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The longer-term outcomes of in-court conciliation

Liz Trinder & Joanne Kellett
University of East Anglia

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Executive summary

In 2006 we reported the findings from a study exploring the immediate and short-term outcomes of in-court conciliation in contact disputes (Trinder *et al*, 2006a). In-court conciliation is a brief intervention designed to help litigating parents reach an agreement about contact arrangements for children following separation or divorce. It typically consists of a brief meeting at court where parents are encouraged to negotiate arrangements with the assistance of family justice system professionals. In our 2006 study we found that conciliation was effective at producing agreements and (re)establishing contact (Trinder *et al*, 2006a). However, six months after conciliation there was limited impact on co-parental relationships or children's wellbeing.

In this report we now explore the longer-term outcomes of conciliation, two years after the original intervention. This study, funded again by the Department for Constitutional Affairs (now Ministry of Justice), examines the longer term impact of conciliation on re-litigation, contact patterns, co-parenting, contact problems and adult and child wellbeing. The study was based on follow-up telephone interviews with 117 of the original baseline study parents.

Agreements and litigation (chapter three)

- A positive message from the study is that two years following conciliation the great majority of cases (a) had an agreement about contact and (b) were closed.
- However, reaching that point had been quite a turbulent journey for many. A majority of parents had required further professional intervention and 40% had been involved in further litigation since baseline.
- About 60% of baseline agreements had been dropped, or had broken down, by the two-year follow-up point.
- Changes in baseline agreements appeared to be due to one or more of the adults or children not supporting the agreement, rather than an adaptive response to changed circumstances.
- Cases with more longstanding contact problems were less likely to (a) retain the baseline agreement or (b) to have a replacement agreement in place two years later. The baseline satisfaction with the agreement or case outcome did not predict agreement stability or re-litigation rates two years later.

Contact patterns (chapter four)

- Conciliation does appear to deliver contact. At the two-year follow-up four-fifths of children were having contact, a significant increase from the position at the baseline application and broadly similar to the general (non-court) population.
- More children were also having **overnight** contact and the **overall amount** of contact per child had increased. These more expansive arrangements related to a 'court effect' rather than the restoration of contact or the ageing of children.
- Even so, the power of the court is not limitless in achieving contact. About 10% of 'hard cases' proved resistant to court efforts to establish contact. Contact was more likely to be taking place in what had been the easier cases to start with. The amount of contact in place before court was also the strongest predictor of the amount of contact after conciliation.

Co-parental relationships (chapter five)

- The ability of parents to collaborate and to shield their children from conflict is one of the key factors likely to enhance children's wellbeing post-separation.
- Two years after conciliation, parental relationships had improved a little for some. But the improvement was modest. The majority of parents continued to report a negative relationship that had not improved, or had worsened, since baseline.
- The level of shared decision-making between parents also remained low overall, although there was a small increase in the number of parents sharing major decisions.
- The best outcomes were reported by parents who had already been more collaborative before conciliation. Somewhat surprisingly, further litigation did not appear to have an impact on co-parental relationships or decision-making, although being involved in a **current** dispute did have a markedly deleterious effect on parental relationships.

Contact problems (chapter six)

- At the two-year follow-up there were some signs of improvement in some types of contact problems. Overall, 43% of parents reported that contact problems had improved since baseline. These improvements appeared to relate to the more established nature of contact arrangements.
- Specific problems relating to threats to stop contact, commitment and reliability dropped over the course of the two years as contact appeared more firmly entrenched (although half the sample still had concerns about their ex-partner's reliability and commitment). Other areas of conflict, such as disputes over money also declined significantly.

- However, there was no real change in wide-ranging concerns about the ex-partner's parenting. A third of parents still had concerns that the other parent would be too harsh or might harm the children, and about 70% reported that the other parent was not sufficiently attentive to the children or provided insufficient discipline. Concerns about children being unsettled or reluctant to make transitions were unchanged at about 65% of the sample. The one positive area was that fear of violence dropped significantly.
- On several contact problems, the presence of problems at baseline tended to predict continuing problems two years later.

Adult and child wellbeing (chapter seven)

- At baseline the number of parents reporting psychological distress on a standardised measure far exceeded national norms. At the two-year follow-up adult wellbeing had improved significantly and was indistinguishable from community samples.
- The outcome was different for children. At baseline the number of children with borderline or abnormal scores was about double the UK norm. At the two-year follow-up this situation had not improved at all. Two years on 35-43% of children still had borderline or abnormal scores.
- Having contact, further litigation and current adult wellbeing did **not** predict child wellbeing at the two-year follow-up. Instead children who had been struggling at baseline were most likely to have poor scores at the two-year follow-up.

Overall case success (chapter eight)

- In broad terms more parents were satisfied with some aspects of their contact arrangements than at baseline, although the overall level of satisfaction remained below that reported by non-court samples. The parents who were most satisfied were those with a current agreement for contact. Resident parents were more satisfied with residence arrangements and the quantity of contact than non-resident parents.
- Identifying the number of successful cases depends to a considerable degree on the definition of success. Nearly three-quarters of cases were successful if success is defined as having contact and a closed case at the two-year point (though only half of cases were **continuously** settled throughout the period).
- On a broader definition of success, incorporating the co-parental factors that are known to influence children's wellbeing, outcomes are less positive. Only a quarter of cases were categorised as 'settled and moving on'. Another quarter of cases fell into the clearly unsuccessful 'not settled and conflicted' group. Nearly half the sample fell into

the ambiguous 'settled but conflicted' group with established contact but no improvement in co-parental relationships. The unresolved conflict in the latter two groups does raise serious concerns for children's wellbeing.

- The easier cases at baseline (with some shared decision-making and without domestic violence concerns), were more likely to stay settled and to report improved relationships two years later. The difficult cases tended to stay difficult, regardless of whether contact was resolved or not.

Making sense of success (chapter nine)

- The qualitative data from the parents who had found a way of moving on indicated that the key mechanisms were the passage of time, new partnerships and maturing children able to make their own decisions.
- Where parents did identify the courts as helpful it was based on providing a framework for contact rather than assistance with working together as co-parents. Courts also provided 'paradoxical assistance' by being so stressful that parents had decided to find alternative means of making decisions.
- Many of the large 'settled but conflicted' group appeared in a state of 'weary resignation' have given up on the courts as a means of resolving matters due to their perceived ineffectiveness and the financial and emotional cost of proceedings.

Conclusions and recommendations

- This two-year follow-up study has identified the strengths and limitations of in-court conciliation. In short, conciliation is an effective way of reaching agreements and restoring contact over the short-term but is often followed by further litigation and has very limited impact on making contact actually work well for children.
- The development of more relationship-based or therapeutically-orientated interventions is long overdue. These could be developed as add-ons to existing family justice systems or as referral-based services. More radically, serious consideration should be given to recasting these matters as public health rather than legal issues and moving towards the development of comprehensive services for families in the community rather than within the family justice system.

1. Introduction

Over recent years the way in which courts handle an increasing volume of litigated child contact cases¹ has been under intense and systematic scrutiny from both within and without. In response the government and the family justice system have produced a number of proposals to manage both the increasing volume of cases and perceptions of bias and ineffectiveness but within tight financial constraints.

In-court conciliation is an important component of the raft of measures proposed in response. It is not a new intervention. Conciliation has taken place in many courts since the nineteen eighties, although the precise form it takes has varied markedly between courts (see Ogus *et al*, 1989; Trinder *et al*, 2006a; Cantwell, 2006). In essence, though, conciliation is a form of dispute resolution used in the early stages of contested private law proceedings, such as contact applications. The purpose is usually to help parties negotiate an agreement about the disputed matter without the need for further legal intervention. Conciliation is typically a brief intervention, usually a one-off meeting of about thirty minutes taking place on court premises. The current expectation is that in-court conciliation will be made available to all courts as resources permit (DCA, 2004).

However, although in-court conciliation is being rapidly developed as part of the Private Law Programme, it has always had its critics. Concern has long been expressed about whether brief negotiations in the highly-pressured court environment can ever be fair or produce sustainable or appropriate agreements, particularly in comparison with (out of court) mediation. Gwynn Davis, for example, concluded in the nineteen eighties that although the conciliation process could work, “[at] its worst it is a thoroughly unsatisfactory hybrid: a kind of ‘mediation’ without party control, or ‘adjudication’ without the opportunity to give evidence” (1988: 107).

The research studies that have been conducted to date do bear out some of these concerns. In our previous study we found that in-court conciliation was a very effective and rapid means of producing agreements in disputed cases although with fairly modest levels of parent satisfaction (Trinder *et al*, 2006a). These findings very closely followed those of earlier work,

¹ The number of contact orders made in all courts in England and Wales has risen from 17,470 in 1992 (the year of implementation of the Children Act 1989) to 39,982 orders made in 1996, to 61,356 in 2002 and 60,294 in 2005 (Judicial Statistics). It is important to recognise that these cases reaching court represent a small minority of divorced or separated families. Research for the Office for National Statistics, for example, found that only 10% of the parents in the sample had used the courts to make contact arrangements (Blackwell & Dawe, 2003).

including two large-scale studies comparing a range of interventions (for a summary see table 1.1, below).

Compared to out of court mediation, in-court schemes tend to produce high numbers of agreements, indicative of greater pressure, as well as lower levels of satisfaction with both those agreements and with the process. It is worth pointing out, however, that the two studies comparing both mediation and conciliation outcomes head-to-head have not found a substantial difference in parent approval ratings, despite the court samples including more difficult cases (Ogus *et al*, 1989 14.5, 20.18; Davis *et al*, 2001: 98).

Rather less is known about what happens to parents, children and agreements after conciliation, particularly beyond the first six months (see table 1.1 for a summary). There are some indications that about half of agreements endure over the short period whilst only a minority of parents report improvement in relationships. In the first follow-up to our conciliation study, that is six to nine months after the conciliation appointment, we found that conciliation was very effective in ensuring or re-establishing contact. However, **regardless of model**², in-court conciliation had more limited impact on the key co-parenting factors that make contact work for children, that is, containment of parental conflict and parental collaboration.

² Three models were evaluated in the original research study (see Trinder *et al*, 2006a). The Essex model was an example of a low judicial control approach, with the CAFCASS officer playing a central role in getting parents to negotiate with each other. The Principal Registry of the Family Division represented a high judicial control model with district judges and lawyers taking the lead role. The Cambridgeshire model sat somewhere between high and low judicial control, with district judges and FCA taking turns to lead the process. The low judicial control model achieved the best results in terms of agreements and parental satisfaction, followed by the hybrid Cambridgeshire model.

Table 1.1 Comparison of immediate and short-term outcomes in different settings for children disputes

	MEDIATION		CONCILIATION					TRIALS
	Davis <i>et al</i> , 2001	Walker <i>et al</i> , 2004 ³	High judicial control (Davis, 1988)	High judicial control (Ogus <i>et al</i> , 1989)	Low judicial control (Ogus <i>et al</i> , 1989)	Low judicial control (Mantle, 2001) ⁴	High and low judicial control (Trinder, 2006a)	Davis <i>et al</i> , 2001
Agreement rate	45%	46% (28% full)	70% access cases	60% access cases	>70% access cases	70% reported	76% (42% full agreements)	-
Satisfaction with the process		46% satisfied	55% angry or disappointed	28% satisfied	57% satisfied	44% satisfied	50% satisfied	
Satisfaction with agreement	-	-	-	57%	59%	-	62%	
Agreement completely in child's interests	67%	-	-	-	-	-	48%	55%
Agreement sustained	-	-	50% agreement 'worked'	-	-	52% at 6 months	39% intact, 57% intact or extended at 6 months	-
Later satisfaction with agreement	-	-	-	32% satisfied	51% satisfied		53% satisfied at 6 months	-
Parental collaboration	-	23% improved communication, 23% helped reduce conflict (24 months)	-	Improved relationship, but no greater than controls	Improved relationship but no greater controls	-	24% improved relationship at 6 months	-

³ Including children only, finances only and all-issues cases.

⁴ Sample restricted to the 70% of cases where a full or partial agreement had been reached.

The research team were not particularly surprised by the rather limited impact on parental collaboration at the six months point. It was clear at baseline that the 10% of cases that do litigate contact (Blackwell & Dawe, 2003) do have high levels of conflict and multiple difficulties surrounding contact (and see Smart *et al*, 2005). Our interviews with professionals in our original baseline study, and our own observations, suggested that in each of the three areas the courts had adopted a standard case processing approach prioritising reaching agreement and contact, rather than seeking to address co-parental relationship issues directly (Trinder *et al*, 2006a). A recent follow-up of out of court mediation clients also found limited impact on parental collaboration, even with greater time input than a typical conciliation session (Walker *et al*, 2004).

What we were less clear about at the six-month follow-up stage was what was likely to happen next. First, would the apparent successes of in-court conciliation be sustainable beyond the short-term? Could all of these ‘shotgun’ agreements last for more than six months? And could they be adapted to take account of changing circumstances without parents having to return to court? Secondly, would parental relationships start to settle down and improve as (or if) contact arrangements became more established? Could conciliation start to have a longer-term impact of parental collaboration, shared decision-making and contact problems in a way that was not obvious in the short-term?

We addressed these questions by conducting a two-year follow-up interview with as many parents as possible from the original baseline and six-month follow-up studies (see the box below for details of the research design for the first study). This report presents the findings from this unique insight into the longer-term outcomes of litigated contact cases.

The original baseline and six-month follow-up studies (Trinder *et al*, 2006a)

The aim of the original study was to identify the **overall** effectiveness of in-court conciliation in contact cases as well as the **relative** effectiveness of three contrasting models of conciliation: Essex (low judicial control), the Principal Registry of the Family Division (high judicial control) and Cambridgeshire (hybrid model). In other words the study sought to identify whether conciliation 'works' and which of the three models 'worked' best.

Effectiveness or 'working' was explored using six main indicators: agreement rate, satisfaction with the agreement, satisfaction with the process overall and with specific process components, agreement durability, re-litigation and further professional intervention, change (or improvement) in contact patterns, satisfaction with arrangements, contact problems, shared decision-making and parent and child wellbeing.

The main study consisted of a longitudinal quantitative survey of parents who had attended in-court conciliation and qualitative interviews with judges, lawyers and CAFCASS officers.

The parent study was in two parts: a baseline survey reporting on the immediate outcomes of conciliation and a six-month follow-up study reporting short-term outcomes.

Parents were initially recruited into the study immediately following the conciliation appointment and a structured telephone interview was conducted a few days later.

The baseline sample consisted of 250 parents, 125 mothers and 125 fathers drawn from the three areas. At follow-up, between six and nine months later, 70% of the baseline sample parents were re-interviewed.

2. Methodology

The broad aim of the current two-year follow-up study was to identify the longer-term effects of conciliation using a range of outcome measures including contact patterns, durability of agreements, re-litigation, co-parenting, contact problems and adult and child wellbeing. The two to three year period since the original conciliation appointment allowed sufficient time for arrangements (and relationships) to have settled down, or, alternatively, for further litigation and conflict.

Research design

The study consisted of a second follow-up (FU2) telephone interview with parents who had attended in-court conciliation approximately two years previously and who had been interviewed in both the baseline (BL) and the first (six to nine month) follow-up (FU1) studies (see Introduction or Trinder *et al*, 2006a for the methodology).

