake Screen, n.d.). The counselor is instructed to ask about the issues of conflict and assess them based upon the complexity of these issues. For example, disputes about the residential location of each parent, current child abuse allegations, medical or religious concerns, and current domestic violence are considered highly complex issues. In contrast, issues about the daily care and discipline of the child, previous drug abuse, and previous threats of violence are considered to be less complex. The complexity level of issues will have a bearing on the appropriate type of dispute resolution recommended for the family (Family Civil Intake Screen, n.d).

Next, the screening process involves questions regarding how dangerous the family situation may be (Family Civil Intake Screen, n.d.). This section includes questions about child abuse/neglect and/or spousal abuse. If appropriate, the duration and frequency of violent acts are asked about in detail. Once the parties have completed the screening, the counselor assigns certain Determination Points to each of the responses. For example, those with high levels of conflict, complex issues, and the inability to communicate properly are assigned greater points compared to those who report otherwise. These points are taken into consideration when recommending different dispute resolution services (Family Civil Intake Screen, n.d.).

The counselor assesses the overall situation, including all sections of the screening process. By reflecting upon all the information provided, the counselor can then determine similarities and differences between the couples' perspectives on the situation (Family Civil Intake Screen, n.d.). Based on this determination, as well as the enumerated Determination Points, the counselor makes a decision about what services will be effective in resolving the couples' conflict, without involving the courts. Therefore, the Family Civil Intake Screen is used as a preliminary tool to identify high conflict cases and to direct them elsewhere to obtain the services needed to resolve their conflict, which ultimately saves time, effort, and money for both the family and the court system (Family Civil Intake Screen, n.d.).

The state then provides appropriate services without charge to the family, based on the assessment of the families needs. The three services available state-wide are: Mediation; Conflict Resolution Conference; and Custody/Visitation Evaluation by a social worker and preparation of a Report, which may be issue-focused (e.g., just visitation) or comprehensive. If it is clear that the level of conflict is very high and a judicial response is likely to be needed, the case may be sent straight to Evaluation for a Report. Other cases may start at Mediation, with up to 10 hours of mediation that is to focus on custody and access issues. If no settlement is reached in Mediation, the case will normally be sent to a more directive and intensive Conflict Resolution Conference process. There may be one or two meetings of two to three hours each. These meetings generally deal primarily with child related issues, but can also deal with property or support; lawyers may be involved at these meetings. If no settlement is reached in the Conflict Resolution process, the case is sent for Evaluation to deal with child-related issues. The Mediation or Conflict Resolution process may have narrowed the issues, allowing for an Issue Focused Evaluation of up to 15 hours. If a Comprehensive Evaluation is required, it may take up to 45 hours.

Elsewhere in the U.S., other jurisdictions are making significant changes to their screening processes, services, and programs in order to deal with high conflict couples. This is apparent when looking at Santa Cruz, California, which has recently developed a small pilot project to address some of the concerns surrounding these types of cases (Hoffman, n.d.). As a result, the County court implemented Intensive Therapeutic Mediation (ITM). This form of mediation is designed to be completely confidential and serves those who have been through traditional mediation and have not been successful in resolving conflict. The overall goal of ITM is to eliminate parental conflict and work towards developing and implementing a family-specific parenting plan at a reasonable cost.

ITM includes two main components: first, it is highly intensive, including up to thirty hours of mediation sessions (Hoffman, n.d.). Second, it is therapeutic, using techniques that address the “behavioral, emotional, and systemic difficulties that high conflict families experience” (Hoffman, n.d., p. 2). During these sessions, education techniques, negotiation and cooperation strategies, problem-solving initiatives, and monitoring techniques are taught in order to achieve conflict resolution (Hoffman, n.d.).

ITM requires two mediators; one who actually guides the sessions and another who acts as a consultant (Hoffman, n.d.). The disputing parties go through five phases, including: (1) the intake phase; (2) the “bridge building” phase, which prepares one party to meet with the other; (3) the “preparation for negotiation stage”; (4) the “conflict resolution and parenting plan phase”; and (5) an implementation phase (Hoffman, n.d., p. 3). Hoffman (n.d) explains that this process takes up to 19 hours.

Through these phases, ITM attempts to accomplish three main goals: first, this program is designed to effectively deal with impasse mediation cases, more so than the existing court services. Second, ITM aims to be more effective in helping parents implement parental plans, compared to traditional custodial evaluations and mediation. Finally, ITM is intended to reduce the costs and time incurred by the disputing parties and courts over custodial battles; thus, although parents are still responsible for the costs of ITM, facilitators attempt to keep these costs to a minimum (Hoffman, n.d.).

In summary, there is a range of different types of services and programs across the USA that are intended to help high conflict families resolve disputes in a cost effective fashion that promotes the welfare of children. It is widely recognized that litigation and court based resolution have a place, but should only be used as a “last resort.” From a Canadian perspective, the most interesting developments are not in regard to individual programs and services, which in many ways are similar to what is available in different places in Canada, but rather are in places like Connecticut and Florida where there have been systemic changes that integrate and triage services.

The Connecticut model is the most innovative and comprehensive state-wide system for dealing with parental separation, with its standardized intake process, and referral of cases to the most appropriate service. The initial assessment of the nature of the case and the degree of conflict, as well as screening for domestic violence concerns, is a key part of the Connecticut system. While after intake some of the highest conflict cases are sent directly to the most intrusive and expensive service, Comprehensive Evaluation, many cases start with the least intrusive service, Mediation, and if not resolved there will be referred for another service. Connecticut provides a range of basic services, funded by the state, to help parents in conflict resolve issues related to children. However, even in that state more affluent parents supplement these state funded services, for example by using private mediators for property disputes, and retaining lawyers, parenting co-ordinators, and private custody evaluators.

The theme of jurisdiction-wide, integrated services for helping parents to resolve disputes outside of the court system is also a central feature of developments in Australia and England.

### 2.3.3 England

In 1989, the Children Act was enacted in England and Wales, which adopted definitions and procedures regarding child-related issues that differ in some significant respects from those in Canada and the U.S. For example, in situations where the parents are married at the time of the child's birth, both have equal obligations towards the child's upbringing; however, if the parents are not married at the time of birth, the mother has sole responsibility of the child, unless the father files for equal responsibility through the Parental Responsibility Order or Agreement (Gilmour, 2004). The Children Act also abandoned the concepts of "custody" or "access" for separating parents, replacing them with "residential stipulations" and "contact."

While there has been somewhat less attention in the literature in England to high conflict separations than in Canada and the United States, the CAFCASS (Children and Family Court Advisory and Support Service) provides integrated, child focussed services to separated families in ten regions throughout the jurisdiction (Gilmour, 2004; Sharp, 1998). CAFCASS began operations in April 2001, and for the current year has a budget of approximately £107 million. CAFCASS is a non-departmental public body that reports to the Minister for Children, Young People and Families in the Department for Education and Skills. The role of CAFCASS is to:

- safeguard and promote the welfare of children;
- give advice to the family courts;
- make provision for children to be represented; and
- provide information, advice and support to children and their families.

According to its 2005/2006 Annual Report, "CAFCASS champions the interests of children involved in family proceedings, advising the family courts on what it considers to be in the best interests of individual children" (p. 8). CAFCASS employs Family Court Advisors (FCA), who are professionally qualified social workers, to work only in the family courts. CAFCASS also employs six lawyers who undertake High Court cases, such as medical treatment disputes and complex international cases. CAFCASS Legal also operates an advice line for the FCAs, the judiciary, and children law professionals, and provides a 24-hour advice and representation service for emergency children cases.

CAFCASS is involved in both public and private law matters. With respect to public law (child welfare), when a local authority makes an application to court under the *Children Act 1989*, CAFCASS is required by the court to provide a children's guardian who is independent of social services, the court, and all others involved in the case. With respect to private law, CAFCASS has worked with the courts and the judiciary to introduce alternative dispute resolution in family courts throughout the country, with the goal of avoiding contested hearings.

CAFCASS has recently established a number of training events to promote descriptive practices in dispute resolution (Cantwell, 2006). Through the use of these training events, CAFCASS promotes a set of national standards for dispute resolution.

CAFCASS attempts to create a close connection between the courts and their services so each can complement the other. Through these efforts, CAFCASS attempts to introduce mediation and negotiation to alleviate conflict among couples, as well as reduce the total number of court appearances.

Cantwell (2006) explains that there are two basic approaches taken with CAFCASS: The first resembles a “rational” model, while the second refers more to a “therapeutic” model. Although these approaches are at times complementary, therapeutic approaches are designed more for high conflict cases in need of extended negotiations.

CAFCASS describes a number of aspects of the therapeutic approach, including the underlying beliefs of the process, the basic principles and assumptions, and the role of the practitioner throughout (Cantwell, 2006). First off, the underlying beliefs of the therapeutic approach recognize that those going through high conflict separations are intensively focused on themselves and do not necessarily consider the needs of the children. Conflict is usually formed and sustained by past experiences and/or events that continue to perpetuate in the present situation. CAFCASS therefore attempts to get each partner to share responsibility for these events, through “discouraging blame.” The basic principles and assumptions of the therapeutic process of intervention are similar to the underlying beliefs in that the conflict between the two parties is the central focus (Cantwell, 2006).

CAFCASS recognizes that if parental conflict continues, it is ultimately the child who will suffer; therefore, the assumption is that if conflict is dealt with in a reasonable manner, other issues, such as custody and access disputes will subsequently subside. CAFCASS also believes that these resolutions are most effective when arrived at by the parents, as opposed to being imposed by the courts. Thus, CAFCASS emphasizes that the role of its social worker is impartial. Social workers are expected to remain neutral throughout the process, offering expertise and advice only when needed. Practitioners are also expected to assist couples in arriving at solutions and to support the decisions that are made.

#### 2.3.4 Australia

Recently, Australia has developed a number of projects, programs and services to deal with high conflict custody cases, with very significant programmatic and legislative changes to the Family Law Act introduced in July 2006. The reforms to the family law system are viewed as “the most significant in 30 years and are aimed at helping families deal cooperatively and practically with relationship difficulties and separations” (Family Relationships Online, n.d.). The new system puts children first, and focuses on the way family breakdown is managed by attempting to move away from long and costly court battles to more cooperative parenting solutions. The following principles guide the new system:

- all children have a right to know both their parents and to grow up with their love and support;
- all children have a right to be protected from harm;

- parenting is a responsibility that should be equally shared, provided this does not put children at risk; and
- parents should be able to work out together what is best for their children rather than fighting in a courtroom.

The changes to the Family Law Act included provisions to support a less adversarial approach to trials in child-related proceedings. As stated by the Family Court of Australia (2006), key features of the less adversarial approach include:

- the judge controls the hearing process and its inquiry, not the lawyers;
- a family consultant is in court from the first day as an expert adviser to the judge and parties; and
- the parties can speak directly to the judge to tell in their own words what the case is about and what they want for their children.

This new approach is consistent with the Children's Cases Program (CCP), which was a pilot project from March 2004 to December 2005. The approach of the CCP was to focus on the interests of the child and the parents' proposals for the future of the child, rather than the past history of the parties' relationships (McIntosh, 2006). Cases were eligible for the program when mediation was unsuccessful or inappropriate. Technical rules (such as the admissibility of hearsay evidence) were altered to assist in achieving a better child focus, and the presiding judge was charged with an active role in relation to the conduct of the hearing. A key feature of CCP was to provide a faster resolution of the case, facilitated by less formal and less costly procedures.

An evaluation of this pilot project found that parents who participated in the CCP reported significantly lower conflict at a three-month follow-up than parents who proceeded through the traditional court system. Further, parents in the CCP group reported higher levels of emotional functioning of their children (McIntosh, 2006). According to the Family Court of Australia, the CCP's less adversarial approach avoids the harm usually caused by putting already damaged relationships through an adversarial process.

The reforms to the Family Law Act also state that both parents should be equally responsible for their children's emotional and physical well-being, unless there are issues of violence or abuse. To implement the reforms over the next three years, the Australian government is spending almost \$400 million to expand existing services and establish new ones. Under the new system, parents will have access to trained professionals, resources, programs, and services in their own regions. New services that will be implemented include Family Relationship Centres, Family Relationship Advice Line/Family Relationships Online, Dispute Resolution Services, Early Intervention and Prevention Services, and Post-Separation Parenting Services. These services are described in more detail below.

## Family Relationship Centres

Family Relationship Centres provide information, advice and other help for families undergoing relationship breakdown. A total of 65 Centres will be created over the next three years. These Centres will be the foundation of the new system and will provide information for families at all stages of relationships. They will provide individual, group and joint sessions to assist separating families in making suitable arrangements for their children without having to go to court. The Centres will be operated by a variety of social service organizations whose professional staff will deliver confidential and impartial services and will also have the ability to make referrals as necessary.

There is no charge for individual advice at the Family Relationship Centres. Couples will receive up to three hours of joint dispute resolution sessions (e.g., mediation) free of charge. If further sessions are required, the Centres may charge a fee which is based on the family's ability to pay. In some cases, the fee may be waived.

## Family Relationship Advice Line/Family Relationships Online

The Family Relationship Advice Line is a national service that provides telephone-based information, referrals and advice on family relationship issues and parenting arrangements after separation. It provides parties with quick and easy access to information and advice, and complements the services that are offered by the new Family Relationship Centres. The Advice Line is available to anybody affected by relationship breakdown, including parents, grandparents, children and adolescents, step-parents or friends. Calls are answered by a trained operator, who can transfer calls to a parenting advisor if more in-depth advice is required. Individuals may choose to remain anonymous during these phone calls. However, if they choose to provide some personal information during the first telephone call, this information will be available during subsequent calls or visits to the Family Relationship Centres so that individuals will not have to provide background information at each contact.

A complementary website, Family Relationships Online, has also been created to support the new Family Relationship Centres and the Advice Line. The website provides details on the changes to the family law system, as well as a broad range of current information about family relationships and separation.

## Dispute Resolution Services

Dispute Resolution Services will provide parents an opportunity to resolve their disputes outside the courtroom by requiring them to attend family dispute resolution and make a genuine effort to resolve their issues prior to taking a parenting matter to court. This requirement will apply to most new parenting cases from mid-2007, and to all parenting cases from mid-2008 (excluding those involving family violence or child abuse).

Services will be provided by accredited dispute resolution practitioners, through Family Relationship Centres, other services, or private practice. Individuals who access

services through the Family Relationship Centres will receive up to three hours of joint dispute resolution services free of charge. Other Dispute Resolution Services that receive government funding are required to have a fee structure that takes into account the ability of the client to pay. Practitioners in private practice set their own fees, which individuals are responsible for paying.

### Early Intervention and Prevention Services

Over the next four years, Australia will establish 34 Early Intervention and Prevention Services. These new and expanded services will include: pre-marriage and relationship services; “men and family relationship” services; counselling services; and specialized family violence services.

### Post-Separation Parenting Services

Post-separation Parenting Services deal with high conflict families where contact has broken down between one parent and the children. They assist families through group and individual sessions. Over the next four years, 15 new services will be opened in addition to the 5 currently in existence. The Family Relationship Centres and the courts will be able to refer high conflict families to these services, providing another alternative to court-based solutions.

It is clear with these recent amendments to its family law system that Australia is implementing an integrated, well-resourced model for dealing with family relationship breakdown outside the courtroom.

## **2.4 Summary**

A number of jurisdictions (Connecticut, Florida, and Australia) are moving in similar directions. They are establishing jurisdiction-wide, integrated services that involve an initial assessment and screening, and then refer a case to an appropriate service. Screening for domestic violence issues is generally part of this initial process. There is an effort to have cases resolved by the least intrusive and least expensive service available, with transfer of cases from one service to another as appropriate. While not all cases can be resolved without litigation and more research into the effectiveness of different programs is required, these jurisdictions appear to be having success in increasing the number of cases resolved without the use of court.



### 3.0 DESCRIPTIONS OF HIGH CONFLICT INTERVENTION PROGRAMS IN ALBERTA

Alberta currently has five programs that deal with high conflict family law cases: (1) Practice Note 7 Interventions; (2) Bi-lateral Custody Assessments (Open Assessments); (3) Brief Conflict Intervention; (4) Home Studies; and (5) Focus on Communication in Separation (FOCIS). Some of the programs are available in the Court of Queen’s Bench, and others are available in Provincial Court. Most are available province-wide, and are either provided at no charge to the clients, or subsidies are available for those who qualify. The source of the provincial funding is sometimes dependent on the age of the child, e.g., Early Childhood Development funds programs for families with children under the age of 6. A summary of these program characteristics is presented in Table 3.1.

**Table 3.1  
Summary of Program Characteristics**

Program	Court		Location			Age of Child		Cost to Parties?	Subsidy Available?
	QB	Prov. Ct.	Edm.	Calg.	Other	<6	>6		
Practice Note 7 Interventions	✓		✓	✓	✓	✓	✓	Yes	Yes
Bi-lateral Custody Assessment (Open Assessment)	✓		✓	✓	✓	✓	✓	Yes	Yes
Brief Conflict Intervention		✓	✓	✓	✓	✓		No	Yes <sup>1</sup>
Home Study		✓	✓			✓	✓	No	n/a
FOCIS	✓	✓	✓	✓	✓	✓	✓	No	n/a

Source of Date: Program Information, Program Managers' Interviews.

<sup>1</sup> Subsidy is available to parents with children under the age of six.

The five programs under review are described below using a logic model approach. A logic model provides a detailed picture of the program, which explains the program and what it is to accomplish. It shows the relationship between what is put in (inputs), what is done (outputs), and what results (outcomes). Logic models are essential to program planning and evaluation. The components of a comprehensive logic model are defined below.

#### Program Goals and Objectives

A program’s goals and objectives should be clearly documented, and objectives should be measurable since they form the basis for the expected outcomes.

## Inputs

Inputs include all the resources used to implement and operate the program (e.g., funding, staff, partnerships, etc.).