Data collection

The 117 FU2 interviews were conducted by telephone using a 30 minute standardised interview schedule, with mostly fixed choice responses and some open-ended questions to explore feelings and perceptions in greater depth. The interview schedule largely repeated the FU1 schedule covering:

- current agreement position;
- family justice system involvement/negotiation methods since FU1;
- current contact pattern;
- contact problems;
- shared decision-making and parental relationships;
- child wellbeing using the parent report Strengths and Difficulties Questionnaire (Goodman, 1997);
- adult wellbeing using the General Health Questionnaire (Goldberg & Williams, 1988).

Although the telephone interviews included mostly closed questions as in previous rounds we found that most parents wanted to elaborate upon their answers. As a result we decided to tape record the interviews where parents consented. A randomly selected sample of these interviews were subsequently transcribed and analysed.

Sample recruitment, access and ethics

The original baseline sample was recruited at court on the day of the in-court conciliation appointment. The baseline interview was conducted by telephone a few days after the conciliation appointment. The first round of follow-up phone interviews was conducted six to nine months later.

It had not been our original intention to contact parents again for a second follow-up interview. The second two-year follow-up study therefore required us to try and make contact with parents again following a 18-month break and to re-establish consent if possible. As in the original study, we followed stringent ethical safeguards to avoid parents feeling obliged to participate. The sequence for the second follow-up study was as follows:

1. We had the postal addresses for 150 out of the 175 parents involved in the first follow-up interview. We wrote to these parents inviting them to take part in a further interview. We enclosed a research summary of the original study, a leaflet and an opt slip which they could return if they preferred not to be contacted.⁵ We also stressed that they could opt out at any subsequent point including when we telephoned them.
2. The researcher conducted a telephone interview within a few weeks if there were still informed consent. As before, separate interviewers were used if both parents had agreed to participate.
3. If parents were no longer contactable by telephone, a postal questionnaire was sent to them.
4. This time parents were offered a £20.00 gift voucher in recognition of their time and continued support for the study.

As in the original conciliation study, we did not seek access to court records. Throughout the study the research team worked to the Code of Ethics of the British Psychological Society. Approval for the research was sought and granted from the Lord Chancellor's Department (now the Ministry of Justice) and the Ethics Committee of the School of Social Work and Psychosocial Sciences at the University of East Anglia.

⁵ Three parents opted out of the study at this stage by returning the opt out reply slip.

The representativeness and composition of the parent sample

Our original baseline sample was 250 parents. At first follow-up we achieved interviews with 175 parents, that is 70% of the original sample. At the second round we re-interviewed 117 parents, that is 67% of FU1 parents and 47% of the original baseline sample. Virtually all non-responses at FU1 and FU2 were due to an inability to contact parents, often due to people having subsequently changed mobile phone numbers or address. This is a good follow-up response rate for this population.

Despite the drop in numbers, the FU2 sample remained highly representative of the baseline sample. The FU2 sample was made up of 53% respondents and 47% of applicants and 49.6% fathers and 51.4% mothers. The FU2 sample was also drawn evenly between the three original sites, with Essex parents representing 33.3% of the sample, PRFD representing 35% and Suffolk/Cambridgeshire parents representing 31.6% of the two-year sample. Importantly, there were no significant differences between parents who did and did not take part in the second follow-up on any key baseline indicators, including gender, baseline residence, marital status, co-parenting, agreement rate, satisfaction with the conciliation process and outcome of the case (table 2.1).

The only area of imbalance is that the FU2 sample contains more (currently) resident parents than (currently) non-resident parents at 62.4% and 37.6% of the FU2 sample respectively. This figure is primarily a result of switches in residence between baseline and FU2. The other reason for the greater number of resident parents at FU2 is the very high attrition rate amongst mothers who were non-resident at baseline. Only two out of the original nine non-resident mothers were interviewed at FU2, a retention rate of just 22%. In contrast, 49% of resident mothers, 45% of non-resident fathers and 52% of resident fathers stayed in the sample from baseline to second follow-up. Whilst we do not consider that this diminishes the representativeness of the sample generally it does mean that the findings do not address the experiences of non-resident mothers.

Table 2.1 Comparison of baseline and two-year follow-up samples				
Baseline variable	Overall baseline (n = 250)	Followed up at two years (n = 117)	Not followed up at two years (n = 133)	p-value*
	%	%	%	
Applicant	51.2	47.0	54.9	.264
Male	50.0	49.6	50.4	1.000
Non-resident parent**	45.2	41.9	48.1	.389
Legal aid eligible	52.0	47.0	56.4	.175
Married	59.2	65.8	53.4	.062
Violence or abuse cited as a reason for the separation	29.4	28.4	30.3	.857
Previous application	36.0	35.5	36.8	.870
Contact at application	72.8	76.9	69.2	.218
Parental relationship quality (fair or quite good)	15.6	13.7	17.3	.541
Satisfied with the conciliation process overall	49.6	45.6	53.2	.298
Full or partial agreement	72.4	71.8	72.9	.953
Satisfied with the overall outcome of the case	50.8	45.6	55.3	.165
	n = 181	n = 84	n = 97	
Satisfied with agreement	62.4	56.0	68.0	.128
	n = 209	n = 102	n = 107	
GHQ below the threshold	29.7	32.4	27.1	.497

* Chi Square test

** Relates to residential status at baseline

The FU2 interviews were conducted on average 27 months after the first baseline interview (SD=3.8).

3. Agreements and litigation

In our original study (Trinder *et al*, 2006a) we found a very high agreement level with 76% of parents reaching a full or partial agreement at court despite high levels of conflict and a very brief intervention. This is consistent with the findings of other studies, also reporting high levels of agreement (see table 1.1 above).

Six months later we identified that only a small number of agreements had broken down completely but nearly half of the original agreements had been revised. However, few parents had returned to court in the first six to nine months. Only 18% of parents reported further litigation and only a quarter of cases remained active at first follow-up.

In the two-year follow-up study we wished to explore what had happened to these cases over the medium-term. In particular we sought to identify:

- How durable were the original agreements?
- What predicted agreement durability?
- How and why were agreements changed/dropped?
- What type of further involvement with the family justice system had occurred?
- What predicted re-litigation?

Agreements and case activity

Two years on from the first conciliation appointment the great majority of cases do appear quite settled. At the second follow-up four-fifths of parents (79%) did have an agreement about contact. An even higher proportion of cases were closed or inactive. Only 11 parents (9.4% of the total) reported that their case was currently active. This was a significant reduction from the 25.6% of parents whose case had been still active at the six month follow-up (McNemar test $p = .001$) and clearly even more so from the baseline period when all cases were active.

However, simply relying on a single snapshot in time misses the considerable changes that had occurred between data collection points. Although most cases had settled, or settled down, by the two-year follow-up, there had been a considerable amount of activity leading up to that point. While 91% of cases were inactive at the two-year follow-up, two-thirds of parents reported that they had had some further legal intervention since the baseline conciliation appointment. This further involvement ranged from solicitor negotiations to reports and hearings (table 3.1). In broad terms, a third of parents reported no further action, a third relatively low-level intervention (solicitors, reviews, further conciliation) and a third intensive

intervention (reports and/or hearings). The majority of cases therefore were not able to be dealt with by a single in-court conciliation appointment.

Table 3.1 Highest level of legal intervention since baseline, all cases (numbers and percentages)		
Level of legal intervention	Number	Percentage
No further action	37	31.6
Solicitor negotiations	7	6.0
Review	17	14.5
In-court conciliation	12	10.3
Welfare report	8	6.8
Hearing	36	30.8
Total	117	100

As might be expected from table 3.1, the re-litigation rate was also high. Since the baseline conciliation appointment, 40.2% of parents reported that a fresh application had been made in their case, including 29.1% of parents involved in further litigation since the six-month follow-up.

Over the course of the two years there was also a considerable amount of change in agreements. At any one point the overall proportion of parents with agreements remained fairly stable, ranging from 75% with an agreement at baseline, 84% at the six-month follow-up and 79.5% with an agreement at the two-year follow-up. However, although the proportion of parents with an agreement was fairly stable over the course of time, it would be wrong to assume that these were either the same parents or the same agreements. As table 3.2 indicates, only a quarter of parents still retained a baseline agreement two years later, and half of these had made revisions to that original agreement. About half of all parents were working with new or replacement agreements that had been established after the baseline conciliation appointment. It is worth noting, however, that only 4.3% of the parents without a current agreement had never had an agreement throughout the entire two-year period.

Duration of agreement type	% of FU2 parents	At baseline	Six-month follow-up	Two-year follow-up
Baseline agreement intact	15.4			
Baseline agreement revised	13.7			
F1 agreement intact	27.4			
Subsequent agreement intact	23.9			
Baseline agreement broken down	9.4			
F1 agreement broken down	5.1			
Recent agreement broken down	0.9			
Agreement never established	4.3			

NB: An agreement in place at a particular time point is denoted by grey shading of the appropriate cell.

A similar pattern of change is evident if we restrict the analysis to what happened to the 84 agreements negotiated in the original conciliation appointment (rather than the whole sample of 117 parents, a quarter of whom had not reached an agreement at baseline). Just over a fifth (21.4%) of these baseline agreements remained intact two years later and another fifth (19%) were revised but remained broadly intact. A quarter (27.4%) of baseline agreements had been replaced by or around the six-month follow-up and another fifth (19.1%) had been replaced by the two-year follow-up. The remaining 16.7% were cases where the baseline agreement had broken down but there was no longer-term replacement.

Of course, the longevity of an agreement is not a straightforward indicator of success. A lack of change to an agreement might reflect an inability or unwillingness of parents to renegotiate agreements that are not meeting children’s needs. Conversely a change to an agreement may reflect an adaptive response to new circumstances or an indication of greater parental flexibility. We will explore this in more detail below. However, one aim of the in-court conciliation process should be to enable parents to renegotiate future agreements by themselves where necessary without further professional involvement.

One relatively clear indicator of difficulties, therefore, is the proportion of baseline agreements that cannot be renegotiated without recourse to court. In this study 34 parents retained an intact or revised baseline agreement two years later; however 15 of these had

had the agreement reaffirmed or amended through further solicitor negotiations, a review, or conciliation or hearing following a fresh application. What this suggests is that in-court conciliation is not equipping many parents to be able to renegotiate agreements by themselves.

Predicting agreement durability and re-litigation

We undertook a series of regression analyses to identify whether it would be possible to predict what would happen to cases (and agreements) based on what had been known about them at baseline. In each analysis we hypothesised that the court area, baseline case difficulty (contact broken down for six months or more, parent relationship quality, number of previous applications), agreement reached in conciliation and satisfaction with the outcome of the case (or with the agreement) would be predictors of (a) having an agreement two years later, (b) the baseline agreement being (broadly) intact and (c) re-litigation.

In fact neither parent relationship quality, court area or satisfaction with the outcome/ agreement were significant predictors in any of the three models (appendix 1a-c). In the first regression analyses we did find that cases where there had been no previous application and where contact had been taking place six months prior to the baseline court case were more likely to have an agreement in place two years later (appendix 1a). Interestingly, simply reaching an agreement at baseline, or not, and satisfaction with the outcome were not good predictors of having an agreement two years later. What this analysis seems to highlight is that the more difficult cases (previous litigation, contact broken down for longer periods) are harder to resolve longer-term, despite the false dawn of having reached a settlement in conciliation.

The second logistic regression, exploring which baseline agreements lasted two years found that full agreements were more likely to last than partial agreements, but again that agreements were more likely to breakdown in cases where there had been a longer break in contact prior to the baseline application (appendix 1b). Again initial satisfaction with the agreement did not predict durability, nor did the court area despite widely differing agreement rates.

Finally, our model was not very effective in predicting which cases would re-litigate or not (appendix 1c). The only predictor of no further litigation was whether or not a full, as opposed to a partial or no agreement had been reached at baseline. Given the 40% re-litigation rate it is likely that a wide range of factors contributed to re-litigation, including factors that we have not measured or measured adequately.

Change, development and break down of agreements

The qualitative data provided by parents gave us some additional insights into how agreements or court orders are implemented. Some agreements or orders were adhered to absolutely to the letter. But for most it appeared that some changes did occur. This could mean relatively minor one-off or regular changes to accommodate specific circumstances such as holidays or children's activities. Making these types of changes did require some parental negotiation. This proved impossible for some parents and they had to return to court or agreements broke down. For most parents it seems to have simply been a difficult process where a lack of trust made adapting arrangements quite fraught:

“You know, it’s nice to have something in place. On the negative side I suppose, it’s the same as I said before, there’s no flexibility in it... My ex partner tries to bend it more than I do. There’s far more occasions in a year, in the past year and the year before that when she will say, ‘Look can I, can I have [child] for an extra day here, or, you know, I’ll make it up to you there’... I feel that I’m very flexible around things. It will be far more often that it’s me who says yes to changes than it is that I ask her. And it’s not that she’ll say no, it’s that I don’t ask and so I suppose I always feel maybe then I have a favour in hand, if you see what I mean, and should anything happen where I need to change things hopefully she’ll be more flexible, because I’ve been flexible with her arrangements”. Non-resident father

Nearly half of agreements changed or broke down over the course of the study. According to parents, the reasons for the change were most often negative ones, reflecting problems with the agreement rather than adaptive responses to new circumstances. The main problem, at least according to our interviewees, were that one party, at least, did not support the agreement, whether a non-resident or resident parent or a child (table 3.3). In contrast only fourteen adaptations were as a result of changed circumstances.

	Number
Non-resident parent not seeking to exercise some/all contact	13
Child(ren) refusing contact	10
Resident parent blocking some/all contact	8
Reduced/stopped on child protection grounds	3
Ongoing parental conflict	2
Non-resident parent seeking more contact	4
Non-resident parent relocation/changed employment	4
Adaptation as child(ren) mature(s)	2
Change of residence by child(ren)	2
Resident parent relocation	2

Summary

A positive message from the study is that two years following the conciliation appointment the great majority of cases (a) had an agreement about residence/contact and (b) were now closed. However, reaching that point had been quite a turbulent journey for many. A majority of parents had required further professional intervention and 40% had been involved in further litigation. About 60% of baseline agreements had been dropped or had broken down, while half the baseline agreements that remained had also been subject to further professional scrutiny. This suggests that conciliation is not equipping large numbers of parents to be able to renegotiate agreements by themselves. Analysis of the reasons for alteration of agreements suggested that this was due to one or more of the adults or children not supporting the agreement rather than an adaptive response to changed circumstances.

Somewhat surprisingly the initial satisfaction with the agreement or case outcome measured at baseline did not predict agreement stability or re-litigation rates two years later. However, perhaps more predictably, full agreements were more likely to have lasted than partial agreements. Full agreements were also less likely to have been re-litigated. Cases with more longstanding contact problems were less likely to (a) retain the baseline agreement or (b) to have a replacement agreement in place two years later.

The presence or durability of an agreement or the closure of a case do not, however, give a clear indication of whether the agreement is a good one. We explore these issues further, including parental satisfaction with agreements, in chapter 9 below.

4. Contact patterns

In our original study we had found that one of the most significant results of in-court conciliation was to increase the number of children having face to face contact and to increase the average amount of contact per month (Trinder *et al*, 2006a). In this section we explore whether the expansion of contact was sustained beyond the first six months following the court intervention. We examine the numbers of children having contact, the type and quantity of contact as well as the continuity of contact over time.