## Activities

Activities are what the program is actually doing, and may differ from what the program initially proposed to do. Program activities should be monitored directly for two reasons: (1) to facilitate replication of the program; and (2) to explain outcomes.

## Outputs

Outputs are the direct results of program activities and are usually measured in terms of the amount of work accomplished. For example, they could include the number of clients served and the level of client service delivered.

## Outcomes

Outcomes are the measures of whether the program is having its intended effects by achieving specific program objectives. In programs involving the provision of service to clients, outcomes should focus directly on the changes expected of the clients. For example, outcomes may relate to behaviour, knowledge, attitude, values, or other attributes that are affected by the program. Outcomes may be short term or long term.

### **3.1 Practice Note 7 Interventions**

Conducted only for cases in the Court of Queen's Bench, Practice Note 7 involves the court appointing a Parenting Expert to meet with the parties to attempt to resolve parenting issues and reduce conflict. The Court may order either a short- or long-term therapeutic intervention and, where resolution is not possible, an assessment of the family to aid the court in addressing the best interests of the children.

The logic model for Practice Note 7 Interventions is presented in Table 3.2. As shown under "Inputs," Practice Note 7 Interventions are partially subsidized for those who qualify by the Alberta government. The subsidy is limited to \$80/hour to a maximum of \$2,400. The actual cost of Practice Note 7 Interventions is much higher, and parties are responsible for paying the balance.

In this study, very few cases were specifically identified as having proceeded under Practice Note 7 during the timeframe under review. However, cases identified as Bi-lateral Custody Assessments were conducted under Practice Note 7, although this was not indicated in the file.

The short-term outcomes of Practice Note 7 Interventions are the resolution of specific parenting issues and the settlement of the current court action. The long-term outcomes include a decrease in the number of future court actions.

**Table 3.2**  
**Logic Model: Practice Note 7 Interventions\***

Goals/Objectives	Inputs	Activities	Outputs	Outcomes
<ul style="list-style-type: none"> <li>To resolve parenting issues.</li> <li>To overcome parental conflict.</li> </ul>	<ul style="list-style-type: none"> <li>Cost of the intervention is usually shared by the partners in cases where families are experiencing an impasse.</li> <li>Means tested subsidies are available under the provincial government's Parental Conflict Intervention Subsidy program. Subsidy is limited to \$80 per hour up to \$2,400.</li> </ul>	<ul style="list-style-type: none"> <li>Court of Queen's Bench appoints a chartered psychologist or social worker to conduct an intervention.</li> <li>Specific issues are determined by the court.</li> <li>A range of short- to long-term therapeutic interventions by a parenting expert may be ordered by the court. This would involve one of three levels of intervention: (1) a short-term intervention to identify key issues (less than 10 hours); (2) a parent conflict intervention up to 10 hours; and (3) family restructuring therapy which may take up to 30 hours.</li> </ul>	<ul style="list-style-type: none"> <li>Only a few cases (n=9) were identified during the time frame of the study (April 2001 - March 2006).</li> </ul>	<p><u>Short-term</u></p> <ul style="list-style-type: none"> <li>Specific parenting issues are resolved.</li> <li>Current court action is resolved.</li> </ul> <p><u>Long-term</u></p> <ul style="list-style-type: none"> <li>The number of court actions decrease.</li> </ul>

\* Please also see logic model for Bi-lateral Custody Assessments, which are conducted under Practice Note 7.

### 3.2 Bi-lateral Custody Assessments (Open Assessments)

Conducted only for cases in the Court of Queen's Bench, a couple may be referred for an assessment where an application for parenting time or contact has been filed, and mediation has not been successful. These assessments are conducted by a psychologist or social worker in private practice, who provides a written assessment and recommendations to the court.

The logic model for Bi-lateral Custody Assessments is presented in Table 3.3. As indicated in the model, parties are responsible for paying for the assessment, but subsidies are available to those who qualify up to a maximum of \$2,400. Subsidies are based on a sliding scale according to family size and income. In 2005/2006, the program budget was \$77,119, and 88 assessments were conducted.

The short-term outcomes for Bi-lateral Custody Assessments are that the assessment assists with the determination of the best interests of the child, the parenting issues are resolved, and the current court action is settled. The long-term outcome is that future court actions are decreased.

**Table 3.3**  
**Logic Model: Bi-lateral Custody Assessments (Open Assessments)\***

Goals/Objectives	Inputs	Activities	Outputs	Outcomes
<ul style="list-style-type: none"> <li>To resolve parenting issues.</li> <li>To assist the court in determining the best interests of the child by making recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>Alberta Justice subsidizes parties who qualify up to a maximum of \$2,400.</li> <li>The budget for 2005/2006 was \$77,119.</li> <li>Psychologists or social workers conducting these assessments are paid \$80 per hour.</li> <li>The actual costs of these assessments is usually much higher than the subsidy and the parties are responsible for payment.</li> </ul>	<ul style="list-style-type: none"> <li>Ordered in Court of Queen's Bench where an application for parenting time/contact has been filed and mediation was unsuccessful.</li> <li>A psychologist or social worker evaluates the circumstances of the parties.</li> <li>A written assessment with recommendations is submitted to the court.</li> </ul>	<ul style="list-style-type: none"> <li>Number of cases served in 2005/2006 was 88.</li> </ul>	<p><u>Short-term</u></p> <ul style="list-style-type: none"> <li>The assessment report assisted in determining the best interests of the child.</li> <li>Parenting issues are resolved.</li> <li>The current court action is resolved.</li> </ul> <p><u>Long-term</u></p> <ul style="list-style-type: none"> <li>The number of court actions decrease.</li> </ul>

\* Bi-lateral Custody Assessments may also be ordered under Practice Note 7.

### 3.3 Brief Conflict Intervention

Available only for cases in Provincial Court, Brief Conflict Interventions may be used in cases with young children where mediation has not been successful. Parents meet with a psychologist or social worker for ten hours of solution-focused intervention. As indicated in the logic model presented in Table 3.4, the goal of Brief Conflict Intervention is to provide early intervention by educating parents about the specific needs of their children during separation and to teach problem-solving skills, thus reducing conflict. At the conclusion of the intervention, a report is submitted to the court outlining areas of agreement and/or disagreement.

Where parties have a child under the age of 6 and the gross income of one of the parties is less than \$40,000, Brief Conflict Intervention is provided at no cost. Funding for the program is provided by the federal government's Early Childhood Development Initiative. Service providers are paid at the rate of \$80/hour, and the total budget for 37 cases in 2005/2006 was \$54,666.

As shown under "Outcomes," the short-term benefits of Brief Conflict Interventions are that the parents become more sensitive to the child's needs, their problem solving skills improve, and conflict is reduced. In the long term, the number of future court actions should decrease.

**Table 3.4**  
**Logic Model: Brief Conflict Intervention**

Goals/Objectives	Inputs	Activities	Outputs	Outcomes
<ul style="list-style-type: none"> <li>• To minimize the need for court appearances.</li> <li>• To minimize conflict.</li> <li>• To educate parents about specific needs of children during separation.</li> <li>• To teach problem solving skills.</li> </ul>	<ul style="list-style-type: none"> <li>• Funds are provided by the federal government through the Early Childhood Development Initiative.</li> <li>• The budget for the 2005/2006 fiscal year was \$54,666.</li> <li>• Service providers are paid \$80 per hour.</li> <li>• If there is a child under six and one of the parties had an income less than \$40,000, the intervention is provided at no cost.</li> </ul>	<ul style="list-style-type: none"> <li>• Referral by Provincial Court.</li> <li>• Specific issues are identified.</li> <li>• 10 hours of solution-focused intervention by a psychologist or social worker is provided.</li> <li>• Reports are completed within seven weeks and presented to the court.</li> </ul>	<ul style="list-style-type: none"> <li>• The number of cases served in 2005/2006 was 37.</li> </ul>	<p><u>Short-term</u></p> <ul style="list-style-type: none"> <li>• The parents become more sensitive to the child's needs.</li> <li>• Problem solving skills improve.</li> <li>• Conflict is reduced.</li> </ul> <p><u>Long-term</u></p> <ul style="list-style-type: none"> <li>• The number of court actions decrease.</li> </ul>

### 3.4 Home Studies

Home Studies are available only for cases in Edmonton Provincial Court, and involve a study of parenting abilities and recommendations for developing a parenting plan. These studies are completed by internal Family Court Counselling staff at no cost to the parties. The logic model for Home Studies is presented in Table 3.5. In 2005, 24 Home Studies were conducted at a cost of \$25,039.

**Table 3.5**  
**Logic Model: Home Studies**

Goals/Objectives	Inputs	Activities	Outputs	Outcomes
<ul style="list-style-type: none"> <li>• Purpose is to look at alternatives and help the court decide which solution serves the best interests of the child.</li> </ul>	<ul style="list-style-type: none"> <li>• Funds are provided through Edmonton Family Court Services.</li> <li>• The budget for the 2005 calendar year was \$25,039.</li> <li>• This service is provided free if child(ren) and at least one parent reside in Edmonton.</li> <li>• Internal Family Court Counselling staff conduct the Home Studies.</li> </ul>	<ul style="list-style-type: none"> <li>• Provincial Court judge orders a custody and access assessment.</li> <li>• Family Court counselling staff gather information to complete a report which makes a recommendation to the Court as to what is in the best interests of the child.</li> <li>• Reports are usually completed within three months.</li> </ul>	<ul style="list-style-type: none"> <li>• The number of cases in 2005 was 24.</li> </ul>	<p><u>Short-term</u></p> <ul style="list-style-type: none"> <li>• Report will assist in determination of: <ul style="list-style-type: none"> <li>- best interests of the child</li> <li>- parenting capacity</li> <li>- needs of child(ren)</li> <li>- parent/child relationship</li> <li>- assets and liabilities of parents</li> <li>- services that may assist child and/or parent.</li> </ul> </li> <li>• Report may assist with: <ul style="list-style-type: none"> <li>- narrowing issues in dispute</li> <li>- eliminating need for expert witnesses</li> <li>- raising awareness of parenting/contact options.</li> </ul> </li> </ul> <p><u>Long-term</u></p> <ul style="list-style-type: none"> <li>• The number of court actions decrease.</li> </ul>

As indicated under “Outcomes,” there are many short-term benefits of Home Studies. They include determining: the best interests of the child; parenting capacity; needs of the child; the nature of the parent/child relationship; assess and liabilities of the parents; and services that may assist the child or parent. Further, Home Studies may assist with: narrowing the issues in dispute; eliminating the need for expert witnesses; and raising awareness of parenting/contact options. The long-term outcome is that the number of future court actions is decreased.

### 3.5 Focus on Communication in Separation (FOCIS)

Available in 10 locations throughout Alberta, the Focus on Communication in Separation (FOCIS) course grew out of the Parenting After Separation (PAS) workshops that are mandatory for parents applying for parenting, custody or access orders in the Court of Queen’s Bench. The purpose of PAS, a free six-hour workshop, is to assist parents in understanding the process and effects of separation and to encourage parents to make positive choices about how they will continue to parent their children after separation. The purpose of FOCIS is more skill-based, and is designed to help parents communicate while parenting apart. FOCIS is voluntary, and involves a free six-hour communication class utilizing interactive, skill-practice methods. Topics covered include: the effects of conflict on children; understanding conflict; anger; listening skills; and “I messages.”

FOCIS is currently available in Calgary, Edmonton, Red Deer, Grande Prairie, Lethbridge, Medicine Hat, Wetaskiwin, Camrose, Stony Plain, and Lloydminster. As indicated in the logic model presented in Table 3.6, the budget for FOCIS in 2005/2006 was \$116,136, and 279 individuals attended the course. Funding for the program is provided by the Early Childhood Development Initiative, as well as provincial monies. Presenters are paid \$40 per hour for a six-hour course.

**Table 3.6**  
**Logic Model: Focus on Communication in Separation (FOCIS)**

Goals/Objectives	Inputs	Activities	Outputs	Outcomes
<ul style="list-style-type: none"> <li>• To enhance communication skills.</li> <li>• To reduce ongoing conflict.</li> <li>• To improve long-term outcomes for children.</li> </ul>	<ul style="list-style-type: none"> <li>• Funds provided by Early Childhood Development Initiative and provincial monies.</li> <li>• The budget for the 2005/2006 fiscal year was \$116,136.</li> <li>• Presenters are paid \$40 per hour for a six-hour course except in Edmonton where some presenters are Family Court staff.</li> <li>• This program is available for separated or divorced parents at no cost.</li> </ul>	<ul style="list-style-type: none"> <li>• Referral by self, Family Court Counselors, mediators, and both Queen's Bench and Provincial Court Judges.</li> <li>• Six hour skill-based communication course is provided, including topics such as the effects of conflict on children, understanding conflict, anger, and listening skills.</li> </ul>	<ul style="list-style-type: none"> <li>• Number of clients served in 2005/2006 was 279.</li> <li>• Ex-partners may attend separate sessions.</li> </ul>	<p><u>Short-term</u></p> <ul style="list-style-type: none"> <li>• Parents' communication skills improve.</li> <li>• Conflict is reduced.</li> </ul> <p><u>Long-term</u></p> <ul style="list-style-type: none"> <li>• The number of court actions decrease.</li> </ul>

The short-term outcomes of FOCIS are that the parents' communication skills improve, and conflict is reduced. The long-term outcome is that future court actions are decreased.

### 3.6 Summary of Program Costs

Table 3.7 presents the total and unit program costs for the time period under review in this study. Cost information was not available for Practice Note 7 Interventions. It should be noted that for Bi-lateral Custody Assessments and Brief Conflict Interventions, these costs only represent the subsidized portion of the programs, and therefore do not reflect the total cost of the interventions. For this reason, caution should be exercised when comparing costs across programs. Not surprising, FOCIS has the lowest unit cost because it is conducted in a group format rather than individually. For all programs, it appears that the unit cost decreased from the first year under review to the second, although, for the most part, the number of cases increased.

**Table 3.7**  
**Total and Unit Program Costs for 2004/2005 and 2005/2006<sup>1</sup>**

Program	2004/2005			2005/2006		
	Annual Cost \$	Number of Cases	Unit Cost \$	Annual Cost \$	Number of Cases	Unit Cost \$
Bi-lateral Custody Assessment (Open Assessment) <sup>2</sup>	101,526	84	1,209	77,119	88	876
Brief Conflict Intervention <sup>2</sup>	68,359	34	2,011	54,666	37	1,477
Home Study <sup>3</sup>	23,332	18	1,296	25,039	24	1,043
FOCIS	145,912	290	503	116,136	279	416

Source of Data: Alberta Justice.

<sup>1</sup> Cost data for Practice Note 7 are not available. However, typical subsidies range from \$2,000 to \$2,400 per case.

<sup>2</sup> The cost data represent the subsidized portion of these programs.

<sup>3</sup> Note that figures for Home Studies are based on the calendar years of 2004 and 2005.



## 4.0 REVIEW OF FAMILY JUSTICE SERVICES FILES

This chapter presents the results of the Family Justice Services file review. Alberta Justice provided CRILF with a list of clients in Edmonton, Calgary and Red Deer who were involved with the programs under review during the period April 1, 2004 to March 31, 2006. A computerized File Review Form was developed to facilitate data collection (see Appendix A).

### 4.1 Demographic Information

A total of 378 Family Justice Services files were reviewed. As Table 4.1 shows, 58.2% were from Edmonton, 35.2% were from Calgary, and 6.6% were from Red Deer. Of the 371 files for which the data were available, 42% were Court of Queen's Bench cases, and 58% were Provincial Court cases. Data were collected on whether the parties had legal representation for any of the actions contained in the file. The applicant was represented at some point in 61.9% (n=227) of the files, while the respondent was represented in 62.1% (n=354) of the files.

**Table 4.1**  
**Summary of Demographic Information from**  
**Family Justice Services File Review**

Characteristic	n	%
Location: Edmonton	220	58.2
Calgary	133	35.2
Red Deer	25	6.6
Court: Court of Queen's Bench	156	42.0
Provincial Court	215	58.0
Legal representation for any part of court action		
Applicant: Yes	227	61.9
No	140	38.1
Respondent: Yes	220	62.1
No	134	37.9

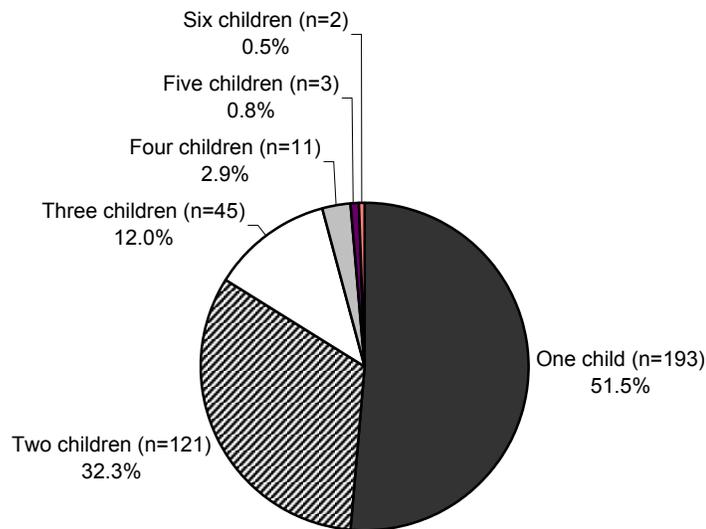
Source of Data: Family Justice Services File Review.

Total N=378; Missing cases for Court=7; Missing cases for Legal Representation Applicant =11;

Missing cases for Legal Representation Respondent=24.

While marital status was often missing in the files, 30.2% (n=114) contained a date of marriage, and 20.6% (n=78) included a date for start of common law relationship. The average length of relationship was 7 years for married couples, ranging from less than 1 year to 28 years, and 4 years for common law couples, ranging from less than 1 year to 16 years. Couples had an average of 1.7 children, ranging from one to six. Figure 4.1 indicates that the half of the couples had one child (51.5%), and almost one-third (32.3%) had two children.