The extent of direct contact

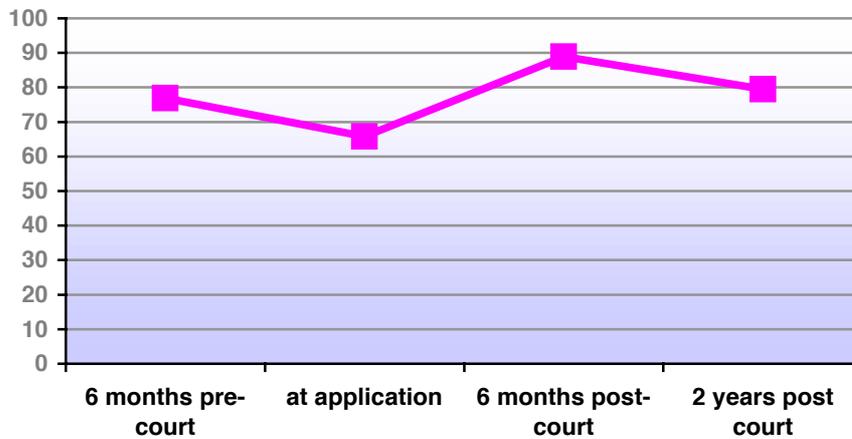
At the two-year follow-up four-fifths of parents reported that direct face to face contact was currently taking place. This figure is broadly comparable with the numbers of children having contact in the general (non-litigating) population⁶.

The number of children having direct contact did fluctuate over the whole period of the study ($p = .000$). As figure 4.1 indicates, about three-quarters of children were reported to have been having contact six months prior to the original court application. There was then a significant drop around the time of the baseline application, typically prompting the court application. Following conciliation, the number of children having contact then climbed to nearly 90% of the total. By the time of the two-year follow-up what might have been the 'court effect' of extending contact had diminished with the number of children having contact subsequently settling back again to the (original) position six months prior to the baseline application ($p = .711$). In effect conciliation was successful in restoring contact in most cases where it had recently broken down, but did not achieve contact in all cases over the long-term.

A logistic regression suggested that contact was more likely to be taking place currently in what had been the easier cases to start with, that is where contact was in place six months before the application, where there had been no previous applications and parents had reached a full agreement at the baseline conciliation appointment (appendix 2a). It is worth noting that where contact was not taking place at the two-year follow-up the absence of contact tended to be of fairly long-standing, 12 months on average since the last contact.

⁶ Recent studies have found rates of no contact ranging from 27% based on resident parent reports and 14% based on non-resident parents reports (Blackwell & Dawe, 2003), to 18% based on mother's reports (Dunn *et al*, 2003) and 7% based on the reports of both parents in the information meeting follow-up study (Walker *et al*, 2004). In this study there was little difference between the reports of resident and non-resident parents. 78% of resident parents reported contact was occurring compared to 82% of non-resident parents.

Figure 4.1 Direct (face to face) contact occurring at four time points (n = 117, percentages)



Interestingly, whether parents had subsequently litigated again, or not, did not predict whether contact would occur at second follow-up. Put simply in our model there was no relationship between contact and subsequent litigation. The absence of contact did not always trigger re-litigation. Indeed a majority of parents where contact had broken down had not subsequently returned to court. We return to this issue in chapter 9.

The continuity of contact

Although in most cases contact was taking place two years after conciliation it is important to be aware of the tremendous diversity in the patterns of contact both between and within individual cases over time. Figure 4.2 attempts to show graphically that litigated cases contain highly diverse patterns of contact, ranging from continuous to no contact cases, as well as many cases where contact is fragile and episodic. In half the cases in the sample contact was maintained continuously throughout the entire period of the study. In contrast, the other half of the sample included eight different and more unstable or episodic contact pathways.

Figure 4.2 Patterns of contact over time for individual cases*, n = 117

Continuity of contact	% of total	Six months before	At application	Six months later	Two years later
Continuous contact	54.7				
Continuous except FU1 break	.9				
Continuous till FU2	10.3				
Temporary break pre-court	10.3				
Continuous post baseline	10.3				
On-off, on-off	.9				
At F1 only	2.6				
At F2 only	3.4				
Never contact	6.8				

* Contact occurring at a particular timepoint is denoted by grey shading of the appropriate cell

Figure 4.2 also indicates the varying impact of the court in restoring or initiating contact. Two pathways could be identified as family justice system successes – the temporary break and continuous post baseline groups - accounting for a fifth of all cases. Conversely in 7% of cases contact was never established at any point throughout the study and in 10% of cases contact had been fairly long established but was now starting to break down.

Staying and supervised contact

The intervention of the court appeared to be more influential in increasing the numbers of children having **staying** (or overnight) contact. At the baseline application 53.2% of parents (where contact was taking place) reported that contact included at least some staying contact. This had risen significantly ($p = .000$) following the conciliation appointment to 78.4% of children with contact at the six-month follow-up having staying contact. The figure then stabilised at 81.8% having staying contact at second follow-up. There does appear to be a before and after court effect. A logistic regression indicated, however, that the only predictor of staying contact at the two-year follow-up was having staying contact six months prior to the application (appendix 2b).

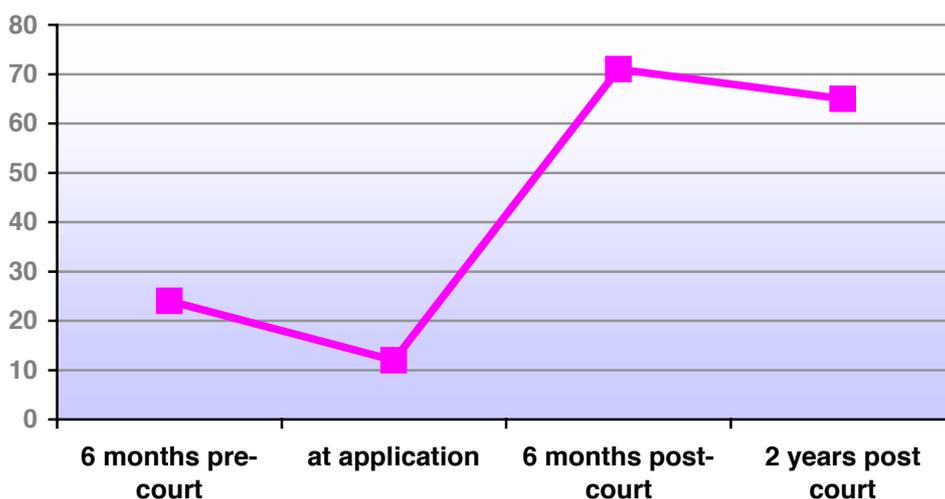
Very little contact was supervised at the two-year follow-up. Just two parents (3.2% of the total) included any formal or informal supervision at this time point. However, throughout the study there was very little supervision. Less than 10% of parents reported any supervision prior to the application and less than 4% at the six-month follow-up.

Even where supervision did exist in about half of these cases it extended only to partial supervision of some contact and was most commonly done on an informal basis by a family member or friend. At the six-months follow-up eight parents reported using supported or supervised contact centres. No centres were being used at the two-year point indicating that supervision, particularly formal supervision, is not being used as a long-term option in litigated cases.

The quantity of contact

Given that more staying contact was taking place, it is not surprising that the median hours of contact per month also increased over time. Figure 4.3 clearly illustrates the dip in the quantity of contact prior to the application and then the dramatic, and largely sustained, increase in contact following the baseline conciliation appointment.

Figure 4.3 Median hours of contact per month over four time points (n = 116)



The significant increase in the median hours of contact cannot be attributed simply to cases where contact had been re-established or was starting for the first time. In fact the increased hours of contact also occurred in cases where contact had been taking place before the application. Thus, excluding all no contact cases, the monthly median rose from 55 hours six

months before the application to 81 hours at first follow-up and 96 hours at the two-year follow-up⁷. In other words, the overall increase in the hours of contact was due to lengthier contact ‘sessions’ in cases where contact was already taking place and not just due to contact starting or resuming following in-court conciliation appointment.

Even so the best predictors of the amount of contact two years on were the amount of contact both prior to court and at first follow-up⁸. Cases with relatively extensive contact before, or at, baseline were most likely to continue to have the most contact after the baseline conciliation appointment. In contrast, the age of the oldest and youngest child were not related at all to the amount of contact, suggesting that the increase in the amount of contact overall was not simply due to an ageing cohort of children. Nor was there a difference in the amount of contact by court area or by baseline parent relationship quality. Finally, the amount of contact did not differ between cases resolved in the baseline conciliation appointment and those that had returned to court.

Summary

Conciliation, or at least going to court, did seem to have a marked impact on contact patterns. At the two-year follow-up four-fifths of children were having contact, a significant increase from the position at the baseline application though very similar to the extent of contact six months prior to the dispute. The number of children having contact is broadly similar to the numbers of children having contact in the general (non-court) population. More dramatically it does seem that attending court significantly increases the chance of children having **overnight** contact as well as the **overall amount** of contact. We cannot know, of course, if a similar expansion takes place in non-court community samples. However, our analysis does suggest that there is quite a strong court effect and that the more expansive arrangements are not simply about the restoration of contact or the ageing of children.

Even so, the power of the court is not limitless in achieving contact. First, there does appear to be approximately 10% of ‘hard cases’ that proved resistant to court efforts to establish contact. Second, contact was more likely to be taking place currently in what had been the easier cases to start with and the strongest determinant of the amount of contact was not child age or amount of court intervention but rather how much contact had been occurring before court.

⁷ N = 90, 103 and 93. Analysis restricted to cases sampled at all data points.

⁸ Bivariate correlation (Spearman's) of median amount of contact at two-year follow-up with (a) median amount of contact six months prior $r = .51$, $p = .000$, with (b) at application, $r = .493$, $p = .000$; with (c) six-month follow-up $r = .689$, $p = .000$. N = 116.

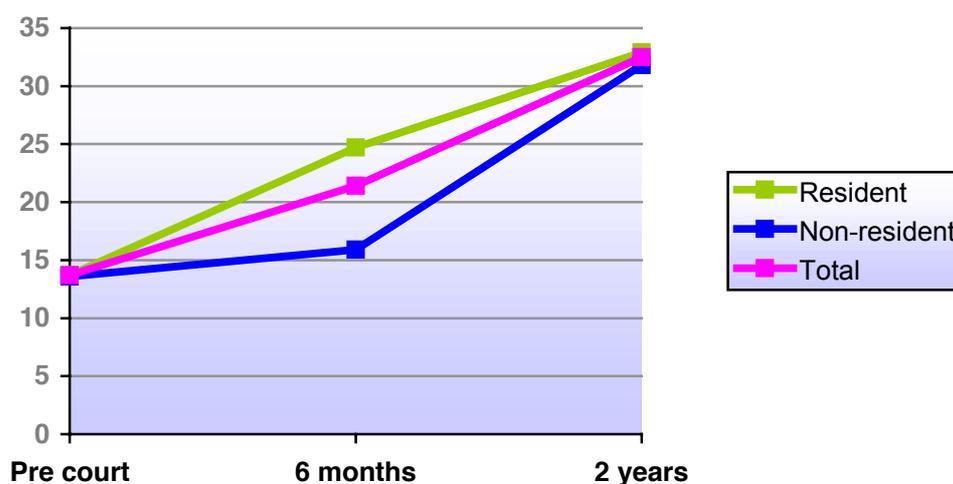
5. Co-parental relationships

One of the key determinants of child adjustment post-separation is the extent to which parents are able to collaborate as co-parents, or at least to contain their conflict, rather than implicating children in ongoing disputes (e.g. Kelly, 2000; Rodgers & Pryor, 1998; Whiteside & Becker, 2000). This is a difficult task, particularly in the early years following separation. Parents who litigate contact issues appear to have particular difficulties in this area (e.g. McIntosh, 2003). In our baseline study we found that our litigating sample had high levels of conflict and low levels of collaboration, particularly in comparison with community or non-litigating parents in the UK (Trinder *et al*, 2006a). We also found that although contact was more firmly established at the six-month follow-up, by itself that had had limited impact on improving parental collaboration. In this chapter, therefore, we examine parental relationship quality and shared decision-making two years after the baseline conciliation appointment.

Co-parental relationship quality

At baseline and the six-month follow-up interview only a fifth of parents had described their relationship with their ex-partner as 'quite good' or 'fair'. Two years after baseline this figure had increased significantly ($p = .000$) to a third of parents rating their relationship as quite good or fair. Resident and non-resident parents were equally likely to report an improvement (figure 5.1).

Figure 5.1 Relationship quality described as 'quite good' or 'fair' by residential status over three time periods (n = 117, percentages)



We also asked parents about their subjective perceptions of whether the relationship had improved, or not, since the six-month follow-up. Nearly four in ten parents (38%) reported

that their relationship had improved, compared with about a quarter of parents who had previously reported an improvement at the six-month follow-up.

The improvement in relationships over time is encouraging. However, it is important not to over-sell the positives. Although there was an improvement it does still mean that two years after the initial conciliation two-thirds of parents continued to see their relationship as 'poor' or 'non-existent' and 62% rated their relationship with their ex-partner as the same as, or worse than, before. Although it is hard to find an appropriate comparison, the co-parental relationships in our sample continue to be more difficult compared to community or non-court samples. In a recent community study Walker *et al*, (2004) reported that only a third of parents reported their communication as poor or non-existent, compared to two-thirds in this study.

The quotations from the parent interviews in the box below illustrate that even relationships rated as fair or improved were still quite fraught.

Communication ('fair' or 'quite good' relationships)

"[Communication is...] phone and face to face at the door when we do the changeover...And it's two or three minutes, you know. We don't have, like, you know, I walk up, drop [child's] suitcase off, 'Have you seen A?' 'No'. 'Have you heard from J?' you know, 'Right. Okay.' And that's usually the end of it, you know, That's the end of the contact. So it's brief and efficient I would say". Non-resident father

"[Relationship is] probably 'fair'. I mean I only talk to him if I need to. I don't go out of my way to, you know, pass pleasantries. I still don't. But if I need to say something then I won't hold back and I'll say it". Resident mother

"I still don't believe that he would say nice things [about me]. I still think that he could say some horrible things...but then I don't think that's as often as what it used to be". Resident mother

We conducted two logistic regression analyses to identify which factors predicted (a) positive relationships and (b) improved relationships at the two-years follow-up (appendix 3a and 3b). The key predictor in both analyses was having an agreement currently in place. In other words parents with an agreement at present were more likely to rate their relationship positively and to see an improvement, whilst parents without an agreement were more likely to rate the relationship negatively and see no positive change. In addition, parents who had started out with a positive relationship (at baseline) were also more likely to still rate it as positive at follow-up whilst parents with a poorer initial relationship were less likely to report a positive change.

Two factors did not predict relationship quality or improved relationships. There were no differences between resident and non-resident parents. However, we were surprised that further litigation did not appear to have a negative impact on relationships. We had anticipated that ongoing (or resurrected) court disputes would be likely to harm relationships but this was not the case. Perhaps having been to court once then the damage had already been done.

Co-parenting and shared decision-making

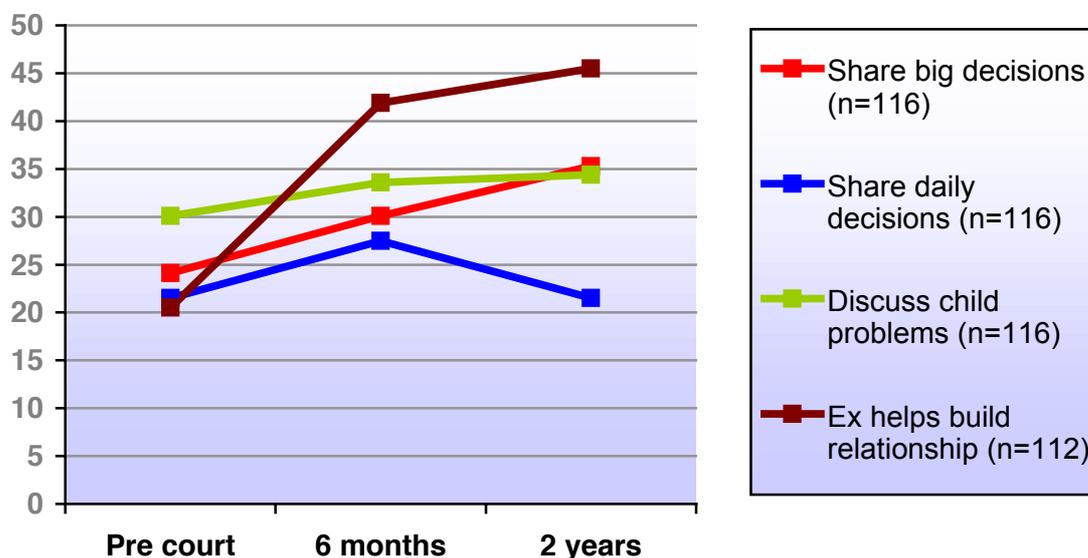
Numerous studies have identified that separated parents find it hard to share decision-making, whether about day-to-day or major issues or problems. In our previous study we identified that this was a particular problem amongst litigating parents at both baseline and the first follow-up.

At the second follow-up a fifth of parents reported having recently shared daily decisions at least once and a third reported having discussed children's problems at least once. Both of these were unchanged from the baseline (figure 5.2). There was, however, a statistically significant increase from baseline in the number of parents who had ever shared major decisions ($p=.035$) and those who reported that their ex-partner had ever helped build their own relationship with the children ($p =.000$). On each item there was no difference in the reports of resident and non-resident parents.

As with relationship quality, it is important not to overstate any improvement. Between 70 and 80 per cent of parents **never** shared any decision-making, whilst none of the remaining parents ever regularly or always shared decision-making or discussed children's problems.

We conducted three separate logistic regression analyses to find out what factors predicted shared decision-making two years after conciliation (appendix 3c, d, e). The results were very similar to the models for relationship quality. We found that parents with an agreement currently in place were more likely to share all forms of decision-making, although it is not clear if this was a cause or effect of the agreement. Parents who had shared major decisions and discussed children's problems at baseline were also more likely to share these decisions at follow-up. Again, somewhat to our surprise, subsequent litigation or lack of litigation did not predict levels of shared decision-making. There was no difference between resident and non-resident parents.

Figure 5.2 Shared decision-making across three time periods (percentages)



Summary

The ability of parents to collaborate, or at least to shield their children from conflict, is one of the key factors likely to enhance children’s wellbeing following parental separation. Two years on there were some signs that parental relationships had improved a little for some parents. But the improvement was modest with only about 15% more parents reporting even a fair or quite good relationship. The majority of parents continued to report a negative relationship and one that had not improved, or had worsened, since baseline. The level of shared decision-making between parents remained low overall, although there was an increase in the number of parents sharing major decisions.

Positive relationships and shared decision-making were most likely to be reported in cases that had started out more positive and had shared decision-making prior to conciliation, whilst difficult relationships were likely to remain difficult. Somewhat surprisingly further litigation did not appear to have influenced relationship quality or shared decision-making, although being involved in a current dispute did have a markedly deleterious effect on parental relationships.

6. Contact problems

In our previous study we found that parents had had numerous and wide-ranging problems with contact before attending conciliation (Trinder *et al*, 2006a). These problems had included concerns about commitment to contact, reliability, parenting competence and sensitivity, children's reactions to contact and conflicts about money. At the six-month follow-up we found that some problems had reduced, particularly threats to stop contact, whilst others, such as children not wanting to go for contact, had increased. Overall, however, the number of contact problems at six months remained high.

In this section of the report we explore the pattern of contact problems two years following conciliation. We start by looking at overall perception of contact problems, then look in turn at problems related to commitment to contact and reliability, conflict and finally parenting quality.

Overall perception of contact problems

At the six-month stage, a third of parents had reported that contact problems overall were a little or much better than they had been at baseline. Two years later this figure had increased to 43% of parents reporting an improvement in contact problems. The general trend is clearly for more parents to report an improvement as time passes. Even so, a majority of parents were still reporting no change, or deterioration, in contact problems two years after the baseline conciliation appointment.

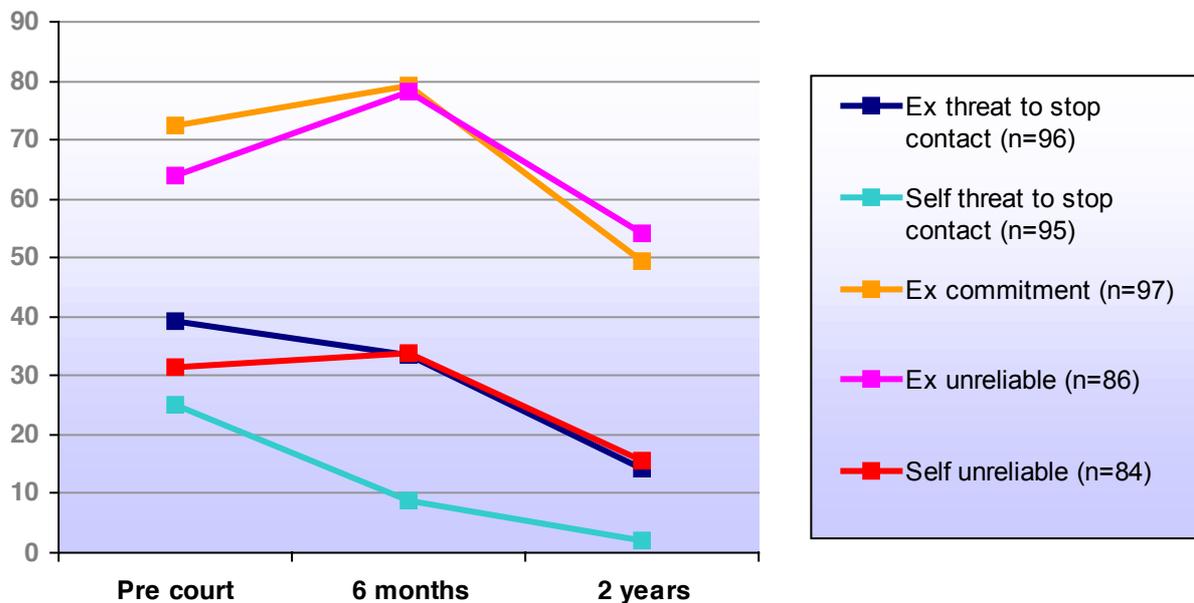
We conducted a logistic regression analysis to explore which factors predicted improved contact problems at the second follow-up (appendix 4a). As had occurred at the six-month follow-up, having an agreement currently in place did predict a perception of improved contact problems. There was no difference in perception of problems between resident and non-resident parents or those who had, or had not, re-litigated.

Commitment to contact and reliability issues

Contact also seemed more firmly entrenched at the two-year follow-up. Specific problems relating to commitment and reliability showed a general improvement over the course of the two years, with statistically significant drops in parent reports of the ex-partner's lack of commitment to contact, threats to stop contact and self-reported lack of reliability and/or punctuality (figure 6.1 and appendix 4b). Threats to stop contact dropped to very low levels, perhaps reflecting the strong contact presumption of the courts. Some enduring problems are

evident, however. Although contact was generally more firmly established, half of all parents were still concerned about the other parent’s commitment to contact and reliability.

Figure 6.1 Contact problems relating to commitment and reliability ever occurring across three time periods (percentages)

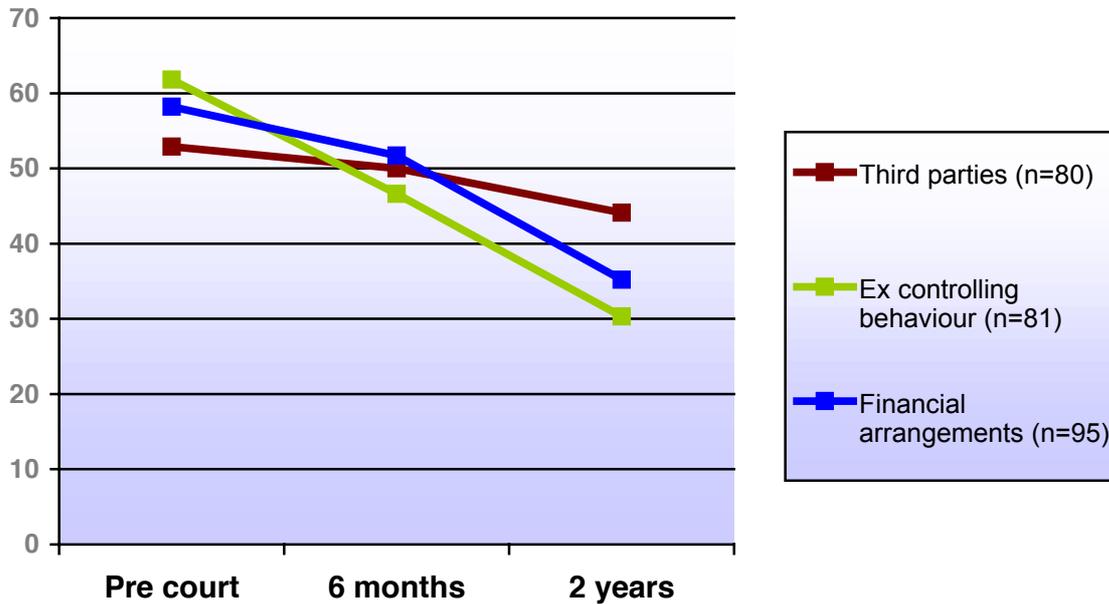


Again, conducting a series of logistic regression analyses, we sought to identify the predictors of commitment/reliability problems at second follow-up. We found that parent role (resident/non-resident) did not predict any commitment or reliability problems. However parents without a current agreement were less likely to consider that their ex-partner was committed to contact (appendix 4c). Similarly parents who had reported that their ex-partner had threatened to stop (or stop having) contact at baseline were also most likely to report this as a problem two years later (appendix 4d). Further litigation after the baseline conciliation appointment was not a significant predictor of commitment and reliability problems.

Conflict

Turning to contact problems specifically related to conflict, again there was a general improvement (figure 6.2 and appendix 4b). There was a significant decline in problems related both to controlling behaviour by the ex-partner as well as conflicts over financial arrangements, although both of these issues still affected a third of parents. Conflicts about children seeing third parties (typically new partners), remained stable at just under half the sample.

Figure 6.2 Contact problems relating to conflict ever occurring across three time periods (percentages)

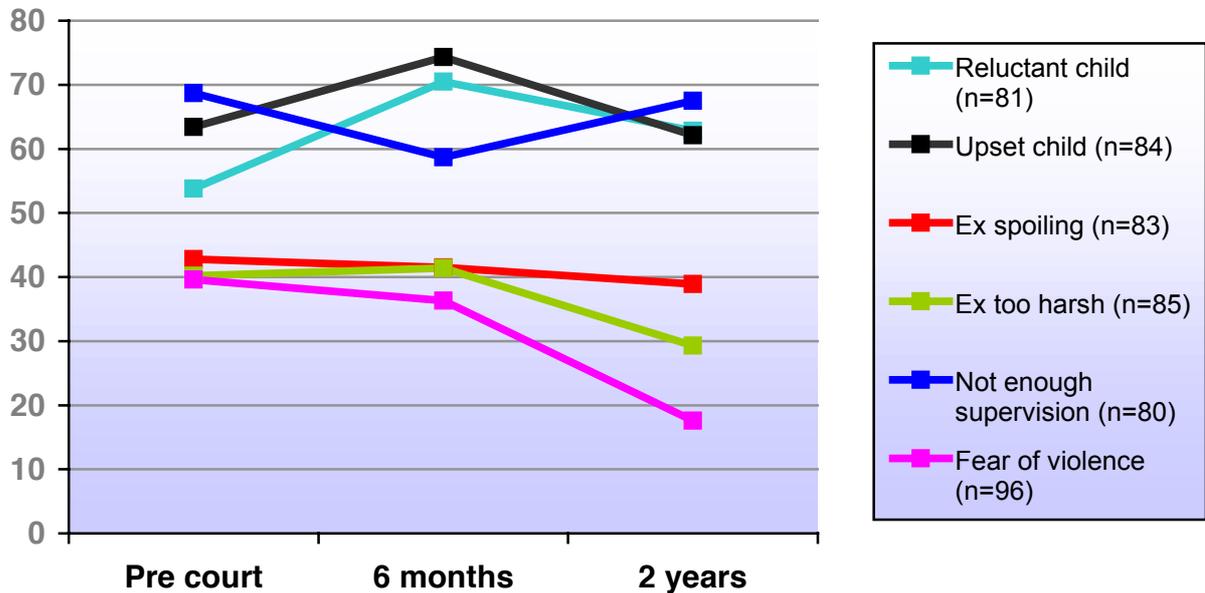


As before, we conducted logistic regression analysis to explore whether any baseline factors could predict conflict-related contact problems at the second follow-up stage. Parents who had reported problems with third party involvement in contact and financial conflicts at baseline were more likely to also report problems with these areas at the two-year follow-up (appendix 4e, f). Resident parents were most likely to report problems with third party involvement (appendix 4e). Conflict over financial arrangements were also predicted by cases where there had been further applications since baseline (appendix 4f).

Parenting quality and children's reactions to contact

Although, as we have seen, there was some reduction in problems regarding commitment to contact and specific areas of conflict around contact, there were fewer signs of an easing of concerns about the parenting capacity of the other parent or about children's reaction to contact. Two years after the baseline appointment about 65% of parents reported that children did not want to go for (or return from) contact, or were upset or unsettled by contact transitions, the latter a significant increase since baseline (figure 6.3 and appendix 4b). There was also no statistically significant change in problems related to the ex-partner's parenting in any of the three different domains of (a) a lack of attention or discipline, (b) spoiling the children, or (c) being too harsh or possibly harming the children. The one positive change in this area was that concerns about violence affecting contact dropped significantly from 40% of parents at baseline to 18% two years later.

Figure 6.3 Contact problems relating to parenting quality ever occurring across three time periods (percentages)



We conducted logistic regression analyses to explore predictive factors for contact problems in this area. We found that resident parents were more likely to report that their children were upset or unsettled by contact than non-resident parents (appendix 4g). Two problems – a perception that the other parent was too harsh/might harm the child(ren) and fear of violence – were predicted by whether or not those concerns had been expressed at baseline, two years earlier (appendix 4h, j). Parents who expressed concerns about violence were also most likely to have been involved in further litigation and to have no current agreement (appendix 4j).

Summary

At the two-year follow-up there were some signs of improvement in some types of contact problems. Overall, 43% of parents reported that contact problems had improved since baseline. Specific problems relating to threats to stop contact, commitment and reliability dropped over the course of the two years as contact appeared more firmly entrenched (although half the sample still had concerns about their ex-partner’s reliability and commitment). Other areas of conflict, such as disputes over money also declined significantly. However, although contact appeared more stable, there was no real change in concerns about the ex-partner’s parenting or children’s reactions to contact transitions. Concerns about children being unsettled or reluctant to make transitions were unchanged at about 65% of the sample. Most worryingly a third of parents still had concerns that the other

parent would be too harsh or might harm the children, and about 70% reported that the other parent was not sufficiently attentive to the children or provided sufficient discipline. The one positive area was that fear of violence dropped significantly. On several issues, the presence of problems at baseline tended to predict continuing problems two years later.