**Figure 4.1**  
**Number of Children in Case**



Source of Data: Family Justice Services File Review.  
Total N=378. Missing Cases=3.

Data were collected on other factors affecting the family. Although the information often wasn't available in the file, family violence was present in the relationship in 15.8% of the cases, and substance abuse was present in the relationship in 12.3% of the cases. In 16.8% of the files, Child Welfare involvement was noted.

## 4.2 Interventions

As described in Section 1.2.3, files were studied for clients who were involved with any of the five programs under review during a two-year period. In addition to the target intervention, data were collected on any other interventions that either the applicant and/or respondent may have received, as well as whether the interventions were completed. Table 4.2 presents the number of files analyzed for each program by whether the intervention was completed. Completion rates were quite high for Home Studies, FOCIS, and Brief Conflict Intervention. Only half of the couples completed Bi-lateral Custody Assessments, and just less than half completed Practice Note 7 Interventions. It should be noted that non-completion of a program does not necessarily indicate a program failure; it may be that the issues in dispute were resolved prior to completion of the program.

**Table 4.2**  
**Number of Files Analyzed by Whether Intervention was Completed**

Program	Intervention Completed		Intervention Not Completed		Total	
	n	%	n	%	n	%
Practice Note 7 Interventions	4	44.4	5	55.6	9	100.0
Bi-lateral Custody Assessment (Open Assessment)	57	52.3	52	47.7	109	100.0
Brief Conflict Intervention	62	87.3	9	12.7	71	100.0
Home Study	30	96.8	1	3.2	31	100.0
FOCIS	145	93.5	10	6.5	155	100.0

Source of Data: Family Justice Services File Review.

Total N=378; Missing cases for Bi-lateral Custody Assessments=3.

It is a requirement for most of the programs under review that parties attend mediation as a first step in resolving the conflict. In Alberta, mediation services are available to parents at no cost if they have a child under 18 years of age and one of the parties earns less than \$40,000 per year. Alternatively, parents can hire private mediators. The mediator has no decision-making authority, and the sessions are confidential and cannot be used as evidence in any court action. The number of mediation sessions usually depends on the number of issues to be resolved.

Data were collected on whether parties attended mediation, as well as other interventions. Unfortunately, it appears that this information is not recorded in all files. As Table 4.3 and 4.4 indicate, participation in mediation varies considerably by target intervention, and ranges from a low of 11.1% for Practice Note 7 Interventions to a high of 65.8% for FOCIS, for both applicants and respondents. The next most common intervention that clients participated in was Parenting After Separation, which ranged for applicants from 6.5% for Home Studies to 34.2% for FOCIS, and for respondents from 3.2% for Home Studies to 27.7% for FOCIS.

**Table 4.3**  
**Interventions Applicants had in Addition to Target Intervention, by Program**

Program	Target Intervention									
	Practice Note 7 Interventions (n=9)		Bi-lateral Custody Assessment (n=112)		Brief Conflict Intervention (n=71)		Home Study (n=31)		FOCIS (n=155)	
	n	%	n	%	n	%	n	%	n	%
Mediation	1	11.1	21	18.8	34	47.9	14	45.2	102	65.8
Parenting After Separation	3	33.3	17	15.2	17	23.9	2	6.5	53	34.2
FOCIS	2	22.2	1	0.9	2	2.8	2	6.5	--	--
Open Assessment	3	33.3	--	--	0	0.0	0	0.0	6	3.9
Brief Conflict Intervention	0	0.0	0	0.0	--	--	0	0.0	1	0.6
Home Study	0	0.0	0	0.0	0	0.0	--	--	4	2.6
Practice Note 7 Interventions	--	--	2	1.8	0	0.0	0	0.0	0	0.0
Other	0	0.0	0	0.0	0	0.0	0	0.0	1	0.6

Source of Data: Family Justice Services File Review.

Total N=378.

**Table 4.4**  
**Interventions Respondents had in Addition to**  
**Target Intervention, by Program**

Program	Target Intervention									
	Practice Note 7 Interventions (n=9)		Bi-lateral Custody Assessment (n=112)		Brief Conflict Intervention (n=71)		Home Study (n=31)		FOCIS (n=155)	
	n	%	n	%	n	%	n	%	n	%
Mediation	1	11.1	21	18.8	34	47.9	14	45.2	102	65.8
Parenting After Separation	2	22.2	17	15.2	17	23.9	1	3.2	43	27.7
FOCIS	0	0.0	1	0.9	2	2.8	3	9.7	--	--
Open Assessment	2	22.2	--	--	0	0.0	0	0.0	6	3.9
Brief Conflict Intervention	0	0.0	0	0.0	--	--	0	0.0	1	0.6
Home Study	0	0.0	0	0.0	0	0.0	--	--	3	1.9
Practice Note 7 Interventions	--	--	2	1.8	0	0.0	0	0.0	0	0.0
Other	0	0.0	0	0.0	0	0.0	0	0.0	2	1.3

Source of Data: Family Justice Services File Review.

Total N=378.

### 4.3 Court Orders Before and After Target Intervention

The major objective of the file review was to determine if the number of court orders decreased following completion of the target intervention, under the assumption that a decrease in court activity would serve as one indicator of program success. Table 4.5 presents the average number of court orders in the files reviewed for each program. Overall, the number of court orders contained in the files ranged from 0 to 36. Practice Note 7 Interventions had the highest average (6.6 court orders), whereas FOCIS cases had the lowest average (2.3 court orders). It should be noted, however, that the completeness of the files varied considerably, and some files did not contain any indication of court activity. While it may be possible that some cases do not have any court activity, this would seem to be unlikely given that most files included in this study were categorized as complex cases.

**Table 4.5**  
**Number of Court Orders in Case, by Program**

<b>Program</b>	<b>Average</b>	<b>n</b>	<b>Range</b>
Practice Note 7 Interventions	6.6	9	0-16
Bi-lateral Custody Assessment (Open Assessment)	6.4	112	0-36
Brief Conflict Intervention	4.6	71	0-19
Home Study	3.7	31	0-12
FOCIS	2.3	155	0-15
<b>Total</b>	<b>4.2</b>	<b>378</b>	<b>0-36</b>

Source of Data: Family Justice Services File Review.  
Total N=378.

For purposes of data analysis, the number of court orders made before and after the target intervention were counted. Since different files had been open for differing periods of time, it was important to be able to record the number of court actions occurring within a specific unit of time both before and after the target intervention. Table 4.6 presents the average number of court orders made before and after the target intervention for each program. The average number of court orders prior to the intervention was highest for Practice Note 7 Interventions (3.5/year), suggesting that these cases may have higher levels of conflict than the other programs. As expected, the lowest number of court orders prior to intervention occurred in the FOCIS cases (1.0/year), probably reflecting the fact the FOCIS is an early intervention program.

Table 4.6 also clearly indicates that the number of court orders decreased following the target intervention for each program. As the length of time after the intervention increased, the average number of court orders further decreased. This decrease cannot be attributed solely to the effects of the program, since the simple passage of time may lead to reduced conflict, but it does suggest that the programs are having the desired effect. Further, it should be noted that, with the exception of Practice Note 7 Interventions, the number of court orders following the intervention decreased consistently over time. This suggests that the programs not only have a short-term effect, but that the effect is sustained over time. While Practice Note 7 Interventions showed a slight increase in the number of court orders at 12-18 months and 18-24 months post intervention, the number of Practice Note 7 Interventions was low, and the overall trend was still positive.

**Table 4.6**  
**Number of Court Orders Before and After Intervention,**  
**by Program and Specified Time Periods**

Program	Before Intervention				After Intervention									
	Avg.		Avg. per Year <sup>1</sup>		0-6 Months		6-12 Months		12-18 Months		18-24 Months		24-30 Months	
	Avg.	n	per Year <sup>1</sup>	n	Avg.	n	Avg.	n	Avg.	n	Avg.	n	Avg.	n
Practice Note 7 Interventions	3.9	9	3.5	8	1.7	9	0.1	9	0.8	4	1.5	2	1.0	2
Bi-lateral Custody Assessment (Open Assessment)	3.9	112	2.6	103	1.1	112	0.8	112	0.5	91	0.4	59	0.04	28
Brief Conflict Intervention	3.3	71	1.8	66	1.0	71	0.2	66	0.2	52	0.2	24	0.1	13
Home Study	2.4	31	1.4	31	0.9	31	0.3	31	0.1	29	0.0	21	0.0	10
FOCIS	1.3	155	1.0	130	0.6	155	0.3	155	0.2	116	0.1	84	0.1	40

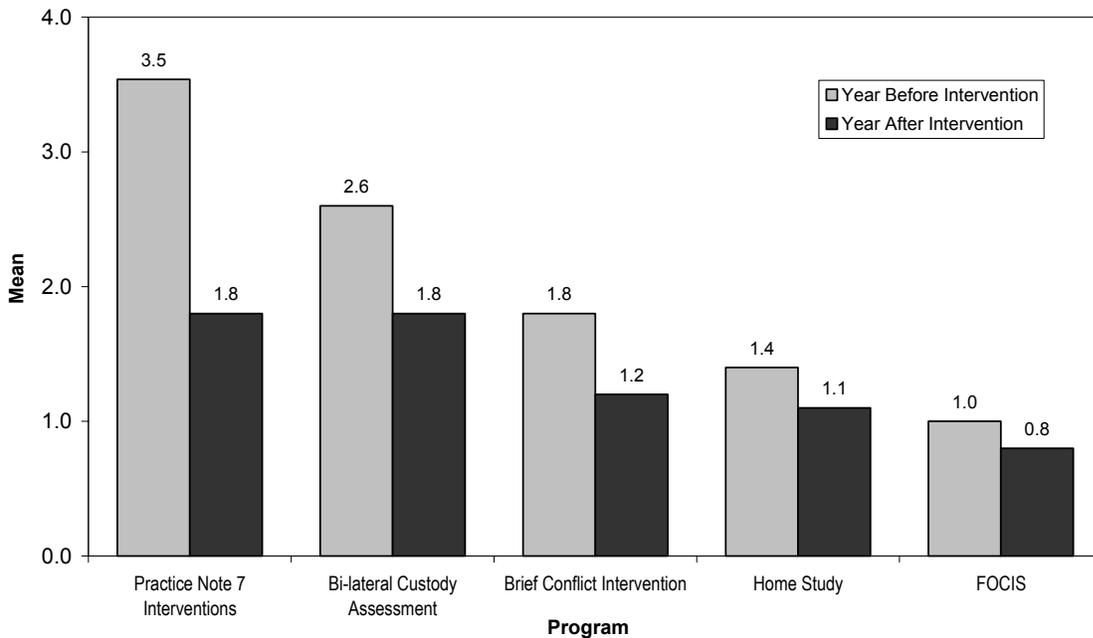
Source of Data: Family Justice Services File Review.

Total N=378.

<sup>1</sup> Based on total number of court orders before intervention divided by estimated number of years of conflict. Number of cases is lower if conflict date is missing.

The strongest evidence for program effectiveness can be seen when the average number of court orders per year before the intervention are compared to the number of court orders in the year following the intervention. Figure 4.2 presents this comparison for each program. All programs exhibited a decrease in the number of court orders in the one-year period following the intervention. The largest decrease occurred with Practice Note 7 Interventions, which decreased from 3.5 court orders per year pre-intervention to 1.8 in the one-year period following the intervention. The next largest decrease was for Bi-lateral Custody Assessment cases, which decreased from 2.6 to 1.8. As would be expected, FOCIS cases had the smallest decrease (from 1.0 per year before to 0.8 in the year following), probably due to the fact that these cases are lower conflict initially.

**Figure 4.2**  
**Average Number of Court Orders in Year Preceding**  
**and Following Intervention, by Program**



Source of Data: Family Justice Services File Review.  
 Total N=378.



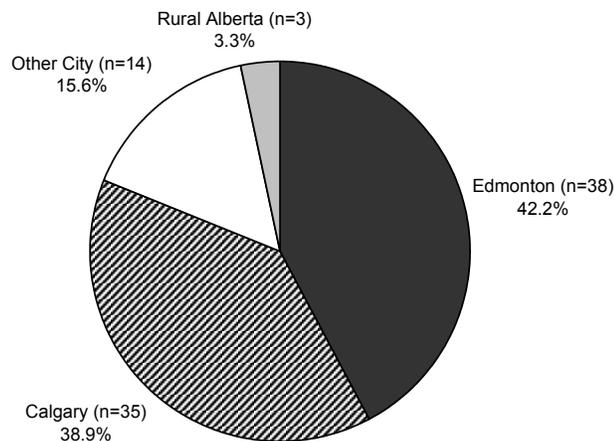
## 5.0 STAKEHOLDER'S SURVEY

This chapter presents a summary of the results obtained from the Stakeholder's Survey (see Appendix B). Descriptive analyses were conducted, which revealed trends in respondents' knowledge and opinions regarding Practice Note 7 Interventions, Bilateral Custody Assessments (Open Assessments), Brief Conflict Intervention, Home Studies, and Focus on Communication in Separation (FOCIS). Open-ended questions provided an opportunity to identify themes and expand upon several of the statistical conclusions. In general, respondents were asked similar questions for each program. These questions referred to the respondents' knowledge and use of the program, as well as information on the programs' effectiveness, accessibility, and current funding.

### 5.1 Demographic Information

As Figure 5.1 shows, most of the survey respondents indicated that they conducted most of their work in either Edmonton (42.2%) or Calgary (38.9%), while the additional 18.9% of respondents worked primarily in another city or in rural Alberta.

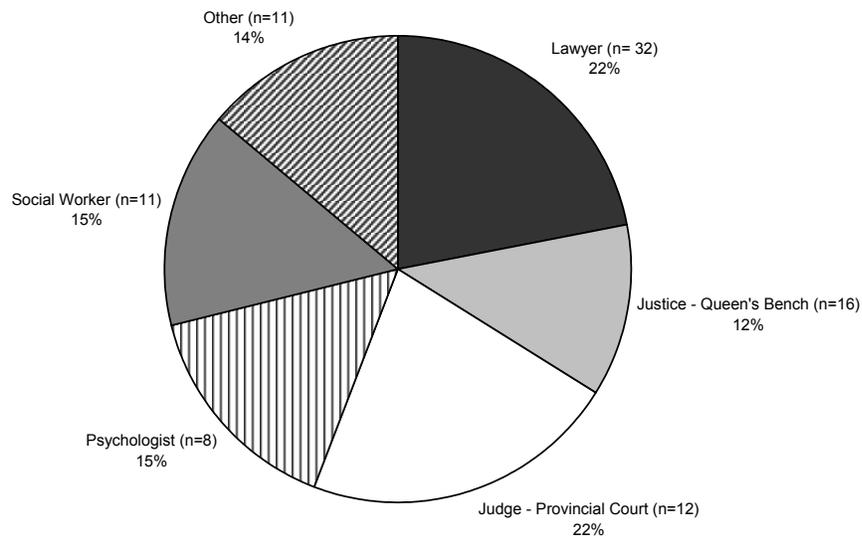
**Figure 5.1**  
**Respondents' Primary Location of Work**



Source of Data: Stakeholder's Survey.  
Total N=90.

The majority of survey respondents were either lawyers (35.6%) or judges (31.1%). The remaining respondents were social workers, psychologists, and others, including mediators, judicial clerks, administrative assistants, a senior bureaucrat, a nurse, and a family court attendant (see Figure 5.2).

**Figure 5.2**  
**Respondents' Profession**

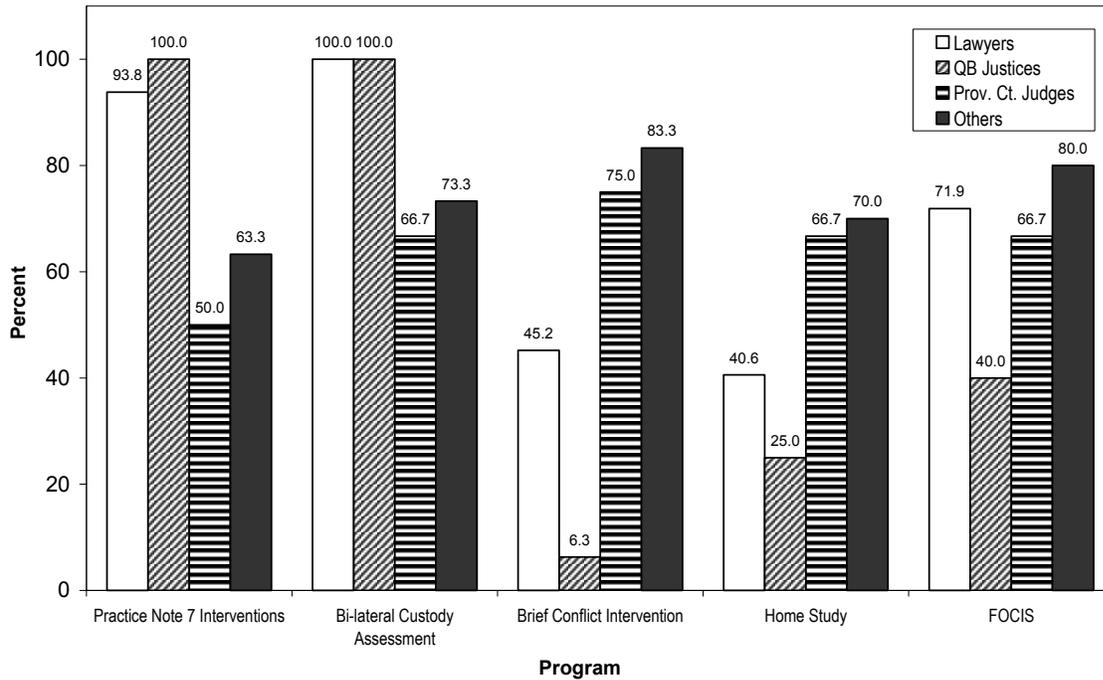


Source of Data: Stakeholder's Survey.  
Total N=90.