There was little difference in the concerns of resident and non-resident parents in the concerns raised although resident parents were more likely to report that children were upset or unsettled by contact.

7. Adult and child wellbeing

Finally we turn to look at how adults and children were coping two years after the in-court conciliation appointment. At each phase of the study we used two standardised instruments to measure adult and child wellbeing⁹. In our previous study using these measures we had found very high levels of distress reported by resident and non-resident parents at the baseline (conciliation appointment) phase (Trinder *et al*, 2006a). At baseline, the children in the sample were also displaying high levels of distress with the number of children with borderline or abnormal scores at double the national average for a community (i.e. non-divorced, non-court) population. Six months later the levels of distress amongst the adults had dropped significantly, particularly for those parents where the court case was closed. In contrast, the improvement in children's wellbeing was much less marked and a disproportionately low number of children were scored within the normal range.

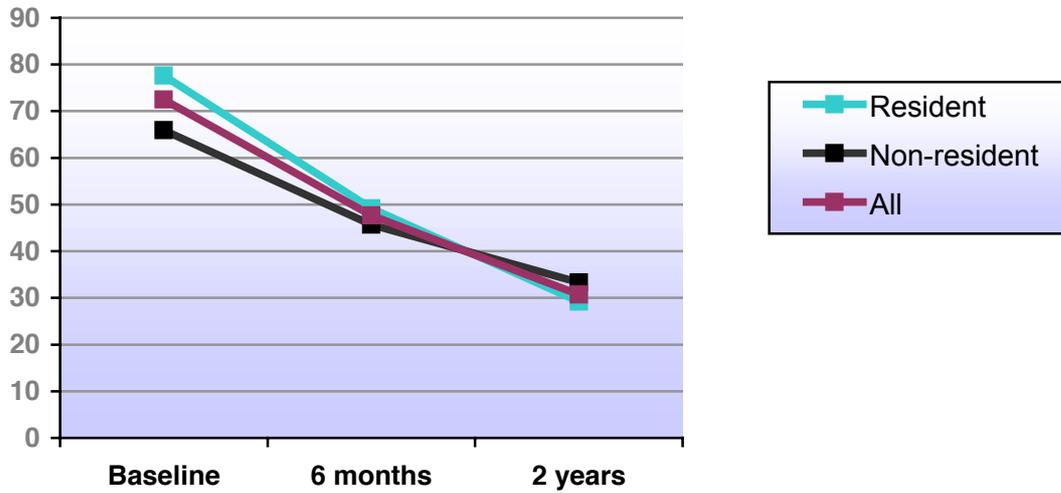
Parent wellbeing

Over the course of the two years there was a significant and marked improvement in adult wellbeing as measured by the GHQ. At baseline, a few days after the baseline conciliation appointment, nearly three-quarters of parents scored above the threshold on the GHQ, that is showed signs of disruption to normal functioning (figure 7.1). Six months later there had been a significant improvement with only half of parents scoring above the threshold. By the two-year follow-up just under a third scored above the threshold, a figure that is reasonably consistent with levels of wellbeing amongst the general population in the UK (Taylor *et al*, 1999). Levels of wellbeing reported by men and women and resident and non-resident parents were nearly identical throughout each time period (figure 7.1).

We undertook a logistic regression analysis to see which factors were associated with above threshold (i.e. disrupted or negative) scores on the GHQ. Contrary to our expectation, two-year follow-up scores were not predicted by residential status, further court activity, nor current agreement level. Instead, it was solely baseline status that influenced two year status, with parents with positive baseline scores also most likely to score positive scores at follow-up (appendix 5a).

⁹ The 12-item General Health Questionnaire (Goldberg & Williams 1988) was used to assess adult well-being. The GHQ is a widely used and well-validated measure of transient psychological disturbance. The parent-report version of the Strengths and Difficulties Questionnaire was used to assess child wellbeing (Goodman 1997).

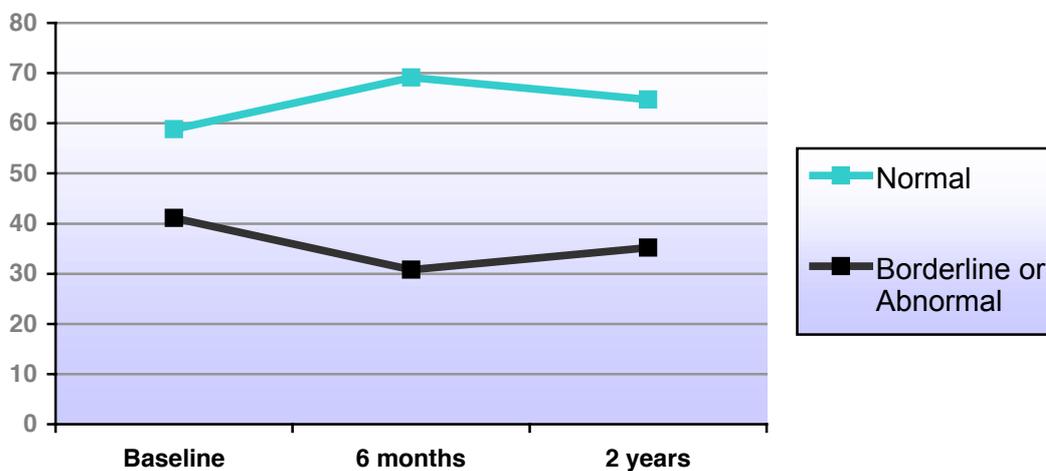
Figure 7.1 Scores above the threshold on the General Health Questionnaire across three time points (percentages) n= 102, 109, 114



Child wellbeing

In marked contrast to the significant improvement in parents' wellbeing over time, there was little change in children's level of wellbeing (figure 7.2). At each stage of the study between 30 and 40 per cent of children were given borderline or abnormal scores on the SDQ Total Difficulties Scale. At the two-year follow-up 43% of children had borderline or abnormal scores based on resident parents reports, 35% based on all parent reports. Either figure far exceeds the national average in the UK where approximately 20% of children's general population scores fall into the abnormal or borderline range (Meltzer *et al*, 2000).

Figure 7.2 Strengths and Difficulties Questionnaire across three time points (n = 68 at each point, percentages)



Our logistic regression highlighted some of the continuity in the level of children's wellbeing over time. Having contact, further litigation and current adult wellbeing did **not** predict child wellbeing at the two-year follow-up. Instead the best predictor of a normal SDQ at the two-year follow-up was a normal score at baseline ($p = .000$) (appendix 5b).

Summary

Our analysis of outcomes two years following the conciliation appointment has revealed a stark contrast between levels of parent and child wellbeing. At baseline the number of parents reporting psychological distress on a standardised measure far exceeded national norms. At the two-year follow-up adult wellbeing have improved remarkably and was indistinguishable from community samples. In contrast, the disproportionately high number of children with borderline or abnormal scores found at baseline were still evident two years later. Having contact, further litigation and current adult wellbeing did **not** predict child wellbeing at the two-year follow-up. Instead children who had been struggling at baseline were still most likely to have poor scores at the two-year follow-up.

8. Overall case success

In this penultimate section of the report we explore overall outcomes two years following conciliation, in particular, attempting to identify how many cases had a 'positive' or 'successful' outcome. We employ a number of different measures of success in order to achieve a fully rounded picture. First of all, we consider how many parents were satisfied with their arrangements. We then explore three composite outcome measures: case settlement, co-parental relationships and overall success.

Satisfaction with arrangements

We start by looking at parent satisfaction with a number of different aspects of contact arrangements, including overall satisfaction with arrangements, the quality and quantity of contact, residence, level of involvement with the child(ren) and financial arrangements. We had previously measured parent satisfaction on each of these matters at baseline and at the six-month follow-up.

Typically between half and three-quarters of parents were satisfied with each element (figure 8.1). The broad trend over time was towards greater parental satisfaction. This was a mixed and fairly modest trend, however. There was a statistically significant increase in parental satisfaction with financial arrangements and a borderline significant increase in the quantity and quality of contact between baseline and the two-year follow-up (table 8.1). Overall satisfaction with arrangements, with residence, involvement with children, and perceptions that the amount of contact was about right remained stable from baseline to two-year follow-up (table 8.1). On no measure did parental satisfaction decrease over time.

It is a moot point whether the (modest) increase in satisfaction was a significant or a much more limited achievement. As a context, the ONS Baseline study of separated parents reported generally high satisfaction rates with contact arrangements (Blackwell & Dawe, 2003). In their total resident parent sample 72% were very or fairly satisfied with arrangements, while 69% of all non-resident parents were very or fairly satisfied with contact arrangements. In our study a more modest 57% of parents (62% of resident and 48% of non-resident parents were satisfied with arrangements).

Figure 8.1 Satisfaction with arrangements over three time periods (all cases, percentages)

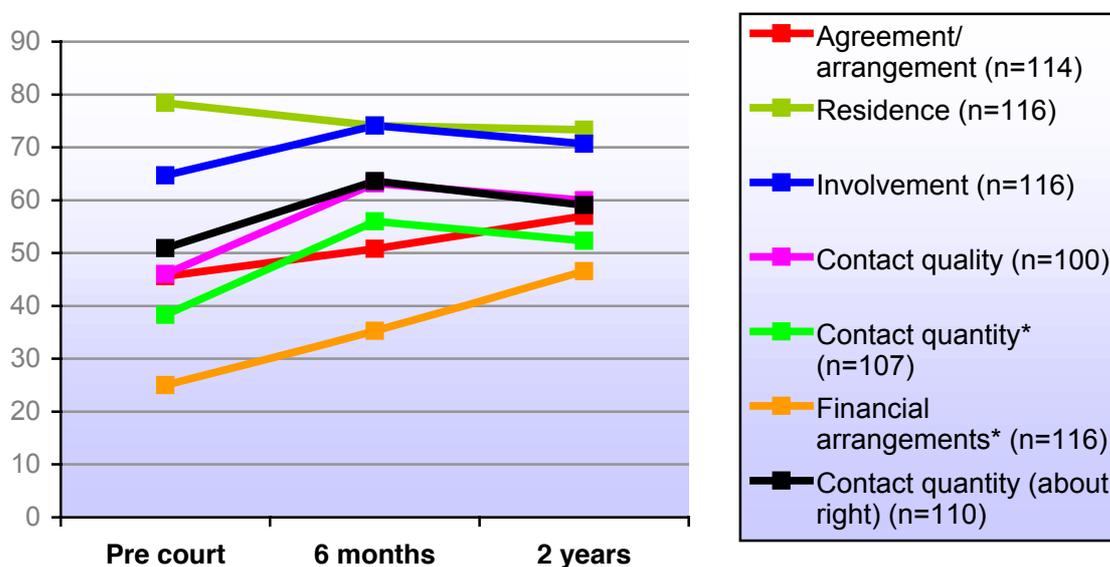


Table 8.1. Satisfaction with arrangements at baseline and second follow-up, in descending order of follow-up satisfaction (percentages)

Satisfied	N =	Baseline	Follow-up 2	p*	Direction
Residence	116	78.4	73.3	.327	-
Involvement	116	64.7	70.7	.230	-
Quality of contact	100	46.0	60.0	.059	(↑)
Agreement (arrangements) satisfaction**	114	45.6	57.0	.105	-
Quantity of contact	107	38.3	52.3	.053	(↑)
Money	116	25.0	46.6	.000	↑
Contact quantity (about right)	110	50.9	59.1	.150	-

* McNemar test

** Comparison is between satisfaction with the outcome reached at court at baseline and current satisfaction with the agreement/situation.

However, the ONS study found variable levels of satisfaction amongst their sample depending upon how arrangements had been reached. The lowest levels of satisfaction were reported in the minority (c10%) of their sample where arrangements had been made at court, with 57% of non-resident parents and 26% of resident parents **dissatisfied** with the arrangements (Blackwell & Dawe, 2003). In our study the respective figures for **dissatisfaction** were broadly comparable at 48% and 23% respectively. Thus, at least on the overall measure of satisfaction, our parents were less satisfied than all separated parents with arrangements,

however they had broadly similar levels of satisfaction with other parents who had been through the courts.

Somewhat surprisingly, whether or not parents had re-litigated since baseline did not influence satisfaction on any measure (appendix 6a-g). However, currently having an agreement did predict overall satisfaction and satisfaction with the quality of contact and both the overall amount and direction of contact (appendix 6a, e, f, g). As with contact problems and shared decision-making, we also found that baseline levels of satisfaction also predicted two-year follow-up levels of satisfaction with residence and financial arrangements and a perception contact levels were about right two years later (appendix 6b, g). Finally, as might be expected, resident parents were more likely to be satisfied than non-resident parents with residence arrangements, levels of involvement with the children and the quantity and direction of contact two years following conciliation (appendix 6b, c, f, g).

Case settlement (closure and contact)

Our second measure of success is whether the contact dispute had been broadly resolved at the two-year point. By a 'broadly resolved' dispute we mean that contact was both occurring and the court case was closed (legally inactive) at that point. This does not give any indication, of course, about whether the parents felt that the case or dispute was resolved or were satisfied with arrangements.

At the two-year follow-up 71% of cases were broadly settled, i.e. were closed and with contact taking place. However, we pointed out above that the stability of contact and case status is not fixed (see above). If we take the whole two-year post-conciliation period, half of all cases were always settled (i.e. **always** closed and **always** with contact). About a third of cases were not resolved throughout the whole period, with problems either running up to the six-month follow-up or with problems re-emerging since the six-month follow-up (table 8.2). A small proportion of cases, 14% of the total, remained unresolved throughout the two years, with contact never established or the case never closed.

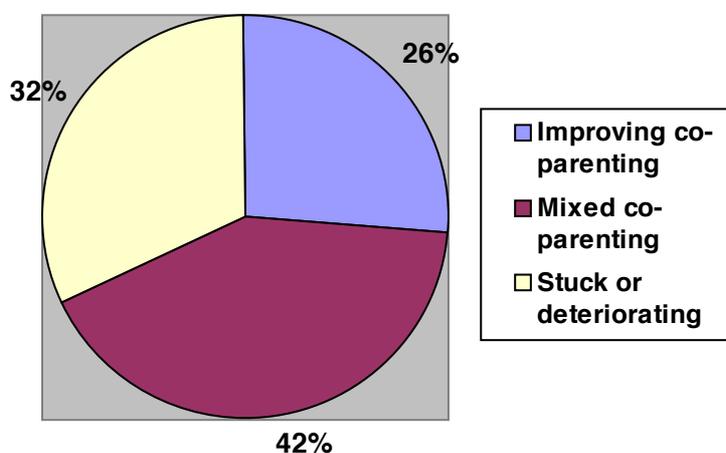
	Number	Percentage
Always settled (contact and closed)	61	52.1
Now settled (since FU1)	22	18.8
Was settled (but now active/no contact)	17	14.5
Never settled	17	14.5
Total	117	100

We ran a logistic regression to identify what factors were associated with case settlement, comparing cases where contact always occurred and the case was closed with all other cases (appendix 6h). We found, as might be expected, that the ‘resolved’ cases were more likely to have had reached agreement in conciliation and to have an agreement in place currently. However, two **pre**-conciliation variables were also significant in the model. Parents who had discussed children’s problems pre-conciliation, and where fear of violence had not been an issue, were more likely to remain resolved following conciliation. This suggests that the more difficult cases, involving lower levels of parental co-operation and concerns over violence, were harder to close as well as less likely to establish contact. Put another way, the easier cases seemed to resolve more readily following conciliation and stay settled. Interestingly neither court area nor baseline satisfaction with the outcome at court were significant in the model.

Improvement in co-parental relationships

Our second composite measure concerns change in co-parental relationships. The measure incorporates improvement in (a) contact problems (b) quality of relationship with former partner and (c) satisfaction with current arrangements. Parents were scored as ‘improving co-parental relationships’ if they had reported, at the two-year follow-up, improved contact problems overall, improved parental relationships and satisfaction with current arrangements. Just over a quarter of parents (26%) were rated as having improving co-parenting on this measure. A further 42% were rated as mixed co-parenting where progress was reported in only one or two of the three elements of the measure. A third of parents were rated as stuck or deteriorating co-parenting, i.e. reporting no positive change in contact problems or relationships as well as dissatisfied with arrangements.

Figure 8.2 Extent of co-parental change, n = 117



As might be expected none of the parents reporting no contact had improved co-parental relationships. However, 67% of parents where contact was occurring were rated as having mixed or stuck/deteriorating co-parental relationships.

We ran a logistic regression analysis to identify what predicted 'improving co-parenting' at the two-year point (appendix 6j). Having an agreement in place currently was a strong predictor of positive co-parenting. As with case settlement (see above) there was also some indication that parents with the more positive (or least conflicted) relationships prior to court were more likely to also be more positive at the two-year follow-up. Parents who had never discussed children before court and who had reported a fear of violence at baseline were more likely to report mixed or stuck/deteriorating co-parental relationships two years after conciliation. This held for both resident and non-resident parents and regardless of area and whether a baseline agreement had been reached.

The qualitative material from parents provides some further insight into the quality of co-parental relationships two years after baseline. Two points really stand out. The first is the sheer variety in the quality of relationships. The second is that, notwithstanding the variety, on the whole relationships were fairly poor, with only a few parents able to move on and establish a cooperative or even a business-like relationship.

A few parents were able to markedly change the nature of their relationships, moving from reliance upon the courts to communicate to being able to renegotiate relationships and, to a limited extent, to share decision-making. The following is a very rare example of a relationship that had improved significantly and parents were able to work together as effective co-parents:

"Actually in the end we settled it [contact] mostly out of court, funnily enough, through the Solicitors, you know. We get on all right now. In fact I spoke to him about five minutes ago, so. But we get on better now because basically it's time. It just takes a lot of time, and, you know, it's easier for the children. And we had a problem with [oldest son] the other day and we went out for dinner the two of us with him. So, there you go even better". Resident mother

More commonly, the relationships that were categorised as 'improved' were business-like rather than cooperative. Here parents were able to communicate or interact but within restricted limits sufficient to sustain contact and to allow some limited flexibility. These 'improved' relationships were still characterised by limited trust and, possibly, limited emotional permission for children to enjoy their relationship with the other parent:

"I mean there's a difference between the quality of the conversation between us. For example if I say to her, 'How are you doing?', then she'll say 'Oh fine'. Does that count as, erm, talking about things between us? We're trying to maintain a better relationship than we used to. We don't talk much about about [child] between us, but we both take a big part in her life. For example, I play a part in her school life by talking to [the teachers] and I'll take any information on board that they give me and we work together to resolve issues, myself and her school. But there's not much between me and her mum. We don't have lengthy conversations when I pick her up. ... you know [ex-partner's] moved and I've remarried and I've got another child since then and we've moved on...[but] we're not good friends. I can't ever foresee a situation where that will occur with her mother". Non-resident father

"[Nature of parental relationship] Erm, it's polite, if you've got a box for that... Well it's sort of an emotional question isn't it? In the respect that it doesn't hurt me to see him anymore. But I don't know, erm...we don't have conversations, you know. It is just, you know, dealing with business really. 'What are you doing? What time will you be back at?' you know". Resident mother

Relatively few parents did appear to have moved on emotionally. Most parents still appeared to be in conflictual relationships. Some of these had not communicated at all since the conciliation session despite ongoing contact:

"I mean we don't talk or anything really, I don't really see her, I don't think I've seen her since the court, how long ago was that, and, you know, erm... No I just drive up outside and wait for them to come out, I phone them up and they come out. It's been like that basically since, erm, well it's always been the same, we've never talked, and when we've talked she's just shouted and argued, so... I used to phone up at one time, to speak to the children, on a landline, on this type of phone, and, erm, she, I don't think she basically wanted to hear my voice, so she said I was abusive down the phone to her, and just got my number just wiped off, so I don't phone up the house phone no more". Non-resident father

Alternatively parents were caught in competitive or conflictual relationships that made with limited levels of trust on both sides:

"He's supposed to take her back to school obviously for 9 o'clock. If it happens to be like half-term or something he never brings her back until like 10, 10:30 on that Monday morning, which fortunately because of the position I'm in I can actually go in to work late. But, you know, it's, that's just him milking it, do you know what I mean? It's just to piss me off actually". Resident mother

Interviewer: *"Does your ex-partner, in the last 3 months, has she acted in a way that has helped you build a good relationship with [child]? She doesn't hinder it". Non-resident father*

"I mean obviously I'm trying to build a bridge or two there, but I mean it's, there's still animosity on her part. That's the problem". Non-resident father

"Well I've, I've moved on...I spent 2 or 3 years after we got divorced, I mean we've been divorced 3 years, if not more, and I spent the first 2 or 3 years sorting myself out and putting myself back together again emotionally. And as long as he just leaves me alone and doesn't harass the children then I'm fine". Resident mother

Typically parents were so used to conflictual interactions that they found it difficult to take on board or acknowledge potentially positive or supportive interactions:

“She asked me, well she left the decision [about child’s upbringing] to me, which was far more advanced than I would have given her credit for, you know, the fact that she’d deferred her opinion to me. Well I mean I didn’t show her how quite shocked and surprised and delighted I was. But I was. The fact that she’d left the decision to me, you know, normally she’d, I don’t know, that was the, you know, the fact that she would have even thought about letting me make the decision would have been below her, you know. Yeah I thought that was great”. Non-resident father

Overall success two years after conciliation

Finally, we turn to our measure of overall success. For this purpose we use a third composite variable combining case settlement (whether contact is taking place and the case is closed) and co-parental relationships (improvement in contact problems and parental relationship and satisfaction with current arrangements), both assessed at the two-year point.

The overall success rate is variable. At the two-year point a quarter of cases could be described as relatively successful with contact established and parents starting to move on (table 8.3). An equal number of cases were definitely **not** successful in that the case was neither settled nor were relationships improving. Just under half of cases were neither clearly successful nor clearly failures in that the case was settled and contact was occurring but parental relationships and contact remained problematic. These latter cases were successful in terms of key family justice system targets of (a) not returning to court and (b) achieving contact. It is less clear that the continuing levels of parental dissatisfaction and conflict were consistent with promoting children’s wellbeing. Significantly, only a fifth of children in the sample were reported to have normal SDQ scores (see above chapter 7) and were in the ‘settled moving on group’.

Table 8.3 Overall case success at second follow-up, all parents (numbers and percentages), n = 117		
	Number	%
Settled moving on ¹⁰	30	25.6
Settled but conflicted ¹¹	53	45.3
Not settled and conflicted ¹²	33	28.2
Not settled and moving on ¹³	1	.9

We used multinomial logistic regression to identify whether any baseline factors predicted whether or not a case fell into the ‘settled moving on’, ‘settled but conflicted’ or ‘not settled and conflicted’ groups¹⁴. The results of the analysis were interesting. Compared to the ‘settled moving on’ group, the ‘not settled and conflicted’ were less likely to have discussed children’s problems, more likely to have concerns about violence before the baseline conciliation and less likely to have reached agreement in conciliation (appendix 8k).

There were fewer baseline differences between the ‘settled moving on’ and ‘settled but conflicted’ groups. However, the ‘settled but conflicted’ group were less likely to have ever discussed children’s problems prior to the baseline conciliation than the ‘settled moving on’ group. Put another way, the ‘settled moving on’ group were characterised by being more likely to have had more positive co-parenting, at least in terms of discussing children’s problems, both before and after conciliation. For the largest group of parents, the ‘settled but conflicted’, having a settled and broadly agreed framework for contact was not sufficient to change longer-term difficulties in sharing decision-making.

¹⁰ **Settled moving on:** contact is currently occurring, the case is currently closed and both contact problems and the co-parental relationship have improved and contact arrangements are satisfactory.

¹¹ **Settled and conflicted:** contact is occurring, the case is closed but contact problems and co-parental relationships have not improved and/or contact arrangements are unsatisfactory.

¹² **Not settled and conflicted:** contact is not occurring and/or the case is active and contact problems and co-parental relationships have not improved and/or contact arrangements are unsatisfactory.

¹³ **Not settled and moving on:** contact is not occurring and/or the case is active but both contact problems and the co-parental relationship have improved and contact arrangements are satisfactory).

¹⁴ The not settled and moving on group was excluded from the analysis as it included only one parent. The reference category for the analysis was the settled moving on group.

Summary

Our analysis of the overall outcomes of conciliation has produced a fairly mixed picture. In broad terms more parents were satisfied with some aspects of their contact arrangements than at baseline, although the overall level of satisfaction remained below that reported by non-court samples. The parents who were most satisfied were those with a current agreement for contact. This was also the one area where there were significant differences in the perceptions of resident and non-resident parents, with resident parents more satisfied with residence arrangements and the quantity of contact.

Identifying the number of successful cases depends to a considerable degree on the definition of success. If judged by the number of cases settled at the two-year point, that is having contact and closed, then nearly three-quarters of cases were successful (though only half of cases were **continuously** settled throughout the period). If we adopt a broader definition of success, including co-parental relationships, then the outcomes look less promising. Only a quarter of cases were categorised as the relatively successful 'settled and moving on', i.e. closed with contact and with improved co-parenting. Another quarter of cases fell into the clearly unsuccessful 'not settled and conflicted' group. Nearly half the sample fell into the ambiguous 'settled but conflicted' group with established contact but no improvement in co-parental relationships. The unresolved conflict in both groups does raise serious concerns about the consequences for children's wellbeing.

We were able to identify what predicted successful outcomes based on what was known about the cases at baseline. Put simply, the easier cases at baseline, those with some shared decision-making and without domestic violence concerns, were more likely to reach agreement and consequently more likely to stay settled and to report improved relationships two years later. The difficult cases tended to stay difficult, regardless of whether contact was resolved or not.

9. Making sense of success

In the previous chapter we explored how many cases could be deemed successful, using a number of different indicators of success. We also started to explore some of the predictors of successful outcomes, utilising baseline characteristics. In this chapter we take a more detailed look at both the nature of success/lack of success, as well as some of the causes of success, drawing upon the qualitative data from the parent interviews.

‘Settled but conflicted’: building up steam and weary resignation

Nearly half of the sample was classified as ‘settled and conflicted’, in other words, dissatisfied with contact arrangements but with the case closed. We were interested in taking a closer look at this group. How did contact continue and the case remain closed while at least one parent was unhappy with arrangements? Would success be forthcoming ultimately if waited a little longer or were arrangements likely to break down in the near future? In other words, how successful were these cases really, now and in the near future?

Part of the answer to this conundrum was that the ‘settled but conflicted’ group included quite a number of ‘building up steam’ cases preparing to make the return to court. These included first time returners as well as cases that had already been back to court since the baseline conciliation appointment.

But for the other cases, probably the majority of the ‘settled but conflicted’ parents, the desire to fight had been replaced by a sense of weary resignation. Two years on, there was less evidence of the same raw emotion and anger from parents that was so evident at baseline and often, still, at the six-month point. Instead, amongst the majority of parents where the co-parental relationship had not improved, the high emotion often appeared to have been replaced by a sense of disappointment about how things had turned out and a sense of weary resignation in the face of ongoing problems with contact and with their former partner. At this stage there was no evidence that the situation was likely to change or improve. Certainly returning to court was no longer seen as an option:

"You've just got to move on and get on with it really, at the end of the day. But I'm just very disappointed." Non-resident father

There were three main reasons why these dissatisfied parents had ruled out a return to court: perceptions of ineffectiveness, financial cost and emotional cost. We will consider each in turn.

Ineffectiveness

For a number of parents the court experience, or legal route, had ultimately proved ineffective in addressing the contact issues that concerned them. At a global level these parents considered that the court case had achieved little and that they were essentially in the same, or possibly worse, position as at the start of court proceedings. Both resident and non-resident parents could feel this way:

"Here we are two years down the line and we're no different". Resident mother

"Well since the last time I spoke to you things have gone totally wrong. All this time wasting going to court. Where did it get me? Or get us? You know what I mean. It didn't get us anywhere did it? What was going on is still going on. It doesn't work out, going to court and all that. If I knew what would happen, or where I would be now, I wouldn't have even bothered. Not about the kids, but going to court. The system don't work". Split residence father

The underlying problem identified by parents was that court orders were not being adhered to, either fully or in part. For non-resident parents this was seen as a result of resident parents directly blocking contact, or indirectly undermining contact by influencing children against contact. Little faith was placed in the court's ability to change the situation:

Non-resident father: *"It was about 18 months now since I've sort of seen them. It might even be two years ... And [ex] said they didn't want to go [for contact]. They haven't explained to me why, you know, as in my ex hasn't told me."*

Interviewer: *"Right. So have you thought of going back to court?"*

NRF: *"No. For what reason? I have access to them. The Court granted me access every other weekend and two weeks at Christmas..."*

Interviewer: *"Yeah. So you're not going back to court?"*

NRF: *"What do you think the Court would [do]? Because I have a Court Order. I mean the only thing I could possibly do is upset them more by forcing them to come and see me. They don't want to come and see me. That's the problem, so... It could only be influence from their mother."*

Resident parents also complained, however, that orders were not being adhered to, with non-resident parents not sticking to dates and times:

2Well I was always happy with the arrangement. What I was never happy was with, with going to court really, you know. It always seemed to be his problems. He always seemed to want to go to court. I never obstructed him. Ever. He saw her whenever he wanted to. So to me it was a waste of a day quite honestly.... I mean I've changed so many times. You know, he phones up and says he's not coming the next day. Many things like that happen and it's pointless trying to tell a judge that, you know. And as a mother I just pick up the pieces each time, you know."