## 5.2 Practice Note 7 Interventions

The second section of the Stakeholder's Survey addressed Practice Note 7 Interventions. Of those surveyed, the majority of respondents were familiar with Practice Note 7 (78.9%; n=71) and 58.6% (n=41) reported having direct experience with the program. Those who were not familiar with the program (21.1%) were asked to omit this section of the survey. Further analyses were conducted to examine the extent to which the different professions were familiar with the five programs under review. Figure 5.3 indicates that Court of Queen's Bench justices (100%; n=16) and lawyers (93.8%; n=30) were considerably more likely to be familiar with Practice Note 7 than either Provincial Court judges (50%; n=6) or other professionals (63.3%; n=19). It is not surprising that Provincial Court judges were not as familiar with Practice Note 7 than were Court of Queen's Bench justices, since Practice Note 7 is only available in the Court of Queen's Bench.

**Figure 5.3**  
**Respondents' Reports of Familiarity with the Programs, by Profession**



Source of Data: Stakeholder's Survey.  
 Total N=90.

As shown in Table 5.1, an overwhelming 92.6% of those familiar with the service agreed or strongly agreed that Practice Note 7 Interventions are effective in reducing conflict. Similarly, 88.9% agreed or strongly agreed that Practice Note 7 Interventions save court time and costs, and almost three-quarters (73.6%) agreed that Practice Note 7 Interventions save clients time and costs. Furthermore, in regards to the specific effects of the program, 69.4% agreed or strongly agreed that Practice Note 7 Interventions increase clients' knowledge about the effects of conflict on children.

Respondents were also asked about whether short- and long-term Practice Note 7 Interventions result in successful resolutions. Almost all agreed or strongly agreed that short-term interventions facilitate settlement in either the short term (89.8%), or in the long term (87.2%). Similarly, almost all agreed or strongly agreed that long-term interventions helped settle cases over the short term (81.4%), as well as over the long term (92.7%). In regards to whether judges took Practice Note 7 recommendations into account, almost all of the respondents (92.5%) felt they did so.

Since Practice Note 7 Interventions are currently only offered in Court of Queen's Bench cases, respondents were asked their opinions on this issue. Of all valid responses, 93% of the respondents (n=53) believed these interventions should be available not only in Court of Queen's Bench, but also in Provincial Court. Results indicated that 29 respondents provided 34 reasons for their opinions; however, the efficiency of Practice Note 7 at directing the needs of the family was most commonly referred to (31% of respondents), along with the argument that if Practice Note 7

Interventions are available at one court level, the program should be available at both (27.6%).

**Table 5.1**  
**Respondents' Opinions on the Extent to Which they Agree**  
**with Various Statements Regarding Practice Note 7 Interventions**

Statement	Strongly Agree		Agree		Disagree		Strongly Disagree	
	n	%	n	%	n	%	n	%
Practice Note 7 Interventions are an effective mechanism for reducing conflict in high conflict cases.	16	29.6	34	63.0	3	5.6	1	1.9
Practice Note 7 Interventions save court time and costs.	18	33.3	30	55.6	6	11.1	0	0.0
Practice Note 7 Interventions save clients time and costs.	14	26.4	25	47.2	13	24.5	1	1.9
Clients who have interventions under Practice Note 7 are more knowledgeable about the effects of conflict on their children.	7	14.3	27	55.1	14	28.6	1	2.0
Practice Note 7 short-term interventions help to settle cases in the short term.	10	20.4	34	69.4	4	8.2	1	2.0
Practice Note 7 short-term interventions help to settle cases in the long term.	8	17.0	33	70.2	6	12.8	0	0.0
Practice Note 7 long-term interventions help to settle cases in the short term.	7	16.3	28	65.1	8	18.6	0	0.0
Practice Note 7 long-term interventions help to settle cases in the long term.	7	17.1	31	75.6	3	7.3	0	0.0
Judges consider the Practice Note 7 recommendation in cases that go to trial.	11	27.5	26	65.0	3	7.5	0	0.0

Source of Data: Stakeholder's Survey.  
 Total N=90.

Respondents expressed contrasting views when asked about the current funding arrangements for Practice Note 7 Interventions. These arrangements require that parties pay for Practice Note 7 Interventions; however, depending on the circumstances, subsidies may be made available. Results indicated that 59.7% of the respondents felt that these arrangements are appropriate, while 40.3% disagreed, commenting that Practice Note 7 is too costly and should be further subsidized (72.4%). One respondent suggested that *“the best way of improving them is to provide subsidies of up to \$1,000 per person for interventions.”*

Other examples of the 40 comments expressed by 29 respondents suggested that Practice Note 7 Interventions should be more accessible to all high conflict litigants in both courts (44.8%), and that the financial burdens of the program often lead to court delays (10.3%).

Finally, respondents were asked to provide opinions and recommendations for Practice Note 7 Interventions, and 27 respondents made 43 comments. Responses included the following:

- Practice Note 7 is too costly and should be subsidized (48.1%).
- Practice Note 7 should be accessible to high conflict litigants in both courts (25.9%).
- There should be mandatory training for all professionals involved in Practice Note 7 (18.5%).
- This training should also be standardized (18.5%).
- Practice Note 7 could be done more efficiently and effectively (14.8%).

Selected comments made by respondents regarding Practice Note 7 Interventions included the following:

*The requests for interventions need to be more specific, which would require the court to frame and define the issues, so that the requests are consistent with the ethical obligations of the service provider. Guidelines should be worked on in conjunction with regulatory colleges. Most important of all, service providers, especially assessors, need to be afforded some protection from liability for their evidence (i.e., their opinions) as is afforded to all other witnesses. It is not fair that we are ordered by the court to produce evidence, and then the same court prosecutes liability suits against us for the evidence we give.*

*The job description and court orders that deal with these interventions need to be standardized. Most mental health professionals are not prepared to do these interventions as the job description is not clear and the clients are often the most dysfunctional clients. There is significant risk to the mental health professionals and their job description and protocol for doing these interventions is often very unclear. Also, the lawyers and the court often expect that somehow the mental health professional doing the Practice Note 7 Intervention will be able to “fix” the situation or “make it better.” This is often not the case. The court process often has very unrealistic expectations for these families who need many other resources other than this type of intervention.*

*There should be a “do” and “don’t do” checklist for judges and experts to simplify the use of the Practice Note. A guide to when and when not to use Practice Note 7 would also help.*

*The biggest difficulty, other than lack of subsidies, is that there are very few psychologists trained to do them.... More training needs to be made available. Practice Note 7 Interventions are hard work and take properly trained professionals to them correctly.*

### **5.3 Bi-lateral Custody Assessments (Open Assessments)**

Results indicated that 86.7% of the sample (n=78) was familiar with Bi-lateral Custody Assessments (Open Assessments); 71.1% of which had had direct experience with this program (n=54). When looking at the extent to which various professionals are familiar with Bi-lateral Custody Assessments, Figure 5.3 shows that 100% (n=32) of both lawyers and Court of Queen’s Bench justices (n=16) were familiar with the program, compared to 66.7% of Provincial Court judges (n=8) and 73.3% of other professionals (n=22).

Table 5.2 presents respondents opinions on the extent to which they agree with various statements regarding Bi-lateral Custody Assessments. Almost two-thirds of the respondents (65.1%) agreed or strongly agreed that Bi-lateral Custody Assessments are effective in reducing conflict. Almost three-quarters (74.2%) agreed or strongly agreed that Bi-lateral Custody Assessments save the court time and costs, while only 43.7% agreed or strongly agreed that Bi-lateral Custody Assessments save clients time and costs.

When asked if clients are more knowledgeable about the effects of conflict on children following Bi-lateral Custody Assessments, 61% of respondents stated that they were. The majority of respondents agreed or strongly agreed that Bi-lateral Custody Assessments are successful in settling disputes in either the short term (77%) or in the long term (84.1%). Almost all respondents (98.5%) agreed or strongly agreed that judges consider the assessment recommendation in court trials.

Opinions on the current funding arrangements for Bi-lateral Custody Assessments were comparable to those previously discussed for Practice Note 7 Interventions. Of those who answered, only 52.8% expressed satisfaction with the current arrangements. These arrangements require that clients pay for the assessment, although subsidies are available to those who qualify. Among those who did not agree with these arrangements (47.2%), almost two-thirds (59.4%) of the 32 respondents who made 45 comments elaborated that the present costs are excessive and the program should be further subsidized. The second most common comment was that assessments should be accessible to everybody (34.4%).

**Table 5.2**  
**Respondents' Opinions on the Extent to Which they Agree**  
**with Various Statements Regarding Bi-lateral Custody Assessments**

Statement	Strongly Agree		Agree		Disagree		Strongly Disagree	
	n	%	n	%	n	%	n	%
Bi-lateral Custody Assessments are an effective mechanism for reducing conflict in high conflict cases.	7	10.6	36	54.5	18	27.3	5	7.6
Bi-lateral Custody Assessments save court time and costs.	7	10.6	42	63.6	10	15.2	7	10.6
Bi-lateral Custody Assessments save clients time and costs.	2	3.1	26	40.6	24	37.5	12	18.8
Clients who have Bi-lateral Custody Assessments are more knowledgeable about the effects of conflict on their children.	4	6.3	35	54.7	17	26.6	8	12.5
Bi-lateral Custody Assessments help to settle cases in the short term.	4	6.2	46	70.8	11	16.9	4	6.2
Bi-lateral Custody Assessments help to settle cases in the long term.	7	11.1	46	73.0	9	14.3	1	1.6
Judges consider the assessment recommendation in cases that go to trial.	23	35.4	41	63.1	1	1.5	0	0.0

Source of Data: Stakeholder's Survey.  
Total N=90.

Since subsidies for Bi-lateral Custody Assessments are not currently offered in Provincial Court, respondents were asked their opinions on this issue. Almost all (88.1%) stated that such funding opportunities should be available in Provincial Court. When asked to elaborate, 16 respondents made 21 comments. The most common response was that Bi-lateral Custody Assessments should be available to all high conflict cases in both courts (43.8% of respondents). One-quarter of respondents (25%) stated that assessments are too costly and should be further subsidized. These suggestions arose once again when respondents were asked to provide additional opinions and recommendations for the Bi-lateral Custody Assessments program.

Examples of the 41 comments made by 30 respondents include:

- Bi-lateral Custody Assessments are too costly and should be further subsidized (30% of respondents).
- Professionals performing Bi-lateral Custody Assessments must be protected against lawsuits (16.7%).
- Bi-lateral Custody Assessments may not be necessarily needed in all cases (16.7%).

- Bi-lateral Custody Assessments could be made more efficient (16.7%).
- Mandatory interventions are needed before clients go through Bi-lateral Custody Assessments (13.3%).

One respondent commented that *“we need more consistency in the form of reporting and what is included.”* Another stated, *“assessments should be limited for the worst of cases where all else has failed. In those cases, the subsidies are way too low.”*

#### **5.4 Brief Conflict Intervention**

Over half (55.1%; n=49) of respondents were familiar with Brief Conflict Intervention and, of those, 59.2% (n=29) previously had direct experience with the program. As shown in Figure 5.3, other professionals were most likely to be familiar with the program (83.3%; n=25), compared to 75% of Provincial Court judges (n=9), 45.2% of lawyers (n=14), and 6.3% of Court of Queen’s Bench justices (n=1). Since Brief Conflict Intervention is only offered in Provincial Court, it is not surprising that Queen’s Bench justices are not familiar with the program.

Among the respondents who had direct experience with Brief Conflict Intervention, 88.1% agreed or strongly agreed that it is indeed effective in reducing conflict (see Table 5.3). Of all valid responses, most felt that Brief Conflict Intervention saves courts (90.3%) and clients (81.6%) time and costs. Furthermore, 85% of the respondents agreed or strongly agreed that Brief Conflict Intervention advances clients’ knowledge about the effects of conflict on children.

Overall, respondents expressed agreement with the effectiveness of Brief Conflict Intervention in both the short term (85%) and the long term (73.7%). Similar results were found in regards to whether judges consider Brief Conflict Intervention recommendations in trials; 72.7% agreed or strongly agreed, while only 27.3% did not consider this to be the case.

Since Brief Conflict Intervention is not currently available in Court of Queen’s Bench, respondents were asked their opinions regarding this issue. Results indicated that an overwhelming majority believed that Brief Conflict Intervention should be available in these cases (90.2%). When asked to explain their answers, 21 respondents made 24 comments. Almost half (47.6%) of respondents argued that if Brief Conflict Intervention is available in one court, it should be available in both. However, over one-quarter of respondents (28.6%) commented that Brief Conflict Intervention is not appropriate for Court of Queen’s Bench cases.

**Table 5.3**  
**Respondents' Opinions on the Extent to Which they Agree**  
**with Various Statements Regarding Brief Conflict Intervention**

Statement	Strongly Agree		Agree		Disagree		Strongly Disagree	
	n	%	n	%	n	%	n	%
Brief Conflict Intervention is an effective mechanism for reducing conflict in high conflict cases.	9	21.4	28	66.7	5	11.9	0	0.0
Brief Conflict Intervention saves court time and costs.	10	24.4	27	65.9	4	9.8	0	0.0
Brief Conflict Intervention saves clients time and costs.	13	34.2	18	47.4	7	18.4	0	0.0
Clients who have a Brief Conflict Intervention are more knowledgeable about the effects of conflict on their children.	13	32.5	21	52.5	5	12.5	1	2.5
Brief Conflict Intervention helps to settle cases in the short term.	9	22.5	25	62.5	6	15.0	0	0.0
Brief Conflict Intervention helps to settle cases in the long term.	6	15.8	22	57.9	10	26.3	0	0.0
Judges consider the Brief Conflict Intervention report in cases that go to trial.	8	24.2	16	48.5	9	27.3	0	0.0

Source of Data: Stakeholder's Survey.  
Total N=90.

Respondents were also asked about their attitudes towards the current funding arrangements for Brief Conflict Intervention, which requires clients to pay only when the children involved are over the age of five and the gross income of one of the parties is over \$40,000. Results suggest that most are content with the current arrangement (63%; n=29), while only 37% (n=17) indicated otherwise. The majority (80%) of the 15 respondents who made 17 comments about these funding arrangements explained that the program should be made accessible to all high conflict cases, which suggests that subsidies should be available for clients regardless of their children's ages or their personal income. These conclusions are supported by survey results when respondents were asked whether they felt Brief Conflict Intervention should be available to families regardless of their children's ages. As results show, there was overwhelming support for this position (97.8% n=44).

Finally, respondents were given an opportunity to express some of their concerns and recommendations for Brief Conflict Intervention. The most popular of these 28 suggestions made by 19 respondents included:

- Brief Conflict Intervention should be specifically directed towards certain cases (31.6% of respondents).
- Brief Conflict Intervention should be available to all high conflict cases (31.6%).

- More awareness of Brief Conflict Intervention is needed (26.3%).

Selected comments regarding Brief Conflict Intervention included the following:

*I would like to see the Brief Conflict Intervention program become one of the steps in the process toward resolving disputes prior to either an open assessment or home study. I think it is important to have the parties involved in Brief Conflict Intervention early in the court process prior to the parties becoming entrenched in the system. It is especially important when infants are involved in parenting disputes and the dispute has resulted in a disruption of contact between parent and a child. In order to meet an infant's developmental needs, it is critical that early intervention be available. I would recommend that mediation appointments be available within a couple of days to accommodate disputes with very young children. Mediators would then be able to refer/recommend Brief Conflict Intervention.*

*There is always a problem when a professional in a treatment/helping/counselling role is also in a position of giving a report which will become evidence. The evidentiary role conflicts with the treatment role and decreases the effectiveness of the treatment.... I find it better to keep the roles distinct, so that if conflict intervention fails, the parents have to go to someone else for an assessment or report. That "someone else" would of course be able to confer with the mediator/counselor and use the information provided as part of the assessment or report.*

*It would appear to be a potentially effective and much less expensive intervention than Bi-lateral Assessments. These interventions might also reduce the delay experienced while waiting for the full Bi-lateral Assessment.*

## **5.5 Home Studies**

According to the results of the Stakeholder's Survey, just over half of the respondents were familiar with Home Studies (51.1%; n=46). This finding is not surprising given that Home Studies are only offered in Edmonton Provincial Court. As expected, over three-quarters of respondents from Edmonton (76.3%) were familiar with Home Studies compared to 22.9% in Calgary. Of respondents who were familiar with Home Studies, 76.1% (n=35) reported direct experience with the program. When looking at familiarity of the program by respondent's profession, respondents in other professions were most likely to be familiar with the program (70%; n=21), followed by Provincial Court judges (66.7%; n=8), lawyers (40.6%; n=13), and Court of Queen's Bench justices (25%; n=4) (see Figure 5.3).

As shown in Table 5.4, the majority (63.4%) of respondents agreed or strongly agreed that Home Studies were effective in reducing conflict and almost all (90.2%)

respondents felt that the program saves courts time and costs. Similarly, 83.3% agreed or strongly agreed that overall, Home Studies save clients time and costs as well.

When asked if Home Studies improve clients' knowledge about the effects of conflict on children, 62.5% of those who responded agreed. Overall, 87.5% agreed or strongly agreed that Home Studies help settle cases in the short term, though only 69.2% felt Home Studies help settle cases in the long term. Results also indicated that most (97.6%) respondents agreed or strongly agreed that the recommendations proposed by Home Studies are taken into consideration by judges in court cases.

Since full Home Studies are only available to Edmonton residents, respondents were asked their opinions about whether Home Studies should be available province-wide. The majority (89.1%; n=41) agreed, indicating that Home Studies should be accessible in both levels of court throughout the province (71.4%). The 21 respondents who provided 25 comments also felt that Home Studies may provide courts with additional evidence (14.3%). In contrast, of those who disagreed, some felt that there are better alternatives available than Home Studies (14.3%).

**Table 5.4**  
**Respondents' Opinions on the Extent to Which they Agree**  
**with Various Statements Regarding Home Studies**

Statement	Strongly Agree		Agree		Disagree		Strongly Disagree	
	n	%	n	%	n	%	n	%
Home Studies are an effective mechanism for reducing conflict in high conflict cases.	9	22.0	17	41.5	15	36.6	0	0.0
Home Studies save court time and costs.	11	26.8	26	63.4	4	9.8	0	0.0
Home Studies save clients time and costs.	10	23.8	25	59.5	7	16.7	0	0.0
Clients who have Home Studies are more knowledgeable about the effects of conflict on their children.	4	10.0	21	52.5	15	37.5	0	0.0
Home Studies help to settle cases in the short term.	7	17.5	28	70.0	5	12.5	0	0.0
Home Studies help to settle cases in the long term.	6	15.4	21	53.8	11	28.2	1	2.6
Judges consider the recommendation of the Home Study in cases that go to trial.	19	45.2	22	52.4	1	2.4	0	0.0

Source of Data: Stakeholder's Survey.  
Total N=90.

Respondents were also asked to comment on whether they felt Home Studies should be available in Court of Queen's Bench cases. Three-quarters (74.4%; n=29) of respondents agreed. When asked to elaborate, 23 respondents made 28 comments. Almost half (43.5%) argued that Home Studies should be accessible in all high conflict cases throughout the province. Of those who disagreed, most felt that Home Studies are not needed in these cases because similar programs are already available (17.4%).

Finally, respondents were asked whether they agreed with the current funding arrangement of Home Studies, which are currently provided at no charge. Almost three-quarters (74.4%; n=32) agreed with these arrangements. Twelve respondents made 15 comments, the most common of which were that more funding is needed for assessors (41.7%), and parents should be held financially accountable for their actions (41.7%). These and other remarks were also expressed as possible recommendations for the program; 21 respondents made 28 comments:

- More qualified experts needed to perform Home Studies (42.9% of respondents).
- Home Studies should be accessible in all high conflict cases throughout the province (38.1%).
- Home Studies not necessarily needed (14.3%).

Selected comments from respondents regarding Home Studies included the following:

*From a psychologist's point of view, a Home Study is the same as a custody assessment. The only ethical way a psychologist can offer recommendations regarding custody or access is by doing a full custody assessment. This is for good reasons. To do a less involved study is to do more harm than good.*

*Home Studies completed by Family Justice Services staff are very time consuming. This results in a large percentage of work hours being invested in a small percentage of the clientele. The process for Home Studies should be designed similar to the Open Assessments in Court of Queen's Bench. Also, this service presently is not available throughout the province. By offering a subsidized assessment program, this service can be available to any Albertan, wherever the parties may reside in the province.*

*Prior to parties becoming involved in the Home Study process, it should be mandatory for the parties to attend PAS, FOCIS, mediation, and be involved in a Brief Conflict Intervention. If Family Justice Services had additional resources to have specialists on payroll to complete Home Study assessments, the court would have consistent reports and the report would retain the components that are appreciated by the court. In difficult cases where a psychological assessment is deemed necessary by a mediator/FCC or the bench, there should be financial resources*

*available through Alberta Justice. Following the completion of a Home Study, the parties, counsel, and assessor should attend a mediation session prior to proceeding to trial.*

## 5.6 Focus on Communication in Separation (FOCIS)

The last program discussed in the Stakeholder’s Survey dealt with the FOCIS program. Over two-thirds of the sample (68.5%; n=61) was familiar with FOCIS, and 73.8% (n=45) of these respondents reported direct experience with the program. As indicated in Figure 5.3, respondents from other professions were most likely to be familiar with FOCIS (80%; n=24), followed by lawyers (71.9%; n=23), Provincial Court judges (66.7%; n=8), and Court of Queen’s Bench justices (40%; n=6).

Of all valid responses, most agreed or strongly agreed that FOCIS was effective in reducing conflict (92.6%) (see Table 5.5). Similarly, the majority agreed or strongly agreed that the program saves both the courts (92.6%) and clients (90.8%) time and money. An overwhelming 96.2% also reported that FOCIS improves clients’ knowledge about the effects of conflict on children. In addition, when asked if FOCIS assists in settling cases in the short term, 75.4% of the sample either agreed or strongly agreed. Slightly more (82%) felt that FOCIS was effective for cases in the long term.

**Table 5.5**  
**Respondents' Opinions on the Extent to Which they Agree**  
**with Various Statements Regarding FOCIS**

Statement	Strongly Agree		Agree		Disagree		Strongly Disagree	
	n	%	n	%	n	%	n	%
FOCIS is an effective mechanism for reducing conflict in high conflict cases.	17	31.5	33	61.1	4	7.4	0	0.0
FOCIS saves court time and costs.	16	29.6	34	63.0	4	7.4	0	0.0
FOCIS saves clients time and costs.	17	31.5	32	59.3	5	9.3	0	0.0
Clients who attend FOCIS are more knowledgeable about the effects of conflict on their children.	22	41.5	29	54.7	2	3.8	0	0.0
FOCIS helps to settle cases in the short term.	12	22.6	28	52.8	13	24.5	0	0.0
FOCIS helps to settle cases in the long term.	12	24.0	29	58.0	9	18.0	0	0.0

Source of Data: Stakeholder’s Survey.  
 Total N=90.

Since FOCIS is currently offered in 10 locations across Alberta, respondents were asked whether accessibility to this program is sufficient. Results show no specific trends; instead, 53.1% (n=26) did believe that the number of FOCIS locations is sufficient, while 46.9% (n=23) did not.

One of the final questions asked of stakeholders explored whether attendance of FOCIS programs should be mandatory. Although attendance in this program is currently voluntary, 75% (n=42) indicated that it should indeed be mandatory. When asked to explain their answers, 22 respondents made 26 comments. Supporting responses suggested that FOCIS is very beneficial to high conflict cases (40.9% of respondents) and parties will not attend FOCIS if it is not mandatory to do so (22.7%). Some stated that FOCIS should only be made mandatory in conjunction with other programs (22.7%). As one respondent commented:

*Just as PAS is mandatory, I believe that FOCIS should be too. I feel that if people are willing and able to enter some of the costly high conflict resolutions, they should commit to educational programs such as FOCIS. I also believe that the course is really helpful in bringing the focus of a custody dispute [to be] about the children rather than the fight. I feel that people also need to take some personal responsibility for conflict and attending such a course would increase this.*

Since there is currently no charge for FOCIS interventions, respondents were asked for their comments and suggestions regarding these funding arrangements. Results indicated that 94.4% (n=51) of the sample agreed with the current arrangements.

Finally, respondents were asked to provide comments and recommendations for FOCIS. The most frequent responses of the 15 respondents who made 18 comments included:

- FOCIS should be expanded to all areas of the province (33.3%).
- More referrals should be made to FOCIS (20%).
- FOCIS professionals need better, standardized training (20%).

## **5.7 General Comments**

In addition to addressing the five programs under review, respondents were asked to provide opinions first, on whether the reports produced by professionals in high conflict cases should be shown to parents, and second, on Family Justice Services' attempts in dealing with these types of cases in general. Results indicated that 75.3% (n=58) of the respondents felt that yes, results from high conflict interventions should be provided to parents, while 24.7% (n=19) disagreed. Respondents provided several explanations for these opinions; 48 respondents made 67 comments. Examples of comments included: parents have the right to see the reports (33.3%), parents should be shown, but not given the reports (29.2%), and opinions provided in the report by experts may be beneficial to the parents (18.9%). In contrast, 33.3% argued that showing parents the results of the intervention only encourages and perpetuates conflict among parents and/or children.

Further analyses were conducted to explore whether individuals from different professions held different opinions on whether intervention reports should be provided to parents. Findings indicated that lawyers (79.3%; n=23) and members of other professions (76.9%; n=20) were most likely to agree that reports should be provided to parents, while judges were least likely to agree with this position (68.2%; n=15).

Selected comments regarding this issue included the following:

*The reports from Brief Conflict Intervention could and should be available to parents. The Open Assessments and Home Studies should be available for the parents to read and review with their counsel or FCC, but the parties should not retain a copy. These reports contain information from both parents and other individuals and professionals. Repeated review of the report will not lead to a reduction in conflict but the details may tend to exacerbate the conflict. There is also concern that parents may show the report to the children involved or leave it lying around for them to see....*

*Generally I feel that a parent should have a right to review and keep a copy of any report that is written about them. It is difficult to come up with a rule that applies to everyone and is fair to everyone when people conduct themselves so differently in these situations. However, many people involved in high conflict parenting/custody actions often use these reports to ruminate over; they focus on one line here or there and they avoid the bigger picture. They sometimes use information contained within reports to launch additional court applications. I would suggest that one type of office oversee the assignment of these reports and also maintain a copy on their file which a client would always have access to review but not take. The problem with leaving a copy with the lawyer is that people often lose favour with their lawyers if they have disputes over money, billings, or the outcome wasn't what the client wanted.*

Finally, respondents were asked to provide general comments, suggestions, and opinions on Family Justice Services and the interventions provided for high conflict families; many of whom did. A total of 38 respondents provided 66 comments. The most common responses suggested that the current intervention programs are too costly and should be further subsidized (26.3% of respondents), and interventions should be expanded to include parent coordinators who would be accessible to all families (21.1%). Respondents also commented that mandatory interventions are greatly needed (13.2%), ideally interventions should be available before high conflict cases proceed to court (13.2%), and the timing of interventions is a crucial factor in ensuring successful resolutions (13.2%).

Selected comments made by respondents included the following:

*In my view, independent assessments and sources of information for the courts in assessing the best interests of children is essential to making an informed decision to ensure the safety, security, and well-being of children and should be accessible for little or no cost to the parties for disclosure to the court.*

*I think that because high conflict takes a lot of resources and can have a huge impact on families that it is important that we working in this field are constantly evaluating the programs and ensuring that efforts are made to reduce conflict in a preventative manner. I think that judges case managing a case and managing the amount of times that individuals use the court is also very beneficial. I think that all legal professionals also have a moral and professional obligation to ensure that they act in such a way that would reduce conflict. When there is high conflict in the family, there is a lot of financial gain that is made by some, whether it be for fee assessments, lawyers, or other services, but what we must ensure is that these costs are done so as to reduce the harm to families.*

*Education that will effect change in parents' paradigms about the other parent and their parenting roles would go a long way to helping to resolve issues. The intake services that are offered by Family Court Counselors throughout the province are a tremendous resource to the parents involved in family breakdown and to the courts.... In order to truly assist clients, both applicants and respondents, the FCCs require sufficient resources – primarily the time to understand the situation, educate, and reach settlement. Additional resources in the form of staff should be made available throughout the province.*

*Family Justice Services has come a long way since I began practicing 20 years ago. They do a very good job. The staff are knowledgeable, pleasant, and helpful in my experience. Family law is a complex and ever-developing area of the law and the more supports all around the better in my opinion. It is tax dollars well spent for more functional Alberta families. I cannot imagine that many Albertans begrudge the cost.*

## **6.0 FOCIS EVALUATION FORMS**

The Focus on Communication in Separation (FOCIS) course evaluation is given to participants at the end of the FOCIS program, and its completion is voluntary. Created by Alberta Justice, the evaluation form contains five sections. The first section asks general questions about the respondents, while the rest of the form assesses various components of the course. Areas covered include: the respondent's knowledge or confidence level of different topics covered, both before and after the course; coverage of topics; and the extent to which respondents agree with statements made about the course. The final section of the form asks respondents to comment on the various aspects of the course, including what is most and least helpful and suggestions on how to improve it.

For the purposes of this study, we analyzed a total of 575 surveys completed in Edmonton, Calgary and Red Deer during the period April 1, 2004 to March 31, 2006. About half (52.9%) of these surveys were completed by participants of the FOCIS program held in Edmonton (n=304), 28% of these surveys were completed in Calgary (n=161), and 19.1% came from the program held in Red Deer (n=110).

### **6.1 Demographic Information**

The majority of the participants (92.7%) reported their status as parent, while 3.1% reported their status as step-parent and 3.1% were grandparents. The remaining 1% reported statuses of child, foster parent, friend of parent and current spouse or partner of the parent.

In total, participants listed 1,019 children that have been impacted by separation or divorce. This number, however, may over-represent the total number of children contained in the sample, as the same children may have been reported by more than one parent taking the course. The mean age of children was 8 years old, with an average of 2 children per participant.

On average, participants had been separated 26.3 months, or just over 2 years at the time of the survey. About 50% of those who responded to the question had been separated or divorced for a year or less, and two thirds had been separated or divorced less than 2 years.

Over half of the participants (52.5%) were currently involved in a court application for custody/access, while 41.5% answered that they were not. As shown in Table 6.1, the participants of the FOCIS course in Calgary have the highest proportion (59.1%) of respondents involved in a court application for custody or access. Just over half (51.3%) of the participants in the FOCIS course in Edmonton were involved in an application for custody or access, while this is true for less than half of the participants in Red Deer (46.4%).

**Table 6.1**  
**Number of Cases Involved in Court Applications**  
**for Custody/Access, by Location**

Currently Involved in Court Application for Custody/Access	Edmonton		Calgary		Red Deer		Total	
	n	%	n	%	n	%	n	%
Yes	155	51.3	94	59.1	51	46.4	300	52.5
No	130	43.0	56	35.2	51	46.4	237	41.5
Other	9	3.0	7	4.4	6	5.5	22	3.9
Unknown	8	2.6	2	1.3	2	1.8	12	2.1
<b>Total</b>	<b>302</b>	<b>100.0</b>	<b>159</b>	<b>100.0</b>	<b>110</b>	<b>100.0</b>	<b>571</b>	<b>100.0</b>

Source of Data: FOCIS Evaluation Forms.  
Total N=575.

Table 6.2 indicates that most participants found out about the FOCIS course through a mediator (21.8%), Parenting After Separation (PAS) course (20.3%), lawyer (16.9%), and a family court counselor (10.9%). Most of those taking the course in Calgary found out about it through the PAS course (47.7%), while the highest proportion of participants were referred by a mediator in Edmonton (30.4%). Referrals from a lawyer were most common in Red Deer (32%). Other categories included friends (n=12), internet (n=11), family counselor/counselor (n=8) and people from other courses (n=4).

**Table 6.2**  
**Source of Referrals to the FOCIS Course, by Location**

Referral	Edmonton		Calgary		Red Deer		Total	
	n	%	n	%	n	%	n	%
Family Court Counselor	31	11.4	4	2.7	22	22.0	57	10.9
Mediator	83	30.4	18	12.1	13	13.0	114	21.8
Lawyer	48	17.6	8	5.4	32	32.0	88	16.9
Court of Queen's Bench Justice	4	1.5	3	2.0	5	5.0	12	2.3
Caseflow Coordinator	4	1.5	0	0.0	0	0.0	4	0.8
Parenting After Separation Course	33	12.1	71	47.7	2	2.0	106	20.3
Brochure	19	7.0	9	6.0	12	12.0	40	7.7
Family Court Judge (Provincial)	13	4.8	17	11.4	1	1.0	31	5.9
Other	38	13.9	19	12.8	13	13.0	70	13.4
<b>Total</b>	<b>273</b>	<b>100.0</b>	<b>149</b>	<b>100.0</b>	<b>100</b>	<b>100.0</b>	<b>522</b>	<b>100.0</b>

Source of Data: FOCIS Evaluation Forms.  
Total N=575.

As shown in Table 6.3, on average the majority of participants (68.1%) had previously attended the PAS course. However, when examined by location, the majority of Red Deer participants had not previously attended the PAS course; only 38.2% reported yes. A substantial majority of participants in Edmonton (70.5%) had previously attended PAS and an even higher majority in Calgary (83.9%) had.

**Table 6.3**  
**Number of Participants who had Previously**  
**Attended PAS Course, by Location**

Attended PAS	Edmonton		Calgary		Red Deer		Total	
	n	%	n	%	n	%	n	%
Yes	213	70.5	135	83.9	42	38.2	390	68.1
No	89	29.5	26	16.1	68	61.8	183	31.9
<b>Total</b>	<b>302</b>	<b>100.0</b>	<b>161</b>	<b>100.0</b>	<b>110</b>	<b>100.0</b>	<b>573</b>	<b>100.0</b>

Source of Data: FOCIS Evaluation Forms.

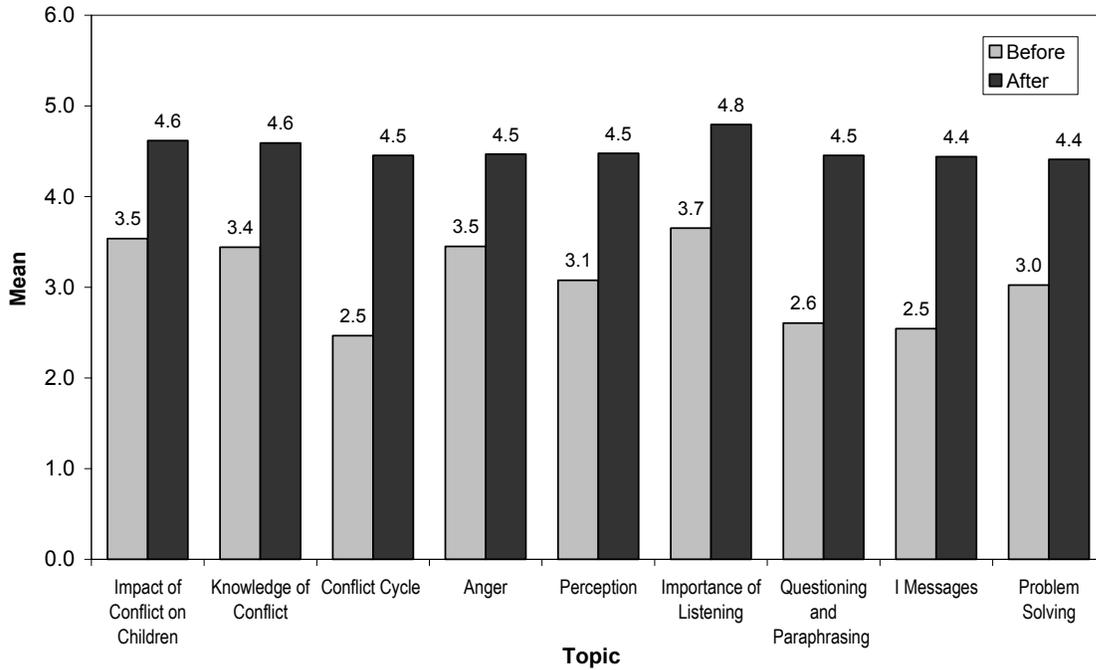
Total N=575.