Financial cost

The second reason for not returning to court, despite dissatisfaction with arrangements, was the financial cost of proceedings, perhaps compounded by a perception that further legal involvement would be futile. Both resident and non-resident parents raised this issue:

"The court case itself is closed because I spoke to my solicitor some while ago and basically I was upset and I said 'Look I'm getting sick and tired of her making these allegations against me and that. We ain't getting anywhere are we?' And my solicitor said 'Well you have to think about it and come up with a choice. You either stop it or go on'. I said 'Well what's the point in going on?... the kids can walk out any time, if the kids want to walk back to their mum, or walk from their mum to me, you know, it doesn't really matter'. So all the wasting of the money and going to court, and solicitors. So I chose not to go on with it any more." Split residence father

Emotional cost

Perhaps the strongest motivation for not returning to court was what was, for some, the sheer horror or the emotional and physical impact of being involved in court proceedings, again compounded by dissatisfaction with the process and the outcome of the case. This was important for non-resident parents:

"I would like to see them every other week. But I didn't really want to take it back to court again and get blown down again. It's very hard. And very costly. And then you get in debt over things and that's it." Non-resident father

"I was completely kind of psychologically drained, because it's just been, you know, two and a half years of my children's and my life wasted. And all because of one person from whichever side wanted control, which is unfair on the children and there would be no holding back in what they would do to get that." Non-resident father

The emotional cost of going to court was also an important consideration for resident parents too. This was a particular issue for former respondents who had not initiated the earlier court proceedings and had experienced the court case as highly stressful and often punitive or coercive:

"I just feel sorry for anyone else that has to go through. I didn't realise how horrendous it was until you come out the other end. It was awful. The strain of it, you know. Trying to look after your children. Trying to get to work. Trying to get to the court cases. Trying to feel as if you've got to justify yourself all the time." Resident mother

"I mean the whole issue must have wasted so much money. And I think it's unacceptable that the judge right from the start told my ex-husband he was wasting everyone's time and there was no point in these proceedings. And he effectively turned round and said to the judge, well, the expression he actually used to the judge was, 'It will keep her on her toes'... I mean really just to cause me as much anguish as possible. And yet he was still allowed to proceed with it." Resident mother

For these (former) respondents who were dissatisfied with contact, making an application to court to improve the situation was not an option. But equally they did not want to do anything that would upset the current equilibrium. Even though not satisfied, they had no real alternative but to accept the situation rather than face another legal battle:

"Very dissatisfied [with contact], but in a catch 22 position. I don't want to do anything. Well I don't want to upset the apple cart with him in doing anything about it."
Resident mother

Identifying mechanisms for change

Although a significant number of parents remained stuck in unsatisfactory and conflictual situations, nonetheless about a quarter of parents in the sample reported improvements in the co-parental relationship and were satisfied with their arrangements. In chapter eight we identified that the cases reporting improvements in co-parental relationships were most likely to be those where that relationship had been less conflictual to start with. However, the qualitative data from parents also gave us some additional insights into what parents themselves felt had changed for the better and, crucially, how that change had occurred.

What did change look like?

There was some variation between the parents who did identify positive changes in parental relationships. Where the situation appeared to have improved most the parents were less preoccupied by contact or the conflict and appeared more disengaged from each other than before. There was a clear sense of coping with the situation and, in some cases, something like a cognitive reappraisal of the situation. Thus instead of focusing on the negatives or presuming the worst of the other parent, some parents were taking an alternative perspective. Whilst there remained limited trust and these were nothing like friendly relationships, the following two quotations give some indication of parents moving on:

"You couldn't, you couldn't sustain that level of keep going to court every five minutes. It takes too much out your time. I mean for me seven years, what four years, five years spent going in and out of court just to sort the children out, where I'd already got divorced (laughs)... That's just crazy. And then looking back at it, some of it was mad. But now, you know, I can now sit back and say, well yeah there was part of the things I can understand why that was happening, but there was other parts of it should never have happened." Non-resident father

"So, instead of moping about [child] going [for contact] and everything, I still can't say that I really like it, but then on the other hand I think well, I look at that as my time and I do the things that I want to do, or see friends, go out sort of Saturdays and that sort of thing. So I have turned it around in my mind which the time does help it. He seems quite happy to go. I do sometimes feel, he has said things to me that daddy wasn't very nice, and, you know, different things, and I don't sort of think, oh I'm going to phone [ex] up and have a go at him. I just say, 'Oh what happened before daddy said that then or before that went on?' and listen to what he's saying to me. And, you know, because maybe he's playing us off, and I don't mean that horribly to him, but he might want to get a certain reaction from me..." Resident mother

How did they get there?

There were four main factors that parents identified as having produced the change in co-parental relationships and change in their perspective on the situation:

- Time as a healer;
- New partners and new children;
- Children's increasing autonomy;
- Personal development.

Passage of time

One of the key factors cited by a number of parents was that the passage of time did change things. For some time had been a great healer, for others the healing process was incomplete but continuing:

"I'm okay. I've got over a lot of it, I used to lay in bed just thinking all the time and at the end of the day I thought to myself, well it's not worth killing myself, because I'm not going to see them any more, don't matter what I do, so I've just accepted it basically now." Non-resident father

"I'm still very upset by the whole, the fact that it had to take place in the first instance, but I've got over the worst of that now in the past 12 months, it was difficult moving home and re-establishing life and things like that, but I think the worst is out of the way now." Resident father

It appeared for these parents that it was simply not possible to sustain the same level of anger and emotion evident at baseline.

New partners / New children

The passage of time also allowed for the possibility of new relationships to be forged providing an alternative source of emotional investment for parents. Whilst new partners can be a source of conflict and disruption for arrangements, they can also be a great impetus for disengaging from conflict with ex-partners:

"[Relationship] it's definitely better...I think basically it's just time and I suppose also I've got a man I go out with now and I think that makes it easier...but it's, it's easier now. I suppose, you get used to the fact that you're not with somebody, I mean I just look at him now and think, why were you ever with him? But, we get on better now because basically, it's time, it just takes a lot of time." Split resident mother

"At the beginning it was very hard and as we were going through Court it was very hard...[but] actually I met somebody, so I've actually moved on...So the bickering and the fighting, I'm not interested in it anymore." Split residence father

"I think it dies out. It's died out. What problems had occurred initially when two people are fighting for the same thing is no longer what it is when it becomes reality, when everything, when the dust all settles. Because in retrospect we've both moved on with our lives. She's got her partner. I've got my partner, my wife. In that sense, you know, we're moving on with our lives whatever." Non-resident father

Child-led arrangements

The passage of time was also significant in that as children grew older they were increasingly able to take charge of arrangements, including when/where to have contact and whether to have contact at all. In a few cases the children were able to mediate between parents or to take on the role of decision-makers where parents had been unable to agree:

"I think that sometimes when you're fighting for something that you think that's what you want, and then when you get it and then you realise that, hold on there shouldn't have been this fight, it's quite pretty straightforward really. It's gradually died out, because the kids, our two children have really taken the heat out of it, because they've become independent people in their own right... They're the ones who are sort of saying now, if I don't phone them, they're phoning me to ask me questions, or with their mum's directive, well phone your dad and ask your dad then."

Non-resident father

In other cases, children's greater autonomy led to a reduction or cessation of contact.

Personal development opportunities

The other driver for change, though one that was mentioned by very few parents was personal development of various kinds that provided an alternative focus and/or an alternative perspective. Examples included educational courses or individual counselling:

"I suppose time, as they do say is a great healer and I've done things to myself as well. I've been to college. I'm at college at the moment. I've done yoga, pottery and I'm doing aromatherapy at the moment. So it's quite important I do my homework. So when [child] does go [for contact] that's my time and I use that to do like homework." Resident mother

"Some of it's the passage of time. Some of it is I actually went personally and went and had some counselling at the beginning of the year. Just because there were lots of things that had happened. I think I'd had so much chucked at me, what with the split and how, you know, how awful it was...I think it was just a culmination of everything and I actually went and had some professional counselling and it helped me deal. Obviously a lot to do with the split, lots of other things that had gone on, and just putting things into boxes, into a different perspective and, yeah it did me a power of good." Resident mother

The contribution of in-court conciliation

Finally we turn to look at parent perceptions of in-court conciliation. What did parents find helpful, if anything, about their involvement with the courts¹⁵?

Relatively few parents make positive comments about the courts and the court process, including parents from the 'settled and improving' group. Where parents did identify a

¹⁵ It is worth remembering that some parents experienced a wider range of court interventions, including welfare reports and trials.

positive impact of court involvement it centred almost exclusively upon establishing a clear framework for the exercise of contact:

"We know our boundaries, do you know what I mean...It is very better, because the divorce is all sorted and this. And there's nothing. There's no trouble with contact." Non-resident father

"Should I need to I'd have no hesitation going back [to court]. I wouldn't need a solicitor. I'd be quite happy to sit there and talk to a CAFCASS Officer and sort it out there and then. I've got no problem, you know. I had such a good experience. They would look at both sides, which they did, and, you know, we came to an agreement very, very amicably, courtesy of the CAFCASS Officer. So no I found it all quite a positive experience, I'd have no problem going down that route again, given the circumstances and the people that are involved in my particular case." Resident mother

Some parents also valued the court's authority, particularly where the court's intervention was perceived to vindicate their own position and to 'discipline' the other parent:

"I'm glad the court did get involved as I wouldn't have got to this point now, even though it's taken a long time. But to answer whether or not we would have been at this point if we hadn't had the court involved, I'd probably say 'No. We wouldn't be'. Because I think that liberties would have been taken then. And, you know, other people [i.e. ex] would have seen it as, 'Oh he ain't got no backbone'. You know, 'I can do what I like'." Non-resident father

"I mean I've been through a mediation process with her years ago, and, you know, they try to get you to come up with the answers, but if that person's not willing to and she's in the ascendancy it actually takes someone a little bit more of a senior position to just turn round and say, actually I think that's unreasonable." Resident father

"[The co-parental relationship is] better, because since she just got a bit of a kick from the court, because she was being a bit silly. She only ended up getting something. Well I ended up getting what I wanted and she didn't get anything of what she wanted. But I believed what I wanted was reasonable and the court have just ratified that really." Resident father

However, none of the parents reported that the court process had helped them work together as parents. Indeed it is striking that the parents who had 'moved on' attributed this to factors outside of the court process: time, new partners, children ageing and personal development (see above) rather than to the court process itself.

For those parents who had moved on the court's role, besides helping set a framework for contact, appeared to be one of providing 'paradoxical assistance'. What we mean by this is that the court process was typically so difficult and stressful that ultimately parents came to the conclusion, or realisation, that it was preferable to try to find an alternative method of negotiating and managing arrangements. The following quotation captures this to some degree with the non-resident parent recognising the value of having an arrangement

(organised through the court) but, in retrospect, questions the court process and the reliance upon the court:

"I still do everything by the court order. It's funny enough that now we've been through it, now that we've done the exercise of going through the court and we've been going through the court for a couple of years...where it was all tremendously raw before and there was that emotional side that you want to rush the court and get the court involved and everything else, sometimes I wish that we never did that. Because we did spend a lot of money and a lot of time and effort to get to this point, whereby it wasn't necessary, where things could have been sorted out another way... But then, at the same time, it does serve a purpose the court being there, because they did act as the mediators and the, and just to put things into perspective as the law should be. But I do feel that as well there was things that were done within it, with the court welfare officer, or the CAFCASS Officer as they are now, that things could have been done a bit differently." Non-resident father

Summary

The qualitative data from parents provided a more detailed insight into how and why cases had moved on, or become stuck, two years after conciliation. The 'settled but conflicted' group contain a number of cases bubbling away prior to re-litigation. Rather more of the 'settled but conflicted' appeared to have given up on the court as a means of resolving matters due to the perceived ineffectiveness and financial and emotional cost of proceedings.

In contrast, some parents had found a way of moving on. The key factors that parents identified were the passage of time, new partnerships and maturing children able to make their own decisions. Where parents did identify the courts as helpful it was based on providing a framework for contact rather than assistance with working together. For some parents it appeared that the court had provided 'paradoxical assistance' by being so stressful that parents had decided to find alternative means of making decisions.

10. Conclusions and recommendations

Key findings

In this report we have explored outcomes for a litigating sample two years following an initial in-court conciliation appointment. In practice the study is an analysis of the outcomes of court interventions given that about half of the study went on to have further contact with the family justice system.

The family justice system has been subject to sustained criticism over the last few years. The findings in this study suggest that some recent criticisms, particularly from fathers groups, are misplaced. The courts do appear to be relatively effective at ensuring that contact occurs. Two years after the initial conciliation appointment significantly more children were having contact, and more contact, than they had been prior to coming to court. The great majority of cases had an agreement about contact and were no longer involved with the family justice system. Levels of parent satisfaction had increased significantly whilst some contact problems had reduced. In some respects – for example numbers having contact and parent psychological wellbeing - the sample was beginning to look very much like a general community rather than a court sample. This was quite an achievement given the very real challenges facing families at baseline.

However, this research has also revealed two major problems. The first significant problem is that in-court conciliation alone is not enough to provide a two-year, let alone a longer-term, solution to cases. The majority of cases in this study had required further professional intervention beyond the conciliation appointment and 40% had already returned to court within two years. What this suggests is that many parents are not able to reach workable agreements in conciliation and conciliation is often not equipping parents to be able to renegotiate agreements by themselves as circumstances change. For many parents, therefore, the high agreement rates reached in conciliation proved a false dawn. Most worryingly, our qualitative analysis of the 'settled but conflicted' cases, representing half of the sample, suggested that re-litigation rates would be even higher except that many parents no longer believed that court would be able to improve matters or were too battle weary to face the emotional and financial cost of further proceedings. Against this backdrop, agreement and re-litigation rates are clearly very partial and limited indicators of success.

The second, and probably the more significant problem, concerns the outcomes for children. At the six-months point we noted that conciliation was making contact happen but not making contact work for children (Trinder *et al*, 2006a). We now have evidence that even after two

years most co-parental relationships are not improved simply by the exercise of contact. About a quarter of parents in this study reported that things were getting better but these tended to be the cases where relationships had been easier to start with. For the majority, however, co-parental relationships were competitive or non-existent, trust was low and conflict was high. Agreements and court orders alone are likely to increase significantly the chances of contact occurring but are far less likely to shift parental attitudes and behaviour.

It is vital to recognise that the quality of co-parental relationships and the quality of contact for children is not the icing on the cake. What matters for child wellbeing is not how much contact they have but whether they have good contact or not (Amato & Gilbreth, 1999). It is now well established that the key predictors of positive child adjustment post-separation are family income, the level of conflict between parents, and the quality of the child's relationship with, and parenting capacity of, the resident parent and then the non-resident parent (for reviews see Amato & Gilbreth, 1999; Whiteside & Becker, 2000; Rodgers & Pryor, 1998; Kelly, 2000; Hunt, 2003). Good contact requires parental collaboration or an adequate parental alliance, managed conflict and warm and authoritative parenting. Ongoing parental conflict, particularly surrounding the child, and actual, or alleged, parenting deficits are likely to make contact a very fraught and difficult experience for children and is damaging to children's wellbeing (see above chapter seven; Buchanan & Bream, 2001; McIntosh & Long, 2005).

The messages from research give compelling reasons for focusing interventions on trying to shift parental attitudes and behaviour in conflicted cases or at the very minimum to help parents find ways to assist children with dealing with the conflict. However, family courts have historically focused on what is within their power to achieve, that is, to reach a settlement (Davis & Pearce, 1999). In effect what the court does is to concentrate on providing a dispute resolution process addressing contact timetables – the quantity of contact - rather than understanding, or addressing, the wider circumstances surrounding the dispute or focusing on the parental alliance. The inevitable consequence is that conciliation has limited impact on parental communication and collaboration (and see Pearson & Thoennes, 1988; Ogus *et al*, 1989). It seems that simply providing a dispute resolution process does not in itself have further interpersonal or communicative or therapeutic consequences. A recent study by Walker *et al*, (2004) also found little improvement in communication or shared decision-making amongst former clients of out of court mediation, even where a full agreement had been reached.

In contrast, mediation with a clearly therapeutic orientation and emotionally-informed content can have a profound and enduring impact on relationships (Emery *et al*, 2001). This is not to suggest that courts should abandon the goal of achieving contact, or establishing a contact timetable. A timetable is critical for good contact but it is not sufficient. Rather interventions are needed where the primary goal is to address parental attitudes and the parental alliance and give children the best shot at contact that works for them, rather than for their parents or the courts. The likely by-product of such interventions are agreements for contact that are sustainable without re-litigation (Emery *et al*, 2001).