## 6.2 Participants' Knowledge Before and After Attending Program

Participants of the FOCIS program were asked to identify their knowledge of different components of the course both before and after attending the course. The components were assessed on a 6-point scale from 0 (no knowledge) to 5 (very knowledgeable). The components assessed consisted of the knowledge of the impact of conflict on children, knowledge of what conflict is, knowledge of the conflict cycle, knowledge of anger, knowledge of perception, knowledge of the importance of listening, knowledge of questioning and paraphrasing, knowledge of "I messages," and knowledge of problem solving. As shown in Figure 6.1, the majority of participants experienced an increase in the knowledge of all of the different components of the course. However, it should be noted that since participants were asked to assess their knowledge of the components before the course only after they had already completed the course, the difference between knowledge of the components before and after the course may be under-estimated. Future evaluations may be more informative if participants are asked to assess their knowledge before they actually sit through the course and then asked again at the end of the course.

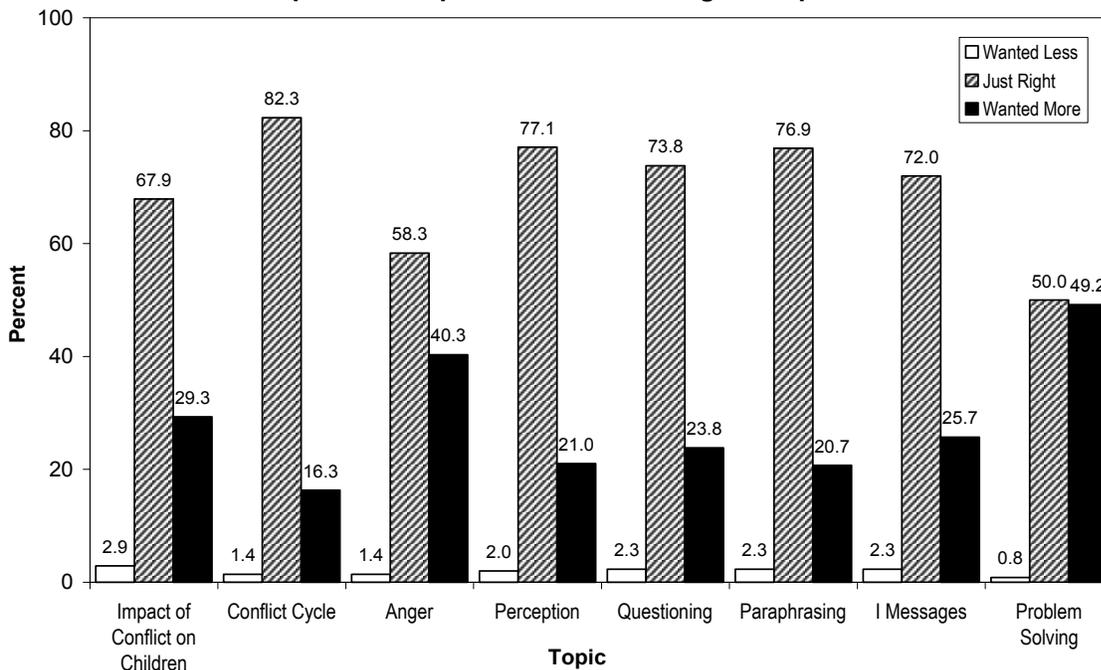
Participants were also asked about the adequacy of coverage of different topics covered in the course. Figure 6.2 shows that overall participants felt that coverage of the impact of conflict on children, the conflict cycle, anger, perception, questioning, paraphrasing, I messages, and problem solving was "just right." However, on average respondents did want more coverage on problem solving (49.2%), anger (40.3%), and impact of conflict on children (29.3%).

**Figure 6.1**  
**Mean Response to Questions on Knowledge of Different Topics**  
**Before and After Attending FOCIS**



Source of Data: FOCIS Evaluation Forms.  
 Total N=575.

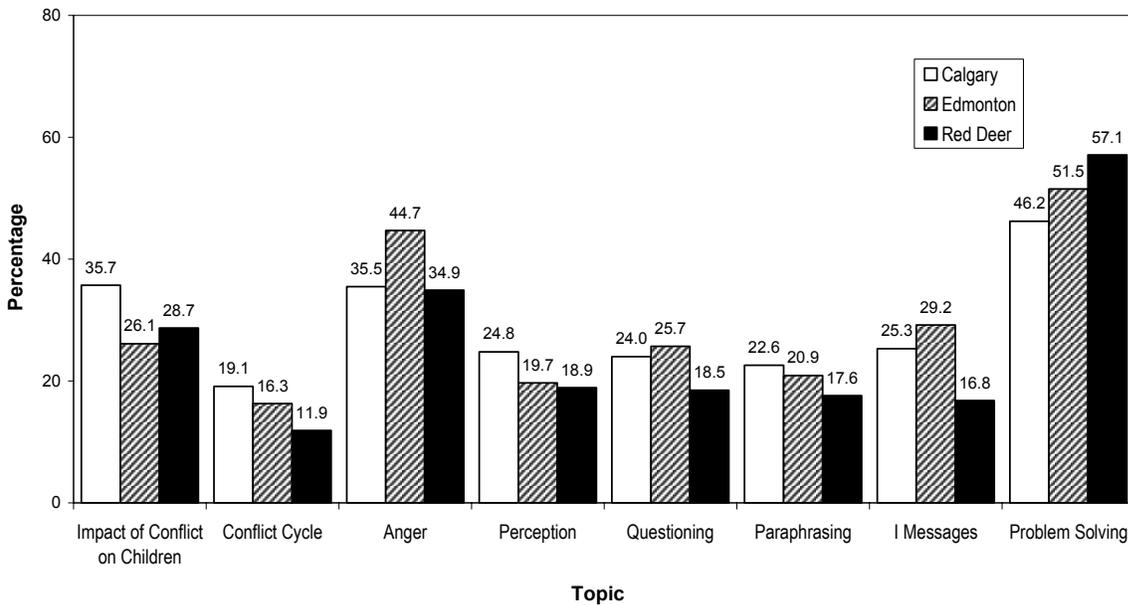
**Figure 6.2**  
**Respondents' Opinions of the Coverage of Topics in FOCIS**



Source of Data: FOCIS Evaluation Forms.  
 Total N=575.

In particular, respondents who took the course in Edmonton wanted more coverage on problem solving (51.5%), anger (44.7%), and “I messages” (29.2%) (see Figure 6.3). Calgary respondents wanted more coverage on problem solving (46.2%), the impact of conflict on children (35.7%), and anger (35.5%). Respondents in Red Deer wanted more coverage on problem solving (57.1%), anger (34.9%), and the impact of conflict on children (28.7%).

**Figure 6.3**  
**Percentage of Respondents Requesting More Coverage**  
**on Various Topics, by Location**



Source of Data: FOCIS Evaluation Forms.  
 Total N=575.

### 6.3 Participants’ Views of FOCIS

The fourth section of the evaluation form asks participants the degree to which they agree or disagree with statements made about the course. Statements are listed in Table 6.4 along with the corresponding percentages of respondents who strongly agreed, agreed, felt neutral, disagreed and strongly disagreed with the statements. In general, respondents were very positive about the course. The vast majority of respondents agreed or strongly agreed that the course leaders were clear and easy to understand (97.8%) and knowledgeable (97.2%). Almost all also agreed or strongly agreed that they would recommend the course to others (95.5%), and that practicing the use of different skills was helpful for the learning process (88.8%). Respondents further agreed or strongly agreed that the course will help them to reduce negative conflicts with the other parent (83.9%). About three-quarters of respondents also felt that the time (78.3%), the day of the week of the course (76.5%), and the location (71.8%) were all convenient.

The final section of the evaluation includes five open-ended questions where respondents are able to make suggestions for the course and comment on what was

most and least helpful for them. Many of these questions were not answered by all of the participants; as such it is important to remember that any percentages reported pertain only to those who actually responded to each question and not to all of the participants of the survey. The first question of this section asked participants for suggestions regarding location, day and/or time of the course. The results are presented in Table 6.5 A total of 197 respondents made 212 suggestions; 13.2% suggested that the course be offered at different locations in the city, for example community centres or libraries. Some other common responses included suggestions for offering the course in locations outside of the city (11.2%), such as in rural areas, while another 11.2% suggested more options for parking where the locations are currently held. Also common was the request to hold the course on the weekend (8.6%). However, a sizable proportion of those who responded to the question (35.5%) stated that the location, day and time of the course were all satisfactory. Suggestions in the “other” category included such items as a change in the start and end times of the course to coordinate with children’s school and bed time schedules and the option for more dates to choose from in any given month.

**Table 6.4**  
**Respondents' Degree of Agreement with Statements**  
**Made About the FOCIS Course**

Statement	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Practicing Different Skills was Helpful to My Learning	177	31.5	322	57.3	46	8.2	5	0.9	12	2.1	562	100.0
Course Leaders were Knowledgeable	395	68.9	162	28.3	6	1.0	1	0.2	9	1.6	573	100.0
Course Leaders were Clear and Easy to Understand	384	67.3	174	30.5	6	1.1	0	0.0	7	1.2	571	100.0
Course will Help Reduce Negative Conflicts with Other Parent	155	27.6	316	56.3	75	13.4	7	1.2	8	1.4	561	100.0
Recommend Course to Others	346	60.6	199	34.9	16	2.8	4	0.7	6	1.1	571	100.0
Location of Course was Convenient	138	24.3	270	47.5	110	19.4	34	6.0	16	2.8	568	100.0
Day of Week was Convenient	135	23.7	301	52.8	105	18.4	14	2.5	15	2.6	570	100.0
Time of Course was Convenient	121	21.4	322	56.9	102	18.0	12	2.1	9	1.6	566	100.0

Source of Data: FOCIS Evaluation Forms.  
Total N=575.

Table 6.5 also shows that respondents from Calgary were mostly concerned with the location of the course in the city (21.7%), parking options (21.7%) and holding the course on the weekend (18.3%). Those who provided suggestions from Edmonton were more interested in finding locations to hold the course outside of the city (13.3%), as well as at different locations within the city (12.4%), and also suggested more parking options (8.6%). The number one suggestion for those from Red Deer was to hold the course outside of the city (25%).

**Table 6.5**  
**Respondents' Suggestions for Location, Day and/or**  
**Time of the FOCIS Course, by Location**

Suggestions	Edmonton (n=105)		Calgary (n=60)		Red Deer (n=32)		Total (n=197)	
	n	% <sup>1</sup>	n	% <sup>1</sup>	n	% <sup>1</sup>	n	% <sup>1</sup>
All were satisfactory	49	46.7	12	20.0	9	28.1	70	35.5
Hold in different locations within the city	13	12.4	13	21.7	0	0.0	26	13.2
More parking options	9	8.6	13	21.7	0	0.0	22	11.2
Offer course outside of the city	14	13.3	0	0.0	8	25.0	22	11.2
Hold the course on weekends	2	1.9	11	18.3	4	12.5	17	8.6
Other	25	23.8	19	31.7	11	34.4	55	27.9

Source of Data: FOCIS Evaluation Forms.

Total N=575.

<sup>1</sup> Percentages are based on the number of respondents who answered the question.

When asked what was most helpful about the course, 497 respondents made 805 comments. Those who responded to the questions cited: increased knowledge on communication strategies (21.5%), information on reducing the effects of conflict on children (12.5%), understanding the conflict cycle (11.7%), the opportunity to share with other participants who were in similar situations (10.7%) and learning how to use “I messages” (10.1%). Participants also frequently mentioned that learning their personal styles of communication (9.1%) and how to change reactions to conflict (9.9%) was what was most helpful about this the FOCIS course for them.

When asked what was least helpful about the course, 146 respondents made 157 comments. The majority of respondents seemed satisfied with the course. Over half (53.4%) answered that all aspects of the course were great. A small number of people reported that the impact of conflict on children was already covered in the PAS course and therefore not helpful (6.8%). There were also reports of the video not being helpful, or outdated (5.5%) and that practicing in groups was also not helpful (3.4%).

When asked what information, skills or practice participants would like to see incorporated into the course, 207 respondents made 267 comments. About one-quarter (26.6%) responded that they wanted more time to practice the skills learned in the class. Of the respondents who provided comments, 15% requested more material on anger management and more examples of real life situations (9.7%). However, 11.6%

of those who responded to this question suggested that the course should be kept the same. Other suggestions included more material on conflict management and problem solving (8.2%), techniques for dealing with difficult ex-partners (7.7%) and more information on the effects of separation on children (4.8%).

When asked if they had additional comments, 234 respondents made 296 comments, and most seemed happy with the course. One-third (34%) reported that they were satisfied with the course and that the instructors did a great job. Another 24.8% reported that they learned a lot and found the information provided in the course very useful. Some respondents even reported that the course should be mandatory for all parents who are separating (9%). However, 17% of those who responded suggested that the course length be extended as there was not enough time to cover all of the material in detail.

## 7.0 SUMMARY OF FINDINGS BY PROGRAM

This study used several different methodologies to collect the information necessary to answer the research questions outlined in Section 1.2.1. In this chapter, the information obtained has been summarized by program.

### 7.1 Practice Note 7 Interventions

- Practice Note 7 Interventions are available in Court of Queen's Bench cases throughout Alberta.
- There is a cost to parties, but subsidies are available to those who qualify.
- A total of nine Practice Note 7 Intervention cases during the period April 1, 2004 to March 31, 2006 were reviewed; in 44.4% of these cases, the program was completed.
- Practice Note 7 Interventions had the highest average number of court orders compared to the other programs, suggesting that these cases may have the highest levels of conflict.
- The average number of court orders in the year prior to receiving the program was 3.5, compared to an average of 1.8 in the year following the program, suggesting that the program is having its desired effect of reducing conflict.
- According to the Stakeholder's Survey, 78.9% were familiar with Practice Note 7 and, of those, 58.6% had direct experience with it.
- Almost all respondents agreed that Practice Note 7 Interventions are effective in reducing conflict (92.6%), and saves court time and costs (88.9%).
- A substantial proportion of respondents agreed that Practice Note 7 Interventions save clients time and costs (73.6%), and increase clients' knowledge about the effects of conflict on children (69.4%).
- Almost all agreed that Practice Note 7 short-term interventions facilitate settlement in either the short term (89.8%) or in the long term (87.2%).
- Almost all agreed that Practice Note 7 long-term interventions facilitate settlement in either the short term (81.4%) or in the long term (92.7%).
- Almost all respondents agreed that judges take the Practice Note 7 recommendations into account in cases that go to trial (92.5%).
- Respondents overwhelmingly believed that Practice Note 7 Interventions should be available in both Court of Queen's Bench and Provincial Court (93%).

- Almost two-thirds of respondents (59.7%) thought that the current funding arrangements for Practice Note 7 Interventions are appropriate, while 40.3% disagreed, commenting that Practice Note 7 is too costly and should be further subsidized.
- According to the Program Managers' Interviews, the current policies and procedures in place for Practice Note 7 Interventions are working well, but greater subsidies are needed.
- Both Program Managers who were interviewed regarding Practice Note 7 commented on the need for a case management process, either by judge or parenting coordinator.

## **7.2 Bi-lateral Custody Assessments (Open Assessments)**

- Bi-lateral Custody Assessments are available in Court of Queen's Bench cases throughout Alberta.
- There is a cost to parties, but subsidies are available to those who qualify.
- In 2005/2006, there were 88 cases and the unit cost of the program was \$876.
- A total of 109 Bi-lateral Custody Assessment files during the period April 1, 2004 to March 31, 2006 were reviewed; in 52.3% of these cases, the program was completed.
- The average number of court orders in the year prior to receiving the program was 2.6, compared to an average of 1.8 in the year following the program, suggesting that the program is having its desired effect of reducing conflict.
- According to the Stakeholder's Survey, 86.7% were familiar with Bi-lateral Custody Assessments and, of those, 71.1% had direct experience with it.
- Almost two-thirds of respondents agreed that Bi-lateral Custody Assessments are effective in reducing conflict (65.1%).
- Almost three-quarters of respondents agreed that Bi-lateral Custody Assessments save court time and costs (74.2%), while less than half agreed that Bi-lateral Custody Assessments save clients time and costs (43.7%).
- Just less than two-thirds of respondents agreed that Bi-lateral Custody Assessments increase clients' knowledge about the effects of conflict on children (61%).
- Almost all agreed that Bi-lateral Custody Assessments help to settle cases in the short term (77%) or in the long term (84.1%).

- Almost all respondents agreed that judges consider the assessment recommendations in cases that go to trial (98.5%).
- Just over half of respondents (52.8%) thought that the current funding arrangements for Bi-lateral Custody Assessments are appropriate, while 47.2% disagreed, commenting that Bi-lateral Custody Assessments are too costly and should be further subsidized.
- Almost all respondents (88.1%) thought that subsidies should be available to cases in Provincial Court.
- One Program Manager commented that Bi-lateral Custody Assessments are most appropriate in the very high conflict cases because of their cost. In addition, he said that both the subsidies and psychologists' rates are too low. He suggested that one option might be to have a psychologist on staff to conduct these assessments.

### **7.3 Brief Conflict Intervention**

- Brief Conflict Intervention is available in Provincial Court cases throughout Alberta.
- There is a cost to parties, but subsidies are available to parents with children under the age of 6 who qualify.
- In 2005/2006, there were 37 cases and the unit cost of the program was \$1,477.
- A total of 71 Brief Conflict Intervention files during the period April 1, 2004 to March 31, 2006 were reviewed; in 87.3% of these cases, the program was completed.
- The average number of court orders in the year prior to receiving the program was 1.8, compared to an average of 1.2 in the year following the program, suggesting that the program is having its desired effect of reducing conflict.
- According to the Stakeholder's Survey, 55.1% were familiar with Brief Conflict Intervention and, of those, 59.2% had direct experience with it.
- Almost all respondents agreed that Brief Conflict Intervention is effective in reducing conflict (88.1%).
- Almost all respondents agreed that Brief Conflict Intervention saves courts (90.3%) and clients (81.6%) time and costs.
- A substantial proportion of respondents agreed that Brief Conflict Intervention increases clients' knowledge about the effects of conflict on children (85%).

- The majority of respondents agreed that Brief Conflict Intervention helps to settle cases in either the short term (85%) or in the long term (73.7%).
- Almost three-quarters of respondents agreed that judges consider the Brief Conflict Intervention report in cases that go to trial (72.7%).
- Respondents overwhelmingly believed that Brief Conflict Intervention should also be available in Court of Queen's Bench (90.2%).
- Almost two-thirds of respondents (63%) thought that the current funding arrangements for Brief Conflict Intervention are appropriate, while 37% disagreed, commenting that Brief Conflict Intervention should be available to all, regardless of children's ages or financial means.
- According to the Program Managers' Interviews, the mandate of Brief Conflict Intervention should be clarified. While the original intent was for Brief Conflict Interventions to deal with access only, other issues are being dealt with.
- One Program Manager commented that while the current policies and procedures in place are working well, the program should be expanded to include families with children over the age of 6, as well as to other locations in the province.

#### **7.4 Home Studies**

- Home Studies are available in Provincial Court cases in Edmonton.
- There is no cost to parties, as Home Studies are conducted by internal Family Justice Services staff.
- In 2005, there were 24 cases and the unit cost of the program was \$1,043.
- A total of 31 Home Studies files during the period April 1, 2004 to March 31, 2006 were reviewed; in 96.8% of these cases, the program was completed.
- The average number of court orders in the year prior to receiving the program was 1.4, compared to an average of 1.1 in the year following the program, suggesting that the program is having its desired effect.
- According to the Stakeholder's Survey, 51.1% were familiar with Home Studies and, of those, 76.1% had direct experience with it.
- Almost two-thirds of respondents agreed that Home Studies are effective in reducing conflict (63.4%).

- Almost all respondents agreed that Home Studies save both court (90.2%) and clients (83.3%) time and costs.
- Almost two-thirds of respondents agreed that Home Studies increase clients' knowledge about the effects of conflict on children (62.5%).
- While the vast majority of respondents agreed that Home Studies help settle cases in the short term (87.5%), a smaller proportion agreed that they help to settle cases in the long term (69.2%).
- Almost all respondents agreed that judges consider the recommendation of the Home Study in cases that go to trial (97.6%).
- A substantial majority of respondents believed that Home Studies should be available province-wide (89.1%) and in Court of Queen's Bench cases (74.4%).
- Almost three-quarters of respondents (74.4%) thought that the current funding arrangements for Home Studies are appropriate.
- According to the Program Managers' Interviews, Home Studies are very labour intensive and too often are ordered as a first alternative rather than the last.
- Program Managers also commented on the need for a consistent policy and availability, both geographically and across courts.

## **7.5 Focus on Communication in Separation (FOCIS)**

- FOCIS is available in Court of Queen's Bench and Provincial Court cases throughout Alberta.
- There is no cost to parties.
- In 2005/2006, 279 individuals attended the course, and the unit cost of the program was \$416.
- A total of 155 FOCIS files during the period April 1, 2004 to March 31, 2006 were reviewed; in 93.5% of these cases, the program was completed.
- FOCIS cases had the lowest average number of court orders compared to the other programs, suggesting that these cases have the lowest levels of conflict.
- The average number of court orders in the year prior to receiving the program was 1.0, compared to an average of 0.8 in the year following the program, suggesting that the program is having its desired effect.
- According to the Stakeholder's Survey, 68.5% were familiar with FOCIS and, of those, 73.8% had direct experience with it.

- Almost all respondents agreed that FOCIS is effective in reducing conflict (92.6%).
- The vast majority of respondents agreed that FOCIS saves court (92.6%) and clients (90.8%) time and costs.
- An overwhelming majority of respondents agreed that FOCIS increases clients' knowledge about the effects of conflict on children (96.2%).
- Over three-quarters of respondents agreed that FOCIS helps to settle cases in both the short term (75.4%) and long term (82%).
- Over half of respondents (53.1%) believed that the number of FOCIS locations is sufficient, while 46.9% did not.
- Three-quarters of respondents (75%) thought that attendance at FOCIS should be mandatory.
- Almost all respondents (94.4%) thought that the current funding arrangements for FOCIS are appropriate.
- According to the FOCIS evaluation forms, participants were more knowledgeable about each of the topics covered in the course following completion of FOCIS than they were before.
- Overall, participants felt that the coverage of the topics included in FOCIS was "just right." Topics that participants wanted more coverage on were: problem solving, anger, and impact of conflict of children.
- When asked about their opinions about the course, the vast majority of participants agreed that the course leaders were clear and easy to understand (97.8%) and knowledgeable (97.2%).
- Almost all participants agreed that they would recommend the course to others (95.5%), practicing the use of different skills was helpful for the learning process (88.8%), and the course will help them to reduce negative conflicts with the other parent (83.9%).
- About three-quarters of participants agreed that the time (78.3%), day of the week (76.5%), and location (71.8%) of the course were all convenient.
- According to the Program Managers' Interviews, FOCIS should be available province-wide, regardless of the age of the children. Because of the current funding structure, the program is limited in some jurisdictions to families with children under the age of 6.

## **8.0 CONCLUSIONS AND RECOMMENDATIONS**

This project has reviewed five programs developed and administered by Alberta Justice that deal with complex family law cases. In addition to reviewing relevant literature from other jurisdictions, several data collection strategies were implemented to answer the research questions identified in Section 1.2.1. Specifically, data were collected using the following methodologies: telephone interviews with program managers; review of Family Justice Services files; survey of stakeholders including judges/justices, lawyers, psychologists, social workers, and others; and an analysis of FOCIS evaluation forms supplied by Alberta Justice. In this chapter, conclusions arising from these data are discussed and recommendations are presented.

### **8.1 Overall Program Success**

The information collected for this project clearly indicates that Alberta's programs for high conflict families are successful. Respondents to the Stakeholder's Survey were very positive about all the programs: a substantial majority thought that the programs were effective in reducing conflict, saving court time and costs, and facilitating settlements in both the short- and long-term (see Chapter 5.0). The Family Justice Services file reviews indicated that, for each program, the number of court orders decreased in the period following the intervention. Moreover, this decrease continued up to 30 months post-intervention (see Chapter 4.0). Participants who attended FOCIS were overwhelmingly positive about the program (see Chapter 6.0). They felt that they were more knowledgeable about the topics covered following completion of the course, that the coverage of the topics was "just right," and that the course leaders were clear, easy to understand, and knowledgeable. A clear affirmation of the success of the program is the finding that 96% of participants said that they would recommend FOCIS to others.

### **8.2 Issues Arising from the Review**

#### **8.2.1 Family Justice Services Files**

In conducting the Family Justice Services file review, it was apparent that the completeness of the files varied substantially across programs and locations. This lack of information limited the amount of data that could be collected from the files. Fortunately, obtaining access to the CASES and JOIN systems ameliorated this problem somewhat. The lack of complete data may well affect service provision, as well as research.

#### **8.2.2 FOCIS Evaluation Forms**

Several different versions of the FOCIS Evaluation Form are being used in different locations across the province. This makes meaningful analyses of these forms very difficult.

### 8.2.3 Education

In analyzing the Stakeholder's Survey data, it became apparent that a number of professionals working in this area were not familiar with one or more of the programs under review. For example, for the FOCIS program, which is available in both Court of Queen's Bench and Provincial Court cases throughout the province, it is surprising that almost one-half of the judges/justices were not familiar with the program. Further, there seemed to be confusion regarding the actual names of some of the programs; for example, Open Assessments are referred to as Bi-lateral Custody Assessments by some professionals.

### 8.2.4 Funding Arrangements

As reported in Chapter 3.0, the programs differed widely on unit cost, ranging from \$416 for FOCIS in 2005/2006 to \$1,477 for Brief Conflict Interventions. This difference is to be expected given that the programs have different mandates. While FOCIS is an educational program that is presented to a group, Brief Conflict Intervention is an individualized counselling program. In general, the more intensive the intervention, the higher its cost. Given this fact, it is surprising that many couples who received the most intensive programs do not appear to have participated in the less intensive programs first.

When asked whether the current funding arrangements for the five programs under review were adequate, the majority of respondents to the Stakeholder's Survey either said that they were, or that additional subsidies were needed (see Chapter 5.0). Respondents overwhelmingly expressed the opinion that all programs should be available to all Albertans regardless of location, financial means, or court in which their cases are being resolved. However, respondents also noted that it is important that there be some cost to parties for assessment and intervention services to ensure a commitment to the process. Several respondents suggested that this could be accomplished by using a sliding scale that is tied to parties' income, as is currently used with some programs. Respondents also noted that the financial guidelines for subsidies should be reviewed and updated.

Specific comments provided by respondents included:

*The more programs that take these cases out of the court room and into an educational resolution-based format, the better. All such programs should be encouraged and subsidized, but the parties should have to pay "something" to ensure they "buy in" to the objectives.*

*There is always a group of people in the mid-range who cannot qualify for assistance, yet clearly cannot afford the assessment.*

*There should be a sliding fee, but some fee is essential for parties to feel more engaged.*

*It is important that parties not be placed at a disadvantage due to their lack of financial resources. It is especially important in situations where there is substantial disparity between the financial resources of parties involved in a dispute. I would suggest that the financial guidelines need to be reviewed to reflect current economic standards.*

#### 8.2.5 Service Delivery Model

While, overall, respondents to the Stakeholder's Survey were very positive about the programs under review, several comments were made regarding the lack of coordination and problems with delivery of services. Specifically, respondents expressed the need for an integrated system with a common intake point and a mechanism for directing clients to the most appropriate service. Also, respondents suggested that the less intrusive interventions should be mandatory before clients access more intrusive and more expensive services. Specific comments included the following:

*I believe that the type of assessment should be determined by the needs of the family/children, not based on which type is available in that particular court system.*

*I think these programs need to be organized into one unit.*

*Use a screening process to determine the likelihood of the intervention being helpful.*

*Similar to use of a probation officer in pre-sentence reports in criminal matters, the government should provide "family conflict officers" for brief assessments to help decide if a more intensive assessment is needed.*

*I think that more interventions should be mandatory at various levels of court and conflict and that sliding pay scales are appropriate. I recognize that people fall through the cracks in these scenarios, and that must be addressed, as does differences in income between the parties. I can't stress enough how important timing is in high conflict cases. Perhaps some kind of case management outside of court could work. Certainly, there must be recognition that when an intervention is unsuccessful at one point, it may well be successful at some later point, and neither an intervention nor a high conflict case should ever be "written off." I believe the benefits to children to be so substantial that we must never give up on these cases.*

*Court is a place that expects rational behaviour from clients. When children are involved, court is a procedure that for most parents pushes hot buttons around parenting issues. We put parents and children into a court system that not only expects, but demands rational behaviour. The fears that parents have about the possibility of "losing" their relationship with their children in a win-lose system exacerbates the incidence of*

*irrational behaviour and escalates conflict. So the system that expects and demands rational behaviour gets more and more irrational behaviour from parents as they get deeper into the court system. We need to find a constructive way to divert parents from the court system prior to getting into it in the first place. We need to normalize procedures and expectations of parents that conflict is destructive to their children and to themselves and that court is not the norm for sorting their problems out. So whatever diversion systems we can create from Parenting Coordinators, to Collaboration and Mediation will be a benefit to the majority of parents. Once parents and their lawyers who believe fighting is the way to resolve these issues are into the “fighting mode,” it takes Herculean efforts and much energy, time and money to just slow the escalation of conflict. The very system that is frustrated by high conflict parents, by its very nature makes it worse. Court should not be the normal expectation of people who are separating and divorcing and who have parenting and financial problems to resolve. We need to create systems that create a new norm of problem solving systems that create more effective expectations for behaviour. Any diversion programs are critical to the changes that we need to make in our systems for parents and children. More band aids for parents once they are in court will not make much of a difference.*

### **8.3 Recommendations**

#### **8.3.1 Family Justice Services Files**

##### ***Recommendation # 1:***

Alberta Justice should ensure that Family Justice Services files are complete and up-to-date, including: clients’ personal information (e.g., birth dates, dates of marriage/separation/divorce); details of participation in any other programs such as mediation, PAS, FOCIS, etc. and whether these programs were completed; copies of all court orders; and copies of pertinent letters, reports and assessments.

#### **8.3.2 FOCIS Evaluation Forms**

##### ***Recommendation # 2:***

Alberta Justice should consider whether it wants to continue use of the FOCIS evaluation forms. Given the extremely positive ratings that FOCIS obtained in this project, the evaluation forms could probably be discontinued at this point. If Alberta Justice wishes to continue administering FOCIS evaluation forms to participants, it should consider shortening the existing form and ensure that a consistent form is employed at all locations across the province.

**Recommendation # 3:**

If Alberta Justice wishes to continue using the FOCIS evaluation forms, it should ensure that a staff member has a responsibility for entering them into a database and keeping this database up-to-date. CRILF will be providing Alberta Justice with the database used to analyze the FOCIS evaluation forms for this project, which could be used for future data entry.

8.3.3 Education

**Recommendation # 4:**

Given that many professionals were unaware of the current high conflict intervention programs in Alberta, Alberta Justice should consider an educational campaign to inform professionals working in the area about the existence and potential benefits of the programs.

**Recommendation # 5:**

Alberta Justice should standardize the names of the programs across the province to reduce the current confusion among professionals.

8.3.4 Funding Arrangements

**Recommendation # 6:**

As expected, the unit costs of the programs varied substantially with the least intrusive program also being the least expensive (i.e., FOCIS). Given the positive findings regarding FOCIS in this project, Alberta Justice should consider making attendance at FOCIS mandatory for high conflict cases prior to subsidizing clients for more intrusive and expensive interventions.

**Recommendation # 7:**

While the majority of stakeholders thought the current funding arrangements for the programs were appropriate, they did call for additional subsidies to ensure that all Albertans have equal access to these programs. Alberta Justice should review the fee structure for professionals who provide these services. Alberta Justice should also consider increasing the subsidies available for these programs, and should review the eligibility criteria for individuals to receive subsidies.

**Recommendation # 8:**

Funding for different programs comes from different sources, which sometimes affects clients' eligibility for subsidies. If possible, Alberta Justice should consider pooling the different sources of funding for these programs to ensure equal access to all Albertans.

### 8.3.5 Service Delivery Model

#### ***Recommendation # 9:***

To ensure universality and equal access to these programs by all Albertans, Alberta Justice should consider implementing a standardized intake process across the province in both Court of Queen's Bench and Provincial Court. The function of this intake process would be to screen clients and direct them towards the most appropriate services and programs. This process could also serve to ensure that clients access the appropriate least intrusive programs for their case before progressing to more intensive interventions. The screening process should include an assessment of risk of domestic violence.

#### ***Recommendation # 10:***

The international literature review identified several integrated triage models for dealing with high conflict cases. Specifically, the following innovative programs hold great promise for dealing with high conflict cases: the Sieve Model in Florida; the Connecticut Family Services Model; and the Family Relationship Centre model in Australia. Alberta Justice should further examine these service delivery systems to determine the extent to which they could be adapted in Alberta.

#### ***Recommendation # 11:***

Much useful information about the programs was obtained during this review. If Alberta Justice decides to revise its service delivery model, it should consider conducting a full evaluation to coincide with implementation of the new model. Further, given that Practice Note 7 has recently been revised and little data were available for this report, Alberta Justice should consider conducting a full evaluation of the revised Practice Note 7 once it has been in operation for at least one year.

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**APPENDIX A:**  
**FILE REVIEW FORM**





Date: Type:  
Applicant: Mother  Father  Other  Specify:

### Interventions

#### APPLICANT

Name: Birthdate:

Represented for any actions: Yes  No

Attended:

Mediation  
Date: Completed: Yes  No

CIC  
Date: Completed: Yes  No

PASS  
Date: Completed: Yes  No

FOCIS  
Date: Completed: Yes  No

#### RESPONDENT

Name: Birthdate:

Represented for any actions: Yes  No

Attended:

Mediation  
Date: Completed: Yes  No

CIC  
Date: Completed: Yes  No

PASS  
Date: Completed: Yes  No

FOCIS  
Date: Completed: Yes  No

Open Assessment  
Date: Completed: Yes  No

Brief Conflict Intervention  
Date: Completed: Yes  No

Home Study  
Date: Completed: Yes  No

Practice Note 7  
Date: Completed: Yes  No

Other. Specify:  
Date: Completed: Yes  No

Other. Specify:  
Date: Completed: Yes  No

Other. Specify:  
Date: Completed: Yes  No

Open Assessment  
Date: Completed: Yes  No

Brief Conflict Intervention  
Date: Completed: Yes  No

Home Study  
Date: Completed: Yes  No

Practice Note 7  
Date: Completed: Yes  No

Other. Specify:  
Date: Completed: Yes  No

Other. Specify:  
Date: Completed: Yes  No

Other. Specify:  
Date: Completed: Yes  No

*Comments*



**APPENDIX B:**  
**STAKEHOLDER'S SURVEY**



## REVIEW OF HIGH CONFLICT INTERVENTION PROGRAMS STAKEHOLDER'S SURVEY

Thank you for taking the time to complete this survey about your views and experiences with high conflict intervention programs in Alberta. Please note that the information you provide in this questionnaire will only be presented in aggregate form, and individual respondents will not be identified. For purposes of this project, high conflict cases are defined as follows: "High conflict family law files are those where the intensity and duration of the conflict between the parents is such that it puts the children at risk. These files are characterized by the parents putting their battle in priority to the needs of the children."