Implications

The expansion of in-court conciliation was an important part of the Private Law Programme (DCA, 2004). This two-year follow-up study has identified both the strengths and limitations of in-court conciliation. In short, conciliation is an effective way of reaching agreements and restoring contact over the short-term but is often followed by further litigation and has very limited impact on making contact actually work well for children.

The results of this study suggest that a new or different approach is required. The development of more relationship-based or therapeutically-orientated interventions is long overdue. The experience of the Family Law Act Information Meetings pilot and the Family Resolutions Pilot Project suggests that divorcing and litigating parents do want more tailored individual information and support (Walker, 2001; Trinder *et al*, 2006b).

New interventions could range from parent education programmes to therapeutically- orientated mediation. Whilst basic parent education programmes appear to have limited impact (Hunt, 2005) the more intensive programmes designed for litigating parents do seem able to address co-parental relationships and conflict (e.g. Emery *et al*, 2001; Pruett *et al*, 2005). The child inclusive model of mediation in Australia is one example of a model that explicitly addresses the parental alliance whilst also including direct support for children and ensuring that children's concerns are paramount. Early results suggest that the approach does produce results (McIntosh, 2006 and see http://www.childreninfocus.org/work_researchproject.html).

There are three different ways of incorporating new interventions, each with advantages and disadvantages. The first option would be to incorporate them into existing systems so that new interventions could be delivered by existing family justice system personnel, including CAFCASS. This would have the great advantage of providing a streamlined service utilising

existing staff. The disadvantage is that existing staff do not necessarily have the relevant training or experience to undertake this work and it would require a considerable transformation of family justice system cultures, processes and funding priorities to retain the focus on repairing relationships, rather than settlements.

The second alternative would be to refer cases to external specialists. The risk, however, is that courts would not refer or that the process would introduce delay. At present, also, the historic development of services means that there is a dearth of external specialists.

The third, and most radical, solution would be to recast these matters as public health, rather than primarily legal issues. Rather than concentrating resources within the family justice system an alternative approach would be to develop comprehensive services for families in the community, including relationship-orientated dispute resolution services. Courts could then become very much a last resort when all else has failed or for cases involving allegations of harm. Such an approach is being implemented currently in Australia (<http://www.familyrelationships.gov.au/index.html>). It is important to debate whether or not a similar approach might be helpful in this country.

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Technical appendix

Appendix 1a. Logistic regression of the likelihood of an agreement in place at the two-year follow-up (baseline predictor variables)

Candidate independent variables:

- Area (Essex, Principal Registry, Suffolk/Cambridgeshire)
- No contact in the six months prior to the application
- Baseline parental relationship quality (fair or quite good)
- Previous s8 applications (none)
- Satisfaction with the outcome of the conciliation appointment (neutral or dissatisfied)
- No agreement reached at the conciliation appointment

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
No contact six months pre-application	-1.705	.563	.182	0.002	.060 .548
No previous applications	1.168	.560	3.217	0.037	1.074 9.633

Number of observations = 114

Appendix 1b. Logistic regression of the baseline agreement remaining (broadly) intact at the two-year follow-up (baseline predictor variables)

Candidate independent variables:

- Area (Essex, Principal Registry, Suffolk/Cambridgeshire)
- No contact in the six months prior to the application
- Baseline parental relationship quality (fair or quite good)
- Previous s8 applications (none)
- Satisfaction with the agreement (neutral or dissatisfied)
- Full agreement (rather than partial agreement)

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
No contact six months pre-application	-1.652	.763	.192	0.030	.043 .856
Full agreement	1.946	.625	6.999	0.002	2.057 23.817

Number of observations = 83

Appendix 1c. Logistic regression of no further litigation (s8 applications) by the two-year follow-up (baseline predictor variables)

Candidate independent variables:

- Area (Essex, Principal Registry, Suffolk/Cambridgeshire)
- No contact in the six months prior to the application
- Baseline parental relationship quality (fair or quite good)
- Previous s8 applications (none)
- Satisfaction with the outcome of the conciliation appointment (neutral or dissatisfied)
- Full agreement (rather than partial or no agreement)

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Full agreement	1.315	.609	4.665	0.031	1.129 12.294

Number of observations = 114

Appendix 2a. Logistic regression of direct contact taking place at the two-year follow-up

Candidate independent variables:

- Area (Essex, Principal Registry, Suffolk/Cambridgeshire)
- Contact taking place in the six months prior to the application
- No previous s8 applications
- Full agreement
- No further litigation

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Contact six months pre-application	1.496	.564	4.464	.008	1.478 13.481
No previous applications	1.094	.566	2.986	.053	.985 9.052
Full agreement	1.540	.672	4.664	.022	1.251 17.393

Number of observations = 117

Appendix 2b. Logistic regression of staying contact taking place at the two-year follow-up

Candidate independent variables:

- Area (Essex, Principal Registry, Suffolk/Cambridgeshire)
- Staying contact taking place in the six months prior to the application (versus visiting only or no contact)
- No previous s8 applications
- Full agreement
- No further litigation

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Staying contact six months pre-application	1.205	4.34	3.335	.006	1.425 7.807

Number of observations = 117

Appendix 3a. Logistic regression of the likelihood of the parental relationship described as fair or quite good at the two-year follow-up

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Baseline parental relationship described as fair or quite good
- Agreement currently in place

	Coef.	Robust Std. Err.	Z	P>z	[95% Conf. Interval]
Baseline relationship fair/good	1.269	.591	3.559	.032	1.118 11.333
Agreement in place at F2	1.724	.692	5.605	.013	1.444 21.765

Number of observations = 117

Appendix 3b. Logistic regression of the likelihood of better parental relationship since first follow-up

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Baseline parental relationship described as fair or quite good
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Agreement in place at F2	1.635	.616	5.129	.008	1.534 17.150

Number of observations = 117

Appendix 3c. Logistic regression of ever sharing major decisions at second follow-up

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Baseline ever share major decisions
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Baseline ever share major decisions	1.628	.484	5.095	.001	1.972 13.167
Agreement in place at F2	1.641	.695	5.162	.018	1.322 20.150

Number of observations = 117

Appendix 3d. Logistic regression of ever sharing day-to-day decisions at second follow-up

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Baseline ever share day-to-day decisions
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Agreement at F2	2.220	1.067	9.206	.038	1.136 74.578

Number of observations = 117

Appendix 3e. Logistic regression of ever discussing children's problems

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Baseline ever discussing children's problems
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Baseline children's problems	1.317	.441	3.733	.003	1.574 8.854
Agreement at F2	1.362	.679	3.903	.045	1.031 14.773

Number of observations = 117

Appendix 4a. Logistic regression of improved contact problems since first follow-up

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Improved contact problems at first follow-up
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Agreement at F2	2.613	.786	13.637	.001	2.922 63.650

Number of observations = 117

Appendix 4b. Specific contact problems at baseline and second follow-up

Specific contact problems at baseline and second follow-up (percentages)					
Ever occurred	N =	Baseline	Follow-up 2	p*	Direction
Ex not enough attention, supervision or discipline	83	66.3	66.3	1.000	-
Children not wanting to go for contact or return home after contact	81	55.6	61.7	.281	-
Children upset, unsettled or difficult when coming or going	84	64.3	60.7	1.000	-
Ex not sticking to arrangements	86	64.0	55.8	.349	-
Ex partner not committed to contact	97	73.2	50.5	.002	↓
Children see people you don't want them to see	80	47.5	37.5	.307	-
Ex-partner spoils the children	83	41.0	39.8	1.00	-
Conflicts over money make contact more difficult	95	56.8	34.7	.001	↓
Ex tries to control your activities/what you do with the children	81	60.5	32.1	.000	↓
Ex too harsh in discipline or might physically harm children	85	38.8	29.4	.136	-
Fear of violence makes it more difficult to sort out problems with ex	96	40.6	20.8	.000	↓
Self not sticking to arrangements	84	31.4	16.3	.029	↓
Threat to stop (having) contact by ex	96	39.6	15.6	.000	↓
Threat to stop (having) contact by self	95	25.3	2.1	.000	↓

* McNemar test

Appendix 4c. Logistic regression of perception of ex-partner not being committed to contact at F2

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Baseline ex-partner ever being late
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Agreement in place	-2.352	1.109	.095	.034	.011 .836

Number of observations = 97

Appendix 4d. Logistic regression of the former partner ever threatening to stop (having) contact at F2

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Baseline ex-partner ever threatening to stop (having) contact
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Baseline ex-partner threatening	2.187	.829	8.810	.008	1.755 45.241

Number of observations = 96

Appendix 4e. Logistic regression of children ever seeing people you don't want them to see at F2

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Baseline children ever seeing people you don't want them to see
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Baseline seeing people	1.620	.537	5.052	.003	1.762 14.482
Non-resident parent at F2	-1.442	.575	.236	.012	.077 .730

Number of observations = 80

Appendix 4f. Logistic regression of conflicts over money

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Baseline conflicts over money
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
No applications	-1.128	.569	.324	.047	.106 .987
Baseline conflicts over money	1.982	.581	7.258	.001	2.325 22.661

Number of observations = 95

Appendix 4g. Logistic regression of children ever being upset or unsettled by contact at F2

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Baseline children ever being upset or unsettled
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Resident	-2.122	.526	.120	.000	.043 .336

Number of observations = 84

Appendix 4h. Logistic regression of ex-partner ever being too harsh or might harm the children at F2

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Baseline ex-partner ever too harsh/might harm
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Baseline too harsh or might harm	1.179	.528	4.980	.026	1.154 9.157

Number of observations = 85

Appendix 4j. Logistic regression of fear of violence making contact more difficult

Candidate independent variables:

- Female
- No s8 applications since baseline conciliation
- Baseline fear of violence
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Baseline fear of violence	1.577	.621	.043	.003	.006 .336
No applications	-1.396	.636	.248	.028	.071 .861
Agreement in place	-3.145	1.049	.043	.003	.006 .336

Number of observations = 96

Appendix 5a. Logistic regression of the likelihood of adults scoring below the threshold on the General Health Questionnaire

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Below threshold GHQ score at baseline
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Below threshold at baseline	1.761	.666	5.815	.008	1.576 21.461

Number of observations = 99

Appendix 5b. Logistic regression of the likelihood of children scored within the normal range on the SDQ

Candidate independent variables:

- Non-resident parent (at F2) report
- Normal SDQ score at baseline
- Direct contact currently taking place
- No s8 applications since baseline conciliation
- Parent currently scored above GHQ threshold

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Normal score at baseline	2.487	.653	12.020	.000	3.343 43.213

Number of observations = 73

Appendix 6a. Logistic regression of satisfaction with arrangements overall at the two-year follow-up

Candidate independent variables:

- Non-resident parent (at F2)
- Satisfied with outcome of case at baseline
- Agreement currently in place
- No s8 applications since baseline conciliation

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Agreement in place	1.086	.507	2.962	.032	1.097 7.994

Number of observations = 114

Appendix 6b. Logistic regression of satisfaction with residence at the two-year follow-up

Candidate independent variables:

- Non-resident parent (at F2)
- Satisfied with residence at baseline
- Agreement currently in place
- No s8 applications since baseline conciliation

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Resident parent	-3.009	.622	.049	0.000	.015 .167
Baseline residence satisfaction	1.290	.633	3.632	0.042	1.050 12.559

Number of observations = 117

Appendix 6c. Logistic regression of satisfaction with involvement with children at the two-year follow-up

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Satisfied with involvement with children at baseline
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Resident	-3.257	.745	.039	.000	.009 .166

Number of observations = 117

Appendix 6d. Logistic regression of satisfaction with money/financial settlement at the two-year follow-up

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Satisfied with involvement with children at baseline
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Satisfaction with money	.958	.459	2.607	.037	1.060 6.412

Number of observations = 117

Appendix 6e. Logistic regression of satisfaction with the quality of contact at the two-year follow-up

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Satisfied with quality of contact at baseline
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Agreement in place	2.604	.825	13.518	.002	2.683 68.111

Number of observations = 117

Appendix 6f. Logistic regression of satisfaction with the quantity of contact at the two-year follow-up

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Satisfied with quantity of contact at baseline
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Resident	-.908	.426	.403	.033	.175 .929
Agreement in place	1.596	.639	4.935	.012	1.412 17.251

Number of observations = 117

Appendix 6g. Logistic regression of contact described as about right or too much at the two-year follow-up

Candidate independent variables:

- Non-resident parent (at F2)
- No s8 applications since baseline conciliation
- Contact described as about right or too much at baseline
- Agreement currently in place

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Resident	-1.954	.534	.142	.000	.050 .404
Contact about right at baseline	1.680	.542	5.367	.002	1.855 15.529
Agreement in place	2.229	.756	9.287	.003	2.112 40.829

Number of observations = 117

Appendix 6h. Logistic regression of cases being resolved at two-year follow-up, i.e. closed since conciliation and with continuous contact

Candidate independent variables:

- Area
- Non-resident parent
- Ever discussed children's problems prior to application
- Never had a fear of violence prior to application
- Satisfied with outcome of the case at baseline
- Reached agreement at baseline
- Agreement currently in place (at FU2)

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Discussed children's problems	1.559	.620	4.756	.012	1.411 16.033
Never had fear of violence	1.425	.569	4.157	.012	1.362 12.688
Agreed in conciliation	1.620	.626	5.051	.010	1.481 17.226
Agreement in place at FU2	4.262	1.188	70.951	.000	6.920 727.518

Number of observations = 113

Appendix 6j. Logistic regression of improving co-parenting (composite variable) at two-year follow-up

Candidate independent variables:

- Area
- Non-resident parent
- Ever discussed children's problems prior to application
- Never had a fear of violence prior to application
- Satisfied with outcome of the case at baseline
- Reached agreement at baseline
- Agreement currently in place (at FU2)

	Coef.	Robust Std. Err.	z	P>z	[95% Conf. Interval]
Discussed children's problems	1.122	.526	3.072	.033	1.095 8.620
Never had fear of violence	1.141	.543	3.130	.036	1.080 9.071
Agreement in place at FU2	2.224	1.078	9.241	.039	1.116 76.506

Number of observations = 113

Appendix 6k. Logistic regression of overall success (composite variable) at two-year follow-up

Candidate independent variables:

- Area
- Non-resident parent
- Never discussed children's problems prior to application
- Reported a fear of violence prior to application
- Satisfied with outcome of the case at baseline
- No agreement at baseline

Reference category is 'settled moving on'

		Coef.	Robust Std. Err.	z	P>z	[95% Conf.	Interval]
Settled but conflicted group	Never discussed children's problems	1.073	.538	2.926	.046	1.019	8.401
Not settled and conflicted group	Never discussed children's problems	1.740	.683	5.699	.011	1.494	21.734
	Had fear of violence	-1.457	.627	.233	.020	.068	.796
	Agreement in conciliation	1.494	.782	4.453	.056	.961	20.628

N = 112. Analysis excludes the 'not settled and moving on' group (n=1)

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The longer-term outcomes of in-court conciliation

In this report we explore the longer-term outcomes of in-court conciliation (or alternative dispute resolution) in child contact cases. The study examines the impact on re-litigation, contact patterns, co-parenting, contact problems and adult and child wellbeing two years after the original intervention. The study is based on telephone interviews with 117 parents. This report follows an earlier study by the same authors, published in 2006, reporting on the short-term outcomes of in-court conciliation.

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