### Demographic Information

1. Where do you do most of your work?
 

<input type="checkbox"/> Calgary	<input type="checkbox"/> Other city
<input type="checkbox"/> Edmonton	<input type="checkbox"/> Rural Alberta
  
2. What is your profession?
 

<input type="checkbox"/> Lawyer	<input type="checkbox"/> Psychologist
<input type="checkbox"/> Justice – Court of Queen's Bench	<input type="checkbox"/> Social worker
<input type="checkbox"/> Judge – Provincial Court of Alberta	<input type="checkbox"/> Other. Please specify.

### Program Knowledge and Experience

Alberta currently has five programs that deal with high conflict family law cases: (1) Practice Note 7, Interventions; (2) Bi-lateral Custody Assessments (Open Assessments); (3) Brief Conflict Intervention; (4) Home Studies; and (5) Focus on Communication in Separation. In this survey, we would like to ask you about your knowledge of, and experience with, these programs.

**Practice Note 7, Interventions** – conducted only for cases in the Court of Queen's Bench, Practice Note 7 involves the court appointing a Parenting Expert to meet with the parties to attempt to resolve parenting issues. The Court may order either a short- or long-term intervention or, where resolution is not possible, an assessment of the family to aid the court in addressing the best interests of the children. (This description is consistent with the July 2006 version on Practice Note 7.)

3. Are you familiar with Practice Note 7?  
 Yes       No. If no, please go to Question 9.
  
4. Have you had direct experience with Practice Note 7?  
 Yes       No
  
5. For each of the following, please indicate the extent to which you agree or disagree with the statement.
 

	Strongly agree	Agree	Disagree	Strongly disagree
Practice Note 7 interventions are an effective mechanism for reducing conflict in high conflict cases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Practice Note 7 interventions save court time and costs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Practice Note 7 interventions save clients time and costs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Strongly agree	Agree	Disagree	Strongly disagree
Clients who have interventions under Practice Note 7 are more knowledgeable about the effects of conflict on their children.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Practice Note 7 <i>short-term interventions</i> help to settle cases in the short term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Practice Note 7 <i>short-term interventions</i> help to settle cases in the long term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Practice Note 7 <i>long-term interventions</i> help to settle cases in the short term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Practice Note 7 <i>long-term interventions</i> help to settle cases in the long term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judges consider the Practice Note 7 recommendation in cases that go to trial.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Should Practice Note 7 interventions be available in Provincial Court cases?

Yes       No

Please explain.

7. Parties are currently responsible for paying for interventions under Practice Note 7, although subsidies are available to those who qualify. Do you think this funding arrangement is appropriate?

Yes

No. If no, why not?

8. Do you have any recommendations for improving Practice Note 7 interventions?

**Bi-lateral Custody Assessments (Open Assessments)** – Conducted only for cases in the Court of Queen’s Bench, a couple may be referred for an assessment where an application for parenting time or contact has been filed, and mediation has not been successful. These assessments are conducted by a psychologist or social worker in private practice, who provides a written assessment and recommendations to the court. Parties are responsible for paying for the assessment, but subsidies are available to those who qualify. Subsidies are based on a sliding scale according to family size and income. (These assessments may be done under Practice Note 7.)

9. Are you familiar with Bi-lateral Custody Assessments?

Yes       No. If no, please go to Question 15.

10. Have you had direct experience with Bi-lateral Custody Assessments?

Yes       No

11. For each of the following, please indicate the extent to which you agree or disagree with the statement.

	Strongly agree	Agree	Disagree	Strongly disagree
Bi-lateral Custody Assessments are an effective mechanism for reducing conflict in high conflict cases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bi-lateral Custody Assessments save court time and costs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bi-lateral Custody Assessments save clients time and costs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clients who have Bi-lateral Custody Assessments are more knowledgeable about the effects of conflict on their children.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bi-lateral Custody Assessments help to settle cases in the short term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bi-lateral Custody Assessments help to settle cases in the long term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judges consider the assessment recommendation in cases that go to trial.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. Parties are currently responsible for paying for the assessment, although subsidies are available in Court of Queen's Bench to those who qualify. Do you think this funding arrangement is appropriate?

- Yes  
 No. If no, why not?

13. Do you think subsidies should be available for Bi-lateral Custody Assessments ordered in Provincial Court?

- Yes  
 No. If no, why not?

14. Do you have any recommendations for improving the Bi-lateral Custody Assessments program?

**Brief Conflict Intervention** – Available only for cases in Provincial Court, Brief Conflict Interventions may be used in cases with young children where mediation has not been successful. Parents meet with a psychologist or social worker for ten hours of solution-focused intervention. The goal of Brief Conflict Intervention is to provide early intervention by educating parents about the specific needs of their children during separation and to teach problem-solving skills. At the conclusion of the intervention, a report is submitted to the court outlining areas of agreement and/or disagreement. Where parties have a child under the age of 6 and the gross income of one of the parties is less than \$40,000, Brief Conflict Intervention is provided at no cost.

15. Are you familiar with Brief Conflict Intervention?  
 Yes       No. If no, please go to Question 21.

16. Have you had direct experience with Brief Conflict Intervention?  
 Yes       No

17. For each of the following, please indicate the extent to which you agree or disagree with the statement.

	Strongly agree	Agree	Disagree	Strongly disagree
Brief Conflict Intervention is an effective mechanism for reducing conflict in high conflict cases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brief Conflict Intervention saves court time and costs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brief Conflict Intervention saves clients time and costs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clients who have a Brief Conflict Intervention are more knowledgeable about the effects of conflict on their children.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brief Conflict Intervention helps to settle cases in the short term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brief Conflict Intervention helps to settle cases in the long term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judges consider the Brief Conflict Intervention report in cases that go to trial.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. Should Brief Conflict Intervention be available in Court of Queen's Bench cases?

Yes       No

Please explain.

19. Brief Conflict Interventions are currently conducted at no cost to families with children 5 years and under where the gross income of one of the parties is less than \$40,000. Do you think this funding arrangement is appropriate?

Yes  
 No. If no, why not?

Do you think Brief Conflict Interventions should be available to families with older children?

Yes  
 No. If no, why not?

20. Do you have any recommendations for improving the Brief Conflict Intervention program?

**Home Studies** -- Home Studies are available for cases in Edmonton Provincial Court, and involve a study of parenting abilities and recommendations for developing a parenting plan. These studies are completed by internal Family Court Counselling staff at no cost to the parties.

21. Are you familiar with Home Studies?

Yes       No. If no, please go to Question 27.

22. Have you had direct experience with Home Studies?

Yes       No

23. For each of the following, please indicate the extent to which you agree or disagree with the statement.

	Strongly agree	Agree	Disagree	Strongly disagree
Home Studies are an effective mechanism for reducing conflict in high conflict cases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Home Studies save court time and costs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Home Studies save clients time and costs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clients who have Home Studies are more knowledgeable about the effects of conflict on their children.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Home Studies help to settle cases in the short term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Home Studies help to settle cases in the long term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judges consider the recommendation of the Home Study in cases that go to trial.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

24. Full Home Studies may be conducted when both parties reside in Alberta. Should full Home Studies be available in provincial courts province-wide?

Yes  No

Please explain.

Should Home Studies also be available in Court of Queen's Bench cases?

Yes  No

Please explain.

25. Home Studies are currently conducted at no cost to the parties; they are completed by internal Family Court Counselling staff in Edmonton. Do you think this funding arrangement is appropriate?

Yes

No. If no, why not?

26. Do you have any recommendations for improving the Home Studies program?

**Focus on Communication in Separation (FOCIS)** – Available in 10 locations throughout Alberta, the Focus on Communication in Separation course grew out of the Parenting After Separation seminars that are mandatory for separating or divorcing parents in Alberta. The Focus on Communication in Separation is voluntary, and involves a free six-hour communication class utilizing interactive, skill-practice methods. Topics covered include: the effects of conflict on children; understanding conflict; anger; listening skills; and I messages.

27. Are you familiar with FOCIS?

Yes  No. If no, please go to Question 34.

28. Have you had direct experience with FOCIS?

Yes  No

29. For each of the following, please indicate the extent to which you agree or disagree with the statement.

	Strongly agree	Agree	Disagree	Strongly disagree
FOCIS is an effective mechanism for reducing conflict in high conflict cases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FOCIS saves court time and costs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FOCIS saves clients time and costs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clients who attend FOCIS are more knowledgeable about the effects of conflict on their children.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FOCIS helps to settle cases in the short term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FOCIS helps to settle cases in the long term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

30. FOCIS is available in 10 locations throughout Alberta. Is this sufficient?

Yes       No

Please explain.

31. Attendance at FOCIS is voluntary. Should it be mandatory in high conflict cases?

Yes       No

Please explain.

32. There is no charge to parties attending FOCIS. Do you think this funding arrangement is appropriate?

Yes  
 No. If no, why not?

33. Do you have any recommendations for improving the FOCIS program?

### **General Comments**

34. Do you think that reports resulting from high conflict intervention programs should be provided to the parents?

Yes       No

Please explain.

35. Do you have any other comments regarding Family Justice Services for high conflict cases in Alberta (e.g., suggestions for new programs, funding structure, etc.)?

*Thank you for taking the time to complete this survey.*

**APPENDIX C:**  
**PROGRAM MANAGER'S INTERVIEW SCHEDULE**



**REVIEW OF HIGH CONFLICT INTERVENTION PROGRAMS  
KEY INFORMANT INTERVIEW SCHEDULE FOR  
PROGRAM MANAGERS**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Program: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Interview Date: \_\_\_\_\_ Start time: \_\_\_\_\_ End time: \_\_\_\_\_

**BACKGROUND INFORMATION**

1. What led to the development of [program name]?  
[Prompt: needs or problems in the family justice system?]
  
  
  
  
  
  
  
  
  
  
2. Were you involved in the development of the program and, if so, what was your role?

**OPINIONS AND COMMENTS**

3. The primary goal of [program name] is to [insert program goal]. How much do you agree or disagree that the program meets this goal?  
 strongly agree    agree    disagree    strongly disagree

4. Does [program name] facilitate settlements?

yes       no

If no, why not?

5. Do you think that the current policies and procedures in place are working well?

yes       no

If no, why not?

6. Would you like to see any changes made to the current policies and procedures?

What?

7. [Program name] is currently only available in [insert level of court/location]. Do you think that it should be expanded to [insert options]? Why?

yes       no

[Additional question where appropriate]

8. [Program name] is currently only available to families with children aged 5 and under. Do you think that [program name] should be expanded to include families with older children? Why?

yes       no

9. Do you think the current funding strategy is appropriate? Why? What are the alternatives?  
 yes       no

10. What do you envision [program name] to look like in the next 5 years?  
[*Prompt:* expanded mandate, increased staff]

Do you see any changes being made to [program name]?  
[*Prompt:* in how it is set up, in how it is run, scheduling process, availability of services, mandatory vs. optional]

11. Do you have any other comments or suggestions you would like to make about [program name]?  
 yes       no



**APPENDIX D:**  
**FOCIS EVALUATION FORM**



## Focus On Communication in Separation – Course Evaluation

Date(s): \_\_\_\_\_

Location: \_\_\_\_\_

Instructors: \_\_\_\_\_

**Please complete this evaluation. Alberta Justice wants to ensure that its programs meet the needs of participants. By completing this evaluation and identifying the strengths and weaknesses in the FOCIS program you can help make this course the best it can be.**

Please *check one box* per question and/or fill-in the blanks as required.

1. Are you:  
 a parent                       a step-parent                       a grandparent  
 other (please describe) \_\_\_\_\_
  
2. How many children do you have with your former partner? \_\_\_\_\_  
 Not applicable
  
3. How old are they? \_\_\_\_\_  
 Not applicable
  
4. How long have you been separated? \_\_\_\_\_  
 Not applicable
  
5. Are you currently involved in a court application regarding custody and/or access issues?  
 Yes                       No                       Other                       Unknown
  
6. How did you first find out about the course?  
 Family Court Counsellor                       Mediator  
 Lawyer                       Justice in Court of Queen's Bench  
 Caseflow Co-ordinator                       Parenting After Separation Course  
 Brochure                       Family Court Judge (Provincial)  
 Other (Please Describe): \_\_\_\_\_  
\_\_\_\_\_
  
7. Have you attended the Parenting After Separation Course (PAS)?  
 Yes                       No

**Directions for Questions 7 – 15:** Please circle a number between 0 and 5 (0 = no knowledge and 5 very knowledgeable) or a word to represent your knowledge or confidence level for each question. Above the line indicate what you think your knowledge was **BEFORE** the course and what it is now **AFTER** completing FOCIS below the line.

7. Your knowledge of the impact of conflict on children:

	Low					High	
<b>BEFORE</b>	0	1	2	3	4	5	N/A
<b>AFTER</b>	0	1	2	3	4	5	N/A

8 Your knowledge of what is conflict:

	Low					High	
<b>BEFORE</b>	0	1	2	3	4	5	N/A
<b>AFTER</b>	0	1	2	3	4	5	N/A

9 Your knowledge of the conflict cycle:

	Low					High	
<b>BEFORE</b>	0	1	2	3	4	5	N/A
<b>AFTER</b>	0	1	2	3	4	5	N/A

10 Your knowledge of anger:

	Low					High	
<b>BEFORE</b>	0	1	2	3	4	5	N/A
<b>AFTER</b>	0	1	2	3	4	5	N/A

11 Your knowledge of perception:

	Low					High	
<b>BEFORE</b>	0	1	2	3	4	5	N/A
<b>AFTER</b>	0	1	2	3	4	5	N/A

12 Your knowledge of the importance of listening:

	Low					High	
<b>BEFORE</b>	0	1	2	3	4	5	N/A
<b>AFTER</b>	0	1	2	3	4	5	N/A

13 Your knowledge of questioning and paraphrasing:

	Low					High	
<b>BEFORE</b>	0	1	2	3	4	5	N/A
<b>AFTER</b>	0	1	2	3	4	5	N/A

14 Your knowledge of I messages:

	Low					High	
<b>BEFORE</b>	0	1	2	3	4	5	N/A
<b>AFTER</b>	0	1	2	3	4	5	N/A

15 Your knowledge of problem solving:

	Low					High	
<b>BEFORE</b>	0	1	2	3	4	5	N/A
<b>AFTER</b>	0	1	2	3	4	5	N/A

*Circle the number that comes closest to describing your thoughts regarding the coverage of the topics in FOCIS.*

		Wanted Less	Just Right	Wanted More	Unsure
16.	Impact of conflict on children	1	2	3	4
17.	Conflict Cycle	1	2	3	4
18.	Anger	1	2	3	4
19.	Perception	1	2	3	4
20.	Questioning	1	2	3	4
21.	Paraphrasing	1	2	3	4
22.	I messages	1	2	3	4
23.	Problem Solving	1	2	3	4

*Please answer the following questions by circling your response*

24. **Practicing the use of different skills was helpful to my learning.**
- |                   |       |         |          |                      |     |
|-------------------|-------|---------|----------|----------------------|-----|
| 1                 | 2     | 3       | 4        | 5                    | 6   |
| Strongly<br>Agree | Agree | Neutral | Disagree | Strongly<br>Disagree | N/A |
25. **The course leaders were knowledgeable.**
- |                   |       |         |          |                      |     |
|-------------------|-------|---------|----------|----------------------|-----|
| 1                 | 2     | 3       | 4        | 5                    | 6   |
| Strongly<br>Agree | Agree | Neutral | Disagree | Strongly<br>Disagree | N/A |
26. **The course leaders were clear and easy to understand.**
- |                   |       |         |          |                      |     |
|-------------------|-------|---------|----------|----------------------|-----|
| 1                 | 2     | 3       | 4        | 5                    | 6   |
| Strongly<br>Agree | Agree | Neutral | Disagree | Strongly<br>Disagree | N/A |
27. **This course will help me reduce negative conflicts with the other parent.**
- |                   |       |         |          |                      |     |
|-------------------|-------|---------|----------|----------------------|-----|
| 1                 | 2     | 3       | 4        | 5                    | 6   |
| Strongly<br>Agree | Agree | Neutral | Disagree | Strongly<br>Disagree | N/A |
28. **I would recommend this course to others.**
- |                   |       |         |          |                      |     |
|-------------------|-------|---------|----------|----------------------|-----|
| 1                 | 2     | 3       | 4        | 5                    | 6   |
| Strongly<br>Agree | Agree | Neutral | Disagree | Strongly<br>Disagree | N/A |
29. **The location of the course was convenient.**
- |                   |       |         |          |                      |     |
|-------------------|-------|---------|----------|----------------------|-----|
| 1                 | 2     | 3       | 4        | 5                    | 6   |
| Strongly<br>Agree | Agree | Neutral | Disagree | Strongly<br>Disagree | N/A |
30. **The day of the week of the course was convenient.**
- |                   |       |         |          |                      |     |
|-------------------|-------|---------|----------|----------------------|-----|
| 1                 | 2     | 3       | 4        | 5                    | 6   |
| Strongly<br>Agree | Agree | Neutral | Disagree | Strongly<br>Disagree | N/A |

31. **The time of the course was convenient.**

1	2	3	4	5	6
Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A

32. **Do you have any suggestions regarding, location, day and/or time of the course?**

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33. **What was most helpful about this course?** \_\_\_\_\_

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34. **What was least helpful about this course?** \_\_\_\_\_

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35. **What information, skills or practice would you like to see incorporated into the course?** \_\_\_\_\_

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36. **Do you have any additional comments?** \_\_\_\_\_

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### Follow-up Evaluation

Would you be willing to participate in a brief follow-up telephone interview in approximately three to six months?

Yes  No

**If Yes:**

Your name: \_\_\_\_\_

Daytime phone number: \_\_\_\_\_

**Thank you  
for completing this evaluation.**